

HOUSE OF ASSEMBLY

Thursday 27 March 2003

The **SPEAKER (Hon. I.P. Lewis)** took the chair at 10.30 a.m. and read prayers.

RADIOACTIVE WASTE

The **Hon. I.F. EVANS (Davenport)** I move:

That this house calls on the Federal Leader of the Opposition to explain why, as the former Federal Minister for Primary Industries and Energy, he wrote to the former Bannon Government in 1991 about the pressing need for national disposal facilities for radioactive wastes produced in Australia.

I will not hold up the house long on this motion, because there has been a fair bit of debate around this topic during other debates, but it is important that the house adopt the motion and ask the federal Leader of the Opposition, Mr Crean, to explain why he as the then Minister for Primary Industries and Energy wrote to the former Bannon government in 1991 about what he described as 'a pressing need for national disposal facilities for radioactive waste produced in Australia'. That letter says that in Mr Crean's view there was an urgent and pressing need for Australia to establish a low level waste repository within Australia. That is a radioactive waste repository, not a number of them. The house should seek this response from the federal leader, Mr Crean, because it is important that we establish from Mr Crean and the ALP generally what their policy is nationally in relation to the storage of radioactive waste.

Mr Crean did me the courtesy of visiting my electorate in Blackwood the other week, although I doubt whether he will ever do so again. I took the opportunity of asking Mr Crean where he would store the radioactive waste. The answer is that he does not know where he will store it. It was interesting that during an interview with the media that day Mr Crean let slip that when he was minister he got the agreement of every state government for the establishment of a low level waste repository. That was what he told the media that day in a 15 minute interview; it is as clear and crisp as you like in the transcript.

Interestingly enough, Mr Crean went on to say that most of those state governments were Liberal. What he did not say was that the South Australian government at that time happened to be of the Labor philosophy. So, on the one hand Mr Crean says that his clear understanding as the federal minister was that every state government had signed off with respect to the national repository and, on the other hand, the Leader of the Government has come into this chamber and waved around a press article of the Arnold government saying that that was not their policy at all. The only conclusion one can draw from that is that they had one policy for Mr Crean and another policy for the *Advertiser* and the voters of South Australia.

It is important that the parliament take up the issue with Mr Crean as the alternative Prime Minister and seek an answer to why he wrote to the various state governments seeking that agreement and expressing the view that there was a pressing need for radioactive waste disposal facilities to be built. We know the state Labor government in that period had already received advice from its own uranium advisory committee that, given the way radioactive waste was stored, people could get seriously injured and, indeed, deaths

could occur if it continued to be stored in that way. It referred to instances where deaths had occurred in other countries.

Indeed, the uranium advisory committee in 1990 made a recommendation to the then government supporting the building of a central storage facility for radioactive waste, because of the pressing need that existed. That was the advice from the government's own uranium advisory committee. Then, three years later, the uranium advisory committee made exactly the same recommendation to the same Labor government, saying that there had been a lack of will to proceed; there had been no action. It was actually complaining about the lack of action. Why a government would take no action in that regard only it could say.

As I have said, it is important for the house to get on the record what Crean's position is, because clearly Mr Howard and his government have made clear what their view is. They have gone through an eight to 10 year process to establish a view. It was an eight to 10 year process that was started by the Hon. Mr Crean, now leader of the Labor Party. So, the very process that Mr Howard's government has followed is that established by Mr Crean when he was the federal Minister for Primary Industries and Energy.

So, the point of the motion is to try to seek out from the federal Labor leader a view in relation to radioactive waste. My guess is that the federal Labor leader will say, 'Don't worry; under a federal Labor government it won't be in South Australia.' That is paraphrasing his answer to the journalists. Unfortunately for Mr Crean, he did not say, '... because we are going to put it in...' and name another location. That was because Mr Crean does not have a location; Mr Crean's solution is to go back to the time when we had eight sites out for public consultation and start the whole consultation process over again.

So, after an eight year consultation process, the federal Labor government's view is that we should start the consultation process over again, because apparently Mr Crean is of the view that, if you have another public consultation process, suddenly a state government will put up its hand and take the radioactive waste, and public consultation would support that.

I think if we were honest we would all say that that view is somewhat of a nonsense. It is important that the house reflect on the lack of a position by the federal government. In moving this motion, I am trying to bring to the house all the information available so that when the house considers this matter it does so in a very open and fully informed way.

Mr MEIER (Goyder): am pleased to support this motion moved by the member for Davenport. I hope that the whole house supports the motion, which calls on the federal Opposition Leader to explain why, as the former federal Minister for Primary Industries and Energy, he wrote to the former Bannon government in 1991 about the pressing need for national disposal facilities for radioactive waste produced in Australia.

I cannot believe that we procrastinate year after year as to what to do with our radioactive waste. Where do we have it now? We have it in our houses, in our hospitals and in schools; we have it all over the place and we live and breathe it every day. Are we prepared to go and find a national repository? No. In fact, when Simon Crean changed his mind last week or the week before (whenever the member for Davenport gate-crashed—or rather, attended—his press conference), I thought, 'Shall we start by saying we will withdraw nuclear medicine from our hospitals? Let die each

year thousands of people who are currently being saved?' That is the attitude we are taking.

We have come to a ridiculous situation in this state and country. Yesterday I was asked by a member of my family to check out two smoke alarms. They happen to be this new type that is supposed to last for 10 years, but both of them had given up the ghost after about a year or 18 months. They are both very expensive—I think about \$75 each. I was handling one, on and off, for half an hour, trying to get it to work, and I also looked at the other one. I noticed that they had the nuclear waste sign on them. I currently have both of them with me, within a few metres—not in this chamber, but in my possession—and I will be looking at them further. In fact, I will be ringing the company. I went to the electrical store that sold them and said, 'These are now not operating. Can you replace them?' They said, 'We stopped selling them about a year ago,' and I said, 'It would be about 15 months ago that they were bought here.' They said, 'We are not interested if it is out of warranty.' So I will now ring the company in Sydney and see what can be done.

I suspect that I may have to send them through the mail and, because they emit a signal every now and then, I thought to myself last night, 'I can almost see the headline now: "Package explodes; suggested terrorist bomb".' Therefore, I had better put on the outside: 'Warning: this is simply a radioactive smoke alarm being sent for repair or replacement. No need to worry that it is a bomb. Regards.'

I hope that this toing-and-froing, this bickering, this stupidity over the disposal of nuclear waste, stops. The new government is not helping by trying to create an issue and have a referendum on the darn thing when people do not know what is out there. When they think of radioactivity, they are shocked and horrified. They do not realise that they have it in most rooms in their house; they do not realise that probably their friends and members of their family have been saved in a hospital through radioactivity; and they have been close to it, within a matter of inches or feet, for much of their life. In fact, I believe that the granite at the front of Parliament House has a higher radioactivity level than many of the things that we are seeking to dispose of and that you, Mr Speaker, might be surrounded by material in those columns, or nearer, that has higher radioactivity than what we are trying to dispose of.

So, let us have some commonsense and hope that this house will call on the federal Leader of the Opposition to at least try to not play politics and use this for political gain. He has been very unsuccessful lately trying to get credibility, and I guess members opposite realise that and it is only a matter of when he will be deposed as leader. However, that has absolutely nothing to do with this debate.

I am very pleased to support the member for Davenport and I hope that this house will unite to support this motion and get this thing sorted out. You would think that we could at least agree to a low level and an intermediate level waste repository as soon as possible rather than leave it in hospitals, universities and our homes. It is a silly method by which we are doing it. Let us see some commonsense. I support the motion.

Mrs PENFOLD (Flinders): I also rise to support this motion. We are constantly being told by Labor that 90 per cent of people do not want a national radioactive waste repository built, yet at no time does Labor state the obvious, that nuclear waste deposited in specially built storage is safer

than the current practice of leaving it around the place chiefly in hospitals and the universities.

The state Labor government, led by the Premier (Hon. Mike Rann), recently loudly proclaimed that it does not want South Australia made a dumping ground for nuclear waste, yet the member for Ramsay is somewhat slow in making up his mind. It has taken him close to a decade to decide his position. He was a member of the state government when the federal Labor government, without investigation or consultation, decided to move 2 000 cubic metres of radioactive waste to Woomera. This arrived in 1994, where it was placed in an old hangar. This made South Australia a dump for nuclear waste, since it was indeed dumped and not deposited in a repository.

The South Australian public has a right to know what the federal Labor Party intends to do about this material, since its opposition to a national approach has been inconsistent and contradictory. Federal Labor members have given little, if any, public support to the extensive research undertaken to determine a geologically safe storage area, even though that research was initiated in 1992 when the current federal Labor leader, Simon Crean, was Minister for Primary Industries and Energy. At that time, Mr Crean reiterated the commonwealth government's commitment to establishing a national radioactive waste repository, and he announced the start of an Australia-wide site selection study to identify a suitable site—right back in 1992. Had there been greater public cooperation from the Labor Party and its members instead of opposition, his material would now be presumably housed in a safe place. This applies to all radioactive waste.

Incidentally, we are all subjected continually to radioactivity, which is a natural component of the environment. The level varies in different localities, but it is still there. Parliamentarians—indeed, every man, woman and child—need reminding that radioactivity is an ever-present component of our environment. The Hon. Mr Rann, ingests as we all do, on average 1 microsievert per day in his food intake, which is roughly one sixth of his total dose from all sources except medical exposure. A person's annual dose is around 2 millisieverts in Australia, while the rest of the world is receiving 3 millisieverts annually.

In May 2003, it will be 19 years since the Australian Science and Technology Council (ASTEC) released its 1984 report on Australia's role in the nuclear fuel cycle to Prime Minister Bob Hawke, who is touted as one of the Labor Party's greats. One paragraph of the report states:

We consider that, as an exporter of uranium, Australia has a responsibility to participate in and assist the development of all aspects of radioactive waste management.

The state Labor Party—in fact, all who supported the ban on a repository in this state—have ignored one of the most basic and essential factors in maintaining a clean, green environment, and that is the handling of waste materials. Responsible waste management is the vital last stage, not only in industry but also in community life generally. Former Prime Minister Bob Hawke certainly realised that. The report also states:

ASTEC recommends that Australia proceed as quickly as possible to complete a code of practice for the disposal of radioactive waste arising from medical, industrial and research use of radionuclides to identify sites suitable for disposal of low level radioactive waste and to the development of facilities for interim storage and disposal of low and intermediate level radioactive waste.

We have a nuclear industry. No thinking person would propose that we do away with our nuclear industry and with all its uses in health and medicine. Therefore, a nuclear

industry will always be with us. It follows that there will be waste from that industry, whether it be surgical gowns and gloves, defunct smoke alarms, broken exit signs or more highly active material. The waste has to go somewhere. I repeat that most Australians benefit directly or indirectly from the medical, industrial and scientific use of radioactive materials. This produces a small amount of radioactive waste such as lightly contaminated soil, paper, plastics, laboratory equipment and so on. This waste is stored at more than 100 locations around Australia in research institutes, hospitals, governments and industry stores, mostly in ad hoc facilities.

Nineteen years down the track, we in Australia are still dithering and arguing what to do about it. One may well suspect that the Labor Party hopes the coalition government will take action so that it can grandstand that it was not involved. Maybe Simon Crean hopes that 19 years is long enough for people to forget his previous actions in generating the search for a national nuclear waste repository.

Two significant aspects emerge from the federal Liberal government's careful approach to a national waste repository. One is the extensive consultation that has occurred with the owners of native title to possible storage sites. There has been a great deal of cooperation and support from the indigenous people. Agreement has not been 100 per cent and, therefore, those who disagree are featured, while the majority who agree are pushed aside.

The second aspect is a detailed environmental assessment that is ongoing. The public has had the opportunity to contribute, and many have done so. An intelligent person who has the best interests of South Australia at stake would doubtless consider that the best outcome for this state would be to get the federal government to build a waste repository which would be at no cost to South Australia but which this state could use. It would appear that the state Labor government does not have the best interests of this state as its priority, or perhaps the best interests of the state do not figure with the state Labor government at all. The whole nuclear debate, especially Labor's contribution, has demonstrated a distinct lack of common sense, a refusal to accept reality, an absence of vision and a lack of initiative.

Turning to the comment that the majority of people do not want a national repository, the first thing that needs to be asked is: what question was used to elicit that response and what information, if any, was included on which to form the response? I believe that 100 per cent no response could be achieved by asking the question: 'Do you want to use nuclear medicine, including investigative isotopes and radiotherapy, or do you want them banned?'

It seems that a majority of members of this house and in another place have been unable or unwilling to sort fact from fiction. This parliament has given credibility to the public's selective fear of items and words that have 'radioactive' and 'nuclear' attached. Yet no-one throws away their glow-in-the-dark watch, because they do not connect such an ordinary, everyday, useful item with their fear of anything nuclear.

Many years ago the commonwealth was able to get all states and territories to agree in principle to national nuclear repositories. One wonders whether the Labor Party has any principle. It is time for the Labor Party and Labor Government to drop its double standards and purely ideologically based hypocrisy on the nuclear issue, which is aimed at getting the green vote. Its policy has wasted money, time and effort that could have been directed towards health and education or the many other urgent issues over the past 19

years since the ASTEC report. As that seems to be too difficult for the state Labor government, I support this appeal by the house directly to the federal leader of the federal Labor Party to publicly state where his party intends to store in excess of 2 000 cubic metres of radioactive waste in 10 000 drums taken to Woomera in 1994 by the former federal Labor government. I understand that Professor Paul Davis said that the most dangerous thing in shifting the nuclear waste in 1994 was the smoke coming from the exhausts of the diesel trucks carrying it to Woomera.

Mrs GERAGHTY secured the adjournment of the debate.

ADELAIDE CONVENTION CENTRE

Mrs HALL (Morialta): I move:

That this house congratulates the internationally acclaimed Adelaide Convention Centre on 15 years of successful operation in South Australia, and acknowledges the impressive contribution it makes to the economic growth of our state.

A quote is often used by the Chief Executive of the Adelaide Convention Centre when he describes with great pride the venue it is: he describes it as a five star hotel without bedrooms. That is a great quote because Pieter uses that description with enormous pride, and why would he not? Our Convention Centre has been named one of the world's top venues since 1998. Credit must go to the extraordinary Chief Executive, Pieter van der Hoeven, and his magnificent team of highly professional, friendly, committed, customer focused staff.

The International Congress and Convention Association, known as ICCA (the world body, which South Australia's own Pieter van der Hoeven headed up for many years as President) places Australia as one of the world's top convention destinations, with 7.3 per cent of the market share, ahead of the United States at 5.7 per cent and the United Kingdom at 5.2 per cent. This state has 17 per cent of the nation's international conferences and conventions, and that figure continues to grow. It is well demonstrated by the fact that Adelaide's repeat business is consistently running at more than 60 per cent.

Just recently, Mr van der Hoeven informed us that November last year reflected the highest turnover month on record, and bookings for events to be held from now until 2005 are breaking all records. He says that during this period the 18 conferences that are booked and are worth more than \$32 million in economic benefits to South Australia. When Mr van der Hoeven talked about the month of November, he said that it was the busiest month for the Adelaide Convention Centre, conducting as they did events to the value of \$2.6 million. He said this translates into a record \$23.4 million in economic benefits generally to the South Australian community.

Mr van der Hoeven went on to say with great pride that November was the biggest month ever experienced in the 15 year history of the Convention Centre. He goes into some detail and says that the centre continues as part of its policy to use South Australian produce, from grain fed chicken to an enormous amount of fresh fruit and vegetables, dairy produce and, of course, seafood. Pieter goes on to say that the centre prepares quite a shopping list: 25 000 bread rolls, two pallets of beef fillets, one tonne of chicken breasts, one tonne of salmon, 400 kilograms of prawns, 1 000 litres of milk, 500 litres of cream, 10 000 eggs and 500 kilograms of assorted cheeses. When you think about that quantity, it is rather

fascinating because some of us probably have no comprehension of what that all amounts to.

Mr van der Hoeven also goes on to talk about the acknowledged formula that convention centres around the world and the industry generally acknowledge when they establish the base for their economic benefits. They say that for every \$10 spent at a convention centre only \$1 is actually spent in the centre itself. The remaining \$9 is spent on accommodation, meals, entertainment, fares, shopping (which we all enjoy) and other expenses normally incurred by a visitor. When we think about that flow-on effect into the economy, it is certainly something that we would all welcome.

A snapshot history of the Convention Centre shows that it opened in 1987—and I am sure the Attorney-General will interject and say that it was a decision of the Bannon government, of which he is very proud—and was at the time the first purpose built convention centre in this country—and this at a time when the meetings and exhibition business was worth approximately \$450 million. Now, some 15 years later, across Australia the economic value of that same business is now worth more than \$7 billion, and the predictions are that it will reach more than \$10 billion within the next few years.

Again, since the opening in 1987, more than 60 per cent of the original work force of the Convention Centre is still working in some way with the Convention Centre team. It is a matter of enormous pride at that venue when it boasts of its commitment to the principles of equal opportunity and cultural diversity, which it believes is one of our centre's greatest competitive strengths. It has staff from 45 countries. We know that it is a very significant employer in this state, with a work force of 117 permanent full-time, 14 part-time and more than 380 casual staff members. The estimate is that, by 2005, there will be 970 jobs, which will grow to 1 700 by 2010-11.

Reading the material prepared by the Convention Centre is quite instructive because one can sense, on just about every page, the enormous pride with which the employees operate the centre. One of the centre's reports talks about its core values and how important they are to it as a venue. But there is one core value that I think fits in with that original description of a five-star hotel without bedrooms, when it talks about the quality of the facilities. It states:

The quality of the facilities—food and beverage, friendliness and professionalism of staff, our pricing, and of course the venue itself, should, as a preference, always exceed expectations.

Certainly, from the many reports we hear from delegates from across this country and internationally, I have no doubt that they reach and establish that core value as a principle time and again.

This award winning venue, with its multi million dollar extension, opened in September 2001, and it will continue to be a major economic generator for our state. The current estimate is that it now generates more than 50 per cent of the income of a number of the major hotels. Again, I think it is a great tribute to the leadership and management of the Convention Centre that, given the date of the opening, they managed to put the grandest of all—Adelaide—on the world stage, having had to cope with the fallout and spin-off from September 11, 2001 and then, within just weeks, the collapse of Ansett. Their extraordinary capacity to manage events and activities shows how very lucky we are, in my view, to have that team operating in this state.

It is now a venue that they say very proudly can serve 9 000 meals each sitting, with a capacity of 27 000 per day. Again, I find that quite amazing. Then there is the magnifi-

cent Regatta's restaurant, which opens at 7 a.m. seven days a week. Trying to occasionally book a table there is getting to be more and more difficult, as South Australians and visitors alike learn to appreciate the enormous quality and service that is provided at that magnificent restaurant. There is the award winning architecture and design, which is still receiving accolades in the architectural field across the world. There is the magnificent location and ambience of the place, and the ease of access to top quality accommodation and restaurants—and, of course, it would be remiss of me not to say how great that access is to superb shopping.

I believe all these things demonstrate why Convention Centre delegates in our state receive much greater value for their dollar than probably at any other place in this country—and, some would say, the world. The well deserved accolades that our Convention Centre collects are numerous and, when one glances again at the latest edition of their newsletter and communication talking point, it is quite fascinating to understand the general promotion that they provide for this state and, in particular, our regions, and what an important part they are of the general tourism and leisure industry in this state.

I believe that it was a great decision of the former government to invest in the Adelaide Convention Centre, and the conference and convention centre industry generally. It continues to be a significant contributor to the profile of Adelaide and South Australia, not just in our own country but also internationally. Without doubt, it is a great ambassador as a venue, and Pieter and his team certainly do us proud. I think it will continue to receive support cross the board from the many industry stakeholders of our state, and I trust that the government will continue to support this great economic generator of our state.

The Convention Centre provides a unique partnership within the tourism industry, and supports numerous conferences that themselves turn into events. It works very closely with other major tourist destinations in our state, particularly in the regions, and, of course, the importance of North Terrace and the entire boulevard is something that we all understand. Many projections are made about the future economic benefits for the state, but the one of which they are very proud, quite rightly, is that, by the year 2005, the centre will generate \$57 million a year, with 970 jobs, and, by the year 2010-11, it will generate 1 700 jobs and \$102 million.

There are many aspects about the Adelaide Convention Centre that I believe are unique. However, I guess they have been well documented and recorded over the last 12 to 18 months. In the year 2002, 630 events were held at our centre, with a turnover of more than \$16 million. It is quite interesting to know that there are future bookings extending out to the year 2012. All this, I believe, demonstrates what a unique and very special facility we have in our own state, just down the road.

In concluding my remarks, I would like to extend a very special thank you and congratulations for the dedication, professionalism and leadership shown by Pieter van der Hoeven and his very unique team of staff here in Adelaide, and also our two representatives overseas. They do a great job for our city, and I think they do a superb job for our state. We are very proud of their achievements and their success. I believe that tribute also needs to be paid to the various members of successive boards that have worked enormously to achieve the status that the Convention Centre now has. I have no doubt that it will continue to be a trendsetter and a leader in the international conference and convention industry

over the next few years and well into the future, and I have great pleasure in moving the motion in my name.

Mr O'BRIEN (Napier): The government supports this motion. The Adelaide Convention Centre opened on 13 June 1987 as Australia's first purpose built convention centre. At the time of its establishment, the convention industry was worth \$450 million nationwide. Today, it is worth \$4.2 billion, and the forecast for 10 years time is \$10 billion. Against this background, the decision to build the Convention Centre can be seen to be one that has exhibited great prescience. Other states have subsequently established centres, some based upon our own.

Adelaide's pioneering effort in this area has meant that the Adelaide Convention Centre has been the benchmark for other Australian centres. This is reflected in our centre's being independently ranked with the world's top 10 convention centres, in company with centres in Geneva and Paris. During the 2001-02 financial year, 630 events were conducted in the centre; that is an average of more than 12 a week. More than 300 000 people were involved in these events. The multiplier effect of these activities is such that, over the past 15 years, the centre has been directly responsible for the booking of an average of 43 000 hotel rooms per year, a figure which will reach a total of 672 000 hotel rooms by the end of this year. To this must be added the hotel rooms booked independently by conference delegates and accompanying persons, as well as other visitors visiting South Australia as a result of Adelaide Convention Centre activities.

Worldwide, convention centres are considered to be revenue generators for the regions in which they are situated. Through established industry measurements, it has been determined that two international visitors staying a week inject more value into the economy than the sale of 50 tonnes of wheat. Delegates are usually high-yield visitors who spend approximately four times as much as average tourists. Of each dollar spent by a convention visitor, only 10¢ goes to the Convention Centre. The balance of 90¢ in the dollar spins off into the wide range of businesses, including tourism, restaurants, hotels, transport, shopping and theatre. This, in turn, benefits suppliers of goods from seafood, meat and vegetables to dairy products and, of course, our wine industry.

Ms Bedford: And the eggs.

Mr O'BRIEN: Yes, and the eggs. Since the opening of the Convention Centre, great economic benefits have been generated for the state, and these have been calculated at more than \$408 million as at 30 June this year. Extensions to the centre opened at the end of September 2001. From the time of the announcement of the extension to the actual opening, business worth more than \$120 million was booked. Today this figure has increased and the extension is now directly responsible for the acquisition of future business worth more than \$170 million.

The Convention Centre now employs 511 staff; the figure pre-extension was 345. The centre has recorded an unbroken 13 years of gross operating profit from its first operating year. Last year, a loss was recorded for the first time, and that was attributed to the September 11 terrorism outrages in New York and Washington. Over this period, Australia's principal convention carrier, Ansett Airlines, also collapsed. Despite these obstacles, the Convention Centre still managed to achieve a turnover \$6.4 million higher than the previous year, and that is quite a remarkable achievement. I have been

informed today that it has now moved back into the black, which is quite an achievement.

However, challenging times are ahead. International airlines predict a medium-term drop in international air travel of between 10 to 15 per cent as a result of the Iraqi war and associated terrorism concerns. That means that both the international and, particularly, the national convention markets will be far tighter and margins will be far narrower and leaner than they have been over the last decade. However, with the facility at hand and the skills possessed by the Adelaide Convention Centre management, this will be a storm that I believe will be successfully weathered.

Mr HAMILTON-SMITH (Waite): As opposition spokesperson for tourism, I support the motion and commend the former minister for tourism, the member for Morialta, for moving the motion and for her contribution in making the Convention Centre extension become a reality. The honourable member opposite, who was not a member in the previous parliament, would not be fully aware of all the background, but let me say simply that the extension to the Convention Centre is a project this Labor government would not have been brave enough to attempt.

In May 1999, the former government approved the Adelaide Convention Centre extensions at a budget of around \$85 million to be completed by the end of August 2001. The deadline was set in response to a government commitment to hold an international wine conference in the new venue in early October 2001. The project was to provide approximately 7 000 metres of multipurpose exhibition, banqueting and pre-function facilities, and all the assets that have been described by previous speakers.

The project entailed some risks. A tight program was designed to overlap with construction, leading to fast-tracking. There was an \$85 million budget based on concept plans, with no firm knowledge about whether there would be an overrun or an underrun. It was a very complex and bold design. It was to be built over an operating railway station and there was a potential industrial relations issue involving increased risk of construction, contract and disputation claims. To manage these risks, the former government entered into an arrangement using the contractor Baudlerstone Hornibrook and a range of other project team members to manage the issue across the line.

At the end of the day, the cost did run slightly over, and from memory I think it was around 8 per cent. The overall project cost was about \$92 million. However, the centre was completed on time and ready for the international wine conference, which was attended by 2000 delegates. Incidentally, the organisers of that event have booked again for 2007.

Mr Speaker, can you imagine a Labor government having the courage to commit to such a project, because I want to hold that project up as a fabulous achievement of the former government? By contrast, I call on the house to look at the way this government handled the National Wine Centre. The Adelaide Convention Centre had some challenges to face. It required quite a bit of start-up capital and, at the time this government came to office, there was a need to provide, as this government is well aware, several million dollars worth of funding in order to adequately capitalise this fantastic Convention Centre in the full knowledge that it would ultimately move across the line and into the black. From memory, the grant required was of the order of \$4 million, which in real terms is about \$1.3 million or \$1.4 million at

the time the Labor government came to office for that particular financial year. It was in that ballpark.

Management anticipated a return to Treasury in the 2003-04 financial year but, as a result of the September 11 attacks, the war on terrorism, the associated downturn in world travel and the collapse of Ansett Airlines, the Convention Centre failed to perform to expectation. The world is full of surprises, something this government seems to be totally unaware of. As a consequence, there was a need for further government funding. Guess what? The same thing happened in regard to the National Wine Centre, but there was one difference that I want the house to note. The Labor Party was not aware of the need for state government funding to be employed to see the Convention Centre through the difficulty of September 11 and the collapse of Ansett. Because it did not know, it could not spoil, destroy, sabotage and deliberately knock down a very successful investment and a very successful Adelaide Convention Centre.

However, they knew about the Wine Centre. They knew from spoiling tactics on committees that there was a need to provide a much smaller amount of money to the Wine Centre compared with the Convention Centre, and it was all right to set about demolishing the Wine Centre for pure political gain. I must congratulate the Labor Party, the Treasurer and the member for Elder because they succeeded. They successfully ambushed the National Wine Centre, which was worth \$42 million to the state economy every year, according to the Kowalick report. They ripped it down, to the extent that they have rented it out to the university, and we support that because they have backed themselves into a corner. They have given it to the university for a rent of \$25 000 per annum for 40 years.

Bravo, Kevin Foley! Bravo, Treasurer! You have given away an asset worth over \$30 million, potentially generating \$42 million to the state economy, for \$25 000 a year rent over 40 years. That is a terrific financial accomplishment, and I hope that you post your economic credentials on the door so everyone can read them. That was a pretty good start. You have really kicked a goal. As mentioned, the opposition supports the arrangement with the Adelaide University because the government had left itself nowhere to go. You had spent a year and a half sledging the National Wine Centre, destroying the thing, and you were very successful. You had two or three false starts and you were clearly looking at privatising it.

As we know, that was creating some difficulty in the Labor Party caucus. Suddenly, the university turned up and said, 'We'll take it off your hands at a peppercorn rent.' Bravo! You managed to back out of the issue, and now I have confidence, and the opposition has confidence, that the Adelaide University will make a good fist of the National Wine Centre under its new guise. However, it stands as testimony to how an irresponsible opposition and an irresponsible government can destroy a state asset.

The Convention Centre is a shining example of a success. The Ansett collapse and 11 September had an impact on the centre, but that impact has been overcome. Its position now remains as one of the top 10 venues of its kind in the world, and it is protected. In previous years, when the management of the Convention Centre prepared its budget process, typically the centre had 55 to 60 per cent occupancy confirmed. That was thrown out completely by the events of 11 September and the Ansett collapse. The mix changed, and the domestic component had to rise considerably.

Things should be getting back to normal, but I caution the government that it now needs to look at the possible impacts of the present conflict in Iraq, as well as any fall-out from terrorism or from the international disruption to air travel and tourism that will ensue, and underpin the Convention Centre's success. Pieter van der Hoeven and his excellent management team have done an outstanding job in building up this Convention Centre into an iconic success for South Australia through most difficult circumstances in the last few years. His greatest achievement is guiding the centre through its period in the red after its expansion, in the face of 11 September and the collapse of Ansett, while having to deal with an irresponsible and reckless Labor government that was signalling to the entire community its intention to bedevil and vandalise public investments, such as the National Wine Centre. For that achievement alone, Mr van der Hoeven is to be congratulated.

I say 'Bravo!' to the former government—and I particularly acknowledge the effort of the former premier John Olsen; the former minister, the member for Morialta; and the former Liberal Party cabinet—which was bold enough to see this project through—a project that never would have got up under a Labor government. We will see no projects out of this government for the next four years, because it is afraid to invest in public works. The Convention Centre's success is your success. The Labor Party has inherited a shining star for both the tourism and the hospitality industries in this state through no effort of its own. I commend the motion.

Ms CICCARELLO (Norwood): I rise to support this motion. I had not intended to speak, because I thought that an agreement had been reached that we supported this motion and commended the member for Morialta for having introduced it.

I am very disappointed that the member for Waite cannot help himself. It seems that on a Thursday morning he has taken grumpy pills and is always negative. Instead of having a very positive debate about the Adelaide Convention Centre and (as the member for Morialta and the member for Napier have highlighted) the success story of the centre, we have had a diatribe of accusations about the former opposition and current government.

I put on the record that it was a Labor government that had the foresight to build the Convention Centre in the first place. So, do not come at us with accusations that we do not have the courage to invest in public works. The member for Waite had to get onto another of his pet hobbyhorses—the wine centre. I would have thought that by now he would like to keep his mouth shut about the wine centre, because it certainly has not been a success story.

Mr Speaker, as the former chairperson of the Public Works Committee, you might have some views on both the overrun in costs of building the extension to the Convention Centre as well as in the cost of building the wine centre. However, I will leave it to your prudence and grace as to whether you wish to make a comment on that matter.

It is very disappointing that, rather than saying, 'Things have happened in the past. We're moving forward; the Convention Centre started off well; we have an extension; there was an overrun; we did lose some of the income through unforeseen circumstances; and, yes, we know that unforeseen circumstances can affect everyone,' we have heard the member's diatribe.

It is well documented that there was no business plan in place for the wine centre. Yes, you built what can be

considered to be a wonderful structure (although the siting of it is probably not appropriate) but, in terms of the operation, you had no idea about what to do and where it was to go. Now we have had to put in place an investigation to see how we can salvage some of the finances so that it will not be a millstone around the neck of the public of South Australia.

I support the motion. I congratulate the member for Morialta for having introduced it, and I commend the motion to the house. I congratulate Mr Pieter van der Hoeven and all the many employees who are involved with the Convention Centre and wish them every success in the future.

Motion carried.

GOVERNMENT, SAVING STRATEGY

The Hon. I.F. EVANS (Davenport): I move:

That this house calls on the Premier to direct the Treasurer to release all responses to the question asked by the member for Heysen during Estimates Committee A on 30 July 2002 relating to the \$967 million saving strategy announced by the government.

It is unfortunate that the opposition is put in the position of having to move this motion when you consider all the rhetoric spouted by the government in relation to openness and honesty. This matter goes back to July last year and, in the budget at that time, the Rann government, contrary to its very specific election promises, indicated that it would cut from the budgets of various agencies some \$967 million. The budget papers, indeed, did not provide any detail in relation to this sum.

In the days following the announcement of the budget, various media and parliamentary questions were put to the Treasurer, but no detail was provided on the \$967 million in cuts. So, when the parliamentary estimates committee process came around, the opposition decided to ask a question about these budget cuts and seek a breakdown. In fact, the member for Heysen (Isabel Redmond), on behalf of the Liberal Party, put a specific question to the Treasurer asking for a detailed breakdown of the \$967 million in budget cuts.

This is a government that is saying that it will cut a billion dollars from the public sector in expenditure. Therefore, on behalf of the community, the opposition is seeking the detail of the impact of that billion dollars in cuts on individual programs and services and, indeed, individual communities. It was bad enough that, in the aggregate, the government was being exposed for having broken its election commitments not to reduce expenditure in areas such as health and education.

When in opposition, leading up to the election the government made great play that it would not make any cuts to health and education. During the budget process, it announced a \$967 million cut and also indicated that there would be 'efficiency savings' in relation to those two portfolios. Clearly, that is a breach of an election promise in regard to health and education expenditure. During estimates committees, around 30 July, the Treasurer said that he had all the answers to those questions but that he would not keep the estimates committee sitting until four o'clock in the morning; that he would gather the details for the member for Heysen and respond to the estimates committee questions. Replies to estimates committee questions are meant to be received within two weeks; and, indeed, the Premier and you, Mr Speaker, have indicated that there would be an insistence that the minister must respond to questions raised in estimates according to those guidelines.

During estimates committees the opposition therefore decided not to pursue those matters further to any large degree because the government had already put on record that, first, it had the answers to the questions; and, secondly, the answers would be provided as a response in the normal estimates process, which we understand is two weeks. So, the Treasurer gave a firm commitment to the house that he had the answers to the questions raised by the member for Heysen in relation to the \$967 million in budget cuts and that he would provide them to the house by way of normal estimates committee procedure.

As I said in my opening comments, it is unfortunate that we are now at the end of March and that we are still waiting for the answers to these questions that were raised during the estimates committee process in July last year. As we understand it, the Treasurer and, indeed, his political officers in looking at the answers must have decided that it may not have been in the political interests of the government even to attempt to answer the questions in any detail. We can only assume that there was some filtering of the information that was received from the Public Service and ultimately provided to the parliament.

The answers were then produced in aggregate across the various ministers' areas. The best example to use might be that of the Hon. Jane Lomax-Smith. The Treasurer produced an aggregation of the answers across all that minister's different portfolios. That particular minister, as you are aware, Mr Speaker, has a connection to four or five different portfolio areas, ranging from some sections of the old industry and trade, the employment and training department, the Department of Administrative and Information Services and other departments. So, that minister has responsibility for four or five areas.

The Treasurer has simply amalgamated those issues into a one-line description defined as 'expenditure re prioritisation', and he then provides a figure. In that particular minister's case, the figure is something just over \$100 million. All the Treasurer has done is give an aggregate amount so that the parliament and the public are denied any information in relation to the budget cuts. The way in which the Treasurer handled this was, I think, poor in that he was asked the question on 30 July, he was then meant to respond within two weeks and decided to release the answer to the questions on 23 December, two days before Christmas. We all know why governments do that—to avoid public scrutiny.

Members interjecting:

The Hon. I.F. EVANS: Members opposite say, 'We were all working'—well, so were we. The point is that the Treasurer was meant to answer within two weeks so that the parliament could have scrutiny.

Ms Rankine interjecting:

The Hon. I.F. EVANS: No, it is a snub. You misunderstand the point. This government—

Ms Rankine interjecting:

The Hon. I.F. EVANS: No, you misunderstand. This government—not you, Mr Speaker—

Members interjecting:

The SPEAKER: Order!

The Hon. I.F. EVANS: —misunderstands the point. Regardless of whether you were working on 23 December, the parliament was denied access to the information; it was denied proper scrutiny. The Treasurer has gone out of his way to deny the parliament proper scrutiny. How is it that this Treasurer is the only minister not to reply to the FOI request? As a result of the minister's action in not answering the

questions, the Hon. Rob Lucas from another place issued FOIs in respect of all ministers. He did not want to FOI all the ministers: he was happy to get the answers through the normal estimates process. However, he had to FOI 14 ministers.

The government then criticised the opposition for putting in so many FOI requests. The only reason we put in 14 FOI requests was that the Treasurer would not respond to the questions as promised to this house. The Treasurer then had the gall to release the information in an amalgamated form—one line: 'Expenditure re prioritisation, \$100 million', or whatever the figure is for each minister's area. In other words, the public and the parliament are denied access to the information. That was one trick to deny the information to the parliament.

Then we go to the FOI process, and what happened? All the ministers released information in relation to FOI requests about briefings. When we asked for the FOIs about briefings for estimates, people released their folders, their information, but not the Treasurer. He claimed parliamentary privilege; and he claimed that briefings prepared for the Treasurer for him to answer the parliament would not be available to the parliament because they attract parliamentary privilege.

Ms Rankine interjecting:

The Hon. I.F. EVANS: You did not put in an FOI for them.

Ms Rankine interjecting:

The Hon. I.F. EVANS: To my knowledge you did not put in an FOI for them. The point is that, to my knowledge, for the first time in Australian parliamentary history, a minister has claimed that a briefing note—indeed, in this case, a set of briefing notes—prepared for the minister for the minister's use in giving information to the parliament, that is, the estimates briefing process, is denied to the parliament on the basis that it will breach parliamentary privilege. It raises the question—

Ms Rankine interjecting:

The Hon. I.F. EVANS: That was the response in respect of the FOI—that it attracts parliamentary privilege. So, on that basis, if the Treasurer had used the notes and given information, did he breach parliamentary privilege? It raises some interesting questions. The opposition makes the point that this government is long on rhetoric about being open, accountable and honest—that is what it says—but the reality is that when it is put to the test—

Ms Rankine interjecting:

The Hon. I.F. EVANS: You are going out and putting the high bar where you want it. You are going out and making public comments about parliamentary standards, codes of conduct and a range of honesty matters. Then, when you, your party and your government are put to the test, the Treasurer goes to extraordinary lengths to make sure the parliament and the people are denied access to the information. This motion calls on the Premier to be true to his word. The motion calls on the Premier to instruct the Treasurer to release the documents.

You would have to ask yourself: why is it that other ministers did not breach parliamentary privilege when they released their information under the FOI, yet another minister apparently has parliamentary privilege protection on the basis that his briefing notes were prepared for the very same parliament? How is it that the other ministers' briefing notes do not attract the same parliamentary privilege given that they are prepared under exactly the same process for exactly the

same purpose? It defies logic. In fact, there is no logic in that argument.

Mrs Geraghty interjecting:

The Hon. I.F. EVANS: I understand this: that the Treasurer and the government have gone to extraordinary lengths to keep information from the public, and we all know why. We know that the only assumption one can draw is that, on occasions, the statements the Treasurer has made to this house and the information contained in the briefing notes must conflict, otherwise there is no reason to release them. Other ministers have released their briefing notes under FOI, and there is absolutely no reason for this Treasurer not to release them.

So, the opposition calls on the Premier to be true to his word. It is about time, in my view, that the government was honest on a range matters. It is about time that some truth was put into the argument. The government will need to explain to the people of South Australia how all the other ministers released their briefing notes under FOI without attracting parliamentary privilege and the only minister whose briefing notes attract parliamentary privilege happens to be the Treasurer. That is an illogical argument. It is an example of the government's going to extraordinary lengths to twist and turn the information to deny the parliament the information.

Why would a government seek to deny the parliament information about its own budget? The only conclusion that can be drawn is that the information in the briefing notes and that given to the parliament by the Treasurer in his answers to various questions must conflict. This is a self-preservation exercise by the Treasurer. The Premier should be true to his word about honesty, integrity and openness and force or instruct the Treasurer to give this information to the parliament so that it is properly informed.

Mr MEIER (Goyder): I cannot help but speak to this motion and support the member for Davenport. I preface my remarks by saying: let's bring on honesty and accountability in government. I cannot wait to debate that. Honesty and accountability certainly need to be expanded, because this is a classic example. What did the Premier announce before estimates? He said, 'Unlike the previous government, we will make sure that for every question that is asked an answer will be provided'—within two weeks, if my memory serves me correctly. Despite that, we are looking for an answer to a question asked on 30 July. We have not had an answer after eight months, yet the government talks about honesty and accountability. If it states that we will get an answer within two weeks, it should stick to its word; otherwise, I suggest that the Premier and any member on the other side of the house not make such statements if they are not going to be honoured.

The member for Davenport put it so well when he identified an obvious problem within the government. The Treasurer has made statement after statement attempting to show that there was a deficit in our budget and our accounting, but then the truth came out earlier this year when it was shown that our budget had a \$22 million surplus. It is essential that this sort of thing be stopped forthwith.

I fully support this motion, and I hope the government will also do so. At least the members who are here today would recognise that their ministers should not promise answers and then not honour those promises. Let us hope that this sort of thing can be accommodated in truth and by accountability in government. I support the motion.

Mr BRINDAL (Unley): I, too, find this to be a motion of great importance for a number of reasons, some of which you, Mr Speaker, have often spoken about in this chamber. This matter really touches—

Mrs Geraghty interjecting:

Mr BRINDAL: I heard the member for Davenport, and I concur with his remarks in terms of open and accountable government, but this whole matter touches on the notion of what is the privilege of parliament. I think it is bizarre that a government which says that it is open and accountable, when asked by a member of the parliament to answer a question, will not give an answer and then, when the same member of parliament through FOI—legislation which this parliament passed—asks for information, the response is, ‘No, I won’t tell you in the chamber and, if you ask for this information outside of this chamber, I will tell you it is privileged because it belongs to the chamber.’

I am sure the Speaker is listening very carefully to this debate. Last night, when the Speaker made some comments after a bill was passed, he said that perhaps we would like to take on board his comments and think about them, so I am quite sure that the Speaker will take away the comments made in this chamber and think about them, too, in so far as this matter touches on things for which he is responsible: that is, the protection of the privilege of parliament. I do not presume to tell the Speaker what the answer is, but I am profoundly worried about this tactic: the fact that a minister can come in here with papers which he does not share with the parliament—

Mrs Geraghty interjecting:

Mr BRINDAL: Let me develop my line. The minister does not share those papers with the parliament. He has them here for his information so that he can use them in the parliament, but he does not choose to use them in the parliament and, later, he claims that he had the privilege of parliament, even though he did not use them, because as he brought them in here in his briefcase they were protected by the privilege of parliament.

I do not pretend to fully understand all the ramifications of the privilege of parliament. The Speaker has been a member of this place for 23 years, and I have heard him talk about this in various forms over the whole time that I have been here—about 13 years. If you read Erskine May or anything you will see that the privilege of parliament is enormously complex and delicate. It has been developed over hundreds of years.

I totally support the member for Davenport’s comments about openness and accountability in government, but I think for the government to say that it is not allowable, that it is not FOI-able, because it is covered by the privilege of parliament, is a cute trick, and that might do this institution damage. The privilege of parliament exists to allow parliament to consider without fear or favour all and any available information. No minister—

Mrs Geraghty interjecting:

Mr BRINDAL: For the benefit of the member opposite, we are not talking about the sins committed by the previous government or sins which I might have committed. Does the honourable member want me to put on a sackcloth and ashes and rip my hair out and say that I was not perfect? Let me tell her that I was not perfect. I might have made some mistakes, and I am sorry if I did, but we are trying in a very human way to preserve this institution—

Mrs Geraghty interjecting:

Mr BRINDAL: The member opposite should listen. I have heard the Speaker say that this is not our place. We sit here for a brief time. We inherit hundreds of years of tradition, and it is almost our sacred duty to pass on this institution at least as good as—

Members interjecting:

Mr BRINDAL: Members opposite might smile, but I actually believe there is such a thing as a sacred duty to pass on this institution at least as good as we inherited it and, hopefully, through our practice and understanding of this institution, enhance it a little in the process. If that is not what we are supposed to be doing, I feel sorry for the Speaker who so far has spent a year trying to teach this place something about how it should act. That is what he is trying to do; that is his job as the Speaker, but he cannot do it on his own. He happens to be the voice of this house. If you have the voice of this house and the ears of this house, there happens to be a famous quote: if he has a government frontbench who are determined on a point of action, it does not make life easy for anyone else in this chamber.

I heard the word ‘sanctimonious’ used. I can be guilty of being sanctimonious sometimes, but there are some things that are worth being sanctimonious about, and I say unashamedly that this institution is one of them. It is more precious than me, or the Speaker, or anyone else. I have not always been right, but I am proud to be a member of this place. I treasure this place, and I think I am exceptionally lucky. Think about the number of South Australians who have ever got to sit on these seats. Think what your job is worth in terms of who you are in the history of this state. People who come in here and play games over something as important as parliament should not be here.

I hope, Mr Speaker, you consider carefully, in the course of the next three years, what are the privileges of parliament and what are the rights of this place. I find it objectionable that a minister can come in here and not divulge all the information. Mr Speaker has moved in this direction: he has already told the house that if a minister quotes from certain documents, then the documents will be tabled. That is a step forward. What the government is saying is that if we want to know what all the other documents that they will not table are, we cannot get them under FOI. We cannot get them in here because they choose not to give us the information and we cannot get them under FOI. I believe that trespasses on the greatest reason that parliament enjoys its privilege; and the greatest reason parliament enjoys any privilege is so that it can, without fear or favour, without fear of the courts or civil consequences, come in here to talk honestly and openly about whatever we want. Mr Speaker, I seem to have excited members opposite and it will make it difficult for you, so I will let them go to have their valium and calm down.

Mrs GERAGHTY (Torrens): I move:

That the debate be adjourned.

Motion negatived.

Mrs GERAGHTY (Torrens): I think that having to stand here and listen to the comments of members opposite is absolutely astounding. I have never heard such comments.

Ms Rankine: It was trite!

Mrs GERAGHTY: The honourable member says that it was trite. It is astounding to think that members opposite can come in here and start attacking this government when they have so much to answer for. I am just astounded. New

members who were not here during the last parliament will not know what occurred, but those of us who were here when the opposition was in government could not believe the behaviour of a number of ministers. Ministers were toppling over and the premier lost his spot. Now we have some of those members who were ministers attacking ministers on this side, who are trying to fix up the mess that was left by the previous government; they are being open and accountable and attempting to do the right thing by South Australians. If anyone wants to talk about showmanship or playing politics, those of us on this side only have to look opposite.

Mr Goldsworthy: You only have to look in the mirror!

Mrs GERAGHTY: No: I suggest that you look in the mirror. The member for Unley talks about the privileges of being in this place. Indeed, it is a privilege and an honour to be here. It is a shame that it is mocked in the way in which it is being mocked with this motion and by the contributions of some members to this motion. The member for Kavel said that we should look in the mirror: I suggest that he do that.

The Hon. I.F. EVANS (Davenport): In closing the debate, I thank everyone for their contribution. I do not accept the government's argument in relation to this. The opposition's view is that the matters clearly outlined by the member for Unley are the nub of this issue. If this minister gets away with applying parliamentary privilege to briefing notes, then no member of parliament will get access to a document prepared for a minister because he will claim parliamentary privilege. Every other minister has provided the information. We believe the parliament has a right to access that information. I ask the parliament to support the motion.

The house divided on the motion:

AYES (21)

Brindal, M. K.	Brokenshire, R. L.
Buckby, M. R.	Chapman, V. A.
Evans, I. F. (teller)	Goldsworthy, R. M.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L. J.	Hanna, K.
Kerin, R. G.	Kotz, D. C.
Matthew, W. A.	Maywald, K. A.
McFetridge, D.	Meier, E. J.
Penfold, E. M.	Redmond, I. M.
Scalzi, G.	Venning, I. H.
Williams, M. R.	

NOES (23)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Conlon, P. F.
Geraghty, R. K. (teller)	Hill, J. D.
Key, S. W.	Koutsantonis, T.
Lomax-Smith, J. D.	McEwen, R. J.
O'Brien, M. F.	Rankine, J. M.
Rann, M. D.	Rau, J. R.
Snelling, J. J.	Stevens, L.
Such, R. B.	Thompson, M. G.
Weatherill, J. N.	White, P. L.
Wright, M. J.	

PAIR(S)

Brown, D. C.	Foley, K. O.
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Majority of 2 for the noes.

Motion thus negatived.

SOUTH AUSTRALIAN WOMEN'S MEMORIAL PLAYING FIELDS TRUST

Ms CHAPMAN (Bragg): I move:

That this house acknowledges with appreciation the 50 years of service by the South Australian Women's Memorial Playing Fields Trust and, in particular, the Bangka Day Memorial Service held on the nearest Sunday to 14 February each year.

There are some pleasurable things in this house, and one of them is the opportunity to move this motion. This annual memorial service is held in honour of the South Australian Army Nursing Sisters massacred on Bangka Island on 14 February 1942. It is important that we refresh our memories regularly as to the circumstances that occurred on 14 February 1942 at Bangka Strait.

Australian women were gunned down on that island. With their hospital ship bombed, strafed and sunk, 22 Australian Army nurses, having assisted the civilians and wounded on board into lifeboats, scrambled ashore onto Bangka Island. The civilians decided to try to walk to the nearby village of Muntok, but the sisters stayed behind to care for the wounded. Discovered by a Japanese patrol, the sisters were ordered to hold hands and walk into the waters of Bangka Strait. As they did so, they were machine-gunned from behind.

Knocked into the sea by the force of the bullet which passed clean through her body, Sister Vivian Bullwinkel feigned death and floated face down amongst the bodies of her comrades until it was safe to emerge. Having survived days of incredible hardship, Sister Bullwinkel was finally captured, and, ultimately, after 3½ years of internment, she returned to give evidence at the Nuremberg War Crimes Tribunal, marry and manage a hospital in Perth, Western Australia. Her uniform (the hole where the bullet passed through clearly visible) is now on display, along with her portrait, at the Australian War Memorial, Canberra. Sister Bullwinkel (then Mrs Stratham) died in 2001, and special services were conducted both at the Daws Road Repatriation Hospital and in her own home town of Kapunda.

Many lost their lives and it is with honour that this memorial service is held. The Women's Memorial Playing Fields, enjoyed by active, healthy young women of today's Australia, stand as a living memorial to women such as these who gave up their own young, carefree lives for their country. As I indicated, each year on the Sunday closest to 14 February, a small but moving service is held at the field, attended by the Vice Regal Patron—and the grace by which Her Excellency, Marjorie Jackson Nelson, Governor of South Australia, is patron is acknowledged—and by service personnel, sportswomen and friends and relatives, who acknowledge the strength, courage and sacrifice of these outstanding Australian women.

This year is one of special significance for the Women's Memorial Playing Fields. It marks 50 years since the then Premier Sir Thomas Playford granted to the newly constituted SA Women's Amateur Sports Council a 21 year lease at peppercorn rental of an eight hectare section of an area later to become known as the Shepherds Hill Reserve. In the subsequent 50 years, hours of dedicated volunteer service has seen the field grow and develop into a far more comprehensive sport and recreation space than the original solitary oval.

I wish to place on record in some detail some of the history and those who should be acknowledged in the development of this magnificent facility that we enjoy today. Whilst the field was officially opened and dedicated as a memorial in 1957, its story began in 1953 with the conver-

gence of a group of women who identified a need and did something about it. Their spirit has pervaded the ongoing voluntary work at the field. In 1936, Lois Quarrell took up a position as the first women's sports writer with the *Advertiser*, a position which she held for the next 34 years. She promoted women's right to participate in any sport, speaking out against discriminatory practices and attitudes which sought to limit women's opportunities.

By way of example, SA Athletics refused to allow women to compete in certain events where they would be coached, or worse, massaged by men. Discussions about the 'morality' of allowing women to participate in rowing; the reluctance to allow women to play sport such as court cricket, which required them to be out of the house at night. Lois was always alert to the issues of the day and picked them up and wrote about them. There was a great enlightenment during that period.

Helen Black, the then director of National Fitness Council in South Australia, had similar thoughts and called a meeting of representatives of women's sports. As a result of this meeting, in May 1953 the SA Women's Amateur Sports Council was born and May Mills, recently retired as a Special Senior Mistress at the Unley High School, was asked to assume the chair. Helen Black undertook the secretarial duties and the MFC provided assistance with administrative support. May Mills then led a deputation to the then Premier Sir Thomas Playford, who, within a week—it is amazing how quickly things can happen—had granted the SAWAS council a 21 year lease of that land at a peppercorn rental.

Helen Black, to whom I have referred, persuaded a nearby industrial sales and service agricultural machinery company to use the lower level land for field days, displaying their machines' capabilities, and to train drivers. Under this mutually beneficial arrangement, enough area for what was subsequently named the ISAS Oval and the six tennis courts were suitably levelled. In a similar vein, the electricity and water supply department and the highways department were persuaded to dump surplus soil from nearby projects, and gradually enough accumulated to develop what is now the Helen Black Oval.

Through the 1950s sportswomen and supporters raked, levelled, planted and weeded, and possibly generated a sense of responsibility, custodianship and ownership that today's sportswomen may not experience. Nevertheless, it is to their testament that we, the women of today, now all acknowledging the birth of the idea, the concept and the hard work, enjoy the privilege of this magnificent facility. In conclusion, I wish to acknowledge the celebration this year of the 50th year of the playing fields and their continued dedication to the memory of and the annual celebration of the sacrifice and commitment of the women who either were massacred on Bangka Island or were subsequently submitted to the tortuous circumstances as prisoners of war in those difficult times following 14 February 1942.

Ms BEDFORD (Florey): I would like to support the motion and acknowledge the 50 years of service to this state's sportswomen by the South Australian Women's Memorial Playing Fields Trust and its role in the annual Bangka Day Memorial Service which, as the member for Bragg said, is held at the playing fields in memory of South Australian women who served during the First and Second World Wars. It was my honour to attend this year on behalf of the Premier, who was unable to attend, along with the Minister for the Status of Women, Stephanie Key. Also, the member for

Norwood has attended on other occasions. It is one of my happiest duties to go to this service because, as the member for Bragg said, it is a very moving day. The Governor was also in attendance this year, and the assembly was told about her use of the playing field some years ago—for tennis rather than running.

The history of the Women's Memorial Playing Fields Trust dates back to May 1953, when the then National Fitness Council formed the South Australian Women's Amateur Sports Council in order to stimulate interest in women's sport and to obtain more playing fields and facilities for women and girls. The then Premier (Hon. Tom Playford) was lobbied by the formidable May Mills, who I understand went to great lengths to make sure that the Premier understood the need for this recreational facility. The land was happily granted by the Premier to the Women's Amateur Sports Council—20 acres of reserve lands on the corner of Shepherds Hill Road, St Marys—to use as the centre for women's sport. That land was later named the Women's Memorial Playing Fields. I know May did not stop with the original grant and was active for many years championing the cause of women's sport in South Australia.

The Women's Memorial Playing Fields were named in honour of the South Australian servicewomen who served in the First and Second World Wars, especially in the memory of the 21 nurses shot by Japanese at Bangka Strait, which is now part of Indonesia. It goes back to the story involving the last ship to leave Singapore Harbor at the fall in 1942, the *Vyner Brook*, which sailed vastly overcrowded. Among the people on board were 65 Australian nurses, led by the redoubtable matrons Paschke and Drummond. The nurses on board organised themselves into teams with responsibilities of looking after various areas of the ship. The *Vyner Brook* was attacked and sank within half an hour.

While all the nurses survived the original bombing, many drowned or were killed and, as we have heard from the member for Bragg, it was a dreadful day and a dreadful story. The men in the groups were immediately led to the beach behind the bluff and shot, and the nurses were ordered to walk into the sea. As we heard, our own Sister Vivienne Bullwinkel is a true South Australian heroine who died only recently. Of course, the story of her survival is truly inspiring. In these troubled times it is a sad reminder of the effects of war, while also a truly fine example of the strength of human spirit. It is also that sort of inspiration that May and her committee took with them as they developed the Women's Memorial Playing Fields Trust. Taking control of the original site in 1972, an additional eight acres of land was made available on the site for use by the trust.

Although the management of the playing fields now rests with the Minister for Recreation, Sport and Racing through his office, the trust continues to have a role in promoting the playing fields to a wide range of sporting groups, and the facility is presently used by the Westminster Hockey Club, the Sturt Lacrosse Club and the South Australian Women's Cricket Association—of course, the Scorpions being the team involved there. I understand that there are many women's teams at district level as well, and the Bellevue Tennis Club also. The playing fields are the only dedicated women's memorial of this calibre in the whole of Australia. On behalf of the government and the minister, I congratulate the Women's Memorial Playing Fields Trust on its 50 years of service. The trust continues to commemorate the dedication and bravery of South Australia's servicewomen on Bangka Day each year and also continues to promote the St Marys

playing fields and the overall participation of women in sport in this state. I wish the Scorpions and all the teams that play there using it as their home grounds all the very best in their season this year.

Mr HAMILTON-SMITH (Waite): I rise to commend the motion to the house and to acknowledge the contribution of other members. Speaking both as one of the local members—my electorate abuts the playing fields, and I have attended almost every celebration day there since becoming a member in 1997—and as an exserviceman, I acknowledge the sacrifice and contribution made by nurses—not only during the Second World War but at all times—whose efforts and dedication to duty are celebrated on this day.

It was indeed a tragedy: for any members of the house who have some knowledge of the Second World War and of military history in general, it remains a mystery even today how such an atrocity and so many other atrocities could have been committed by Japanese troops and others during the war. I commend to anyone who has an interest in this matter General Slim's book *Defeat into Victory*. As all would know, General Slim was the commander of allied forces in Burma but was later Governor-General of Australia. In his book, he makes some interesting observations about the nature of engagement with the Germans, with the Italians, and the vichy French where he was engaged in North Africa and Syria, as compared with the experience of allied troops during their engagement with the Japanese. He makes the remark that there was a code of chivalry, and a certain respect and honour were paid to the rules of armed conflict when fighting the Japanese, the Italians and the vichy French. Generally prisoners were treated well, the wounded were cared for, surrender under a white flag was generally respected and there was some humanity about the way the business of war was implemented and executed.

However, he makes the point that in Burma it was common, when withdrawing and later leaving behind wounded and when still later counterattacking to recapture that position, they would often find the throats of the wounded cut and other acts of atrocity in which the rules in regard to prisoners of war and respect for human life seemed not to be obeyed in the same way by the Japanese army of that time. The particular evil to which Japan succumbed during those years—that particular fanatical almost nazism under Tojo and others—remains a mystery, that such a wonderful people from such a wonderful land could have fallen under the spell of such evil. Of course, it was never so boldly demonstrated as it was at Bangka on the day of this terrible atrocity.

It is an extremely well attended event not only by the RSL as an institution but by almost every service group, from Vietnam veterans and peacekeepers right back to Second World War veterans. They all come along. It is one of the best attended events by local mayors and local members of Parliament. As I said, I have been to just about all of them. Having possibly missed only one. It is well attended by the Labor Party, by Liberals and others as a signal of support to these women who suffered so tragically. Of course, such women are still serving today in Iraq and elsewhere in other parts of the Middle East and the world where, as we speak, Australian servicewomen are at work, helping to keep the peace and helping to make the world a safer place.

I have been involved in helping the ladies with a federation grant to rebuild the gates to the Memorial Playing Fields. Unfortunately, that federation grant was unsuccessful, but I

commend Denise Chapman and others who were involved in organising that application. I encourage them to continue with further applications and to continue this terrific celebration of the virtue and purpose shown by the women of the Australian Defence Force, as it was during the Second World War, and as they continue to serve today. I commend the motion to the house.

Motion carried.

The SPEAKER: My own wish is to make some remarks about that and, whilst I was tempted to do so after the last vote on item 3, Other Motions, Notices of Motion, I did not. On this occasion I will, I guess motivated as much by feeling as by reason. What happened at Bangka happened in many other places, although there was not a Sister Bullwinkel who survived to tell the story. Equally, what happened at Bangka arose not so much because the Japanese were possessed of an evil that had recently arisen in their society but, rather, where east met west. It had been part of the cultural mores of the Japanese people for as long as they had been identified as a nation and from times even earlier than that to behave in the way in which they did, and they saw no reason to behave otherwise.

Indeed, they lauded, applauded, if not deified, those people amongst their own ranks who could practice such savagery and do it with what they might have regarded as elegance. As horrible as it is for us from the west with our mores, built over the past 2000 years and, more particularly, as a consequence of our experience with democracy—parliamentary democracy at that—in this country since European settlement in the past couple of hundred years, we find it appalling, and properly so. The future of humanity is for all of us to remember that we are part of a global village and that all of us have a duty each to the other, not just as individuals but as communities, as societies and as nations, to ensure that we are all respected.

It is equally appropriate on occasions such as this to reflect upon those things that distinguish us from the savages from which we are descended—or from whom. I am not sure whether 'which' or 'whom' is appropriate, since the word 'whom' is reserved for those who are human. I guess by scientific definition our forebears must have been homo sapiens or hominids although, by their behaviour, we would not countenance including them in the human race as they behaved like animals, no better than chimps pursuing a monkey for dinner.

Notwithstanding those sentiments and notwithstanding my own personal experience of some of those sorts of circumstances, I conclude by pointing out that presently the people in power in Iraq are no better, and that is my certain knowledge. And the vast majority of the people over whom they rule—not govern, but rule—are treated no better than the way in which those prisoners of war were treated. And the reports that are being provided by journalists who go there, not in any way committed to report anything other than what they see and how they see it, surely for all of us will confirm that what I have just stated to the house is the fact of the matter.

It is not appropriate for any of us, therefore, to do things or, in my judgment, publicly proclaim a position that supports the current Iraqi rulers. The evil that would otherwise result in less than five years as a consequence of what would be negotiated between the current regime in Iraq and/or any other similar regime and where the power is again emerging in the east, where there is no respect for human rights whatever, would result in Asia once again coming under the

heel of a tyrant worse than Stalin. To my certain knowledge that is a fact, confirmed for me by my recent visit to the Middle East.

I tell the house that I, too, join with all members in acknowledging what otherwise happened in another place at an earlier time of our record and conscience, in accepting the motion of the member for Bragg. I conclude by making the remark that I was always strongly supportive of the South Australian Women's Memorial Playing Fields Trust and spent a good deal of my time in the Adelaide Rural Youth club organising a working bee at least once a year to ensure that those playing fields were maintained in a condition that would enable people to enjoy using them and to respect the memory for which they were established—the memory of democratic self government and the freedoms that it provides for us.

COURIER VEHICLES, FOOD HYGIENE

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I move:

That this house instructs the Minister for Health immediately to prepare clear guidelines for food hygiene with courier vehicles to ensure that high standards of food hygiene can be enforced and implemented in a practical manner.

In moving this motion I express my support for the revealing of some very alarming facts through the media, particularly on radio station 5AA, about the way in which courier vehicles are expected to pick up food, having just recently transported other items that are absolutely incompatible with food. That might (and, I understand from the evidence that has come forward now, does) include the transportation of rats, in one case, certainly chemicals, car tyres and various other such items.

In 2001 this parliament debated and introduced tough new food hygiene standards. I was the minister who prepared that legislation and argued it through the parliament, and I appreciated the support of the parliament in putting it through. It was part of a national drive to adopt new standards for food hygiene. A crucial part of that legislation is that for the first time there are stringent conditions put on the transport of food items. That is a fundamental part of this principle: that it is not just about the preparation and sale of food but also about the transport of food.

What has been revealed is that these owner-driver courier vehicles are being instructed by their principal companies to go and pick up a particular job or item and deliver it somewhere. Until they get there, they do not know what those items are. They themselves have raised with Leon Byner on 5AA their enormous concerns. He has sat down and actually gone through with them the sorts of instructions they are receiving. When they complain to the principal company, they are being told, 'Look: if you don't like it, get out. You're not part of our courier service.'

They are owner drivers and, of course, their livelihood is at stake if they lose their position with those companies. It is alarming that no action has yet been taken to introduce a set of guidelines that would put a very clear obligation on all drivers and operators of motor vehicles, including the principal companies that take the orders for these courier vehicles, and require them to maintain a system that would comply with the food hygiene standards brought in with the legislation in 2001.

At the same time I have also raised my concerns about the lack of training that has been implemented since that

legislation was introduced, because the legislation requires everyone who works in the food industry to be suitably trained, appropriately notified to local councils and audited. The audit provisions come in later this year, but training needs to occur now in preparation for when the audit requirements are imposed later this year.

Ms Rankine interjecting:

The Hon. DEAN BROWN: There are specific requirements; the transport of food is covered in the act. A very clear set of guidelines needs to be set down about how these companies are to operate.

Ms Rankine interjecting:

The Hon. DEAN BROWN: We put the act through. The honourable member interjects in her ignorance, and I will answer her question. The implementation of the act was to occur last year, because the act became operative on about 1 December last year and, now that it is operative, we find that there are no guidelines for courier transport vehicles. That is why it is the responsibility of this Minister for Health and this government to make sure those guidelines are there. I have raised this matter because this house needs to act. We have heard a lot of support for the legislation to make sure it got through; now we are finding that this government is allowing a huge loophole to occur and is putting at risk people's health as a consequence. I want the support of members of this house for this motion.

This matter is being raised on radio. The department has acknowledged that there is no provision at present for the notification of these vehicles. These vehicles need to be notified to local councils, and it is then up to the councils to arrange various inspection procedures to make the vehicles comply with the act. But, when a number of them have contacted local councils, they have been told that no procedures have been put in place for the owners of these vehicles to notify their existence to the local councils. How can you have inspections if you do not yet have the procedures for notification? Equally, how can food hygiene standards be implemented by these vehicles if they do not know the standards or guidelines they have to comply with? It is now very much up to the government and particularly the Minister for Health, who has to drive this.

I was asked on radio whether the resources have been provided for this. The answer is that, yes, they have. I went to cabinet and argued the case for \$1.8 million to be allocated specifically to implement the new food hygiene standards, and that included money to ensure training and to ensure a comprehensive set of guidelines for a whole range of industries, including the hotel and restaurant industries, the small businesses that retail food, the small businesses in particular that manufacture or handle food and its transport, and the transport industry.

My complaint a couple of months ago was that no action had been taken in the training area, yet 40 000 people out there urgently need training. The legislation requires that they be trained, yet no mechanism has been put in place yet to assist that training to occur. It is fine for really big companies, because they have complied with these sorts of standards in the past and will continue to do so.

So, we have the new legislation applying but we have this huge void in terms of any direction or leadership from the minister and the department in making sure that the new legislation is put into effect in an appropriate way. I ask the house to support this motion; it is so important in lifting the standards of food hygiene in South Australia.

Mrs GERAGHTY secured the adjournment of the debate.

VOLUNTEERS

Mr HANNA (Mitchell): I move:

That this house calls on the government to facilitate the brokerage of public liability insurance cover through the Office for Volunteers for all South Australian non-profit associations wishing to participate.

This motion is very simple. It arises in the context of what might be called the public liability insurance debate. For the past 12 months or so, many non-profit associations around South Australia have been complaining about the very sharp rises in public liability insurance premiums. Indeed, that has been the subject of a two-stage legislative response from the Labor government.

Last year there were changes to reduce the levels of compensation paid to people injured in public places. That was something I strenuously opposed within the Labor Party, and it is widely known that I was not happy about the result when the changes were carried through parliament. That problem is also the subject of further legislative measures which I expect the Treasurer will introduce shortly and which will, in effect, change the definition of negligence—a radical change to the common law—and I have grave reservations about those proposals as well.

There is another approach which is less heavy handed and I believe less harmful than resorting to parliament. One of the approaches that the government could take fairly easily would be to facilitate the brokerage of adequate public liability insurance for South Australian non-profit organisations as a whole. What I have in mind is that one or more brokers could be approached, preferably by the Office for Volunteers, to arrange block coverage for all the non-profit associations in South Australia wishing to participate.

I suggest that the Office for Volunteers could be involved in this, because obviously the associations that I refer to have a lot of volunteers who actually do the work to fulfil the purposes of those associations. There may be broader benefits as well, because many commercial ventures which could take advantage of such a scheme as well might require public liability insurance. The initial inquiries need to be done at government level, and I think the Office for Volunteers would be the appropriate body to do so, because the public liability insurance problem affects the activities of so many volunteers.

What I have in mind does not involve extensive government expenditure; it is really a matter of facilitating what should be able to happen in the marketplace. The problem essentially arises because of the insurance market and the fact that insurance companies do not want to be bothered with thousands of small organisations, so they will charge high premiums, because in a market like that in this state there is a very small risk that there will be one expensive claim every couple of years. They want to cover their administration expenses, which is understandable, and that is another reason why insurance premiums have gone up so sharply recently. It seems to me that part of the answer could, therefore, be in the marketplace as well.

But, somebody trying to organise a sausage sizzle in my electorate does not have the market power to deal with the big insurance companies, so it makes sense for there to be some concerted approach from non-profit associations right across the state so that they can, through a broker, shop for public liability insurance—maybe in the United States or Europe—

and get a deal which will reflect lower premiums simply because there will be more buying power for everyone involved in the scheme.

As I have said, individual associations cannot do that; they cannot be expected to get together. But the Office of Volunteers already has a vast database of the non-profit associations in South Australia. I think it is an ideal starting point for the coordination of such an approach which could be made to one or more brokers in South Australia—or nationally, if need be—and for the brokers to organise coverage which would cover literally thousands of associations in South Australia. It could even be the beginning of a national scheme—and I mean a voluntary national scheme—for dealing with the big insurance companies through a private sector broker so that a better deal could be struck for the people who work in that sector.

So, I conclude my remarks by stressing that this is not a high cost option for government but something that could be very effective in relieving the pressure in relation to this public liability insurance problem and the consequential political problem for the government. I commend the motion to the house.

Mr MEIER (Goyder): I am very much taken by this motion. I think it is a very sensible motion, one which I am very much inclined to support. In fact, I believe I will support it. This is an issue that has plagued my electorate since the HIH collapse and since September 11, and it has had some potentially disastrous consequences for volunteer groups in my electorate that have not been able either to get public liability insurance or afford to pay for public liability insurance. This, to me, seems a very sensible way of dealing with the problem.

The Office of Volunteers has been in action for several years, from the time of the year of volunteers. I think it is doing a great job. I thank the parliamentary secretary who oversees the volunteers for the work that she has done in my electorate. I have been able to attend one of the discussion sessions but I could not attend the second one. I thank her for organising those in my area.

Ms Rankine: It is going well.

Mr MEIER: And it is going well, I hear her interject. But I think in this case it will give the government, through the parliamentary secretary, the chance to really show how it is behind volunteer groups.

I guess the biggest hurt in Goyder was the cessation of the Wallaroo to Bute tourist railway, known as the Yorke Peninsula Tourist Railway. I certainly did everything I could behind the scenes to try to help them get insurance. They were given a quote of, I think, \$55 000 for public liability insurance—remembering that for the previous year their public liability insurance premium was \$5 000. A volunteer railway organisation is not in that ballpark. In the end, the insurance company withdrew the offer of insurance and would not give them even a quote for a premium. So, the railway closed.

The good news is that the Yorke Peninsula railway did not let it go at that. It has not been able to operate but it liaised with Lions International and, in fact, in less than three weeks' time, on Sunday 13 April, a new Lions Club will be chartered called the Lions Club of Yorke Peninsula Rail. This, I believe, is a first for Lions, certainly in South Australia, and it will be an excellent opportunity for Lions International to help the community in a very specific way, and that is to

provide this tourist railway which will run from Wallaroo to Bute again.

There are very enthusiastic volunteers associated with the railway; I know most of them personally. I pay full tribute to the former Minister for Transport (Hon. Diana Laidlaw) for all that she did over some years. She is delighted to hear that the railway will run again.

The insurance will be covered through Lions International, but the member for Mitchell would be well aware that Lions International or Rotary or whatever cannot be expected to say, 'We will take over and create a new Lions club' or a new Rotary club, or whatever. It is just not possible. This Yorke Peninsula Rail Lions Club is a first. Let us hope it will be successful: I am sure it will be.

But we have to get around this problem. One of the problems for Yorke Peninsula rail was that if they let it go any longer all their accreditation would fall by the wayside and they would have to, over a year or so, start again to bring themselves up to accreditation, so they were desperate to keep going. In addition, there was the maintenance of the track. Also, once their public liability insurance was no longer in existence they were not allowed to go on the track. They have had the trains in the yard and kept them up to scratch there.

They have quite a few trains now. I think they have a diesel locomotive, two or three red hens, and a variety of carriages. We are talking about carriages that are turn of the century—beautiful old carriages and a pleasure to ride in. The trip from Wallaroo to Bute is one of the best one could experience. On an earlier trip, as we were travelling along we disturbed quite a few kangaroos and, as we were returning from Bute to Wallaroo, one of the kangaroos decided to run with the train and for at least three kilometres this kangaroo kept with the train. There was a British tourist on the train and I said to him, 'What did you think of the train ride?' and he said, 'I have been all around the world and this is the best thing I have ever seen. This trip from Bute to Wallaroo is absolutely fantastic.' It is the type of thing we have to keep promoting and pushing and, if we overcome the problem of public liability insurance, it will help South Australia as a whole.

Not only has Yorke Peninsula rail suffered but also so many others. The government used a roundabout method to get Pichi Richi going again, and that does not worry me. I would hope the parliamentary secretary will make sure she gets her party's support for this so that it can have support from both sides. I hope that my side of politics also agrees to support this motion. I would be surprised if we do not. I will be pushing to see that we support the motion moved by the member for Mitchell.

In relation to public liability insurance, I know that the Victorian government and, I believe, the Tasmanian government have gone out of their way to help pay for insurance, particularly with tourist railways, so it is not something new. They have not done it through the volunteers association but as a government body. It is not new and can be done. An example was brought to my attention recently from Western Australia where a person went on a trip there and apparently one of the activities available is for people to climb a Kauri tree. You would not call it the safest activity. You have to be fit to do it and it is in one of the national parks. One person came back and said to me, 'John, how on earth can Western Australia allow people to climb this tree and still be able to operate in the current climate of exorbitant public liability insurance?' I took it up with the Western Australian department concerned as it was in a national park and it seems they

can do it through the national parks and are covered. National parks makes a bit of difference there.

Other areas that have been affected in my electorate include pony clubs. I am not sure how many have closed as a result of the insurance issue. I know a small tourist railway had to close as have other small ventures. This is a tragedy and we will see the results on our tourism in the next few years if something is not done soon. I commend the member for Mitchell for bringing the motion to the house and trust that once both sides of politics have had the chance to consider it we will support it, pass it in this place and take action forthwith.

Ms RANKINE secured the adjournment of the debate.

COUNTRY FIRE SERVICE

Adjourned debate on motion of Mr Brokenshire:

That this house congratulates all Country Fire Service volunteers and staff and other government agency personnel for their willingness, dedication and professionalism in answering the call for assistance from Victoria during the recent bushfire disasters.

(Continued from 20 February. Page 2366.)

Ms RANKINE (Wright): I am delighted to rise to support the motion. Our CFS and other people from emergency services agencies who went to Victoria deserve the thanks of all South Australians for the work they do both here in South Australia and for the work they did most recently in Victoria. I know the people of Victoria are particularly grateful for the effort, hard work, dedication and sacrifice those volunteers made during that really terrible time while those bushfires raged through Victoria.

Our firefighters face quite horrendous situations—situations that many of us are never forced to face. They are situations we all fear we may one day have to face, and they are there on a regular basis whenever duty calls to help protect our homes, ourselves and our loved ones. These people are truly selfless. In a little over 12 months we have had those devastating fires in New South Wales. We had the horrendous fires in Victoria and the catastrophic fires in Canberra. Those fires highlighted our vulnerability. They also highlighted our responsibility to ourselves and to our families and, as I have said, most of all to those people who put their lives on the line whenever a situation like this occurs.

I was looking through some of our regional newspapers, and there was a report in the Gawler *Bunyip* in February about the situation faced by the Brigade Captain of the Roseworthy CFS, who was one of the people who went to Victoria. It was interesting to read his contribution and the really self-effacing way in which he talked about his time over there. He said:

For me to sacrifice five days of work in my business is my contribution to help our neighbours over the border. Just like any other time here in South Australia, we help and protect the community, this time, just a bit further away from home.

The very next week, there was a report in the *Bunyip* describing the experience of another one of the firefighters, Michael Howell, who also went to Victoria. The report states:

His strike team was stationed in the Tallangatta Valley, near Omeo, ready to contain the flames as they burned out of the forest tree line. But in the steep, hilly terrain, an unexpected change in conditions put their operation in disarray.

He faced extremely dangerous circumstances. The article continues:

'The wind picked up and started shooting hot leaves onto the grass, clearing the fire break easily. They hit the ground the size of a 20 cent piece but within seconds they spread to cricket pitch size. As soon as the fire came out of the trees, new fires started all the way down the hill, all around us. . . the whole ground was glowing.'

Michael, driving the first truck on the scene, said it was a race against time as the spot fires threatened to take a stranglehold. 'As soon as each fire started, we had to leave it and go to the next, trying to stop the fire below from catching. It was like a leapfrog effect. . . At times the crew was rendered helpless as choking smoke forced them to a standstill, the flames licking around them.'

At a couple of stages we had to stop dead in the middle of the fires because we just couldn't see. I knew there was a truck in front and one behind, but I couldn't do a thing because of the smoke and the dust. The flames were jumping up to the window; one crew had a flame visit them inside.' Michael admits more than once he feared the worst.

I cannot imagine having to go through such a situation, but it highlights the circumstances faced by many people.

The member for Mawson listed the other services that assisted in Victoria. I would like to also recognise and extend our appreciation and that of our interstate counterparts for their contribution. I also thank those families that were left behind, because they give up a lot when their family members go away and help in such circumstances. Further, I want to congratulate the Premier on his initiative in establishing a bushfire summit to be held in May. I think that this is extremely important and, I am sure many would agree, long overdue.

Fire is one of those phenomena that is natural to this nation and one that we have to learn to live with and to manage. Proper planning and building design is one way that we can better manage the danger of fire and reduce its risks. It is also one way that we can effectively and practically honour the efforts made by our firefighters. The need for proper planning and building design was highlighted when I was in New South Wales during the fires in early 2002.

It is also an issue that is extremely important in areas such as my electorate, where we have a mix of dense housing combined with large tracts of native vegetation. Golden Grove is a great development, but there are things that we can learn from that development. For example, I think that the use of brush fencing adjacent to open spaces is inappropriate. The brush fences in Golden Grove have been the subject of numerous arson attacks, and I have recently written to the Minister for Emergency Services asking that the long talked about establishment of a metropolitan fire station to service that area be brought forward as a matter of urgency.

Debate adjourned.

[Sitting suspended from 1 to 2 p.m.]

ELECTRICITY PRICES

A petition signed by 5 734 residents of South Australia, requesting the house to urge the government to keep its promise to the people of South Australia to deliver cheaper electricity prices, was presented by the Hon. R.G. Kerin.

Petition received.

CHILD PROTECTION

A petition signed by 914 residents of South Australia, requesting the house to call upon the government to establish a royal commission into the protection of children in all government agencies, including the Education Department, and that parents of guardians be able to give evidence to the commission, was presented by the Hon. R.G. Kerin.

Petition received.

SCHOOL BUSES

A petition signed by 573 residents of South Australia, requesting the house to urge the government to review the government's school bus policy to determine a fair and equitable policy which will provide access to school buses in regional South Australia, was presented by Mrs Maywald.

Petition received.

HOSPITALS, NOARLUNGA

A petition signed by 181 residents of South Australia, requesting the house to urge the government to provide intensive care facilities at Noarlunga Hospital, was presented by Mr Brokenshire.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Local Government (Hon. R.J. McEwen)—

Local Council By-Laws—

Clare and Gilbert Valleys

No. 1—Permits and Penalties

No. 3—Council Land

No. 4—Fire Prevention

No. 5—Animals and Birds

No. 6—Number of Dogs and Kennel Establishments

No. 7—Bees

No. 8—Vehicle Nuisances.

SCHOOLS, VICTOR HARBOR HIGH

The Hon. P.L. WHITE (Minister for Education and Children's Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P.L. WHITE: Yesterday during question time the member for Bragg asked:

Why has the minister refused to answer letters from the Victor Harbor High School. . .

In evidence, the member for Bragg quoted from a letter that she claimed was written by the Principal of the Victor Harbor High School, the local union and the chair of the board. The member went on to state:

The minister has failed to answer any correspondence on the matter. . .

I undertook to the house to check with my office whether there was any outstanding correspondence from the Victor Harbor High School. My office had no record of any correspondence from the Principal of that school. To be sure, my Chief of Staff telephoned the Principal, Mr Peter Manuel, and asked him whether he had sent any letter. He confirmed that he had not.

Members interjecting:

The SPEAKER: Order!

The Hon. P.L. WHITE: The quotation read yesterday by the member for Bragg—and implied to have come from a letter addressed to me—was not contained in a letter addressed to me at all: it was, instead, a portion of an email dated 10 March 2003 and clearly addressed to the Chief Executive of my department. Two days later a meeting had been arranged.

The member's claim yesterday that I had not replied to any correspondence about facilities at Victor Harbor High School is also false. Indeed, the chair of the Southern Fleurieu Combined Schools' Council has received three pieces of correspondence from my office on this matter: the first following a meeting I had with him on 28 August 2002 and the most recent dated 5 March 2003. In addition, the Premier wrote to the council chair on 19 February 2003. In view of the misinformation given to the house by the member for Bragg and the resultant slight on me, I request that the member for Bragg apologise.

MATTERS OF PRIVILEGE

The Hon. I.F. EVANS (Davenport): I rise on a matter of privilege. I believe that a member of this chamber has knowingly and deliberately misled this house in a way that materially affects the deliberations of this house. On 8 August 2002 the Minister for Environment and Conservation personally signed a response to a freedom of information request from the Hon. Rob Lucas in another place. The Hon. Rob Lucas requested 'all incoming government briefing folders prepared by all agencies during the caretaker convention period for the Minister for Environment and Conservation, River Murray, Gambling and the Southern Suburbs'. The Minister for Environment and Conservation personally signed the response dated 8 August 2002, in which he said:

I have determined to grant partial access to 62 items.

The response also indicates that the minister chose to hold some documents, saying 'This document has been held pending consultation with the agency.' The response continues:

In addition, I have determined not to grant access to 11 items.

I believe it is clear that the minister considered each brief and decided which documents to release in full, which documents to release partially, which documents not to release, and which documents to hold for further departmental consultation.

The minister attached to his response a schedule of the briefing notes indicating those being released in full, those being released partially, those being withheld, and those being refused. Among those released was No. 426—Key Issues Briefing EPO 23 (dated 5 March 2002). The last page of that key issue briefing contains the following recommendation:

The establishment of a low level radioactive waste repository is recommended by the department of human services in the interest of radiation safety due to the number and diversity of sources and owners.

During question time on 22 August 2002 I asked the minister the following question:

Following the minister's previous answers about EPA orders of radioactive waste, has the establishment of a low level waste repository been recommended to the minister by any agency?

The minister responded: 'No, not that I am aware.' On 19 November 2002, I asked the minister:

Immediately on coming to government did the minister read his key issues briefings including EPO 23 dated 5 March 2002 entitled 'Radioactive waste storage of intermediate and low level waste'?

In answering that question, the minister concluded by saying that he would bring back a full answer to the house. He responded in *Hansard* on 20 February 2003. In that answer the minister personally quotes from briefing note EPO 23 dated 5 March 2002. It is clear that he has read the briefing

note in order to respond. On the same day that the minister's response appeared in *Hansard*, 20 February 2003, I asked him the following question:

Will the Minister for Environment and Conservation advise the house if any agency recommended the establishment of a low level waste repository?

Hansard shows that the question clearly refers to a state agency. The minister responded:

I am unaware of any state agency which has made such a recommendation.

This week, on 24 March 2003, I asked:

Has the minister yet to receive a recommendation in relation to a low level waste repository?

The minister replied:

The answer is no.

These answers are essential to the debate about radioactive waste that has occurred in this place and the other place over the past 12 months and will continue over the next 12 months. On 8 March 2002, the Chief Executive of the Department for Environment and Heritage, Mr Alan Holmes, sent the minister a minute, which said:

To the Minister, Environment and Heritage,
Re: High level overview—Briefing paper

Please find enclosed a briefing package intended to provide a high level overview of the Department for Environment and Heritage.

This briefing package sent to the minister included the briefing number 426 EPO 23, dated 5 March 2002, and contained the following recommendation:

The establishment of a low level radioactive waste repository is recommended by the Department of Human Services in the interest of radiation safety due to the number and diversity of the sources and owners.

The minister was sent the briefing just two days after coming into government and well prior to any one of his answers to the parliament. I believe that the Minister for Environment and Heritage has not—

Members interjecting:

The SPEAKER: Order! This is a matter of the most serious gravity, probably—

The Hon. I.F. EVANS: Mr Speaker, I believe—

The SPEAKER: Order! It is probably of greater gravity than any other matter that has occupied the attention of the house since the election of the government. I do not intend that anyone should interject whilst the member who has the call is on his feet making the points to which he expects me and the house to address themselves. The member for Davenport.

The Hon. I.F. EVANS: In conclusion, I believe the Minister for Environment and Conservation has knowingly and deliberately misled this house in a way that materially affects the deliberations of this house. In view of the foregoing, I ask that you, sir, rule on a prima facie case of breach of privilege in relation to misleading the house.

The SPEAKER: I have listened carefully to what the member has had to say. On the face of the information provided, as I have heard it, it appears that there is a question of privilege to be answered, but standing order 132 states:

All points of order and matters of privilege, whenever they arise, suspend the consideration of the question under discussion until they are decided. The Speaker may, with the concurrence of the house, defer a decision on the point of order or matter of privilege.

In this instance, I crave the indulgence of the house to more carefully examine the evidence that has been presented by the member to determine whether or not there is a prima facie

case, and I assure the house, provided the opportunity presents itself between now and when the house adjourns today, I shall bring an opinion on that matter back to the chamber.

QUESTION TIME

CHILD ABUSE

The Hon. R.G. KERIN (Leader of the Opposition): My question is directed to the Premier. Following the release of the Layton report, will the government now support the opposition's call for a royal commission into the abuse of children in government care, dating back as far as the 1960s and, if not, why not?

The Hon. M.J. ATKINSON (Attorney-General): No, the government will not be supporting the opposition's call for a royal commission. Indeed, the Leader of the Opposition commented at some length on the Speaker's call for an inquiry into pederasts last year and ridiculed the Speaker's call for an inquiry. I am sure that you, Mr Speaker, have a vivid recollection of the Leader of the Opposition's ridicule of such an inquiry. I believe that if there are allegations—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: —of breaches of the criminal law, namely, sexual offences against children, they should be forwarded to the police and then forwarded from the police to the Director of Public Prosecutions for an assessment as to whether there is any reasonable prospect of a conviction being obtained. What is wrong with the call for a royal commission is that it would be an open ended inquiry, going back 30 or 40 years, with allegations being able to be made against innocent individuals under privilege. That is what is wrong with a royal commission. In addition, what is wrong with the royal commission is the colossal cost. If this government has money to spend on child protection, it wants to do it for children in the here and now.

HEALTH REVIEWS

Ms RANKINE (Wright): My question is directed to the Minister for Health. How many inquiries have been conducted in the health portfolio during the government's year in office, and how does that compare to the number of reviews conducted during the last year of the previous government?

The Hon. L. STEVENS (Minister for Health): I am pleased to answer this important question. In the first year of office of this government, my portfolio has established five inquiries. They are: the generational health review, an examination by experts into why our public hospitals suffered major infection outbreaks under the previous minister's watch, work on hospital performance, the transition of older people out of acute hospitals and, finally, changes to the management structure of the Department of Human Services. All these have been necessary to find solutions for the policy failures of the previous government.

We should compare these five reviews with the 69 reviews that were conducted by the former minister in his last year of office and with the over \$100 million spent by the former government in selling ETSA. The former minister was obsessed by reviews. He had triennial reviews, 10 year reviews, reviews into recommendations and a review of work practices, and established policies, procedures and systems.

Any decision meant another review. So, the former minister's complaints to the media yesterday have absolutely no credibility whatsoever.

CHILD ABUSE

The Hon. R.G. KERIN (Leader of the Opposition): My question is directed to the Attorney-General. What is the government doing to investigate allegations of child abuse dating back prior to 1982? On 12 February 2002, the then police minister said on ABC radio, when interviewed about his claim that a royal commission into abuse of children in government care would be a waste of time and money, said:

There are concerns about matters that go back before 1982.

In answer to the last question I asked of the Premier, the Attorney-General said that victims wanting justice should go to the police. However, he is well aware of the statute of limitations.

The Hon. M.J. ATKINSON (Attorney-General): I thank the Leader of the Opposition for asking the same question again, and I will be happy to answer it. The Liberal Party was in office for eight years when these allegations were about. It did nothing about them. It did not set up a royal commission; it set up no inquiry of any kind; and, in fact, the attorney-general in the Liberal government was opposed to lifting the immunity for pre-1 December 1982 child sex offences. The former Liberal attorney-general is on the record as being opposed to lifting the immunity on child sex offences pre-1 December 1982, and I can show him the document if he would like to see it. This is a remarkable turnaround for the Liberal Party. It was opposed to lifting the immunity and having the Director of Public Prosecutions assess whether there was a reasonable prospect of conviction for pre-1 December 1982 sexual offences. The Liberal Party was opposed to lifting that immunity, and now it is asking us what we are doing. When I was shadow attorney-general I told Pamela Ayling and her group that if Labor came to office we would consider lifting that immunity. Within a very short time of coming to office we established a select committee to inquire into exactly that topic.

The select committee is currently deliberating on that matter, and I will be interested to see whether the select committee reaches a conclusion different from that of the Hon. Robert Lawson, who is on the record as being opposed to lifting the immunity. My feeling is that the select committee will recommend lifting the immunity and, upon the select committee's doing that, the Labor government will act swiftly to implement its recommendations. That is what we are doing: we are overcoming eight years of the Liberal Party's ignoring this question. Furthermore, it was this government that set up the inquiry into child protection by Robyn Layton within I think a month of coming to office. I do not know how much more swiftly we could have acted. So, we are delivering on our promises, and we hope that within a few months we will be able to overcome the Liberal Party's position, which was by a legal fiction to protect child sex offenders who committed those offences before 1 December 1982. That was the Liberal Party's position and, as the premier in a government which appointed the Hon. Robert Lawson as attorney-general, you inherit and are responsible for his policy.

ELECTRICITY, RETAIL LICENCES

Mr SNELLING (Playford): I direct my question to the Minister for Energy. Has the Essential Services Commission received any new applications for electricity retail licences in the lead-up to or since the introduction of full retail competition and, if so, from whom were the applications received?

The Hon. P.F. CONLON (Minister for Energy): The Essential Services Commission has indeed received two applications pursuant to Part 3 of the Electricity Act to retail electricity to contestable customers in South Australia since 1 December. An application has been received from EnergyAustralia, a New South Wales government owned corporation. EnergyAustralia already holds retail licences in New South Wales, Victoria, Queensland and the ACT, and has over 1.4 million customers. In its application EnergyAustralia states that it plans to market and sell electricity to all classes of contestable customers in South Australia. The second application was received from Australian Energy Services Pty Ltd to reactivate its application for a new retail licence (obviously, a new government gave it confidence) that had been put on hold. AES is a wholly owned subsidiary of Australian Energy Limited. AES already holds retail licences in Victoria, New South Wales and Queensland. If they are approved these applications will bring the number of licensed retailers in South Australia to 12.

This is in stark contrast to the member for Bright's assertion on 3 March 2003 that there is no electricity retail competition to South Australian households. Let me remind the member for Bright of what he said. He went out at 8 a.m. with a press release on 3 March and said that it was total failure and there is no competition. The problem was that he has the comic timing of Mr Bean. At 10 a.m. on 3 March Origin went out and announced to several thousand customers to whom it was making offers that it expected to win from the retailer, and we have seen the further indication today from TXU that it is making a series of offers to new customers within the week.

The Hon. W.A. Matthew interjecting:

The Hon. P.F. CONLON: 'They would have been there from 1 January,' says the member for Bright. Thank you! Let me tell you why there was not competition on 1 January and let us go back to the information that was released when John Olsen, the former premier, betrayed the people of South Australia and told them that he was going to sell ETSA. He told them of that in the MPs briefing packages on how to sell this betrayal—they left them in the cupboards; we have a few. One of the things that the people of South Australia were told at the time is that when there was privatisation they would break up ETSA into a series of distribution and retail companies, and that there would be a series of contracts offering electricity. That is what they told people, but they told people a lot of things when they privatised. Their highly paid American consultants then came in and said, 'No, no; do not worry about the people—let's just sell one distribution company; one retail company will get more money.' It was the decision of privatisation by the former government that left a private sector monopoly at 1 January.

I have told the house that we are seeing with this government the breaking down of that monopoly and the introduction of competition for the first time—a genuine contest for customers. I am the first to recognise that the offers we are seeing are modest improvements. Let me make clear that this follows from their privatisation, from their 45 per cent

increase for big businesses and from their 25 per cent increase at the start of this year. We are seeing for the first time a change of direction. Apart from the many years after the hole these people dug, we are seeing a change of direction in electricity prices. As modest as that is, it must be welcome. We need to see, digging ourselves out of the hole they created, greater competition and genuine contests for customers. That is what we are seeking to create. We will not rest, but the signs in relation to electricity are now more positive than they have been for three years.

JURORS

The Hon. R.G. KERIN (Leader of the Opposition): My question is directed to the Attorney-General. When will the government increase the travelling allowance provided to jurors as recommended in the Sheriff's review of the jury system? A constituent serving on a jury in Port Augusta has told me that he had to travel over 200 kilometres per day to attend the court and that the mileage allowance of 20 cents per kilometre did not recompense her costs of travelling. In May 2002 the Sheriff, on behalf of the Courts Administration Authority, prepared a report in which he recommended that the allowance be increased to 50 cents per kilometre, but 10 months later the government is yet to act on the recommendation.

The SPEAKER: It seems that at least part of the answer to the question that the honourable member has asked has already been provided in what he calls his explanation. Notwithstanding that apparent anomaly, I invite the Attorney-General to address the matter.

The Hon. M.J. ATKINSON (Attorney-General): The government recognises that the allowances paid to jurors have not been increased for a long time and are inadequate. We doubled the allowances for jurors who were to serve in long trials. I would like, as the budget allows, to go further and be more generous to jurors who lose income as a result of jury service or who travel long distances in an automobile to serve on a jury. It is just a question of what the budget will allow.

TEACHERS, COUNTRY

Ms THOMPSON (Reynell): My question is directed to the Minister for Education and Children's Services. What has the government done to help graduate teachers secure permanent jobs, and has special attention been paid to country areas?

The Hon. P.L. WHITE (Minister for Education and Children's Services): This government is clearly focused on the future of our students at school, and we know that means paying much attention to our teaching work force and ensuring that it is a stable work force. On several occasions, I have reported to the house about the work we have been doing to increase the number of permanent positions available to our teachers. Similarly, we must attract young teachers to our teaching work force, and by ensuring those jobs for the next generation of teachers we are investing in the long-term stability and quality of teaching, especially in country areas.

This year, the state government has more than doubled the number of teaching graduates appointed to permanent teaching jobs in South Australian public schools. That is quite a significant achievement and has come about through the efforts of the Department of Education, and I commend them for it. More than 110 graduates have been appointed to permanent vacancies, compared to the 2002 year intake of

54 graduates to permanent positions. Forty-seven graduates were recruited to permanency the previous year.

The Hon. D.C. Kotz interjecting:

The Hon. P.L. WHITE: The member for Newland interjects that there are 6 000 unplaced graduates. She completely misunderstands—as did the member for Bragg—the meaning of employable teachers in this state. Unless she wants to display that misconception, perhaps she would like to listen to the answer to this particular question. In total, more than 230 teaching graduates have been recruited this year, with four out of every five posted to country schools. There were 150 teaching graduates recruited for 2002. So that is quite a significant increase. Sixty-five graduates have been appointed to schools in Port Augusta, Whyalla, the Far North and Eyre Peninsula. As the house would know, some of the hardest to staff schools in this state are located in those areas.

About half of the teaching graduates appointed possess qualifications in specialist teaching fields, such as mathematics, science, technology, and physical education. It represents a significant injection of youth into the teaching force and, on top of other efforts that we are making to rejuvenate and ensure quality teachers well into the future (such as our country teacher incentive scheme), this is seeing a big difference in schools in South Australia.

AUTISM ASSOCIATION OF SOUTH AUSTRALIA

Ms CHAPMAN (Bragg): Will the Minister for Education and Children's Services advise the house why \$60 000 was cut from the Autism Association of South Australia early development program when there has been a substantial increase in autism clients? In the past five years, autism rates have increased by over 50 per cent. From January 2001 to June 2002, an additional 383 pre-school age children were registered for assistance under the program. In response, the Labor government has cut funding by \$60 000 to \$184 000 per annum, and professional therapy services at a number of the sites will now cease.

The Hon. P.L. WHITE (Minister for Education and Children's Services): I wish that I had the figures in front of me, because what the member for Bragg has not told the house is what is the total education funding. There are two sources of government funding to the Autism Association. One source comes from my colleague the Minister for Disability Services and is aimed at adults with autism. The other source of funding comes from the Education Department, which is my department, and is for early intervention and school-based services. This year the education component of funding to the Autism Association has increased by 18 per cent.

I am surprised that the member for Bragg asked the question, because that is in contrast to what happened for the few previous years prior to that decision being made by the new Labor government. In fact, in each of those three years there was a cut by the previous Liberal government. The honourable member asks the question knowing that her administration made cuts to the Autism Association. The new government's administration has met an increase of around, I believe, 18 per cent—almost \$200 000 extra. I am speaking from memory here, but I believe the figure is of that order for school-based services for children with autism in the state. The Autism Association, even with that significant increase in funding, chose to restructure its services.

It is providing more services for its under four-year-old children, and has restructured some of its services for its four-

year-old children. At the time the Autism Association was advised of its funding (and the funding is calculated by the Ministerial Advisory Committee on Students with Disability) it was told that there was flexibility to distribute that 18 per cent increase in funding across programs. It chose not to distribute some of that funding to the particular service that it has now restructured. I believe that one of the services involves a relocation of facilities into its head office facility.

For the member for Bragg to talk about a cut to the Autism Association's funding by this government, when it has seen the first increase in funding (an 18 per cent increase) for at least the last four years (because I know that for the three previous years there were cuts by the previous Liberal administration), is certainly a bit rich.

TOURISM AWARDS

Ms BREUER (Giles): My question is directed to the Minister for Tourism. At the recent National Tourism Awards function held in Adelaide in February, were any South Australian events or tourism operators successful in winning their category?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I thank the member for Giles for her question because I know of her keen interest in tourism and in this event that was held in February. The national finals were held at the Convention Centre. South Australia was fortunate in that we took five awards, running second behind Queensland and tying with the ACT, with Victoria achieving only three awards and Western Australia and the Northern Territory achieving two each. The South Australian Tourism Awards demonstrated a very high level of achievement, whereby we hit above our weight. Winners of the awards were the Nullarbor Traveller, which is an adventure tourism operator taking, often, backpackers and adventure tourists across towards Perth.

That company won the Adventure Tourism Award, as well as the Significant Tour and Transport Operators Award. I should commend its proprietors, Andy Kneebone and Kat Lenaerts, who operate this young and exciting business. The Glenelg Beach Resort won the inaugural Backpackers' Accommodation Award. This operation is run by Geoff and Kathy Needs. Adelaide Hills Country Cottages, which is a family-run business operated by Steve and Mandy Adcock, won the Hosted Accommodation Award. Encounter 2002 run by Australian Major Events won the Significant Festivals and Events Award.

Their achievements allow them to act as role models and allow growing businesses to look towards them as not just role models but also the benchmark for their future aspirations. The awards night was attended not just by the Premier, the Deputy Premier and me but also by visitors from across Australia, and it received very wide coverage in the *Weekend Australian*. South Australia also recently won the Sports Industry Australia Award, which was held in Melbourne last month, for the Jacobs Creek Tour Down Under. It won the Sports Tourism Award ahead of 2002's other competitors, which were the World Masters Games in Melbourne and the Ironman Australia Triathlon. I am delighted to acknowledge and congratulate these South Australian tourism operators, because we certainly do punch above our weight in terms of quality tourism destinations.

SCHOOL COUNSELLORS

Ms CHAPMAN (Bragg): My question is directed to the Minister for Education and Children's Services. What commitment will the minister take to ensure that counselling services are available in all primary schools? The South Australian Primary Principals Association recently reported that issues relating to the social and emotional health of students are widespread and defy simple socioeconomic classification. The association's President, Mrs Leoni Trimper, says that recent studies have shown marked increases in the levels of anxiety and depression amongst primary age students from all backgrounds.

The Hon. P.L. WHITE (Minister for Education and Children's Services): The first point is that we have already done something about primary school counsellors.

Mr Brindal: What?

The Hon. P.L. WHITE: Again, I am surprised that the honourable member raises this issue. The member for Unley says, 'What?'. Well, we have just delivered in the 2003 school year, which began some months ago, \$1 million worth of extra primary school counsellors to all category 4 schools in this state. Category 4 schools under the Liberal government did not have primary school counsellors, so this contribution which has already been made is significant.

The member for Bragg raised the question of what the Labor government is going to do. I highlight what the Labor government has already done. Prior to this decision, only categories 1, 2 and 3 schools on the educational index of disadvantage had primary school counsellors. Now, thanks to a Labor administration—and \$1 million extra in funds which has been put into the education budget specifically for this purpose (signed and sealed)—we have primary school counsellors in all category 4 schools in this state.

We recognise the importance of counsellors and the contribution they make, and that is why the Labor government promised them. But what did the Liberal government promise? Zip! We have delivered \$1 million worth of extra salaries for counsellors across this state, so all category 4 schools in South Australia now have primary school counsellors delivered by a Labor government. Thank goodness we did not have a Liberal one.

BUSES, DISABLED SERVICES

Mrs GERAGHTY (Torrens): Will the Minister for Transport say when the government is planning to make O-Bahn buses more accessible to people with disabilities?

Mr Venning: Another Liberal idea.

The SPEAKER: Order! The member for Schubert is not the Minister for Transport.

The Hon. M.J. WRIGHT (Minister for Transport): It is important for public transport to provide the same services to people with disabilities as it does to other passengers. To this end, new low floor bus prototypes are being trialled on the O-Bahn over the coming months. The unique nature of the O-Bahn system means that the process of selecting buses for the new fleet needed to commence early to ensure that equipment was compatible. Services have already commenced using a Mercedes low floor accessible rigid bus fitted with O-Bahn guidance, and a Scania articulated bus will be added at the end of April.

These prototypes also provide an opportunity to test other equipment and customer facilities that are being considered to ensure public transport can best meet future needs. I am

advised that, after some initial running on the track, the two prototypes will be fitted with a range of equipment such as on-board TV and sound systems that are being investigated for possible future use on long haul bus routes. Customer preferences will be surveyed for the various combinations of equipment and facilities that will be trialled. O-Bahn patrons will already see the Mercedes buses in service on the track, but the full-scale trial and passenger surveys will commence when both buses are fully fitted and in service at the end of April.

DISTANCE EDUCATION

Ms CHAPMAN (Bragg): Will the Minister for Education and Children's Services advise the house why distance education supervisor training contracts with current students have not been signed; and will this program be continued in the next financial year? The distance education supervisor program trains governesses for distance education. I have been informed that the contracts for this year are in the hands of the Minister for Education and Children's Services but have not yet been signed. Consequently, the nine people involved have not received their funding and have no assurance of the completion of their certificate course.

The Hon. J.D. LOMAX-SMITH (Minister for Employment, Training and Further Education): Those contracts of training relate to further education—

Ms Chapman interjecting:

The Hon. J.D. LOMAX-SMITH: As it relates to further education, I am very happy to bring back an answer later.

NEW HOME OWNER'S GRANT

Ms BEDFORD (Florey): My question is directed to the Minister for Housing. Has there been any progress in the joint initiative between HomeStart Finance and the Adelaide City Council in providing affordable housing in the Adelaide City Council area?

The Hon. S.W. KEY (Minister for Housing): I am pleased to say that, because of the Labor government's valuing of and relationship with local councils, one of the areas we have been looking at is ensuring that the maximum amount of housing is provided. In the case of the Adelaide City Council, some work has been done to try to ensure that we can assist people into housing which they may not otherwise be able to secure. In late December last year, discussions were held between HomeStart Finance and the Adelaide City Council on a proposal to initiate a new home ownership product to assist lower income households to access city living.

Today, I am pleased to be able to advise that the proposal, having been launched I think last month, has already generated significant interest. The essence of this joint initiative is that it draws together a \$5 000 Adelaide new home owner's grant—and this has been made available by Adelaide City Council—with a loan option developed by HomeStart Finance. This has been aimed at singles earning \$45 000 per annum or less, or households with a combined income of \$55 000 per annum or less. This initiative will remain in place until the pilot runs out in August 2003.

We are hoping that, at the end of this time, at least 85 grants or loan packages will be made available. The extent of interest that has already been generated may mean that there could be another program which will look at targeting another round of loans on this basis. The Adelaide new home

owner's grant will be available to applicants who choose to purchase housing in Adelaide (5000 postcode), or in North Adelaide (5006 postcode), irrespective of whether these applicants have had previous home ownership. The recipients will be required to live in the purchased dwelling for at least six months.

The HomeStart loan is available as a variable interest rate home loan with a maximum term of 30 years for dwellings with a maximum property value of \$300 000. HomeStart Finance will lend up to 95 per cent of the market value of the property, or the purchase price, whichever is the lesser. I look forward to reporting back to parliament on the outcomes of the pilot program. What this program demonstrates is that the state housing plan development process is really starting to come up with some good products and options for people to ensure that we provide as many South Australians, particularly those on a low or moderate income, with affordable housing.

URBAN GROWTH BOUNDARY

Mr O'BRIEN (Napier): My question is directed to the Minister for Urban Development and Planning. What is the current status of the urban growth boundary—the PAR—and what is its impact on land availability?

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): I know this is a vital issue for electorates such as the honourable member's, near the urban growth boundary. This is a very topical issue, because recently there has been a bit of media interest about the question of land availability. One media report speculated that we are facing the most acute housing and land shortage in decades—a somewhat surprising observation given that the urban boundary itself contains within it, on present estimates, even assuming current levels of density, about 15 years of land supply. Obviously, lots of different interests are being promoted publicly about these different issues.

Of course, some people are trying to encourage the Land Management Corporation to put more land on the market. Obviously, there are people who have interests in purchasing that land. Other people are interested in seeking for land to be developed outside the existing urban growth boundary in much the same way as we had sprawling suburbs in the past that continued on out into the prime agricultural land that exists around the metropolitan area.

That is clearly not a policy that the present government supports. We have drawn a growth boundary, and we have recently finalised the plan amendment report which enshrines this around the metropolitan Adelaide area. This is an important issue, because we cannot have a situation where we have schools under threat of closure within the metropolitan area because of falling enrolments, but when there are massive demands for public infrastructure and other infrastructure demands such as sewerage and water reticulation on the fringe of the metropolitan area.

These are extraordinarily expensive pieces of public infrastructure and, with scarce public dollars, it is crucial that we learn to live in a sustainable fashion within a definable urban growth boundary. That will require us to confront a number of issues. We will have to consider issues such as higher density housing. That raises obvious questions about the character of suburbs. It also will require a close working relationship to develop between the Minister for Housing and me as we try to establish a proper basis for ensuring that there is affordable housing. Certainly, there is a policy towards

which this government is dedicated. It will ensure that we protect what is an important resource, that is, the agriculture area around our cities. It will also ensure that we will have livable and enjoyable suburbs, and not one sprawling suburb from here to Murray Bridge.

MURRAY RIVER FERRIES

The Hon. M.R. BUCKBY (Light): Will the Minister for Transport rule out the closure or reduction of any ferry services that operate on the River Murray?

The Hon. M.J. WRIGHT (Minister for Transport): It seems to have started about a month earlier this year—the opposition's speculating about what is in the budget. It will just have to wait until the announcement of the budget. As I said yesterday, and as the Treasurer and other ministers have said previously, we do not play games like the previous government did.

PAINTERS, ITINERANT

Mr KOUTSANTONIS (West Torrens): What is the government doing to ensure that consumers are protected from itinerant painters preying on elderly householders?

The Hon. M.J. ATKINSON (Attorney-General): The Office of Consumer and Business Affairs has been concerned for some time about the activities of itinerant painters. Itinerant painters such as Joseph Smith and Alexander Gervaise prey on elderly people by turning up on the person's doorstep offering to do minor maintenance and repair work. Alas, the work is often of poor quality and very overpriced. The Office of Consumer and Business Affairs investigation into Mr Smith's and Mr Gervaise's activities was sparked by a complaint from an 88 year old pensioner who was charged \$2 450 for substandard work. The Office of Consumer and Business Affairs has gathered evidence indicating that Smith and Gervaise are part of a shonky itinerant roof painting syndicate that uses false business names and addresses to impede investigations into their conduct. Smith has a long history of dodgy roof repair work and was first reported in 1996 in Western Australia under his former name of Robert Balfour.

I would advise consumers who are approached at home by an itinerant painter to ask always for the trader's identification and licence card. Consumers should also get a firm quote before any work begins. Smith's licence has been cancelled and that prohibits him from performing any type of building work or repairs. Staff from the Office of Consumer and Business Affairs are also interviewing witnesses with complaints against Mr Gervaise. I urge any consumer who may have had work done by Smith or Gervaise to conduct the Office of Consumer and Business Affairs and to help with the investigation.

RAILWAYS, EYRE PENINSULA

The Hon. M.R. BUCKBY (Light): Will the Minister for Transport advise the house what process and timetable the state government has adopted to determine the future of the railway line on the Eyre Peninsula owned and operated by Australia Southern Railroad? The railway line on the Eyre Peninsula is narrow gauge and isolated from the rest of South Australia. ASR purchased the land in 1997. The line is currently in need of an upgrade to allow increased axle loads and the removal of current speed restrictions.

The Hon. M.J. WRIGHT (Minister for Transport): I thank the member for Light for his detailed question; I will bring back a detailed answer.

DEFENCE RESERVE SUPPORT COUNCIL

Mr HAMILTON-SMITH (Waite): Will the Premier advise the house why he has not responded to any of three consecutive letters seeking a meeting and his support from the Defence Reserve Support Council? The state government is a major employer of Defence Force reservists. The Defence Reserve Support Council works to build relationships between employers and reservists. The opposition has been advised that three letters seeking a meeting and support from the Chair of the Defence Reserve Support Council have been sent to the Premier, to which no response has been received.

The Hon. M.D. RANN (Premier): I understand I am addressing a defence reserve function, but I will certainly check that. I guess that, with your status as a lieutenant colonel, retired, and my status as an honorary colonel myself, we can discuss this at our leisure.

ACCESS CABS

Mrs HALL (Morialta): Will the Minister for Transport advise the house what impact, if any, the \$6 bonus scheme for a collection time of less than 13 minutes has had on reducing waiting times for Access Cabs? Recently one of my constituents, who is incapacitated and entirely reliant on Access Cabs, booked a cab for 2.15 in order to meet her grandson for an appointment at school. She waited for over an hour, but the cab did not arrive, and she and her grandson missed the appointment. The next day she needed to use an Access Cab again. She was stranded at the local shopping centre and was ably assisted, I might say, by local police officers, who had to call the Access Cab for her, but this time she had to wait for nearly one hour.

The Hon. M.J. WRIGHT (Minister for Transport): I thank the member for Morialta for her question. Generally it has had a very good effect and in about 90 per cent of cases there have been improved waiting times. As I have said before in the house, we will probably never have a perfect system. We certainly have a better system as a result of the bonus put in place and I have little doubt about that. I would be happy if the member for Morialta would like to pass on those details and I will follow them up on behalf of her constituents because, obviously, it is not good enough and I would like to pursue it on behalf of those constituents. We try to make the system the best we can. As I said from the early days of our coming to government, this is a difficult policy issue. A new contract has just started for Access Cabs and I wish Adelaide Independent Taxis all the very best. I am sure they will try to improve the system.

In regard to the \$6 bonus, there is no doubt it has made a significant improvement. There will always be isolated examples—maybe a number of examples—that can be brought forward, as the member for Morialta has done, because we will never have a perfect system. I would be delighted to receive additional information from the member for Morialta and I will pursue it with the PTB. On behalf of the PTB I apologise for the waiting times that those people have experienced, because clearly they are not acceptable.

The SPEAKER: I tell the minister that it is commonplace.

METROPOLITAN FIRE SERVICE

Dr McFETRIDGE (Morphett): Will the Minister for Emergency Services advise the house what actions he is taking to address the backlog of promotions in the senior ranks of the South Australian Metropolitan Fire Service? According to the United Firefighters Union information notice dated 18 February 2003, the South Australian Metropolitan Fire Service is facing a potential crisis if it fails to address the backlog of required promotions through the station officer, district officer and fire commander ranks.

The Hon. P.F. CONLON (Minister for Emergency Services): I thank the honourable member for his question. It is good to see that someone else, as well as the Leader of the Opposition, has a high regard for Mick Doyle. The leader continues to ask questions and now the honourable member is quoting him. It is hard to understand why their relationship does not appear to have been better in the past as they appear to have high regard for him. There are longstanding issues involving the promotional system in the Metropolitan Fire Service. Those issues include the fact that in the appeal process the system often appears to lead to lengthy delays, and I acknowledge that. It is a matter of concern that is being addressed presently. As to the matter raised, I will get more detail. I was not aware of that matter and cannot say it is the case. However, the former minister would know that you would not be human if you did not have concerns about some of the delays the appeal process is currently throwing up. It is being addressed and needs to be worked through with the union in due course. I acknowledge that I am concerned about it; it has been a longstanding problem and we are hoping to find a solution to it soon.

DRIVE CAMPAIGN

Mr HAMILTON-SMITH (Waite): Will the Minister for Tourism advise the house whether the recently launched Drive Campaign has been compromised by the government's decision to cut maintenance to country roads? The Drive Campaign was launched in February 2002 and the minister spoke at length to the ABC about the expectations for those touring through South Australia when she said:

We are finding that people are staying longer. That is a bit to do with the demographics. We're getting an ageing population, people are taking early retirement. The nomads are on the road and they are seriously spending months exploring.

At the same time the government has cut road funding, including outback road funding, by \$13.5 million.

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I am delighted to answer the question from the member for Waite. First, though, I point out that the member has misquoted me, because I have not said anything about road funding being cut. I think there should be inverted commas and perhaps a comma in the middle of the sentence. However, I will comment on road building by the Department of Tourism.

It is certainly not my view that it is our core business to build roads. I think that building roads is the prerogative and a job for the Minister for Transport. However, it is true to say that some ministers for tourism have had a view that it is their responsibility to spend very scarce advertising and marketing dollars not on advertising and marketing but on building roads. Maybe the member for Waite is not guilty of this, but I believe that his predecessor spent \$1.9 million, if I am correct, on building the road to Corny Point. While I think

that going along the Yorke Peninsula is a useful activity and a great destination, spending nearly \$2 million out of the tourism budget on building a road is scarcely a good expenditure of funds.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. LOMAX-SMITH: In fact, when I last visited Yorke Peninsula, I was rather charmed by the quality and high calibre of this road. Indeed, I was rather touched when I opened it. I did say to the Mayor, 'I don't like the idea of giving a speech at the opening of a new road at a dais in the middle of the road with about 50 or 60 seats up ahead of me. I think I'll give a very brief speech just in case I'm run over.' I have to inform the house that, when I stood on the road built from the tourism budget and gave a lengthy speech, with a very large audience and in a ceremony that took over an hour, not a single car passed!

Mr Hamilton-Smith interjecting:

The SPEAKER: The member for Waite has had his question.

Mr Brindal interjecting:

The SPEAKER: And the member for Unley is not on the call list. The honourable member for Light.

BUSES, SCHEDULES

The Hon. M.R. BUCKBY (Light): Can the Minister for Transport advise the house whether the aggregate formula over which bus routes are timed has been altered to take into account the new 50 km/h speed limit? If not, can the minister advise whether a moratorium has been placed on the bus companies to allow the Passenger Transport Board time to adjust the schedules? The Passenger Transport Board has in place a schedule which mandates that the private bus companies must ensure that their buses arrive on time or face significant penalties. One of the parameters of this aggregate (that is, the 50 km/h speed limit) has now been changed.

The Hon. M.J. WRIGHT (Minister for Transport): I thank the member for Light for his question. I am sure that the PTB would be happy to provide me with that information, and I will bring it back for the member for Light.

The SPEAKER: How long will that take?

HINDMARSH SOCCER STADIUM

The Hon. D.C. KOTZ (Newland): Will the Minister for Recreation, Sport and Racing advise the house why he has refused to extend for a further two years the agreement with Adelaide Force Soccer Club beyond the end of this soccer season? An extension of this agreement would enable the club to claim Hindmarsh Soccer Stadium as its home ground and derive economic stability through future planning. Will the minister assure the house that he will extend this agreement immediately?

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): The answer to the last part of the question is no. The answer to the earlier part of the question is that I have recently met with the Soccer Federation. The meeting was a constructive discussion about a whole range of topics. I have asked the Office of Recreation and Sport to have regular meetings with the Soccer Federation, as a number of issues need further work. As that information is provided to me, a variety of options can be considered. I look forward to those ongoing discussions.

TRANSPORT SA WEB SITE

The Hon. M.R. BUCKBY (Light): Will the Minister for Transport advise the house why the web page advising the community of the 10 worst black spots in South Australia has been removed from the Transport SA web site? The government has repeatedly committed itself to being open and accountable, and road safety has been highlighted as a key government priority, yet the information regarding the 10 worst areas in Adelaide for accidents has been removed from the public eye.

The Hon. M.J. WRIGHT (Minister for Transport): I thank the member for Light for his question, and he is right: this government has identified road safety as a key part of an incoming Rann Labor Government. It is still not too late, and let us hope that the Liberal Party gets on board. It is not too late because this issue is being debated in the Legislative Council. Also, as part of the road safety message, we have, for the first time ever, a state black spot program, which complements the federal black spot program. Initially, last year's budget announced \$3.5 million as the first stage of that program. That was increased to \$6.9 million. I think that is the figure but I will have that checked. Of course, this information is ongoing. With respect to the web site, perhaps it is being updated. This is what happens: web sites are updated.

BUSES, NEW

The Hon. M.R. BUCKBY (Light): Will the Minister for Transport advise the house how many new buses have been supplied to both Southlink and Torrens Transit? On 12 August 2002 the minister announced that, as part of the bus replacement program, a total of 38 new buses will be supplied to Southlink by the end of June 2003, with another 12 buses destined to the east-west contract area operated by Torrens Transit.

The Hon. M.J. WRIGHT (Minister for Transport): No, I cannot—not off the top of my head. However, I am happy to get an answer for the member for Light, and I will do that very quickly. I imagine that I can provide that information to the honourable member if not today, perhaps tomorrow. I will get that information from the PTB. I will make sure that the information is not tardy in coming forward from the PTB and I will deliver it to the member for Light as soon as possible.

BROUGHTON ARTS SOCIETY

Mr HAMILTON-SMITH (Waite): Will the Premier as Minister for the Arts advise the house if funding for the Broughton Arts Society is to be cut? The Broughton Arts Society is a voluntary group, which provides art and craft opportunities for handicapped people. The government has previously provided \$7 500 in taxpayers' money each year on an ongoing basis to continue this service, funding which is vital for the continuation of the society.

The Hon. M.D. RANN (Minister for the Arts): I would certainly be very happy to investigate that matter. I do not have that information at hand. It is always important to admit failure, so I will check it out and get back to the honourable member. I would also like to apologise to the honourable member previously when I reflected on our different ranks as a lieutenant colonel and a full colonel. I did not mean in any way to imply anything. In this chamber we are all equal, although some of us are *prima inter pares*.

The Hon. D.C. Kotz interjecting:

The SPEAKER: Order! The member for Newland does not have the call, and she is not the Minister for the Arts.

The Hon. D.C. Kotz interjecting:

The SPEAKER: Order! The member for Newland will not ignore the chair.

VOLUNTEERS

Dr McFETRIDGE (Morphett): Will the Premier in his capacity as Minister for Volunteers give the house an assurance that the government has no plans to scrap the volunteer support funding grants?

The Hon. M.D. RANN (Premier): I can inform the house that, currently, negotiations are advanced—historic negotiations. That process began last year. In fact, it was announced at a function at Carrick Hill which representatives of hundreds of volunteer organisations attended. I think that there were about 6 000 volunteer organisations. The member for Mawson spoke at the same historic gathering. It was held on the day of the Adelaide Cup. I know that the honourable member behind me, my honourable friend, the parliamentary secretary, has been charged with the responsibility of negotiating an historic partnership agreement with 6 000 volunteer organisations.

Some might say that I gave her this task in order to keep her busy and out of my office, but that would be unfair. But I can reveal to the house that I am delighted that the negotiations have proceeded at a pace far greater than is experienced in other jurisdictions around the world. We are looking forward to a ceremony, to which I will invite the member for Mawson because of his interest in the area, to witness the historic signing, and I will get the information the honourable member requires.

WORKERS COMPENSATION TRIBUNAL RULES

The SPEAKER: With respect to Order of the Day No. 2 on the *Notice Paper*, I must inform the house that yesterday the Legislative Council disallowed the Workers Rehabilitation and Compensation Act—Tribunal Rules 2001 that are the subject of the member for Mitchell's motion appearing as an Order of the Day and a private member's motion for disallowance of the same matter. It is not competent for the House of Assembly to consider the motion further, given that the rules no longer exist and, in accordance with the practice of the house, I direct that the Order of the Day be withdrawn from the *Notice Paper*.

GRIEVANCE DEBATE

McLAREN VALE WINE REGION

Mr BROKENSHIRE (Mawson): My electorate of Mawson represents a magnificent tourism region that, over a great period (and particularly the last 10 years), has been creating many jobs and much economic wealth for our region. Today, sadly, I express my concerns to the Tourism Commission, and particularly to the Minister for Tourism, because the minister's department has failed to acknowledge the McLaren Vale wine region, which enjoys international fame. It wins

gold shiraz awards internationally and, in the last few years, has won the highest awards for shiraz ever received in Australia.

The minister has released a glossy coloured brochure entitled *South Australia Visitor and Travel Centre*. The highlight to the minister's brochure is the 'Wine lovers pilgrimage to South Australia', and it is stated that the brochure offers four great wine holidays, plus Tasting Australia. That is all very fine, but what the brochure does not include is the McLaren Vale wine region. In fact, the brochure states, 'Celebrate the vintage in the Barossa', and contains such references as 'Harvest the best of the hills' and 'Come closer at the Clare Valley and discover Australia's other red centres', but it fails to mention the McLaren Vale wine region.

It is absolutely appalling and clearly indicates how inept the minister's office is. The minister is prepared to publish and promote this brochure, yet it omits a great wine region like McLaren Vale, where at the moment we are seeing a shortage of jobs being taken up. There are plenty of jobs but we are not getting the people to take them up, yet we do not have a department that is prepared to promote this wine region.

The Hon. Dean Brown: That's because it's outside of Adelaide.

Mr BROKENSHIRE: As the member for Finnis says, it is probably because it is outside Adelaide and perhaps the minister is more focused on the CBD area. Of course, we all know that there is far more to tourism than Adelaide. People want proper rural and regional experiences. How can I go to my community day in and day out and ask them to spend good money on capital works, such as the magnificent cellar door which Hugh and Pam Hamilton have established at McLaren Vale and which we had the privilege to utilise during a cabinet community luncheon when we were still in government? How can I ask them to spend huge amounts of money to employ people if the Tourism Commission and the Minister for Tourism do not even include them in these very important brochures? I hope an apology is coming forth for the electorate of Mawson.

The Hon. J.D. Lomax-Smith interjecting:

Mr BROKENSHIRE: The Minister for Tourism shakes her head and says that there will be no apology. That is very disappointing. I cannot believe that a minister would refuse to give an apology to the McLaren Vale wine region, which is doing so much good work when it comes to tourism and value added job opportunities in that area. In the past, the commission and the previous government have shown an absolute commitment to the McLaren Vale wine region and the whole of the Fleurieu Peninsula in terms of investment in infrastructure (such as the visitor centre, the Southern Expressway, the upgrade of the Victor Harbor road) and many other capital works. The previous government was also prepared to provide seeding funds for scoping studies for further developments.

Sadly, the minister is missing another opportunity. One of my constituents wants to develop a \$10 million tourist accommodation and convention complex. He has already put a lot of money into this project and has sought funding approval from the department. He was told that it was no longer a priority and that he would not even be entitled to a mere few thousand dollars to help get up this project, which would create approximately 100 full-time jobs. I think it is deplorable that this government and clearly the Minister for Tourism do not understand that the economic engine room of

a state is driven by opportunities to value add to the wine industry, namely, with tourism. I call on the minister to ensure that in the future we do not see brochures like this again promoting parts of South Australia but neglecting a crucial part such as the McLaren Vale wine region. I am disgusted, the community is also disgusted, and we deserve better.

BUILDING CONTRACT

Mr SNELLING (Playford): I rise today to speak about a constituent in my electorate who came to me with problems she had building a new home. She has a house on a fairly large block, so she decided to subdivide the block, build a new house for herself and lease her old house. She contracted a builder to do the building work. During the construction of the house she identified some major structural problems and refused to pay any further money to the builder until those problems were rectified. The builder refused to fix the problems until he was paid. She was concerned that if she paid the builder she would not have anything to hold against him and that these problems would not be rectified.

As a result, the builder sued my constituent and she filed a countersuit, which has since been heard by the court more or less to her satisfaction, although there are still ongoing problems. My constituent's concern with this whole matter is that taking this matter to court has cost her \$30 000 in legal fees which were not recoverable. In the end, the only way that she could have her contract honoured by the builder was to have the matter decided by the court. She was in a financial position to do this. She had paid off her house and was on the verge of retiring, so she put off her retirement in order to pay these legal fees.

My constituent came to me not so much for herself but for other people who might find themselves in a similar situation. For instance, a young couple building a new house and facing these sorts of problems might not have the money to be able to take a risk and take the matter to court. My constituent took this matter to the Office of Consumer and Business Affairs, and, on the whole, she and I have been very pleased with what they have been able to do for her, but they can only do so much. In her case, the problem was that the builder with whom she was in dispute refused to conciliate the matter until a court order to do so was issued.

I understand that the legal system, by its very nature, is expensive, but it seems to be a rather sorry state of affairs when in order to enforce a contract which has been signed, sealed and delivered a party to an action has to fork out this sort of money. I wanted to bring this matter to the attention of the house, and I would appreciate it if the house would look at this issue in the future.

COFFIN BAY NATIONAL PARK PONIES

Mrs PENFOLD (Flinders): Yesterday, I mentioned that the Minister for Environment and Conservation announced that the Coffin Bay ponies would be relocated to a 400 hectare site owned by SA Water and that this offer was considered to be an insult. This is a minister of a government which claims to be open and accountable, a government which claims that it will speak with the community before making a decision that affects that community, and a government which declared its intention to conduct rural impact studies before implementing decisions. All that appears to have been conveniently forgotten in practice.

On 18 February, the President of the Coffin Bay Ponies Preservation Society, Milton Stevens, was contacted by Ross Allen of the Department of Environment and Conservation requesting a meeting to discuss pony management at the Coffin Bay National Park. Despite being unable to have available many members of the society to attend the meeting, it went ahead. At this time the society was informed that the minister had decided to relocate the ponies to the SA Water land known as One Tree Hill. There was no public consultation.

Mr Stevens advises that the conditions of the relocation included: first, One Tree Hill was to be leased to the Department of Environment and Conservation for a period of 10 years with a review of the lease after five years; secondly, responsibilities included fencing the area, installation of infrastructure to provide water for the horses, management of pests, animals and plants, management of fire hazards, and establishing access to the site from the north; thirdly, access to the area will be restricted to nominated members of the pony society for management purposes; and, fourthly, no public access will be allowed to the relocation site. The cost was estimated to be about \$60 000 plus ongoing maintenance costs.

My question to the minister on Monday 24 March about the eradication of other introduced species was not, as the minister tried to portray it, one of the more absurd arguments promoted about why the ponies ought to stay in the park. Rather, it pointed out to the minister that this money would be better spent on doing something about the real and uncontrolled problems in the park that I mentioned and not a remnant controlled herd of ponies. One can only assume that the minister is picking on the ponies purely as an easy target to make him look as if he is doing something in the eyes of other possible green defectors.

Further, when seven members of the Preservation Society visited the One Tree Hill site on 18 May, they were advised by SA Water staff that there was actually a restriction of two visitors only—another example of the very poor consideration and communication that has occurred. When members visited the site, there was no obvious bore for water. However, members were advised by SA Water staff that a bore does exist somewhere on the property, although they were unsure of exactly where it is. I doubt that the minister even bothered to ensure that SA Water was aware of the ponies being transferred to its land, and we believe it certainly does not want them there. The minister proposes that an access route be developed. However, I have been advised that approval for the route has not been sought, nor has consultation been undertaken with the Barngarla Aboriginal Community Council, despite the property being subject to native title, an issue raised but not responded to in my questions to the minister on Monday—an answer would be appreciated.

Despite the minister's assurances in his press release dated 19 February titled 'Win win', the minister neglected to acknowledge that the ponies, if located at One Tree Hill, would be poisoned after a few years due to the lack of dry cover and suitable green feed on the property. Ponies will be forced to feed mostly on Paterson's curse, a noxious weed that causes irreversible damage to the horse's internal organs, including the liver, eventually resulting in death, an outcome I believe that would not be considered as a bad result by the minister and his department judging by the way in which they are treating this matter.

This government is a government that is exceedingly tardy in responding to the concerns of the people of this state. The government has mastered the art of ignoring the people, no

doubt in the hope that the electors and their concerns will fade away. The Coffin Bay people and those from farther afield who support the ponies remaining in the park seek open communication with the minister to look at a real win-win solution.

Time expired.

GOFERS

Mr RAU (Enfield): I rise today to talk about a matter that I think is very important, that is, the subject of gofers. I am sure that all members have constituents, who, by reason of age, infirmity or disability, find themselves in a situation where they have either to avail themselves of a gofer—I am not sure what the proper name for a gofer is but I—

The Hon. Dean Brown: A gofer.

Mr RAU: I am glad I am on the right track. They have to avail themselves of a gofer or put up with having to rely on other people to take them shopping or to do other very simple tasks for them. There is no doubt that the introduction of the gofer as a feature of our community over the last decade or so has been a great step forward for these people. I can certainly cast my mind back to when I was a bit younger and there was not a gofer to be seen anywhere and many of these people were housebound, so they are a good thing. However, what does concern me—and I think it is a matter the parliament might cast its mind collectively towards in the fullness of time—is whether or not the present regulation regarding gofers is in the full interest of the community.

I say this because a couple matters have been drawn to my attention by constituents which I would like to share with those members present. As I understand it—and Mr Acting Speaker, through your longer experience in this parliament and as a former minister, you may even know more about this than I have been able to ascertain—first, no licence as such is required for a person to drive a gofer. Secondly, there is no registration as such for the gofer. Thirdly, as I understand it, there is no mandatory requirement for insurance for the gofer or anyone who might come into contact with the gofer deliberately or accidentally, and this is where the matter does require some attention.

I have been discussing this matter with the member for Torrens who has a large gofer population in her electorate and the member for Playford who also has a large gofer population. We have been discussing how this matter might be improved. I have to tell members of the house that my electorate office is directly across the road from Bi-Lo on Prospect Road—and I encourage any member who is passing by to drop in for a cup of tea—

Ms Ciccarello interjecting:

Mr RAU: My office. However, directly in front of my office is a splendid new pedestrian crossing. By pressing a button, you are able to stop the traffic on Prospect Road and cross from my side of the road into Bi-Lo. When I sit in my office (which by dint of recommendations from the department had to be at the front of the building instead of at the back where I preferred it to be), I have a full view of the way in which these individuals on gofers transit up and down—

Ms Ciccarello interjecting:

Mr RAU: The member for Norwood also has a gofer problem, too, which we have also shared recently. The way in which these people transit the footpath is hair-raising. I think that some of these gofer drivers have a slight Clipsal tendency. I do not know whether it is because the race was here recently or whether they have seen a lot of this sport on

television or cable, but many of these people just wind up the gofer and away they go. Sometimes it takes but a matter of half a second for them to whiz past my window. I remind members that my window overlooks a pedestrian crossing and other people are stopping there in order to go cross the road—and some of them are on gofers, too.

I am very concerned that one day there will be a pile-up in front of my office as a result of one of these persons whizzing down the footpath. I estimate their speed—I am not a police officer, of course—as being in excess of 10 kilometres, perhaps 15 or 20 km/h—they are humming along. One of these people will either collect another gofer or another pedestrian. In that circumstance, what will happen about the injuries? We need to look at this issue and we need to consider, first, whether there should be some education for people using these machines; secondly, whether the machines should have some maximum speed so that they do not become a danger to the drivers and other members of the community; and, thirdly, we need to look at whether or not some sort of insurance has to apply, because I can tell members, if they were hit by one of these machines travelling at 10 or 15 kilometres, they would know all about it because they are quite hefty.

Some of them are loaded up with shopping, they build up momentum, and it is a substantial volume of vehicle travelling along the carriageway. It is an appeal: let us do something about gofers. All I can say to the people doing the right thing on their gofers, that is, not speeding, is just go for it.

Time expired.

TOURISM INFRASTRUCTURE FUND

Mr MEIER (Goyder): Today in question time I was totally dismayed and outraged at the answer given by the Minister for Tourism to a question from the member for Waite in relation to the maintenance of roads. I was totally dismayed because obviously the minister had no understanding of why the road from Corny Point to Marion Bay was sealed by the Tourism Infrastructure Fund. I just want to explain, first, that the Tourism Infrastructure Fund funded two of the key recommendations from the Yorke Peninsula Tourism Infrastructure Report of 1999. It was a report commissioned by the then premier. It was headed by Roger Cook and it included representatives from the respective councils and from the Yorke Peninsula Regional Development Board.

As a result of that report, the councils put forward about 10 key requests. The number one request in the southern Yorke Peninsula was for the sealing of the road from Corny Point to Marion Bay. In the northern area, it was for money towards the dryland farming centre. For the minister to use words that she did, such as, to use 'the tourism budget on building a road is scarcely a good expenditure of funds'; and that she was: '... rather charmed by the quality and high calibre of this road. Indeed, I was rather touched when I opened it', is being very condescending and patronising towards the people of Yorke Peninsula. In fact, I would say it is virtually an insult to the people of Yorke Peninsula.

The minister needs to appreciate that the most visited national park outside the metropolitan area is Innes National Park. She needs to appreciate that the road she had the privilege of opening is hardly used by locals, because very few locals live along it. As the most visited national park outside the metropolitan area in South Australia, a huge

number of tourists use it. We are trying to promote Yorke Peninsula as a tourism destination. The minister should surely realise that similar funds are expended in other areas by the government through the tourism infrastructure fund such as in the Outback, the Barossa Valley, Fleurieu Peninsula and other areas. It looks as though she was almost saying, 'We didn't want Yorke Peninsula to benefit.' I want to continue to promote Yorke Peninsula because I feel as though we can offer more than Kangaroo Island. It is simply a matter of selling us to the general public. It is very distressing that the minister does not reflect those views.

I personally will be seeking from the minister further funds for tourism infrastructure, because it is the only way we can pay for the sealing of roads. You will not get tourists into areas unless you have decent roads. Surely the minister would appreciate that if she has visited Kangaroo Island in the last couple of years. In earlier times it was horrific to go on the roads on Kangaroo Island. Now at least you can drive with relative safety, and the hire car companies are prepared to hire cars to you without a huge impost. I hope that the minister will reconsider what she has said. I hope that she will appreciate that Marion Bay has had private investment as a result of that road coming down. The Marion Bay Tavern is a wonderful example. There is also the caravan park, promoted by the local council, and there is accommodation, as well. The Liberal government sealed the road in Innes National Park. Our government also was involved with the visitor information centre—a magnificent centre welcoming people into Innes National Park.

I shudder to think what the future of tourism will be like in rural areas if the present minister takes this approach—that she does not want tourism infrastructure money to be spent on sealing and maintaining roads. Heaven help the Outback, Barossa Valley, Fleurieu Peninsula and Yorke Peninsula! I suggest that she do some homework and work out why we spent the money we did on the road infrastructure that has helped promote South Australia as a great place to visit in regional areas.

COME OUT 2003

Mr CAICA (Colton): Today I wish to inform the house of some of the activities undertaken recently by several of the schools in my district. Over the past week, I have been fortunate to attend two celebrations of Come Out 2003. Come Out is a biannual event that involves the many schools across this state. In the first instance, I would like to acknowledge the valuable assistance to Come Out 2003 made by the Department of Education and Children's Services through its Come Out 2003 cash grant program and global education. On 19 March I attended Kidman Park Primary School Come Out 2003. The theme was Ripple Effect—a proactive take on a futures principle focusing on cause and effect of everyone's behaviour and the social legacies of our decisions now.

What I witnessed at Kidman Park Primary School was a glimpse of how its students imagine their futures, their aspirations and dreams, not just for themselves but for this planet. Kidman Park Primary School's celebration festival was a whole of school event with children from reception through to year 7 participating in a host of activities that included dance, music and visual art, with a particular international focus. The entire Kidman Park Primary School community deserves to be congratulated on what was an outstanding contribution to Come Out 2003. Its celebration took many months of planning and, while there are too many

people to acknowledge, I know that the hard-working staff and governing council would like the efforts of Mr Michael Newbold, the Director of Kidman Park Primary School Come Out 2003, to be recognised.

The students of Kidman Park Primary School are a credit to their school and their families but, most importantly, to themselves. Yesterday morning I attended Henley High School to view the event of that great school's Come Out 2003 Ripple Effect celebration—again, an outstanding performance by all who participated and a credit to the school. What made this performance special was the attendance and active participation of the primary schools in the cluster. This included the students of Fulham North, Fulham Gardens, Henley Beach, West Beach, Lockleys and Lockleys North Primary Schools. As members might expect, given the location of these schools, the theme focused on the marine environment, the interdependence of marine creatures and this ecosystem's interactions with humans.

The staff of the schools involved deserve to be congratulated. I know that the staff and students of these schools would like to single out Ms Jane Clarke for her outstanding contribution in directing and coordinating this event. Those two events were a wonderful experience for all involved and those in attendance. If these events reflect the dreams and future aspirations of the children who participated, I can only hope that those dreams and aspirations are fulfilled, for the world will become a much better place than it is today—and a better place than otherwise might be the case.

Yesterday evening, during this house's dinner break, I attended the Fulham North Primary School's Healthy Living Expo, entitled Healthy is Cool. Members might recall my previous contribution on Fulham North Primary School, in particular involving its drug education strategy. Whilst everyone in this house and most people in the community know that drugs are bad, the fact is that the Fulham North Primary School, through its Healthy Living Expo, is building on the foundation of its drug education strategy to educate and promote healthy lifestyles.

The Healthy Living Expo and Healthy is Cool activity at Fulham North Primary School displayed to people that it is not healthy to drink and smoke. At the expo, there were many food and drink stalls, game stalls, mini plays and a skipping display, and police were in attendance, as were ambulance representatives and, indeed, drug sniffer dogs. It was a wonderful opportunity—particularly for me while the house was at a break—to be able to attend that event. I would like to congratulate the school on its efforts in promoting a healthy lifestyle and its adoption of the drug education strategy, and I pay a particular tribute and give credit to the driving force behind that, Mr Peter Hutton, who has involved all the school community in this very worthwhile activity. As the students of Fulham North Primary School understand, healthy is cool.

MINISTER'S REMARKS

Ms CHAPMAN (Bragg): I seek leave to make a personal explanation, as I suggest that I have been misrepresented by the Minister for Education during this morning's proceedings. Leave granted.

Ms CHAPMAN: This morning the Minister for Education delivered a ministerial statement in which she said:

In view of the misinformation given to the house by the member for Bragg and the resultant slight on me, I request the member for Bragg to apologise.

In the course of that ministerial statement she asserted that I had alleged that the minister had 'failed to answer any correspondence on the matter'. The letter referred to during question time yesterday was a letter to the Chief Executive, Department of Education and Children's Services, from Peter Manuel, Principal of the Victor Harbor High School Governing Council; Greg Wirth, AEU sub-branch Secretary; Deb Sorenson, Chairperson; and Brian Freeman, Disability Support Group. The letter states:

The Victor Harbor High School council seek a one hour meeting with the Chief Executive as a matter of urgency (i.e. within three weeks). The following is a brief background.

After 15+ years of regular consultations/meetings/reviews/reports/promises, the VHHS Governing Council and VH community is frustrated at the apparent disinterest of the government to address the educational needs of South Coast students who continue to be educated in substantially substandard facilities. The need is well documented, and suggestions of pork-barrelling (Dean Brown's electorate) are unfounded.

The Labor Government, on taking office, stopped all South Coast regional developments indicating that they needed to review the need.

Ms Julianne Riedstra conducted such a review in October 2002, but the outcomes appear unknown. The minister has failed to answer any correspondence on the matter, and refuses to visit the South Coast. VHHS governing council, staff and students are fed up to the back teeth, and are considering very public militant action, but before doing so, wish to give the new Chief Executive an opportunity to 'get it right'. They seek immediate answers to the following questions, relating to the VHHS Senior School/TAFE/Community proposal:

1. What were the results of the review? Are these available to council?
2. Will the project proceed immediately, if not, when?
3. Who has been put in charge of the project?
4. Has an architect been appointed?
5. What is the time-line for this development (first mooted in 1967)?
6. What can council say to its community about the project scope, completion date, etc.?
7. Approval was given for the Severely Multiple Disabled Unit to proceed—but again no-one is carrying the project, or progressing the work. What is the status of the project? Who should the council refer its questions?

Prior to the elections, seven committees worked diligently to develop a unique educational facility working with local government, TAFE, Flinders University, U3A and local primary schools. Budgets had been allocated, and educational brief had been redone for the fifth time in the past decade. Thousands of hours have gone into planning, with community consultations, student consultations and in myriads of focus meetings. The current Principal was appointed with an expectation that his skills could assist the project! Three years of his tenure have gone!

Approval was given for the SMD Unit to proceed (at \$1.89 million), but the project appears in limbo! No-one in Central Office can confirm the project is actually proceeding! No-one seems in charge! The community require and deserve answers, as the opportunity of cooperation with local agencies is fast disappearing (for example, the proposed shared community library is now in doubt). VHHS governing council seek an audience with and a response from the Chief Executive. Yours sincerely, [etc.]

I read the full letter to make clear that these statements come directly from the letter which I quoted in yesterday's question time, about which the minister asserted that misinformation was given. Indeed, it was not I as questioner making the assertion that the minister had failed to answer any correspondence. I never asserted that the minister had failed to answer any correspondence: it was a direct assertion from the authors of this letter from which I was quoting and, accordingly, my question to the minister as to why she had not answered any questions was directly reliant on the contents of that letter. Instead of an apology being forthcoming, I

bring the house's attention to that situation, and hopefully the minister will now have it quite clear.

Members interjecting:

The ACTING SPEAKER (Mr Brokenshire): Order! If members would like to carry on with this debate they are most welcome to do it outside the chamber, because we need to listen to the Clerk.

MOTOR VEHICLES (SUSPENSION OF LICENCES OF MEDICALLY UNFIT DRIVERS) AMENDMENT BILL

The Hon. M.J. WRIGHT (Minister for Transport) obtained leave and introduced a bill for an act to amend the Motor Vehicles Act 1959. Read a first time.

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

That this bill be now read a second time.

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

Leave granted.

The *Motor Vehicles (Suspension of Licences of Medically Unfit Drivers Amendment Bill 2003* amends the *Motor Vehicles Act 1959* to restore the power of the Registrar of Motor Vehicles to immediately suspend the driver's licence of a person on receiving information from a legally qualified medical practitioner, registered optometrist or registered physiotherapist or from another source, that the person is suffering from a physical or mental illness, disability or deficiency such that they are likely to endanger the public if they continue to drive.

It has been the practice of the Registrar to suspend driver's licences on the basis of such information. This is done to minimise any risk to the community.

Depending on the nature of the information, the Registrar would give a person 14 days notice of his intention to suspend their licence. This would allow the person, if they were able to furnish evidence of their fitness or ability to drive, to avoid the suspension. In a small number of cases, because of the severity of the person's condition, the Registrar would immediately suspend the licence to protect the community. In order to have the suspension lifted the person would then be required to undergo further tests or medical examinations, or provide other evidence to support their fitness or ability to drive. On receipt of the test or examination results or other evidence, the Registrar would then decide whether the licence would be returned to the person conditionally or unconditionally.

As a result, the community was safeguarded by the Registrar's power to immediately suspend the licence of a person who, in the opinion of a health professional, should not have been driving on a road.

This is the procedure intended by Parliament. However, when the Motor Vehicles Act was amended in 1999 to implement the National Driver Licensing Scheme, section 88(1) and (2)—which allowed the Registrar to impose and remove a licence suspension—were inadvertently removed. It was assumed that section 80 contained the necessary power to immediately suspend the driver's licence of a person who was medically unfit to drive, should it be necessary.

However, late last year the District Court found in *Cummings v Registrar of Motor Vehicles* that section 80 of the Motor Vehicle Act does not enable the Registrar to immediately suspend a licence. Rather, the Registrar must, on receiving information from a health professional, and before suspending the person's licence, require the person to furnish evidence that they are fit and able to drive. Only if the person cannot or will not supply this evidence within a reasonable period can the Registrar proceed to suspend the person's licence.

A real, immediate and substantial risk to the community has been revealed as a consequence of the Court's interpretation of section 80 in *Cummings v Registrar of Motor Vehicle* as it may enable people who should not be behind the wheel of a motor vehicle to continue to drive.

Currently the Registrar receives approximately 50 notifications per week from health professionals that a person is suffering from a physical or mental illness, disability or deficiency such that they are likely to endanger the public if they continue to drive. The severity of their conditions is such that immediate licence suspension is warranted. In a significant proportion of these cases, it is unlikely that the person will attempt to continue to drive as they are incapacitated, significantly disabled by their illness or have heeded professional advice not to drive. However, approximately four per cent represent a significant risk to the community as they tend to wilfully ignore or defy the advice of their health professional not to drive.

Licence suspension will reinforce the advice provided to the person by their health professional that they are not capable of driving safely and are likely to pose an unacceptable risk to the community and themselves should they continue to drive.

Officers from the Department of Transport and Urban Planning have worked with the Crown Solicitor to put in place an emergency procedure to deal with individuals whose licences need to be suspended immediately.

However, these procedures do not represent a long or even medium term solution. They are merely strategies designed to minimise the risk to the community until the Motor Vehicles Act can be amended.

Other approaches to addressing this problem, such as providing the Registrar with the power of immediate suspension by amending regulations under the Act, or utilising other general powers under the Act, have been explored and found not to be viable.

The amendments to the Act proposed by this Bill are quite straightforward. Clause 4 amends section 80 by inserting a new provision that restores the Registrar's power to immediately suspend a person's licence on receipt of information that the person is suffering from a physical or mental illness, disability or deficiency such that they are likely to endanger the public if they continue to drive.

The clause also amends the section by inserting the phrase, 'for such period as the Registrar considers necessary in the circumstances of the case'. The intent of this additional amendment is to clearly define the limits of the decision-making process and to allay any perceptions or concerns that the Registrar's powers in determining the period of a licence suspension are virtually unfettered, or that these powers could be misused.

I also note that these amendments to section 80 will in no way diminish a person's right to appeal against a decision of the Registrar. Should a person be dissatisfied with a decision of the Registrar to suspend their licence (including the length of the suspension), the person can seek a review of the decision under section 98Z of the Act. If a person is not satisfied with the outcome of this review, they may, under section 98ZA, appeal against the decision of the Registrar to the District Court.

The Bill also contains a provision to ensure that licence suspensions imposed before the commencement of this measure are valid.

The Bill corrects an anomaly in the Motor Vehicles Act to ensure that it operates as, I believe, Parliament intended.

Most importantly, the Bill seeks to ensure that the community continues to be protected from the dangers posed by individuals who are suffering from a physical or mental illness, disability or deficiency and are a danger to themselves and others if they continue to drive.

I commend the Bill to honourable members.

Explanation of Clauses

Part 1—Preliminary

Clause 1: Short title

Clause 2: Amendment provisions

These clauses are formal.

Part 2—Amendment of Motor Vehicles Act 1959

Clause 3: Amendment of section 5—Interpretation

This clause inserts a definition of 'health professional' in the principal Act to avoid use of the lengthy phrase 'legally qualified medical practitioner, registered optometrist or registered physiotherapist' in sections 80 and 148 of the Act.

Clause 4: Amendment of section 80—Ability or fitness to be granted or hold licence or permit

This clause amends section 80 of the principal Act to enable the Registrar, without having to require a person to undergo tests or furnish evidence of their ability or fitness to drive, to suspend a person's driver's licence or learner's permit (or to refuse to issue or renew a licence or permit, or to vary a licence classification) if satisfied from information furnished by a health professional or from any other evidence received by the Registrar that the person is not

competent to drive a motor vehicle or a motor vehicle of a particular class. It also empowers the Registrar to suspend a person's licence or permit for such period as the Registrar considers necessary in the circumstances of the case.

Clause 5: Amendment of section 148—Duty of health professionals

This clause amends section 148 of the principal Act to replace the references to 'medical practitioner', 'registered optician' and 'registered physiotherapist' with 'health professional'.

Schedule—Validation of Certain Acts

Clause 1: Certain acts validated

This clause validates suspensions of driver's licences and learner's permits purportedly imposed by the Registrar under section 80 of the principal Act before the commencement of this measure that would have been valid if they had been imposed after that commencement.

Mr BRINDAL secured the adjournment of the debate.

RIVER MURRAY BILL

In committee.

(Continued from 26 March. Page 2549.)

Clause 2.

Mr BRINDAL: In view of the gravity of this legislation, why does the minister say that the act will come into operation on a date fixed by proclamation? As I understand it, if parliament considers a bill important enough the more usual thing is that the date is fixed relative to the date of assent; that is, it will come into operation 24 hours after the assent of the Governor. Why will it come into operation only after proclamation and not straight after assent?

The Hon. J.D. HILL: The answer really has to do with the regulations. As the member would know, particularly after comments made by the deputy leader yesterday, quite a large raft of regulations need to be gone through, and we will need to consult properly with a whole range of organisations about those regulations. We brought them forward so the opposition had them prior to the bill being discussed in this chamber. However, we do not mean to implement them until considerable discussions have taken place, including with the opposition. Without the regulations the bill just cannot work, so we must have some time to go through that process.

Mr BRINDAL: That is very understandable, and it is an answer which in part I had anticipated. However, the minister will also understand the opposition's dilemma on this clause. As he is aware, twice in this week the Deputy Premier spoke about the resourcing which the minister himself said in his second reading speech would be necessary and in addition to this bill to achieve what the bill seeks to achieve. The first time it was in the form of the Deputy Premier's saying, 'Look at the Leader of the Opposition; he's claiming it will cost hundreds of millions of dollars; where will the money come from?' We all know it will cost hundreds of millions of dollars, and we are not in government.

Yesterday, when I specifically asked him whether he would adequately resource this bill, on any reading of *Hansard* by any person, intelligent or not, the Treasurer simply did not answer the question. We have a very important bill, we have the Treasurer refusing to say he will adequately resource the bill and, guess what? The bill comes into operation on a date to be fixed by proclamation. I do not for a minute doubt the minister's word on this or what the minister intends to do. However, I am sure the minister will concede to me that with a Treasurer who will not say he will give a minister money an opposition has every right to be suspicious and perhaps to think that in the worst case scenario

the minister will get his legislation and be ready to go; and then, for some reason best known to Treasury officials, the whole thing will sit on hold for six or nine months while they do or do not come up with the money and, in other words, frustrate the intent of the minister and the will of the government and the parliament.

The Hon. J.D. HILL: I can assure the member that that is not the case. The government is not introducing this bill to leave it sitting on a shelf; we want to implement it as soon as we can. However, as members have said, it is a complex piece of legislation, and some elements are relatively controversial. That also applies to the regulations, so we need to go through a thorough process of consultation, reassessment and analysis before we go down that path.

In relation to resources—and I meant to mention this last night in my concluding remarks on the second reading—the implementation of this bill by my department will not be overly expensive. We estimate that we may need three or four extra officers to do the work associated with this bill. The honourable member is talking about the vast resources required to fix up the River Murray. This bill is really about other elements and not the purchasing or provision of 1 500 gegalitres of additional water, salt interception schemes or a whole range of other things. This is about making sure that we manage those elements of the River Murray where decisions are made about planning, development and so on in a better way. We believe we can manage that with three or four staff, so it is not a huge resourcing issue. We would always like more money from Treasury and the budget will tell us what we will get, but we can manage it ourselves within existing resources if necessary. This will not be delayed because of any resourcing problem.

Mr BRINDAL: It is important to inform the minister that for a whole lot of questions it would be helpful to the house if we could invite the Treasurer in here to question him. A lot of this will not need questioning if the Treasurer were to come in and say that he will provide the minister with the resources. I hear what the minister is saying, but my quick calculation is that four officers at \$40 000 each approximately, plus on-costs and clerical support, means that you would be talking of an absolute minimum of \$250 000. With respect to land tax, the Treasurer said quite publicly that if it fell over the minister would have to find \$2 million, that the loss would come out of the minister's budget. I am not picking on the minister but simply saying that, if he is under the hammer in terms of revenue coming in in the last budget, how will he then find \$250 000?

Yesterday in this place one of the minister's colleagues, as the minister heard, criticised me because I had cut in half the catchment management subsidy scheme, and officers who are available quite close by to advise the minister will tell him that the main reason that scheme was cut in half was that it was 'not effective, was not really working and we had to run a department'. Guess what? We had to make the figures tally. I am not picking on the minister but saying that I and all my colleagues would feel more comfortable if we had the Treasurer in here who was saying things like, 'Yes, we will properly and adequately resource this budget.' That is not unreasonable from either the minister's or the parliament's viewpoint.

The Hon. J.D. HILL: The honourable member is making some interesting rhetorical points, but I assure him that one way or another this package will be resourced.

Mr WILLIAMS: To take up the comment the minister has just made, I have a letter from the Murray Mallee Local

Government Association which asked me to take on board the issue of resourcing, and it has raised it with the minister's department. To quote from a letter sent from a departmental officer back to the board:

Your cautions in relation to resourcing demands for government are noted. In relation to potential resourcing implications for local government, these will become easier to assess as the regulations specifying... activities are developed.

The minister has just said that this bill will be resourced one way or another. Will the minister give an undertaking that one of those ways will not be putting an onerous burden on local government or local government authorities in whose areas this bill would fall?

The Hon. J.D. HILL: As I understand it, this will remove some of the burden from local government. As I understand the way the Development Act works, a local council operates as a one-stop shop in relation to referrals under the Development Act. An applicant will go to a local council, which will refer it to three or five agencies where referrals are required, bring them back, make a decision and then inform the applicant. Under the model we are proposing the one-stop shop will still apply: the applicant will go to the local government body, which will refer it to my department, which will do that work. That will be less work for local government.

Clause passed.

Clause 3.

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

Page 5, after line 10—Insert:

'animal' means any live animal of any species and includes any animal organisms;

Page 6, line 24—Leave out 'fish, organisms,'

Page 7—

Line 16—After 'river' insert:

, and related beds, banks and shores

After line 24—Insert:

'vegetation' includes any plant organisms;

I understand this is a technical amendment which better defines the notion of 'animal' as it occurs in the bill.

Mr BRINDAL: I can see that it says "'animal" means', but I cannot find it under the interpretation in clause 3. I can see 'activity approved' and 'associate'. I thought 'animal' would come between 'activity' and 'associate'. I cannot see where it is going to fit.

The Hon. J.D. HILL: It is a new term we are adding and it picks up some of the other words such as 'fish' and 'organisms' later on page 6, line 24. It is a more general term to pick up all the living organisms associated with the river.

Amendments carried.

Mr BRINDAL: The member for Heysen raised the issue and I am sure she wants to question the definition of 'river' and the definition of 'River Murray system', which comes later. There may be questions on some of the other definitions. I suggest we take them in some manner sequentially, otherwise we will be going backwards and forwards. I have a small question under the definition of 'domestic activity'.

The CHAIRMAN: We could become confused if we jump around too much. The chair will be tolerant, realising that it is a very complicated matter. As I have said, we have nine schedules of amendments.

The Hon. J.D. HILL: May I suggest, Mr Chairman, that it might be easier if you take the five pages of clause 3 page by page.

The CHAIRMAN: We are still on clause 3, and we are dealing with what is not covered by the minister's amendments. We have agreed to the minister's amendments, and we

are now dealing with that part of clause 3 not covered by those amendments.

Mrs REDMOND: The definition of 'business' includes a business not carried on for profit or gain. I understand what that means, but can the minister explain what he is trying to capture and what he has in mind when he talks about a business being a business not carried on for profit or gain?

The Hon. J.D. HILL: As I understand it (and there is technical and legal reasoning here, so the member for Heysen might be better able to understand it better than I), business and domestic activity really need to be read in conjunction. There are two categories: domestic activity, which is not business; and business, which is everything that is not domestic activity, including things that are not done for profit or gain. I understand that it is a common definition across a range of legislation, including the commonwealth's Corporations Act.

Mrs REDMOND: Again, it seems to be rather circular. Domestic activity is everything other than business, and business is everything other than domestic activity, if that is the case. What I really want to get at is what the minister is trying to capture by the definitions and where in the larger scheme of things that fits.

The Hon. J.D. HILL: This is the definition section, and, when we get into the clauses where those definitions are used, that will become plain. I am not sure whether I can express it any more clearly than I have already tried to. Domestic activity is anything which is not business (and I agree with the member that it does sound circular). Some examples of business that is not done for profit or gain might be a non-profit organisation, such as a charity or some sort of organisation that operates in the field. It could be, say, a houseboat association that conducts activities on the river which are not done for profit or gain but is clearly not domestic. It might be a camping organisation which takes large groups of kids or adults camping along the river but it is not done for profit or gain and it is clearly not domestic. I think that is the kind of notion about which we are talking.

Mr BRINDAL: The member for Heysen and I have not tag teamed about this issue. But it is interesting—

Mr Koutsantonis: She should be on the front bench.

Mr BRINDAL: Of course she should; just about everyone on this side should be on the front bench. The trouble is we would not all fit!

Members interjecting:

The CHAIRMAN: Order! We will be sleeping on the benches if we take too long on this bill. I imagine we would want to finish by 6 p.m.

Mr BRINDAL: You would realise, Mr Chairman, that it is actually difficult to have 23 ministers in any parliament.

Mr Williams interjecting:

Mr BRINDAL: Well, if they are as talented as our team, you would. On this matter, I am bemused. We have a parliamentary counsel and a parliament that actually say that they are trying to put acts into plain English. It is something that we have been trying to do for years. I make the general observation that, in terms of the definitions, if this is the best that lawyers can do to turn an act into plain English, I am glad that I am 55 and I despair for the future of the English language!

In connection with what the minister is saying, I know that he is not a lawyer (he has a law degree, but he is not a lawyer as such) what worries me about this definition is that it is a bit too cute by half. As the member for Heysen has said, it provides that if it is not a business it is a domestic activity.

If it is not a domestic activity, it is obviously a business. What worries me about these smart lawyers is that it then goes to court and someone comes up with something that is clearly neither a business nor a domestic activity, and the courts say, 'Ah, it's not caught in this whole circular thing—

Ms Chapman: Like a sports club.

Mr BRINDAL: Yes, like a sports club, which is clearly not a business because it is not done for profit and it is not a domestic activity. What worries me is that in trying to catch everything you might in the end have holes and things will fall through the hoop. I am really asking the minister to try to answer on behalf of those who wrote this legislation for him whether this is not too cute by half. Will it catch everything, and what will he say to the parliament—because he is responsible—when he comes in here to move an amendment for an additional definition because it is not all covered this time?

The Hon. J.D. HILL: This is a 75 page bill. We are on page 5 at the moment, and I imagine that there will be a whole lot of areas about which there will be a lot of contention. We may well have to come back to parliament at some stage to amend it. I understand that the reason for that definition of domestic activity relates to penalties, and when we get further into the bill members will see how that happens. It is to make sure that a lower range of penalties applies to activities which are clearly domestic activities, and activities which are not domestic activities are caught with a higher range of penalties.

For example, there could be a whole range of large organisations which do not operate for profit or gain and which could be doing a whole lot of damaging things but should not be treated as a domestic activity. There are very big organisations in Australia which are not in business for profit or gain but which are clearly in business.

Mr BRINDAL: Exploring that point, if I am a person of Italian background, I am living in the Riverland and I decide as part of my domestic activities that I want to ferment and produce a large quantity of wine (whether or not I sell it is not necessarily the point; or it may be the point), I am engaged in a domestic activity, in my opinion. However, it may well be in many other people's opinion or the opinion of most of the members of this house that it might verge on a business.

Similarly, what of the case where Renmano Berri or one of the other big companies conduct lots of business activities but also on their property they have a park and gardens and all sorts of things which, by any definition, is a sort of community service? It might be part of their business, but it is not a business activity; it is a recreation park or something similar. Is that part of their business captured by 'domestic' or is that part of their business captured by 'business' and, conversely with the Italian who is brewing the grog out the back and throwing the skins into the river, is that a business activity that captures the higher penalty, or is it a domestic activity that captures the lower penalty?

The Hon. J.D. HILL: I think that if the honourable member were making sly grog somewhere along the river he would be caught by the criminal law rather than by this—

Mr Brokenshire interjecting:

The Hon. J.D. HILL: Well, there you go. If it were for personal use, it would be clearly domestic, as the honourable member said. If he started making it and selling it, or, indeed, giving—

The Hon. G.M. Gunn interjecting:

The Hon. J.D. HILL: Yes, that is true. If he were making large quantities on a regular basis and disposing of it by way

of sale or gift under certain circumstances, it would probably be considered a business. The phrase 'carrying on a business' is one that has developed through the common law and is well understood under the common law. Ultimately, in all of these things, it becomes a matter for a judge to make a determination; but the judge would understand the distinction and be able to make a proper judgment based on what the member for Unley or some other person was actually doing, and then it would be a matter of evidence, too. That is where these things get resolved, but the definitions are not new or cute definitions: they are traditional kinds of definitions, as I understand it.

Mr BRINDAL: The minister is helping me greatly; I hope that he is helping all members. If, of course, I am growing marijuana on the river and I am growing quantities of marijuana that are expiatable, it clearly will be a domestic use of marijuana so that no matter what I am doing with the marijuana, because it is for domestic use, under this bill it will attract a lower range of penalty than if I grow that one extra plant—

An honourable member interjecting:

Mr BRINDAL: —no—and it becomes a business. The law says that. In, say, the case of marijuana law, if I am growing it for my personal use it will be domestic. If I am growing too many plants it will be a business and a different regime will apply under this act. Is that what the minister is saying?

The Hon. J.D. HILL: It is an interesting example. I am not entirely sure that the analogy is apt. If, in relation to the growing of marijuana, you were growing sufficient marijuana to affect the extraction of water from the River Murray then, I guess, this legislation might have an interest. Just for the honourable member's interest, the definitions relating to domestic activity and business, I understand, are found in other pieces of legislation, including the Local Government Act. The honourable member might find that of interest.

Ms CHAPMAN: Just so that I may have it clearer, 'activity', as I understand it, is all human activity. The minister has then defined 'business' and 'domestic activity' so that there are two levels of penalty. Presumably, if it is a human activity that is being undertaken in the course of the pursuit of the business, whether or not it is proper, that has some higher level. If it is for some domestic or personal activity it has some lower level of penalty. I want to come back to 'activity'. 'Activity' includes storage or possession of anything. Is it intended that 'activity' will also include acts by omission, that is, almost inactivity; but the function of not undertaking a particular action has the effect of causing potential damage, is that correct?

The Hon. J.D. HILL: No, that is not the case. Activity means doing something.

Ms CHAPMAN: It must be a positive action?

The Hon. J.D. HILL: Yes.

Mrs REDMOND: I take it that we are still generally dealing with those aspects of clause 3. I should preface my question with a comment about the definition of 'Murray-Darling Basin' to say that I always think that it is better to put a definition in than to refer simply to the definition in another piece of legislation. Having said that, could I then ask the minister whether he is satisfied with the definition, because when one refers to the Murray-Darling Basin Act, the definition in that act in turn refers to the schedule and, in fact, the definition states:

Murray-Darling Basin means so much of the area within the boundaries of the map shown in schedule B as forms part of the territory of the contracting governments.

I think, personally, that the definition should say, 'as forms that part of the territory of each of the contracting governments as falls within that contracting government's territory', because otherwise, again, it is a bit of a circular definition. However, the map shown in schedule B is really a pretty general map. It does not give us a nice, precise geographical definition in any way of the Murray-Darling Basin. Is the minister satisfied with that definition?

The Hon. J.D. HILL: Yes, I am. It is the definition that we have lived with for sometime. It does occur in that other piece of legislation. It would be unusual, I think, and strange to have two definitions of the Murray-Darling Basin: one in this piece of legislation and a different one in the other. If there is a problem with the definition in that act, I guess that is something we should try to change. I think the reason for having it related to that particular act, as I understand it, is that the boundaries of the Murray-Darling Basin have changed over time, or are subject to change when different matters are considered.

In fact, in South Australia the member for Unley, when he was minister, changed the South Australian water catchment board boundary based on that act, and that was one of the recommendations of the select committee, and I congratulate him for having done that. It is important that we have one benchmark against which everything else is measured. If there are problems with that particular act, it is something that we can look at and fix, but not try to fix it in this piece of legislation.

Mr BRINDAL: The point made by the member for Heysen, I think, is relevant to the bill. I acknowledge the minister's point that it needs to be fixed, but I think I would like the minister's assurance that he will go away and have his officers look at it. My recollection is that the boundary looks fine on a map. You get a map of South Australia and it looks great. It goes right up in the member for Stuart's area, right up near the Burra Creek, but, obviously, the catchment boundary is limited by the topography. If in Burra there is a hill and the water flows in one direction from the summit of the hill and another direction from the summit of the hill, the boundary must be the topography that marks the high point.

I think that the minister will find—and I think this is the member for Heysen's point—that there is an adequate map to show clearly the boundary. Given that this act gives the minister absolute powers in respect of boundary, it is important that we know where the boundaries are. I would suggest that, in the course of the passage of this bill from one house to the other, it might be good for the minister to ask or to take some action to ensure that the Murray-Darling Commission can come up with a map that shows where the boundaries are because, frankly, I do not think it has one at present.

The Hon. J.D. HILL: I am advised that the Murray-Darling Basin Commission can do that. I can provide a copy of that to the honourable member and to the member for Heysen.

Mr BROKENSHIRE: I trust that the map will be available to members in this house before we are called to vote upon this bill. I hope that it will show the specific boundaries within the River Murray protection area, and I refer particularly now to the tributary zone, so that members of parliament will at least have enough knowledge of road-by-road boundaries of that tributary zone. Quite frankly, I

could not, on behalf of my community, ever endorse any part of this bill whatsoever based on this very basic map that does not show me very much at all.

The Hon. J.D. HILL: I am not sure to which map the honourable member refers. This is the one that has been passed on to—

Mr BROKENSHIRE: Yes.

The Hon. J.D. HILL: We have a much larger scale version of that, and I am happy to show it to members. It is not a secret document: we just gave members a convenient version. That is a draft map. We are working on that map at the moment. That forms part of the regulations. As I said to the member for Unley in answer to his first question, the process that we will go through in relation to the regulations will be similar to the process that we have gone through in relation to the bill. We want to consult widely, particularly with local government and other interested groups in the community as well as the opposition. So, we have not finalised any particular map. We will do that after we have gone through those processes. The Deputy Leader of the Opposition raised some interesting issues yesterday in relation to, for example, the township of Goolwa, and I think they are worthy of consideration. We have no fixed view at this stage.

Mr BROKENSHIRE: As a point of clarification, whilst I appreciate the minister's answer, I ask that whatever map they have shows the situation road by road, because this is a very important issue for our communities. The minister referred to consultation with the community. I have asked the District Council of Alexandrina whether they were ever advised of this tributary zone. I have been informed that they were never advised, that they received a copy of the bill, as we did, but that they had no idea whatsoever about a tributary zone.

Further to that, yesterday morning at the Mount Compass field day, I discussed with a number of farmers whether or not they had been advised by the government or received any material notification, whether there had been any workshops or any public consultation or whether any advice whatsoever in any form had been given to them that said there was a tributary zone which, to all intents and purposes, would come under the River Murray Bill. Potentially, from advice given to me, there would be a situation where all that area (namely, from Goolwa in the south to Kyneton in the north) would have the same legal requirements as those pertaining to the River Murray swamps which are right along the river.

The people to whom I spoke said they had never received anything. I would like to know whether that is the case; and, if so, what consultation will occur with the community. There are potentially huge impacts and imposts, including, as I have said, a de facto proclamation of areas which, so far, have never been proclaimed, before the parliament is called upon to consider the passage of this bill. It will have serious ramifications financially and on community interests, and so on, and I can tell the minister that in just the last couple of days there has been enormous concern out there.

The Hon. J.D. HILL: In answer to the first part of the question, we have maps which show road by road, so we can make that available to the honourable member. In answer to the part of the question about consultation, the regulations are in draft form. I think it was in response to a request by the member for Unley that we made the regulations available in draft form to the opposition so that they had a more specific understanding of what was intended, but we have not gone

through the process of consultation in detail over those regulations.

I understand that the Murray Mallee LGA has been given copies of the material to which the honourable member referred, and I believe that the Alexandrina council has observer status when the Murray Mallee is being talked to about these issues, so I believe it has had access to them. If that is not the case, we will make sure they are consulted. It is our intention, as I said before, to consult thoroughly with local government bodies about the regulatory aspects of this legislation.

Assuming the bill is passed and the regulations are brought in, if either house is not satisfied with them they can take the appropriate action to ensure that they are rejected. We want to get a set of regulations in place that will have the support of the community, because it is absolutely essential that this legislation and the regulatory framework which operates underneath it enjoys broad support, because without that, no matter how tough the laws are, we will not get it to work.

Mr BROKENSHIRE: At the appropriate time, will the minister therefore agree to hold public meetings and workshops and have an open debate right through that area with respect to the tributary zone?

The Hon. J.D. HILL: The process that we have been through in relation to the bill we will repeat in relation to the regulations. That involved all the stakeholders being invited to come along and have a say. We have not been secretive about this. The documents are available, and we will go through that process (whatever it is) which has been successful in relation to the bill when we deal with the regulations.

Mr BROKENSHIRE: What work was done between the primary industries and economic development arms of the government and your department with respect to consideration of the overlap impact between the South Australian dairy plan (which was developed almost during the last couple of years of our government and launched by your Premier) to see that the intentions of the South Australian dairy plan could still be carried out given this bill which is currently before the parliament?

The Hon. J.D. HILL: I am struggling to find to which particular aspect of this clause that question relates, but I assure the honourable member that, in the process of developing this bill from the cabinet point of view, all the agencies including PIRSA and economic development were consulted and the relevant matters talked through. If they did have concerns, all those issues were developed during the construction of the bill. I cannot give a specific answer in relation to the dairy plan, but I am happy to take that on notice and provide some detail.

The CHAIRMAN: The member for Unley is getting close to the limit.

Mr BRINDAL: There are a million definitions in here.

The CHAIRMAN: The chair is very tolerant and will allow the member for Unley to ask I think his fourth question.

Mr BRINDAL: Perhaps we need to talk about standing orders, because it is quite unreasonable when you are lead speaker for the opposition and there are something like 50 definitions and you are allowed three questions. For some clauses that is fine but, in respect of a clause that covers four pages, to say that the rule is three questions limits the right of this committee to question. I think it should be subclause by subclause. I could ask three questions on every definition. However, I thank you for your indulgence, Mr Chairman; the rules are there.

My question relates to associates. I am sure the member for Heysen will follow this up strongly with questions on the definition of the word 'spouse'. The minister would understand the concept of the Crown as a model citizen. He would also be aware of the equal opportunity and antidiscrimination laws that exist in this state. One of the definitions of an associate is a partner. I presume that 'partner' means business partner, because the definition then says 'one is a spouse, parent or child of another'.

I believe that 'spouse' and 'putative spouse' do not include same-sex couples. Therefore, if I read this correctly, if I am a business partner or, if I am in a relationship, I am a spouse, parent or child of another, then I am an associate, but if I am a man living with another man or a woman living with another woman I am not a putative spouse and I am not an associate. So you would probably fit me in under a relationship of a prescribed kind. If you fit me in under a relationship of a prescribed kind, I would say your government is being discriminatory and not keeping its laws and not adhering to the concept of a model citizen. I ask the minister whether I am right; and, if I am right, when will the minister admit he is wrong and bring an amendment into the house?

The Hon. J.D. HILL: As I understand it, legislation is pending which deals with the issue of gay couples, and I have to put on the record that I will certainly support those measures. This is not about issues to do with relationships; they are broader issues. 'Putative spouse' under these definitions does not include gay relationships. Yes, the member is correct in his analysis of the definition.

Mr BRINDAL: Then could I suggest to the minister that we are passing this legislation—we have not passed the other legislation, although it might be pending—and it would be very prudent of the government to amend its definitions either here or before it goes to another place, because I can assure him that the *Gay Times* will carry this (as will every other issue) and he will be seen as being anti-gay.

Mrs REDMOND: Following on from what the member for Unley said, the definition of 'spouse' is as follows:

'spouse' includes putative spouse (whether or not a declaration of the relationship has been made under the Family Relationships Act).

I am puzzled, if a declaration has not been made under the Family Relationships Act, as to how you will determine—and is it you as minister who will determine—that a putative spouse relationship exists?

The Hon. J.D. HILL: My partially educated legal knowledge suggests to me that it would be the common law that would make that determination. I am informed that we would be relying on the test that applies in the Family Relationships Act (and I am not aware what that test is), even if a determination has not been made under that act.

Ms Chapman: Bona fide domestic relationship.

The Hon. J.D. HILL: 'Bona fide domestic relationship', the member for Bragg says, and I thank her for it.

The CHAIRMAN: I point out that if members have a question they should seek the call so that it can be properly recorded by *Hansard*.

The Hon. D.C. KOTZ: My question also relates to the definitions. At the top of page 6, it identifies that the word 'infrastructure' includes many things, and they are set out in paragraphs (a) to (g). It includes pumps, pumping stations, pipes, tanks through to bridges and culverts, building, structures and facilities, with many more in between. At the top of page 8 we have the word 'works' which is defined to

include any form of infrastructure. On page 6 under 'infrastructure', paragraph (g) states:

other items brought within the ambit of this definition by the regulations.

There appears to be a quite substantial attempt to take into account almost every piece of infrastructure that I can think of. What is the minister's intention? Are there any other identified areas or potentially identified areas that will require regulations to add to the definitions that we already have in relation to the definition of 'infrastructure' and 'works'?

The Hon. J.D. HILL: If we have any other specific items in mind, we would have put them in the legislation, because, as the honourable member says, it is a fairly comprehensive list. This is really a catch all in case technology or invention produces something else which has not been foreseen. If we were aware of something which did something and which could have a negative impact, we would have to bring in a regulation to have that included, and then it would be up to parliament to decide whether or not that was acceptable.

The Hon. D.C. KOTZ: I have a quick question on the definition of 'place', which provides that it includes any land, water, premises or structure. The word 'premises' does not identify whether we are talking about residential or business premises. Does it include both?

The Hon. J.D. HILL: The answer is yes.

Mrs REDMOND: My question relates to the definition of 'natural resources', remembering that that is one of the three definitions in that circular set of definitions, with the River Murray, River Murray system and natural resources, whereby the 'River Murray' means the main stem of the River Murray and the natural resources of the River Murray; and then there is an extensive definition of 'natural resources'. I particularly ask the minister about paragraph (c), which deems that 'natural resources' means cultural heritage and natural heritage. The ordinary meaning of 'cultural heritage', for instance, in my view, would include buildings. As no definition of 'cultural heritage' is offered separately in the definitions, can the minister expand on what he means by 'cultural heritage'?

The Hon. J.D. HILL: A definition has been written down for me which might assist the honourable member and me. The intention has been to recognise in this bill that what is in need of protection is a complex set of characteristics and features. The River Murray is more than a watercourse and more than the water that flows in that watercourse. The definition of the 'River Murray' is set out in three parts and makes it clear that the river is the River Murray system, that is, the main stem and all the anabranches, tributaries, wetlands and flood plains, and the natural resources of the River Murray, including the soil, water, air, vegetation, animals, fish and other organisms and ecosystems associated with the River Murray, and the cultural heritage, natural heritage or amenity or geological value associated or connected with the river system, including minerals or other substances or facilities administered under any of the mining acts to the extent that activities undertaken in relation to them may have an impact on the river. Certainly 'cultural heritage' does refer to buildings.

Mr WILLIAMS: I also have some concerns with the definitions of 'River Murray', 'River Murray system' and 'natural resources', as both the member for Heysen and I alluded to in our second reading contributions. For the life of me, I cannot understand why it has been defined in this way. I think the member for Unley spoke earlier about this

parliament endeavouring to produce acts in plain language, which are readable by the common man or woman in the street. This is very convoluted, and the minister may or may not care to try to explain to the house why we have this convoluted system of definitions in this bill.

Specifically, my inquiry concerns the definition of 'natural resources', paragraph (b), which talks about ground water. Will the minister explain what ground water he envisages is a natural resource of the River Murray? I ask this because I have been told by people over a long period that the ground water over large areas of the state, including parts of my electorate, gravitates towards the River Murray and eventually—and it may take some thousands of years to get from, say, the Upper South-East of the state, or even the middle South-East or the Grampians area in western Victoria—reaches the River Murray. It is my understanding that the ground water underlying most of the Mallee region in the South-East of the state is a part of the same system as the ground water underneath the River Murray. I am wondering how far remote from the main stem of the Murray this ground water will be incorporated and captured by this act?

The Hon. J.D. HILL: I suggest to the member that he read the definition of 'ground water' in association with the definition of the 'River Murray system', because it refers to soil, ground water and surface water. However, I will concentrate on ground water: it is ground water connected to or associated with the River Murray system, which includes the river itself, the anabranches, tributaries, flood plains, wetlands and estuaries that are in any way connected or associated with the river. It is highly unlikely that the Mallee, for example, would be included in this definition, if that is the point the member was making. However, it would involve ground water associated with any of those parts of the system.

Mrs REDMOND: I want to raise one other matter with respect to clause 3(6). I am concerned that this is hidden away. Subclause (5) deals with references to costs of any damage to the Murray River which will be taken to include a reference to minimising damage, remedying damage, and so on. Subclause (6) further explains that. It provides that, to the extent of any damage the minister may 'apply any assumptions determined by the minister to be reasonable in the circumstances'. Firstly, as I said, I am a little concerned that there is no definition of costs or something in the first part of the definition. It is somewhat hidden away. Could the minister explain the assumptions and how he determines the reasonable costs? That potentially could have a dramatic impact upon people if the minister is empowered to make all sorts of assumptions with no comeback from any person affected by those assumptions as to what the consequences of his assumptions will be.

The Hon. J.D. HILL: Clause 3(5) provides that any reference in the bill to 'costs of any damage' to the river will include costs associated with minimising, remediating, etc., any damage. The phrase 'costs of any damage' is used in the bill only in the context of the use of bonds, as a licence condition or condition of compliance with a regulation, if the minister chooses to use the bonding mechanism. In order to estimate an appropriate amount of a bond that will be used to offset any future cost of damage to the river, the minister may make some assumptions. The subclause will allow the minister to make a judgment about what it costs to remediate damage or about the expected likelihood or risk of that damage occurring.

Ms CHAPMAN: I will refer back to the definition of 'works', in particular subclause (2). An associate includes a

partner and so on. Does 'partners' include business and personal partners and, if so, does it include someone who is cohabiting with another party—of whatever gender, for that matter—but who falls short of the five years cohabitation on a domestic basis as a putative spouse?

The Hon. J.D. HILL: We are really getting into the family law area. As I understand it, the word 'associate' is a common term in legislation. It means in this act whatever it means in other acts where the word occurs.

Ms CHAPMAN: I did not ask for the definition of 'associate'. One of the subclauses concerning those persons to be incorporated as an associate refers to a partner. Is that a business partner or a domestic personal partner or both? If it is both, in relation to the latter will it capture all other personal partners who are cohabiting on a genuine domestic basis with another party—whatever gender—less than five years and who, therefore, would not be caught as a putative spouse? Would it be anyone living with the party in question at any one time?

The Hon. J.D. HILL: This is really a repetition of the question the member for Unley asked. As I said at that time, this is not about reforming the law in relation to homosexual or lesbian couples. So it probably does not, in relation to the situation that the honourable member—

Ms Chapman: You're talking about non-personal partners only, that is, business partners?

The Hon. J.D. HILL: Yes, that is correct.

Mr WILLIAMS: In relation to the member for Heysen's question about subclause (6) and the minister applying assumptions, would there be any right of appeal to those assumptions?

The Hon. J.D. HILL: As I understand it, there is an appeal against any bond that the minister may choose to put on.

Clause as amended passed.

Clause 4.

Mr BRINDAL: Clause 4(1) provides:

The Governor may, by regulation, designate areas as River Murray Protection Areas for the purposes of this or any other act.

I understand that you can have a number of categories of protection area. You can have protection areas as they relate to planning law, environmental considerations, mining or pastoral matters. I am sure that, when the minister was providing the regulations, he kindly provided the opposition with a map. The way I understood it, they were regulations about planning; therefore, the map in question was a designation of those protection areas as they would apply in respect of planning. I seek some clarification on that, because what was showing was not only the whole of the river in South Australia at various points; if there was an oxbow in the river it included the whole oxbow quite reasonably, and at other points it appeared—and the scale was difficult—to be about 500 metres from the banks. As was raised by the members for Mawson and MacKillop, in the tributary section it must have followed demand and goodness knows what else into the Adelaide Hills, because it involves quite a large area of the Adelaide Hills.

How extensive does the minister think the protection areas will be in respect of different categories? It looked as though under planning law the regulations would basically blanket the whole area. Is it the minister's intention that, say, with respect to pastoral activities and things like that the same areas will apply? If the minister were to say that protection orders in all facets cover all parts of the river and 'Here is the

map,' it is fairly easy to understand. As you might end up with five or six maps depending on the category of protection area, all of which are overlaid, the opposition would like to get some idea from the minister of how much of the river and the tributary areas will be covered for particular types of protection orders. Generally, that will have a profound effect on the electorates of the members for MacKillop, Hammond, Heysen, Kavel and Finnis. A whole lot of members here will be more or less interested in this act, depending on which categories of protection orders they come under.

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

That the time for moving the adjournment of the house be extended beyond 5 p.m.

Motion carried.

The Hon. J.D. HILL: There are perhaps two parts to the answer. The member asked whether the protection areas can be different for different sorts of activities. The answer is yes. The second part of the question was whether this particular area is just for planning or development. The answer is that, no, this is for all those activities at this stage. Over time we may develop different River Murray protected areas. At the moment this is for consultation. If through the process of consultation we get recommendations or suggestions that will vary that, we will certainly take that on board. The kinds of activities that will be covered are licences, permits and those kinds of things, not general activities such as pastoralism, etc.

Mr BRINDAL: I think I understand the minister. As I understand it, the map as detailed will be the starting point on which future variations might be based. This is where I think it becomes critical. The central point of this whole act is the duty of care to the river—to do nothing to harm the river. I highlight, for instance, where in the member for Kavel's or the member for Heysen's areas an activity was undertaken that would not harm the river, because it was simply too far away. It might be a mining activity, and it is too far away; appropriate measures exist; and there is no water or leachate and nothing will flow out (and it will not be Brukung mine, which is the worst case scenario, and proves the opposite). Would it not be better to start from a regime and expand it out so as not to unnecessarily fetter people's rights?

If a uniform code exists for, say, a mining activity and the code has to apply to a mine that is right on the banks of the river equally to a mine that is right up at the back of Kavel or somewhere fairly distant from the river in Heysen, would it not be a better artifice to start from the fact that each area is unique and might require different rules, rather than starting with a blanket that treats everything the same so that it does not matter how far away it is, it has to be treated the same as if it were exactly next to the river? It is a bit obscure, but I think the minister can understand what I am asking.

The Hon. J.D. HILL: I agree; it is complex. There is the general Murray-Darling Basin, which we have loosely defined under the 1993 act, and there then there is the protected area, which is a smaller part of land. Obviously the smaller territory is the most sensitive, because it is closer to the water, the stream. So, in those areas there is a higher level of scrutiny of what goes on, and that is where the licences and regulations would have to be referred in that area. If the activities were outside that area in the basin generally, such as a mine that you have mentioned, the general duty would apply. The example the member gave would be where, if somebody had a mine and there was no connection between

what they did and the river, there would be no breach of that general duty. Does that explain it? I am happy to have another go.

Mr BRINDAL: Yes, I think so. Let us take Roxby Downs and transpose it to just south of Burra, which is in the catchment of the River Murray as defined by the Murray-Darling Basin Commission. There is a duty of care not to harm the river. I understand the minister is saying that that mine can exist; it would be able to get the required permission and would not breach the duty of care with respect to this act, as long as it could be established that there was no interconnectivity; bunding or something could be put in place so that if a flood came through it could be diverted and would not go into the river, and there was no ground water interconnection. In other words, that mine could exist in the catchment but, in establishing the mine in an environmental impact statement (EIS), it would have to be proved that that mine would not impinge on the river and therefore it was all quite safe. Is that what the minister is saying?

The Hon. J.D. HILL: That is exactly the case, in the same way as mining in Roxby Downs has to pass an environmental scrutiny process. If one were to do it now under existing laws it would have to go through a process of environmental scrutiny and, as long as it could demonstrate that it was not harming the environment to whatever standard was considered to be appropriate, there would be no theoretical reason why it should not be constructed in Burra as in Roxby.

The Hon. D.C. KOTZ: I refer to the contextual aspect of clause 4 where in designating areas as River Murray protection areas the Governor may designate different areas for different purposes. Clause 4(2) provides that the Governor may in designating areas under subsection (1) designate different areas for different purposes or different acts, and accordingly areas designated for one purpose or act may overlap with other areas designated for another purpose or act. As pointed out by the member for Mawson, at this stage it is difficult to identify just how extensively the 500 metres on either side of the tributaries actually covers the land portions.

One of the overlapping acts that obviously will be part of whatever you decide to initiate within these areas will be the Water Resources Act, which has been the mechanism to establish water catchment boards. Obviously, they were initiated and established to take part in certain and very specific areas such as water quality and water quantity, and for years now they have put their plans together on their expectations for their programs and projects for the future. Does the minister consider at this point that the catchment boards are stakeholders under the auspices of whatever projects or implementation come out of this act in terms of ownership or partnership? Will they be consulted in areas that may affect the plans that are already in place under catchment boards at the moment, or is there an expectation that catchment boards will play a different role from that which they are undertaking at the present time?

The Hon. J.D. HILL: This measure really provides that Murray protected areas can apply in different ways for different purposes and may overlap, but as they exist at the moment the catchment boards will not be affected by this process. They will continue to play the same sort of role. As I understand it, under the Development Act they are one of the organisations that have to be consulted in relation to developments which may have an impact on the Murray River, and they will continue to have that sort of role. As I

mentioned previously, the process will be changed. The one stop shop will mean that the developer will go to council, council will come to me as the authority, and I will then send it off to the catchment board, but with the same level of consultation. The River Murray catchment board is an enthusiastic supporter of this legislation and believes it will enhance its role and not reduce it.

Mrs REDMOND: Is it the case that the map we now have, showing the River Murray protection area, will apply for all the acts dealt with, for the time being at least until you develop some more specific zones?

The Hon. J.D. HILL: Yes, in a sense, but only to those acts which have specific licences or authorisations within them. If the act does not have those devices within it, obviously it does not apply as it is only for specific instruments that need to be sought. Over time, as we get a better understanding of how this operates, we may have slightly different maps. It may be ridiculous to have some activities 500 metres from the river—it may be better for it to be 100 metres. There may be other activities where 1 000 metres may be appropriate. That is the general notion. At the moment we have a draft showing where the area ought to be, and in the first instance that would be for all those devices, but over time that may vary. It is still for consultation and, if people pull it to bits and say that it is crazy, as the deputy leader did yesterday, we will look at it.

Mrs REDMOND: That leads me on to two other questions. Looking at the map, such as it is—and I appreciate that it is not detailed or easy to decipher with precision—it appears that the townships of Murray Bridge and Mannum are not in the River Murray protection area, but the township of Mount Barker is. It seems an odd thing, and I want to clarify that under the current arrangements, if you want to do something in the middle of the townships of Murray Bridge or Mannum, which are right beside the river, it is not referred to the minister under this legislation, but if you want to do something at Mount Barker, Nairne or Littlehampton it is referred to the minister.

The Hon. J.D. HILL: It is a good question, but this is not what we are debating today. We are talking of the regulations now and where the maps may be drawn. My officers cannot give a precise answer, but we can take it on notice. We will go through a proper consultation process about the maps and regulations and talk to the opposition as fully as it wishes about what might or might not be included.

Mrs REDMOND: On that issue, in general terms is the minister able to say that, even if an activity is to be carried on close to the river and within the protection zone but is found not to be a threat to the river, it would still be approved? If someone applies to do something and they are within the protection area, however it is defined and even if it is close to the river, if it is determined by the minister that it will not harm the river it would still be able to proceed and be approved in general terms?

The Hon. J.D. HILL: Of course. It is not a veto zone but an area at which we look closely to see what happens and ensure that no harm will occur.

Mr WILLIAMS: The map provided shows all the River Murray or what we would recognise as the River Murray, the lower lakes and the Coorong. It does not show any of the drainage system in the South-East and Lower South-East, yet in clause 5 the South-East Water Conservation and Drainage Act is specified as a related operational act. That act is specific to a certain part of the geography of the state and falls outside this map I have in front of me. Does the minister

envisage that the South-East of the state, which is covered by an extensive drainage system, will be part of the River Murray protection area?

The Hon. J.D. HILL: It is certainly not on the current map and I have no reason for including it, but in the consultation process some may argue that and we will have to consider it. There is no current intention to do that.

The Hon. D.C. KOTZ: The opposition I understood sought to get confirmation from you on just exactly what areas the 500 metres would cover in that form throughout the whole tributary sector. Your comments now indicate that this is purely a draft; it may not be exact, yet the opposition understood that the bill could certainly be progressed. All of us who have representative constituencies throughout these areas could be satisfied if we knew what these areas would look like, but the minister is saying that this is not the complete or exact mapping of the areas that this legislation will seek to bind as protection areas.

The Hon. J.D. HILL: The opposition asked for a look at the regulations and we tabled the bill back in December. We gave an undertaking to the opposition that we would show it the regulations, but they are in draft form. The opposition has seen the regulations, but my party has not seen them yet. I have put it to the opposition because it asked to see them. We have not gone through the formal processes of government and they have not been signed off by anybody. These are draft regulations and we obviously want to talk to the community about what is in them. We cannot approve the regulations until the bill has gone through the parliament, so that is why they are in draft form and we will go through a process of as much consultation as is required. We would like strong community support for the regulations because, clearly, if the community is behind them there is a better chance of their being properly implemented.

Clause passed.

Clause 5 passed.

Clause 6.

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

Page 11—

Lines 20 and 21—Leave out paragraph (f) and insert:

(f) to respect the interests and aspirations of indigenous peoples with an association with the River Murray and to give due recognition to the ability of those indigenous people to make a significant contribution to the promotion of the principles of ecologically sustainable development in relation to the use and management of the River Murray;

Line 24—Leave out 'subsection (1)(d)' and insert 'this section'.

This amendment relates to confrontation or giving due recognition to the indigenous peoples who have an association with the River Murray. This form of words came after consultation with indigenous people and it is a form of words that satisfies their desire to be recognised. It does not give any special rights other than the right to be recognised. It does not add to or diminish native title rights in any way whatsoever. It is to recognise, I guess, that indigenous people have a particular interest and association with the River Murray. I think that someone during the second reading stage asked, 'Why aren't white people's rights recognised?' Elsewhere in the bill it does substantially recognise the interests of non-indigenous Australians, because it talks about landholders or landowners. This is really recognising those who are not landowners, except in a traditional sense, or landholders but who have an ongoing association with that particular piece of land.

Mrs REDMOND: I am curious as to why the minister wants to specifically include indigenous people and thus discriminate against non-indigenous people, as I mentioned in my second reading speech. It seems that, whilst it does not give any particular rights, it does give a recognition, and I cannot see why we are discriminating in favour of one group.

The Hon. J.D. HILL: I reject that implication. I ask the member to think about that for a while. The traditional owners of the land have been dispossessed. They are a culture that has been associated with the river for perhaps 40 000 years or so and their descendants still live in South Australia. They do not own the land; native title may apply in certain circumstances, but they do not have any western title to the land. This has been inserted to recognise that traditional owners do have an association and spiritual ownership, if you like, of that land.

The interests of non-indigenous Australians who are landowners or land users are adequately recognised elsewhere in the bill. This is really to take into account people who do not live in the area and perhaps do not even visit the area very often, but they still have that strong cultural or spiritual attachment. I think that it is hard for us as Europeans to understand that sense, but that is what I am told the traditional owners have sought, and I am happy to accommodate them in that way. I do not think that in any way denies the rights of others who have strong associations with the river.

Mrs REDMOND: The point I am trying to make is that it is my view that non-indigenous people can have just as strong an association and spiritual relationship with the river, particularly people who have lived on and about that river for generations.

The Hon. J.D. HILL: I understand the point being made by the member, but I think that indigenous people are in a special situation and their interests need to be taken into account in a special way.

Mr BRINDAL: Just to follow on from the member for Heysen's point, and I mean no disrespect to indigenous people, I note that the Speaker is here during the committee stage, and he knows a lot about this matter, too. One of the problems in the concept of this bill that I tried to raise on behalf of the opposition is that almost the very definition of the river is itself a misnomer. There is a river channel and it is a historic river channel, and it existed before we came here. Indigenous people had a very close association with the river in all its forms and entities, as it was an Australian river system. What we now have is the longest reservoir on the face of the earth with a great set of barrages at the bottom of it.

Therefore, their association, sadly, is a different association with different needs and aspirations to that which can possibly exist now. Behind Lock 1 (I am not sure whether or not it is in the Speaker's electorate) there is a huge flooded wetland. Indigenous people undoubtedly had an association and interaction with many hectares of land. It is now completely flooded, and the red gums are gone. We have irretrievably changed the face of the river. The objects of the act (and this goes back to a point I tried to make earlier) are not to do anything that will harm the river.

What I do not understand and cannot understand and what no-one has yet explained is: what river? Is it the river which used to exist and which we have harmed irretrievably? Are we, by the objects of the act, going to pull down the barrages at Lower Lakes and install a barrage at Wellington? Are we going to pull down the other barrages? Which river are we trying to protect? The river that was, or the system that is, the

wetlands that were, or the wetlands that are, or the wetlands that should be? There is no clear answer to this. This will be pivotal as to how the act is interpreted.

Implicit in this (and this, I think, is what the member for Heysen is talking about) is not to disfranchise the indigenous people from their traditional association but to question whether there is any link now with the river as it is and as we have modified it and the river as they knew it and as they were associated with it in any case.

The Hon. J.D. HILL: I cannot answer for traditional owners about their association or the feelings they have. I do not think it is appropriate for me even to attempt to do that. We went through a big consultation process. We talked to many stakeholders, including the traditional owners. This was their only request. I mean, it is not a big ask, really, just to say that their interests should somehow be recognised in this bill.

The Murray Mallee LGA was consulted because it had a lot of interest, as well as tourist operators. We have consulted with everyone—miners and so on. We tried to accommodate all those interests. The traditional owners have that one little clause. I do not think it is too much for this committee to accept and acknowledge that.

In relation to the more specific question, we must take the system as we find it now. All of us have aspirations to return it to something that approaches what it was. It would be incredibly naive to suggest that we will ever achieve that, but, hopefully, in the years and the generations to come the system will improve. We have spent a couple of hundred years getting it to its present state; it is not going to be fixed up easily; but we should have aspirations to try to get there. That is about all I can say in answer to that question. I just ask the members opposite to be a little charitable.

Mr BRINDAL: I accept what the minister is saying. I know that there is a difficulty. I do not in any way want to seem to be mean-spirited over this, but it is not, I put to the minister (and I know he would not deliberately mislead the house), just one little clause. I seem to remember another part in the bill, to which we will come later, which says that if an indigenous person with an association with the river objects an authorised officer may not. So, this gives them a very specific and very powerful place in this bill. If the member for Chaffey objects to something an authorised officer might do, provided it is lawful, the authorised officer prevails, not the member for Chaffey.

But there is a part in this bill which says that if an indigenous person with an association for the river makes a claim in respect of the river—that going somewhere is a trespass on their rights, traditions, culture or something like that—it is unlawful for the authorised officer to do it. With great respect, I put to the minister that this might be one little clause, but there are other little clauses which most people associated with the river will not say are little clauses but which they will say gives them absolute right and overrides any other right of elected members, irrigators or anyone else who has an association with the river. It gives them a special place. I am not denying, perhaps, that they should have a special place, but to say that it is one little clause, I do not think is quite right.

The Hon. J.D. HILL: There is a clause that refers to the fact that Aboriginal people have the opportunity to request that certain things not happen, but this is really just stating what anyone would have the opportunity to do. In fact, further, the bill talks about any authorised officer having to cooperate with landowners in the pursuit of their objectives.

That means that they should take into account the feelings and the considerations of those people. It is really, member for Unley, trying to make explicit what is implicit in those other areas. It does not give indigenous people the right to stop an authorised officer in the pursuit of their actions. It is to allow an indigenous person to say to an authorised officer, to make it explicit, that they have the right to say, 'We would prefer you not to take a photograph of that area because it is a sacred site to us.' Alternatively it could be to say, 'We prefer you don't take our photograph because we have views about what photographs do to our spirit.' There is nothing to stop any other person saying those things as well, and the act says that the officer ought to cooperate. There would be circumstances where families or people were in crisis and would say to the authorised officer, 'Look, not now. Mum has just died. Can you come back tomorrow?' That is the spirit of what we are trying to do. The authorised officer still has that power but he or she then has to make an appropriate judgment.

The Hon. D.C. KOTZ: I have concerns of a slightly different nature with this amendment, purely because of the words that have been used in this clause. I have absolutely no problems with having indigenous people recognised and their wishes respected in different areas of their cultural beliefs. I state that quite clearly for the record. However, this clause seeks to 'respect the interests and aspirations of indigenous peoples with an association with the River Murray'. It is the very lackadaisical use of the word 'association' that causes concern. The minister himself has identified traditional owners. He used that in his last explanation to the member for Unley. I do not know whether the minister understands what the expression 'traditional owners' means in relation to indigenous people. The Murray is huge. It stretches for kilometres from here right through to the border. Different areas are tribal lands for different groups of indigenous people.

Unless this provision is more specific than just an association with the river, and if there are several groups of indigenous people or several individuals who wish at any time to claim an association with the river, we could start the third world war if we do not choose the right traditional owner for the tribal lands on that portion of the river that an indigenous person is concerned about. To be lackadaisical and not specific by using the words 'association with the river' lends itself to looking across the board at all indigenous people. In terms of giving real respect to indigenous people, perhaps the words 'traditional owners', relating to specific areas of land along the Murray, would be preferable to using the words 'association with'.

I also suggest that, as a result of the suggestion put to the minister by the member for Unley about other clauses where authorised officers have to take note of any request, a similar situation could occur that would be quite unfavourable to certain groups of Aboriginal people. When we get to the clause about an authorised officer, the minister should also take into account that it is not a matter of just putting up one's hand and saying, 'Don't take a photograph here.' If a request is made not to take a photograph at what has been identified as a sacred site, protocols have been put in place by this parliament, by the people of South Australia, so under no circumstances would you even think of taking a photograph. In effect, in many areas it might be a hidden site that no-one is allowed to encroach upon.

The Hon. J.D. HILL: I bow to the member's superior knowledge. For some time she was a minister for Aboriginal

affairs, so I concede that she has a more detailed understanding of these issues. My advice is that the form of the words we have chosen is based on advice from Crown Law that this is appropriate for use in these circumstances. Obviously, we do not want to get into some of those complex issues to which the member referred. This is really trying to take into account the interests of Aboriginal people who have some sort of an association with the river in order to, if you like, give them a special kind of place in the legislation.

All I can say to the member is that I am happy to have officers consider further amendments between this house and the other house or—I doubt whether we will get through all the clauses today—between now and when we next consider this. If the honourable member were to suggest a form of words which picks up those matters that she is concerned about, I am happy to have a look at that between now and the next time we consider this.

Progress reported; committee to sit again.

MATTERS OF PRIVILEGE

The Hon. J.D. HILL (Minister for Environment and Conservation): I seek leave to make a personal explanation. Leave granted.

The Hon. J.D. HILL: On reviewing the documents relating to the issue raised earlier today by the member for Davenport, I must confess that I have inadvertently given incorrect information to the house, and I apologise profusely for that. It may be helpful to members if I explain some of the specific points raised by the member. Briefing paper EPO 23 does, indeed, report that the establishment of a low level radioactive waste repository is recommended by the Department of Human Services. I confess to the house that I did not read EPO 23 until a short time ago today.

My written answer to the house (dated 20 February this year) made reference to the contents of EPO 23, and it is that answer which the member for Davenport interpreted as proof that I had read EPO 23. In fact, I have not. Members on both sides of the house would be aware that written answers to questions are usually prepared by departmental or ministerial staff because of the heavy time demands placed on ministers. That is what took place in relation to the question raised by the honourable member on 19 November: I read and signed the answer prepared by an officer of the Office of Sustainability.

I am happy to table a complete copy of the original docket with all written documentation relating to that prepared answer. On that occasion, EPO 23 was not provided to me to review, only the specific answer prepared by the Office of Sustainability. I should also acknowledge to the house that the prepared answer was wrong in that EPO 23 clearly does not 'only refer to sealed radioactive sources that may be suitable for disposal at a low level waste repository'. Technically, the reference to the DHS recommendation is an attachment to EPO 23. However, I will not even attempt to split hairs on the issue as this government has shown a strong commitment to honesty and accountability by releasing EPO 23 in the first place. In preparing the written response to the question of 19 November, it is reasonably clear that the officer has responded more to the issues raised in the member's explanation than concentrating on the substance of the question.

I made a commitment to bring back to the house confirmation of figures relating to the number of sites. That is what my answer relates to, whereas the question related to whether

I had read EPO 23. I repeat: I had not. I did not read it on that occasion, or when it was provided to me as part of the briefing papers prepared for incoming ministers in March last year.

I turn now to why I did not read that document. When I arrived in my new office on 6 March last year, there was a stack of briefing folders two feet high, consisting of 11 folders containing 560 individual documents and numerous attachments to those documents which, in total, ran to more than 1 585 pages. In an effort to get on top of issues quickly, I called in the various department and agency heads for direct face-to-face briefings.

I have consistently told the house that I was not aware of any state agency recommending a low level waste repository, and that is true. I did not read EPO 23 until this afternoon. Once again, I offer my humble and sincere apologies to the house.

The SPEAKER: I hear what the minister has had to say about that matter, and it is a matter to which I intended to address myself before the house adjourned today. I note the contrition in the minister's remarks about what has occurred in the passage of events. However, I have considered the matters raised by the member for Davenport relating to his belief that the Minister for Environment and Conservation had misled the house in answer to questions about his knowledge of recommendation by any government agency for the establishment of a low level radioactive waste repository.

The chair, before answering or, indeed, announcing a decision, reminds all honourable members of the rulings given by Speaker Oswald in which he made it clear that it is not the Speaker's role to determine whether a minister has a prima facie case to answer, but rather whether the Speaker finds that, prima facie, the matters raised by a member touch on privilege and should, therefore, be accorded precedence for a motion, which would enable the house to determine if there had been a breach.

In the absence of any further debate or deliberation on the part of the house relating to those rulings by Speaker Oswald, I will accordingly, regardless of my own sentiments, follow that ruling and make it clear to the house that, having considered the information that has been put before me today, I am of the view that precedence should be given for any motion the house may wish to consider in relation to this matter.

The Hon. I.F. EVANS (Davenport): As a courtesy to the house, Mr Speaker, following your comments and those of the minister, I advise the house that the opposition will be giving notice on Monday for a Privileges Committee debate on Tuesday.

Mrs GERAGHTY (Torrens): I move:

That the minister's explanation be accepted.

The SPEAKER: The waters in connection with the proposition put by the member for Torrens are uncharted by this chamber and without precedent. I wonder whether the member for Torrens realises the gravity of the proposition now put before the chamber. It is not, as some members might suspect, the same as moving that a minister's explanation, or indeed any other member's explanation after having been named for misdemeanours, be accepted. It is rather an invitation to engage in a full-scale debate on whether or not privilege has been breached, and at this time, on this day, that

is something the house itself indeed—not I—will have to determine. That, of course, depends on whether or not the motion is seconded, and I do not pre-empt that decision by making these remarks.

I simply invite all members to contemplate what might therefore ensue and invite them therefore to decide whether or not they wish to second the proposition. Is the motion seconded? There being no seconder, that motion lapses.

RIVER MURRAY BILL

In committee (resumed on motion)

(Continued from page 2590.)

The Hon. D.C. KOTZ: The minister was addressing the matter which I raised in relation to clause 6 and had offered to look at any words that I might wish to present between now and when the bill goes to another place, and to consider amending the matter that we were discussing. I thank the minister for taking up my comments. I would also suggest to him that perhaps it would be appropriate if his officers were to talk to the officers of the Aboriginal State Heritage Committee, as it would be helpful to look at what they would consider appropriate, and then perhaps the officers of DOSAA would contribute to the legal matters regarding the use of the appropriate words to be used in an amendment to this clause.

The Hon. J.D. HILL: As I understand it, both those organisations have been spoken to and consulted with and we have got their advice, but we are happy to take all that on and have another look at it. However, we are acting on the advice from those groups.

Mrs MAYWALD: In considering the suggestions by the member for Newland, I also wonder whether the minister might consider that this particular object may sit better in the objectives. In a amendment to be considered further by this house, a provision in clause 7(5) provides:

(b) the community's knowledge and understanding of the River Murray system to be gathered, considered and disseminated in order to . . . promote the health and proper management of the system.

It may be more appropriate to have this part of clause 6 in clause 7 where the rest of the community is also identified. Why is it sitting in clause 6 rather than clause 7? Clause 7 refers to the rest of the community.

The CHAIRMAN: For the benefit of the committee, an amendment relating to this point has been submitted by the member for Mitchell. Members will get a copy shortly. I can read it as it will be moved by the member for Mitchell, as follows:

Leave out paragraph (f) and insert:

To respect the interests and aspirations of indigenous peoples who have a connection with the River Murray and to ensure that those indigenous peoples have opportunities to make a significant contribution to the promotion of the principles of ecologically sustainable development in relation to the use and management of the River Murray.

I believe that that amendment is being circulated. I will pause for a minute while members digest the proposed amendment.

The Hon. J.D. HILL: In relation to the question asked by the member for Chaffey, whether it ought to be in the objectives or objects, I guess there is no real reason why it could not be in the objectives. It easily fits in both. My advice is that the indigenous community would feel they have been slighted in some way if it was placed at a lower level in the legislation. I am happy to have another look at it, and I have already undertaken to look at the wording of the clause. We

think we have the wording correct, having consulted with the various representatives of the Aboriginal community, but we will look at it. We will also look at the issue the honourable member has raised. I note also the member for Mitchell has an amendment which includes the words 'opportunities to make a significant contribution'.

While I have no in-principle objection to that, it may imply some sort of financial consideration and I think it would be inappropriate to place that in the objects of the act. Any financial assistance that might be required to allow Aboriginal people to make a significant contribution would have to be worked through the normal processes of consultation with Aboriginal people. I think it would make it difficult if that were put in as an object.

Mr WILLIAMS: Notwithstanding what we have heard from the minister today, I have serious concerns about this amendment. I have had the good fortune to spend all my life living on a piece of land in this state. It is more than a quarter acre block: it is a significant piece of land. I have not only lived on the land but also made a living off it, and I have been forced to survive off the product produced from that piece of land. I have had the good fortune to form an incredible association with that piece of land. I am not suggesting that in any way I am different from a host of other people in this state. It has always beggared my imagination to understand why some of us would suggest that one class of people in this state would have a significantly different association with the land than another significant class.

I regard myself as a land manager. I have managed this land for a long, long time. I have lived and survived on that

land all my life, as have my forebears for over 100 years. Once you go beyond more than one or two generations, the association with the land could not be increased any more by stretching that out for 40 000 years. I just put that in as a comment. I have great difficulty in accepting what some people would have us believe about this association with land, and I say that from my own experience. The minister came out and said that this does not and is not meant to confer any new rights onto any particular group or class of people, but I have great difficulty in accepting that the interpretation of respecting someone's aspirations does not confer some sort of rights.

In the not too distant past we saw the incredible fiasco of the Hindmarsh Island bridge, and that situation became a lawyers' picnic. Both this state and the commonwealth spent millions of dollars of taxpayers' money on that, and I would like to have an assurance from the minister that, if this clause had appeared on the statute book of South Australia at the time that all those legal challenges, appeals etc. took place, it would not have further complicated that situation; that it would not have been used as an argument that there were some further rights conferred on a class of people.

The Hon. J.D. HILL: I will take that question on notice and get back to the honourable member on Monday.

Progress reported; committee to sit again.

ADJOURNMENT

At 5.59 p.m. the house adjourned until Monday 31 March at 2 p.m.

HOUSE OF ASSEMBLY

Monday, 24 March 2003

QUESTIONS ON NOTICE

GOVERNMENT RADIO NETWORK

6. The Hon. R.J. McEWEN:

1. Will the minister clearly outline the history of the new government radio network and in particular, the original cost estimates, the actual costs to date and the likely ongoing operational costs?

2. How does the new network compare with the previous one?

3. Who are the users of the new network, which agencies are not included and what are the plans for these agencies to become users?

The Hon. J.W. WEATHERILL:

1. The SA-GRN budget was approved by cabinet in April

1999 with a total budget of \$247.7 million, plus \$13.8 million for the project unit administration costs.

On 29 April 1999, the South Australian government signed a contract with Telstra for a period of 7 years. The contract commenced on 24 May 1999.

This is a fixed price contract with Telstra, with a value of \$158.5 million, being \$109.4 million for design and construction, and \$49.1 million for operation and maintenance over 7 years to 2005-06.

The project is also funded to an amount of \$89.2 million for other costs including the purchase of baseline terminal equipment, training, and site maintenance. The amount of \$89.2 million incorporated a project contingency provision of \$25.7 million.

Expenditure for the total project as at 30 June 2002 was \$146.4 million.

With consideration of the project budget projections it is likely that the total cost of construction, operation and implementation expenses for the seven-year term, including known and quantified agency cost pressures, will be in the order of at least \$270 million. Further GRN driven cost pressures can be expected in agencies, which will extend that overrun even further.

Budget Impact Summary

Approved budget	\$ million
Network construction and operation	247.7
Plus DAIS GRN project unit costs	13.8
Total GRN project and GRN unit budget (A)	261.5
Estimated expenditure	\$ million
Network constructin and operation expenditure	228.7
Plus GRN project unit costs	13.8
Plus known and quantified agency (estimate, at least) cost pressures (1)	25.5
Total estimated GRN expenditures (B)	268.0
Estimated overspending (C) = (A - B) (estimate, at least)	6.5

Notes:

(1) Excludes any potential agency-driven cost pressure not approved by the Expenditure Review Budget Cabinet Committee.

2. Prior to implementation of the present Government Radio Network (GRN), government agencies operated on 28 separate voice and/or paging radio networks. This new network has a single infrastructure that appreciably reduces the reliance of the public telephone or 'single point' of failure link system for wide area service.

It should be noted that construction of the network is nearing completion. It is recognised that optimisation of the network (including any areas where coverage has been contracted for and, as yet, either not delivered or built to agreed standards) will continue for some months, during which time the network, in some local areas, may be below the standard contracted.

During this time the network has been made 'available for use' and is being utilised by a range of agencies for voice, paging and data transmission. Until the new network is fully constructed and optimised, network users can expect deficiencies in certain locations. Therefore, a direct comparison is difficult until cutover is complete; due to construction delays this is not scheduled until early 2003.

The current government's priority is to ensure that network optimisation is completed as a matter of urgency without further cost over-runs, and to specifically address known areas where network performance may be sub-optimal.

Agencies have identified some 38 locations as not providing a service to expectation. These locations include some significant deficiencies in the South-East and in the Gilbert Valley. The areas where services are not operating to expectations have been identified and will be addressed as part of the optimisation process and, where necessary, further infrastructure will need to be provided.

3. The network is currently used by SA Police, State Emergency Service, Metropolitan Fire Service, Country Fire Service, SA Ambulance, Passenger Transport Board, Human Services, Correctional Services, Forestry SA, Primary Industries and Resources, Environment and Heritage, Adelaide Convention Centre and the Royal Flying Doctor Service.

The agencies remaining to move to the network are Courts Administration Authority, SA Water and Transport SA. Each of these agencies has commenced the transition process.

NATIVE VEGETATION ACT

122. **The Hon. G.M. GUNN:** How many departmental officers authorised under the Native Vegetation Act 1991 entered farming properties located in the district councils of Flinders Ranges, LeHunte and Streaky Bay without consent between 1 February and 30 August 2001, how are the rights of property owners supported and is it the Department's policy to cooperate with property owners?

The Hon. J.D. HILL: I note that this question follows on from previous questions on notice asked by the Honourable G.M.Gunn on 20 August 2002 and 26 November 2002, which concerned departmental officers entering farming properties. I shall reiterate my answers and specifically address the Native Vegetation Act 1991.

In instances of routine inspections, officers from the Department for Environment and Heritage and the Department of Water, Land and Biodiversity Conservation who are authorised under the Native Vegetation Act 1991 will attempt to contact the landowner prior to entering the property. However there may be instances whereby this is not practicable or possible in the case of an emergency, or if the landowner does not have a telephone or is an absentee landowner.

Also, when officers are investigating an allegation of an illegal clearance of native vegetation, it may not be desirable to forewarn the landowner if there is a likelihood of evidence being removed, burnt or destroyed. Furthermore there are occasions where it may not be possible to determine the exact location of an incident until a search of an area is first made.

The departments do not have readily available statistics on the numbers of properties inspected by officers authorised under the Native Vegetation Act 1991 without the landowners consent over the period 1 February and 30 August 2001. It would take considerable time and resources to examine all of the files in order to discover this information.

I am mindful of the member's concerns and I have asked the chief executive of the Department for Environment and Heritage to review procedures relating to field inspectors to ensure that good community relations are built wherever possible.

2. The government supports the right of property owners regarding persons entering their land. These rights are adequately co-

vered under the trespass provisions of the Summary Offences Act 1953. The government also recognises that some officers have lawful justification to enter property to undertake various administrative or enforcement roles, and supports the powers conferred upon these officers.

3. It is the department's policy to maximise voluntary compliance with the Native Vegetation Act by making landowners aware of their obligations, by engaging the community through the provision of targeted information and by attempting to resolve issues with a landowner through negotiation and consultation.

FIRE FIGHTING, FUNDING

124. **Mr BROKENSHIRE:** With respect to the recently announced \$800,000 per annum funding for fire crews at the Blackhill, Cleland and Belair National Parks—

- (a) what is the source of this funding;
- (b) is this funding part of the \$1 million allocation to Park Services and how much funding is derived from the Emergency Services Levy;
- (c) how many fire trucks will be funded in 2003; and
- (d) what basic equipment is allocated to volunteers and is this sufficient for their needs?

The Hon. P.F. CONLON: I provide the following information:

- (a) The \$800,000 was provided as a 'one-off' (not per annum) in response to a cabinet submission submitted by the Department for Environment and Heritage. Funding was provided via the consolidated account managed by Treasury and Finance.
- (b) As explained in response to part (a), the \$800,000 funding provided to the Department for Environment and Heritage has not been funded via the Community Emergency Services Fund. In 2002-03, The Department for Environment and Heritage has been allocated \$2.008 million from the Community Emergency Services Fund for the provision of emergency services within National Parks.
- (c) Although the original question relates to funds provided to the Department for Environment and Heritage, I assume Mr Brokenshire is enquiring about funds provided to the Country Fire Service. In 2002-03, the SA Country Fire Service has been provided funding for 11 Heavy Fire Appliances and 1 Medium Rescue Vehicle.

In addition, the Metropolitan Fire Service has been provided funding for 4 mid urban pumpers, 5 regional operational support appliances and 1 appliance refurbishment, whilst the State Emergency Service has funding for 4 standard rescue vehicles and 4 light rescue vehicles.

- (d) All operational volunteers are provided with personal protective equipment (including helmet, boots, gloves and safety eye ware) and personal protective clothing (coveralls or two piece proban). In addition, Country Fire Service volunteers have access to property, plant and equipment valued at over \$62 million.

HOSPITALS, QUEEN ELIZABETH

129. **Mr KOUTSANTONIS:** Will public tours of the Queen Elizabeth Hospital redevelopment be introduced?

The Hon. L. STEVENS: Public tours of the Queen Elizabeth Hospital can be arranged at any time for members of the community

by contacting the hospital redevelopment unit and arranging a suitable time.

Up to this point tours have been for staff to enable them to become familiar with the new building.

As the building nears completion greater opportunity exists for members of the public to view this excellent facility.

It has been suggested that an open day be held closer to the opening date for members of the public to view the facility. This proposal is being investigated.

ADELAIDE AIRPORT

130. **Mr KOUTSANTONIS:** What public consultation is intended in relation to the proposed redevelopment of Adelaide Airport terminal?

The Hon. M.J. WRIGHT: Public consultation, in relation to the proposed development of a multi-user integrated terminal at Adelaide Airport, is the responsibility of Adelaide Airport Ltd (AAL). AAL was required under the commonwealth Airports Act 1996 to produce a major development plan for the development, which it did in June 1999.

Major development plans must be advertised in the press and made available to the public for 90 days after the publication of the notice. AAL adhered to that process and its major development plan was approved by the federal minister on 14 December 1999.

AAL also produced a public environment report on the development in September 1999 in accordance with the requirements of the then commonwealth Environment Protection (Impact of Proposals) Act 1974. That report also was advertised and placed on public display as required by the Act, and subsequently approved.

Notwithstanding the delay to the start of construction of the terminal, the development is substantially unchanged and those approvals remain in place. There is no statutory requirement for further public consultation, but AAL maintains several general consultative processes and remains open to any public approach for information about its plans.

NOISE POLLUTION

132. **Mr KOUTSANTONIS:** Why does the Environment Protection Authority measure noise and pollution levels over one day rather than over a longer averaging period?

The Hon. J.D. HILL: The method of measurement of industrial and commercial noise for the purposes of determining its legality is prescribed in the Environment Protection (Industrial Noise) Policy 1994. The policy requires that a measurement is carried out for a period of 15 minutes unless the Environment Protection Authority (EPA) determines that some other period is required to allow a true representation of the noise. This ensures that a noise measurement reflects the impact the noise may be having on an affected person while eliminating noise of very short duration.

From time to time, where a noise is intermittent or occurs randomly, the EPA finds it necessary to leave monitoring equipment at an affected persons premises. In such cases the equipment may be left on site for periods of a few days and up to a few weeks. Measurements obtained in this way cannot be used for the purposes of enforcement but provide a means of monitoring the impact of a noise, often for the purposes of assessing the effectiveness of noise amelioration works.

A new noise policy is being prepared by the EPA and is likely to be released for public comment in the next few weeks.