HOUSE OF ASSEMBLY

Monday 31 March 2003

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

PRIVILEGES COMMITTEE

The Hon. I.F. EVANS (Davenport): Following the debate last Thursday, I move:

That a Privileges Committee be established to investigate whether the Minister for Environment and Conservation has deliberately misled the house in relation to his knowledge or receipt of any recommendation by a state government agency for the establishment of a low level radioactive waste storage facility.

The Hon. P.F. CONLON (Minister for Government Enterprises): Mr Speaker, I rise on a matter of privilege.

The SPEAKER: I have one motion before the chamber on the question of privilege now. I will hear the question of privilege which the honourable Leader of Government Business (the Minister for Emergency Services) wishes to put to the chamber after this one has been dealt with.

The Hon. P.F. CONLON: I wish to move an amendment to the motion of the member for Davenport, so that the motion would read:

That this house establish a Privileges Committee to examine the allegations set out in *Hansard* by the member for Davenport on 27 March 2003 regarding the Minister for Environment and Conservation, and investigate whether the minister deliberately misled the house as therein alleged.

The SPEAKER: After contemplation of the proposition, the general thrust of the amendment is in order. However, procedurally it is more appropriate if the amendment, in the first instance, is to leave out all words after 'that', with a view to substituting other words, foreshadowing that those words will be whatever they are; and, if the minister were to put it in that form, it will make it easier for the house to determine its attitude to the question of the amendment and then whether or not the amendment passes and becomes the subsequent motion. Without wanting to tell the Leader of Government Business in the house how to suck eggs, may I suggest to him that might be the best way to frame the motion.

I quite properly point out to the leader of government business, that matter could be brought to the attention of the house any time during the course of the debate on the substantive motion before that question is put, and I assure the Leader of Government Business that I will not put the motion which has been moved by the member for Davenport until I have had some notice from him of his intention to put his amendment in a form which would make it possible for the house to deal with it in an orderly manner.

The Hon. DEAN BROWN: Mr Speaker, I rise on a point of order. To help the house deal with this in an orderly manner, it would be appreciated if we could have a copy of the proposed amendment in writing.

The Hon. K.O. Foley interjecting:

The SPEAKER: Order! I am sure that will be the case. Before the matter is heard, the Leader of Government Business will no doubt ensure that the table and the chair has the matter before it in written form in due course. I have accepted the motion from the member for Davenport and, after consideration of it, believe that it is unlikely any other party than the chair would be in a position to make the remarks I now propose to make, for better or for worse. Whilst my delivery will not be as eloquent as someone such as former Chief Justice Sir Harry Gibbs or the late Dame Roma Mitchell, nor as lucid as they may put it, or any of the other people of eminence in law such as former Supreme Court Justice Howard Zelling, I nonetheless believe that the chamber and the public at large ought to understand that parliament is a court.

Indeed, in our society it is the first court and, if all other courts fail for any reason whatsoever, parliament will be there so long as it is capable of being properly constituted, and in those unfortunate and unlikely circumstances, as we would contemplate them, given our history and our present civilised state of conduct of matters polity, social and economic, parliament would re-establish those courts as it did previously. Their authority comes from this court. Whilst this is a court which can be described as having two broad categories of matters that come before it, and there may be others that members and other people would define, nonetheless they are to put propositions about polity for the way in which society might advance itself in the manner in which we pledge ourselves through our prayer at the commencement of our proceedings for advancement of the true welfare of the people of this state.

It is not our personal ambitions nor our parties' aspirations or activities, but it is for the true welfare of the people of this state, and that is relevant in the context that, whilst it is appropriate for us, as members having been given the honour and responsibility delegated to us by our electors to represent the electorates in which they live, we nonetheless have a duty also to do what is in their interests in conducting our affairs when we must be the court other than a court debating polity—the way forward for tomorrow—to make today a better day than yesterday. And that is the nub of the remark that I wish to make and the reason for it.

Since the debate on the topic of privilege began last week, I have been both appalled and angered by the extent to which members have either ignored what they know to be their duty as members in this place or have been ignorant of it, and the way in which they have chosen to attack the topic in public debate, as though it were a matter of policy, and it is not. It is a separate matter, and we are all judges of it as judges of a court, no more and no less than the judges of the Supreme Court bench or any other court in this state.

And if we were to find, as members of parliament, that judges on the bench of any other court in this country—certainly in our jurisdiction in this state—were to go out into the public domain and put their opinions about what the outcome of the trial of the matter would be before evidence was even taken and before opinion had even been argued within the court itself, those judges would be removed from their office for such indiscretion. Yet none of us seem to care, judging by the remarks that were made over the weekend about that pleasantry, if you want to call it that. It is certainly a convention and one which was settled over 350 years ago and observed pretty carefully in this place, on my reading of its proceedings, until 25 or so years ago.

The point in history at which we began to ignore it was when we as members (and those who sat here before us) began to take advice from people who had no interest in parliament, but properly a professional responsibility to their employers to advance the cause of their employers, which were either the government of the day or the opposition; and their ignorance of the institution and the way in which they

gave advice sought to obtain advantage for their employer, often at the expense of public respect for the institution.

That practice has been regrettable because it is on that downward slope that we have gone in the public's esteem. Their subconscious perception of our behaviour has been tainted by our willingness to attack each other, rather than debate either the issues or, more particularly, pay attention to our duties as judges in a court whenever, on those rare occasions such as this, we are required to do so.

Our behaviour, publicly, needs to be very different in each of the two broad categories of conduct in which we have to engage in the course of the discharge of our duties here.

I know that I risk a measure of animosity from both the media and, maybe, from some of the honourable members of this chamber and other chambers by making that remark and by making the observation that we have probably been tempted into pursuing that blurred line between the two domains within which we must operate by members of the journalists' profession who were seeking to get the scoop, the greater number of column centimetres, or the greater amount of time in the reports on news and current affairs, whether in the print media or the electronic media. But our duty is not to be tempted to assist them in achieving their goals where it detracts from what parliament itself can do in discharging its duties to the society which it serves.

Our duty is to serve the people and the institution to which they have elected us. I thank all members in future to do just that, and a greater measure of my attention will be paid to any member who fails to understand that. I trust, too, that we will assist school children in understanding that that is the role and function of parliament, or otherwise we will be seen as no more or less than a bunch of barrackers for our own favourite team, regardless of the consequences for the sport which those teams may play. This is not a sport, nor is it theatre. We ought to be serious about the public interest and advancing the true welfare of the people of this state.

The Hon. I.F. EVANS: In moving the motion to establish a Privileges Committee, I take the house through the reasons why the opposition believes there is a need to establish such a committee, so that the house can establish once and for all whether or not the minister has deliberately misled the house. Last Thursday the opposition outlined a series of questions and a series of answers in relation to the Minister for Environment and Conservation and the establishment of a radioactive waste dump and whether the minister had received a recommendation in relation to the establishment of a low level storage facility. I will take the house through exactly what we understand the minister's arguments to be and indicate why we believe a Privileges Committee needs to be established to fully investigate the matter and report back to the house.

If we are to believe the minister's story, we are to understand that on his party's coming to government, after being in opposition for eight years—the minister himself for four years as the shadow minister for environment and heritage—the first thing the government ministers do is not read their briefing papers. If we are to believe the minister, the first thing he does upon coming to government, when he receives the briefing papers, is simply not read them. The second thing the minister wants us to believe is that the radioactive waste legislation that has been before this place and the other place is so important to the government that the minister responsible does not read the brief. He then wants us to believe that on preparing documents for cabinet the issue is so important that the minister does not read his brief. Then the minister wants us to believe that on preparing a response to an FOI application, where he in his own letter says that he has determined that 62 documents will be partially released, 11 documents will not be released, documents will be withheld for further agency consultation and 506 documents will be released in the public arena, at that stage he did not read the brief.

The minister then wants us to believe that, in respect of three questions on the matter in the parliament over an eight or nine month period, on not one occasion did he read the brief. Even when the opposition asked the minister, 'Have you read the briefing note EPA No.23, dated 5 March 2002?', the minister wants us to believe that he did not have the wit to go away and read the brief. When the minister outlines that case the opposition finds it quite unbelievable. The minister will have us believe that the only time he read the brief was when, ultimately, the opposition raised a matter of privilege in the house. He then came into the chamber and admitted that incorrect information had been given to the house. He came into the chamber and admitted that he had misled the house. There is no doubt about that. So we know that there are at least three errors, which the minister has admitted to the house, as a result of his deliberate choice not to read the brief. One should look at the statement made by the minister to the house last Thursday when he said that there were so many briefs that he chose not to read them and take verbal briefs. This is why the opposition—

The Hon. M.J. Atkinson: Oral.

The Hon. I.F. EVANS: Yes, oral briefs. That is why the opposition believes that the next step is appropriate. If the parliament believes that the eye did not read the brief scenario outlined by the minister—and the opposition does not—you have to ask the question: what information was verbally given to the minister by way of a brief? What verbal or oral brief did he receive from his staff or from the public servants? Let us walk through that scenario for a minute.

The minister would have us believe that his Chief of Staff—who would have received the first day briefs; who would have received the FOI information; who would have seen the questions in *Hansard*; who would have seen the documents preparing the matters for cabinet; who would have seen the documents preparing the matter for legislation—did not see the recommendation and did not speak to the minister about it; or maybe the ministerial liaison officer—who would have seen the first day briefs; who would have seen the cabinet material; who would have seen the papers preparing the matter for the parliament through legislation; who would have seen the answers to the questions raised in the *Hansard* and the answers prepared—did not have the wit to go to the minister and say, 'I think you've got a problem with the answer.'

The same scenario applies with the head of the Radiation Protection Unit, who came across to the minister on 1 July. All those people had the opportunity to see and read the recommendation, to follow the debate in *Hansard* and to follow the debate publicly. The minister wants us to believe that not one of those people walked through the door and said, 'Minister, I think you've got a problem.' Not one person walked through the door and said, 'Minister, we've read the *Hansard*; we've picked up this issue, and there is actually a recommendation supporting the establishment of the low level waste repository.' There was not one person. So, if you believe the minister's answers, and if you believe the minister's scenario, as I understand it, on not one occasion

did the minister read the brief—not on one occasion with six, seven or eight opportunities.

Then, if you believe the minister again, of all the verbal briefings he had received from his Chief of Staff, from the ministerial liaison office, from the parliamentary liaison officer, from the public servants briefing him on legislation and on cabinet matters and, indeed, the matters before the chamber, not one of those persons has raised with him that the recommendation exists. So, the opposition's view is very simple: the only way that you can establish what was given to the minister by way of briefing—whether they be written or oral—is to form a Privileges Committee so that all that evidence can be given to the committee and where it can report back to the house. Then, ultimately, we will know whether or not the minister had misled the house. That is why the opposition believes that a Privileges Committee is appropriate on this occasion.

The Hon. P.F. CONLON (Minister for Government Enterprises): Despite the hyperactive performance of the member for Davenport, there is a simple truth in this chamber today. That simple truth reflects the arrangements that were come to with you, Mr Speaker, to form this government. The simple truth is that, despite the fact that this government should it decide that way on this matter could crunch the numbers and defeat the call for a Privileges Committee, this government will support the establishment of the Privileges Committee.

This is a reflection on the changes rort since the last election and reflects on the arrangements that we came with to you, Mr Speaker, about openness and accountability in government. There has never before been a time in this place when a government has accepted of its own volition a Privileges Committee when it could have knocked it off. That is the framework in which this must be seen, despite the loud contribution of the member for Davenport.

The proposition put by the member for Davenport, and one of the reasons why we are very relaxed about a Privileges Committee, is that the allegations of the member for Davenport will not stand up—that will be the job for the committee. There is an absolutely fundamental flaw in his diatribe—I will not call it reasoning—that it is impossible that the minister did not read that briefing. Let us remember that this comes back to whether the minister read the briefing and therefore deliberately misled the house. That was the allegation that was made; no matter what they try to slide into it now, that is the allegation that was made. The one fundamental problem in proving that is that the minister answered an FOI and disclosed the offending document himself. He sent the offending document to him. I have great respect for the Minister for Environment and Conservation.

They would have you believe that he did read the document, knew all about it, then sent it to them—the ministerial equivalent of climbing out on a ledge and jumping off. It does not take long to see that that does not add up, and they know it does not add up. That is why, quite improperly, the member for Davenport was all over the place out there in the media going one way and another, basically saying that the minister did not read his brief. If that is the case and he accepts that, there is no case to answer. But, because we are an open and accountable government and have set the highest standards in government—

Members interjecting:

The Hon. P.F. CONLON: They can make all that noise; we listened in silence to the pretty average performance of the member for Davenport—

An honourable member: His leadership speech.

The Hon. P.F. CONLON: His leadership speech. We listened in silence, but they do not want to hear that this Privileges Committee will be of our creation. This Privileges Committee will occur because this government—not that opposition but this government—has set standards higher than any they set. We remember, because we were in opposition dealing with them. We know how long it took; we could never get a Privileges Committee on the former premier, even though at the end of the day he was found by a judicial inquiry to be dishonest. We could never get a Privileges Committee from them. We could not get one on Graham Ingerson when he did not read the ETSA documents. They would not support any sort of resolution on them. I compare our standards with theirs.

Members interjecting:

The Hon. P.F. CONLON: Well they might. I do not intend to speak for long on this matter. I have foreshadowed an amendment. The reason I foreshadowed that amendment is that, given that the government is exercising the most appropriate and proper standards, it is fitting that we have a proper inquiry into the matters alleged. My amendment allows a Privileges Committee on the matters alleged by the member for Davenport on 27 March.

The Hon. D.C. Kotz: It's restricting.

The Hon. P.F. CONLON: They say it is restricting. When this is dealt with I will deal with the member for Davenport too, because the other small issue that must occupy everyone's mind is why, the documents having been sent on 8 August, we heard about this last week, but I will come to that after this debate is concluded. The committee's establishment having been agreed to, it will be consider the allegations made. The sneaky thing we have seen today is that, having raised one allegation, this opposition is trying to find a prima facie case and wants to come in here and inquire into something else. Members opposite want a broad fishing trip; they do not want an inquiry into their allegation, because they know it will not hold water. They want an inquiry into something else. They want a circus and to troop people in and out. I say to them that they will get a privileges inquiry by the good graces and openness of this government, and it will inquire into the matters they have alleged, not something they do not have the courage not to allege. On that basis I will ask the house to support the amendment at the end of this debate.

The Hon. R.G. KERIN (Leader of the Opposition): I rise to support the member for Davenport's motion for the setting up of a Privileges Committee. There is no doubt that this is the correct and appropriate mechanism to gather evidence on the background to the minister for environment's misleading the house as outlined by the member. It is all part of a sorry saga of turning an important policy issue such as the storage of radioactive waste into a political stunt. The minister has asked us to believe that he was unaware of the fundamental Public Service recommendation to the government on whether or not there should be a central repository.

We know the Minister had this advice. It was not just advice given to the last government (as claimed at the weekend); it was contained in a briefing note for the member as an incoming minister. Whether he admits to being dumb or lazy, it does not alter the fact that any minister handling what he himself claimed was one of the parliament's most important pieces of legislation would surely be interested in the expert advice of his department—if this was more than just a political stunt.

If ministers are going to look only at politics and publicity, why has the government employed experts? There is no doubt that the government's ignoring of this recommendation is not trifling. In not acknowledging its existence (despite repeated questions from the member for Davenport), it was a useful political tool to dupe the people of South Australia on this issue. To claim that he did not know this recommendation existed is very hard to believe. If the government believes for one second how important this issue is, then not to take the available advice or to show any interest in that advice amounts to incredible incompetence and reckless indifference. Whilst the minister would have us believe he followed this course, I find that pretty hard to believe.

The minister claimed that instead of reading his briefs he resorted to verbal advice. The committee needs to test what that particular oral advice was. We need to remember the political importance that the government has placed on this bill. We have been asked to believe blindly that, in respect of such an important issue, a verbal briefing would skirt around and ignore what the recommendations of the minister would be. That would not only be very strange but would demonstrate further indifference for a new minister not actually to ask what the recommendations of those who understand the issue (those with training in the field of expertise) actually are. That demonstrates an unbelievable level of incompetence.

This is but one of many misrepresentations by this government to South Australians on this particular issue. This is a very serious issue: it goes right to the heart of the credibility (or lack of) of this government. This Privileges Committee has an important task. It is only the second time that a Privileges Committee has been established in the history of this house, and it will be the second time that it has gone through without opposition—despite what the Leader of the house said.

In this case, the gravity of misleading the house on such an important piece of legislation and how that occurred is a matter of great importance. It is vital that the minister stand aside from his portfolio during the Privileges Committee, and the government must give further assurance that the committee will in no way be impaired in carrying out its duties and given reasonable time to do so. The Leader of the house proposed 3 April as the time for reporting. It is totally unreasonable to expect over the next three days this Privileges Committee to do its job. On the last occasion, the time for reporting was amended by the member for Mount Gambier to 21 days, and I think that is a reasonable time frame. I support the motion.

Mr HANNA (Mitchell): It appears that both the opposition and the government wish there to be a Privileges Committee to examine the Minister for the Environment and what he said to the parliament about his knowledge or receipt of any recommendation by a state government agency for the establishment of a low level radioactive waste storage facility. We have a proposition from the opposition and a proposition from the government. I do not see any material difference between the government's proposition compared with that put forward by the member for Davenport.

On the face of it, the only difference is that the government's motion confines the Privileges Committee to inquire into the allegations set out in *Hansard* by the member for Davenport on 27 March 2003. That was last Thursday and, as far as I understand, the allegations set out in *Hansard* on that day were about whether or not the minister deliberately misled the house in relation to his knowledge and the receipt of certain advice. Specifically, on page 2567 of *Hansard* the member for Davenport said:

> 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.

Quite clearly, the subject matter of the alleged transgression was in relation to advice about a low level waste repository. I am just coming to finally making up my mind as to which of the two motions is preferable. I believe they are the same in substance, but another speaker may persuade me otherwise. I can think only that the government has sought to move the motion because it wanted some ownership of the process for public relations purposes.

The Speaker has already raised the matter of the public relations handling of the issues since the member for Davenport raised allegations in this place on Thursday afternoon. I tend to agree wholeheartedly with what the Speaker has said about it. I want to refer to what is popularly known as the Abraham and Bevan show on ABC radio on Friday morning, the morning after the allegations were first raised. The members for Davenport and Fisher were interviewed.

I share the concerns that the Speaker has raised about the way in which this was handled. Admittedly, it is probably because of my lawyer's background—and I am not saying that I am any more intelligent or any the better for that—and my experience in the courts that I have approached this matter on a step by step basis.

First, has an allegation been raised? Secondly, is there a case to answer? Thirdly, one inquires into guilt or otherwise. It seems to me that some members were running ahead to the end of the process. I want to take this opportunity to take exception to comments made by the interviewer, Matthew Abraham. As an aside, I take the opportunity to apologise publicly to him for having referred to him in private conversation as being one who tended to do the business of the government in his reporting and in the views he expressed, and I know that he will get the message. Nonetheless, however, I want to take exception to his comment in the course of an interview with the member for Davenport, when he said:

> Chris Hanna left the government because he wanted to be a minister, and you'd like him to be chair on a committee that's deciding the fate of a minister. It's very cute.

I would like to say in this place—because I seem to have dropped off the media call list—that, in August last year, I question whether it was the action of one who wanted to be a minister to take on the Treasurer in respect of public liability insurance reforms. I question whether it was the behaviour of one who wanted to be a minister to criticise publicly the government's stand on civil liberties—the government's failures in a number of respects—and to campaign in the no war movement at a time when Simon Crean was as weak as water on the issue.

Members interjecting:

The SPEAKER: Order! The honourable member needs to come back to the subject of the debate.

Mr HANNA: Thank you, Mr Speaker. I am grateful for the opportunity—

The SPEAKER: The remarks he seeks to make ought to be made under the leave of the house for a personal explanation.

Mr HANNA: Thank you, Mr Speaker; I am grateful for the opportunity. Finally, the question at this stage is just

whether a case has been made out. On the face of it, because the minister has admitted that there was a misleading of parliament, there is a case to answer. So, one of these motions ought to succeed. As I have said, I find it very difficult to assess whether there are any substantial differences between them. The allegations made last Thursday essentially are whether or not there was a deliberate misleading of the house on this particular topic. Unless further speakers persuade me, I will certainly vote for one of these motions, and I can state that I have no difficulty with the consequential motion that will be put when one or other of these motions passes.

Amendment carried; motion as amended carried.

The Hon. P.F. CONLON (Minister for Government Enterprises): I move:

That Messrs Such, Conlon, Atkinson and Brindal be appointed to the committee.

Motion carried.

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

That the committee shall operate under the standing orders and practice for the conduct of select committees of this house; that it have power to send for persons, papers and records and to adjourn from place to place; and that it report no later than 28 April 2003.

Motion carried.

MATTER OF PRIVILEGE

The Hon. P.F. CONLON (Minister for Government Enterprises): I rise on a matter of privilege. I believe that a member of this chamber has materially affected the deliberations of this house by failing to raise a privilege complaint as soon as reasonably practicable after he had notice of the alleged breach of privilege, contrary to the clear requirement as set out in page 144 of the current volume of Erskine May. On 27 March 2003, the member for Davenport alleged a breach of privilege by the Minister for Environment and Conservation. He alleged that a document sent to the opposition on 8 August 2002 showed that the minister had misled the house on 22 August 2002 and 19 November 2002, among other dates.

He alleged that those answers were essential to the debate about radioactive waste in this matter. He alleged therefore that the answers materially affected proceedings of the house. If, as alleged by the member for Davenport, the answers did materially affect the proceedings of the house, the failure by the member for Davenport to complain of an alleged breach of privilege as soon as reasonably practicable after he became aware of it must also have materially affected the proceedings of the house.

The honourable member did not complain until 27 March 2003 when the first alleged breach occurred on 22 August 2002. The member for Davenport can avoid the allegation only if he advises the house that he was unaware until recently of the document sent to the opposition on 8 August 2002; because if the honourable member did not read the offending document there is, of course, no case to answer. I ask you, sir, to rule on a prima facie breach.

Members interjecting:

The SPEAKER: Order! Whilst my instincts might lead me to make a statement deliberately at this moment, I shall not do so. I shall think about it and the implications of it during the course of the afternoon and, circumstances permitting, give an opinion on it before the house rises for dinner, or at least by the end of the day's proceedings should the house sit this evening, as I expect it will.

I make two other observations, though, and they relate to the conduct of the business of the house in question time. If all members would only note what the house says in its standing orders, they would realise that in standing orders 97 and 98, the sorry past from which we come would not have obtained. One wonders whether, in explanation of a question asked by him, the member for Davenport did not lead the minister away from the substance and the point of that question at the time; and equally one wonders whether or not the policies pursued by anyone (government or anyone else) that are not based on good science are sustainable. It has always been my belief that they are not. And, where such policies are at odds with scientific fact, invariably, sooner or later, everyone will realise it. Just because some of us may want the world to be flat does not make it so.

MINISTERIAL PORTFOLIOS

In reply to **Mrs REDMOND** (30 July).

The Hon. K.O. FOLEY: The table below shows the expected underspend and approved carryover for each portfolio for 2001-02:

		Agency underspend				Cabinet Approved Carryover			
Portfolio/Agency	Minister	Operating Expenditure $000	Investing Expenditure $000	Revenue $000	Total $000	Operating Expenditure $000	Investing Expenditure $000	Revenue $000	Total $000
DETE—Education and Children's Services	White	1 060	0	0	1 060	1 060	0	0	1 060
DETE—SSABSA	White	152	275	0	427	152	275	0	427
		1 212	275	0	1 487	1 212	275	0	1 487
DPC—SA Multicultural Ethnic Affairs	Atkinson	80	0	0	80	80	0	0	80
DPC—Division of Multicultural Affairs	Atkinson	271	0	0	271	271	0	0	271
Justice—Attorney-General's	Atkinson	15 200	2 739	0	17 939	7 637	2 739	0	10 376
Justice—Courts Administration Authority	Atkinson	1 700	500	0	2 200	1 700	500	0	2 200
Justice—Attorney-General's—admin items	Atkinson	3 350	0	0	3 350	3 350	0	0	3 350
		20 601	3 239	0	23 840	13 038	3 239	0	16 277
Justice—SAPOL	Conlon	490	8 109	0	8 599	490	8 109	0	8 599
Justice—Minister for Police and Emergency Services	Conlon	0	4 756	0	4 756	0	4 756	0	4 756
Justice—ESAU	Conlon	0	1 168	0	1 168	0	1 168	0	1 168
DTF—Energy	Conlon	749	649	0	1 398	749	649	0	1 398
Government Enterprises—LMC	Conlon	0	5 342	1 800	7 142	0	5 342	0	5 342

Government Enterprises—Lotteries	Conlon	0	1 670	0	1 670	0	0	0	0
		1 239	21 694	1 800	24 733	1 239	20 024	0	21 263
DIT—Industry and Trade	Foley	37 700	2 605	0	40 305	21 000	2 605	0	23 605
DTF—Treasury and Finance	Foley	500	1 700	0	2 200	500	1 700	0	2 200
DTF—Central Contingency	Foley	3 135	0	0	3 135	3 135	0	0	3 135
DTF—SAIIR	Foley	207	0	0	207	207	0	0	207
		41 542	4 305	0	45 847	24 842	4 305	0	29 147
Environment and Heritage	Hill	4 541	500	0	5 041	4 541	500	0	5 041
Water Land and Biodiversity—Sustainable Resources	Hill	171	419	0	590	171	419	0	590
Water Land and Biodiversity—Water Resources	Hill	10 015	1 844	0	11 859	10 015	1 844	0	11 859
		14 727	2 763	0	17 490	14 727	2 763	0	17 490
Agriculture, Food, Fisheries	Holloway	2 175	6 494	0	8 669	2 175	6 494	0	8 669
		2 175	6 494	0	8 669	2 175	6 494	0	8 669
DHS—Health	Stevens	15 518	16758	0	32276	0	16758	0	16758
DPC—Tourism	Lomax-Smith	4 476	0	0	4 476	4 476	0	0	4 476
DPC—Office of Innovation	Lomax-Smith	110	0	0	110	110	0	0	110
DAIS—Science and Information Economy—IEPO	Lomax-Smith	2 647	0	0	2 647	2 647	0	0	2 647
DAIS—Playford Centre	Lomax-Smith	551	0	0	551	551	0	0	551
		7 784	0	0	7 784	7 784	0	0	7 784
DPC—Premier and Cabinet	Rann	4 483	400	0	4 883	2 163	0	0	2 163
DPC—Arts SA	Rann	3 675	0	0	3 675	3 675	0	0	3 675
DPC—Office for Volunteers	Rann	300		0	300	300	0	0	300
		8 458	400	0	8 858	6 138	0	0	6 138
DAIS—Aboriginal Affairs	Roberts	120	0	0	120	120	0	0	120
DHS—non—Health	Key	23 100	11495	12383	46978	0	11495	12383	23878
DTUP—Planning	Weatherill	4 231	200	0	4 431	4 231	200	0	4 431
DTUP—Office of Local Government	Weatherill	80	0	0	80	80	0	0	80
DAIS	Weatherill	21 474	59 470	0	80 944	16 690	31 001	0	47 691
		25 785	59 670	0	85 455	21 001	31 201	0	52 202
DTUP—Transport SA	Wright	4 528	0	0	4 528	953	0	0	953
DTUP—PTB	Wright	600	2 455	0	3 055	600	0	0	600
DTUP—TransAdelaide	Wright	0	1 120	0	1 120	0	1 120	0	1 120
DAIS—Recreation and Sport	Wright	9 950	0	0	9 950	750	0	0	750
		15 078	3 575	0	18 653	2 303	1 120	0	3 423
TOTAL		177 339	130 668	14 183	322 190	94 579	97 674	12 383	204 636

FLINDERS RANGES COUNCIL

The SPEAKER: I lay on the table annual report for the Flinders Ranges Council for 2001-02, pursuant to section 131 of the Local Government Act 1999.

RAILWAYS, SALISBURY LEVEL CROSSING

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

Leave granted.

The Hon. M.J. WRIGHT: The commonwealth government's Australian Transport Safety Bureau (ATSB) report on the Salisbury rail crossing crash was received by me on Thursday 6 March 2003. This report was commissioned under the South Australian Rail Safety Act 1996 and follows the separate independent Vince Graham report commissioned by my department.

The conclusions of both the Vince Graham and ATSB reports are broadly similar and largely supported by the government. Both include recommendations for traffic management monitoring as well as recommendations covering both South Australian and Australian risk management practices. In providing initial support for the recommendations of the ATSB report, my department has also made several recommendations. Both reports have been released and are available at www.transport.sa.gov.au. The current position at Park Terrace Salisbury is that the trial of traffic management initiatives, recommended by Mr Graham, will formally finish today. Mr Graham recommended closure of this crossing if this trial proved unsuccessful or inconclusive. At this stage the traffic management solutions appear to be working and it is unlikely that closure of the crossing will be required. However, detailed evaluation is under way, having commenced during the trial, and includes examination of video evidence, on-site inspections and interviews with South Australia Police, City of Salisbury and the Australian Rail Track Corporation. Evaluation is expected to be finalised in the next few weeks. Additional initiatives by the department beyond the two reports include:

- Train speed: my department has written to the Australian Rail Track Corporation proposing that the speed limit for its track within all the metropolitan area be reduced from 115 to 80 km/h.
- Crossing refurbishments: the most dangerous level crossings will be identified and considered for investments to achieve a new base standard for such crossings. These will consist of lengthening boom gates, installing median strips to prevent vehicles from going around boom gates and installing electronically activated pedestrian gates. The last initiative is particularly important, given that the largest number of near misses with trains involve pedestrians.
- Management: it is clear from both reports that level crossing management needs more accountable governance arrangements. This is because of the multitude of players involved. The first steps have already been taken, but fully achieving the required outcome may require legislative amendment. In the meantime, single point accountability is being implemented administratively to ensure actions

arising from the Graham and ATSB reports are implemented.

- Enforcement: ultimately safety of rail crossings can only be maximised if motorists and pedestrians obey the law. Accordingly, the government's intention is to consider measures to achieve greater compliance.

I will continue to inform the parliament of any further significant developments.

QUESTION TIME

PRIVILEGES COMMITTEE

The Hon. R.G. KERIN (Leader of the Opposition): Will the Premier now stand down the member for Kaurna from his ministerial responsibility for the environment and conservation until the Privileges Committee reports?

The Hon. M.D. RANN (Premier): No, it is not necessary.

ADELAIDE AIRPORT

Mr KOUTSANTONIS (West Torrens): Will the Deputy Premier advise the status of the upgrade of Adelaide Airport?

The Hon. K.O. FOLEY (Deputy Premier): I thank the member for West Torrens for his question. He has the interests of the airport uppermost in his thinking, clearly with the large residential impact the airport causes upon my colleague and other colleagues in the house. I will briefly outline where we are at with the airport, because it has been a long time coming and has required some very skilful negotiation from the Premier in dealing with both Virgin Blue and Qantas. The key to the commencement of the new terminal is clearly the conclusion of negotiations with the major airlines to use the multiuser terminal. Adelaide Airport Limited and Qantas have agreed on all matters in principle, significantly aided by the Premier in that process. Contract drafting and negotiations, whilst complex, are proceeding satisfactorily, I am advised. Adelaide Airport Limited has a letter of commitment from Virgin Blue and will enter into contract negotiations after it has finalised details with Qantas.

After completing negotiations with both airlines, Adelaide Airport Limited will then need to enter into a build contract. This will be completed when detailed designs are complete and work packages determined and fully costed. Adelaide Airport Limited is currently working to finalise the detailed design of the terminal and is also in the process of concluding funding arrangements with its bankers. We believe that the current timetable should see site work commence in the second half of this year with target completion in 2005.

PRIVILEGES COMMITTEE

The Hon. R.G. KERIN (Leader of the Opposition): Will the Attorney-General assure the house that public servants and ministerial advisers who are required to give evidence to the Privileges Committee will be provided with independent legal advice?

The Hon. P.F. CONLON (Minister for Government Enterprises): I ask for your guidance, Mr Speaker, as to whether, in fact, the question is in order or pre-empting the work of a Privileges Committee just established by the parliament? Plainly, the powers given to the committee are sufficient to call for papers and witnesses. It is not in order to pre-empt the—

Members interjecting:

The SPEAKER: Order! The ramifications of the question are probably more wide ranging than many honourable members might have thought on first hearing the question. The house has already decided that the nature of the committee will be identical to that of a select committee. No other select committee in my time has ever allowed legal representation, yet the question asked by the leader at least implies that that might be the case. More especially, it is my ruling and judgment now—pre-emptorily or not—that the committee has the power to send for people and papers and to meet where it is convenient to do so in its considered opinion, and that means that anyone summoned to the committee who the committee believes can assist it in its deliberations shall appear before it, regardless, or otherwise that person will be in contempt of the parliament. Equally, any paper sought by that committee shall be delivered to it regardless of what the person having possession and responsibility for the paper may have as a view about it.

The parliament has made a decision. It is not a question for the Attorney or any other minister or member other than by substantive motion to the parliament. I trust that clarifies the position sought by the leader in the question which he has asked. I regret the necessity to outline it at such length, but unless I am mistaken that is the direction in which the leader's question was going. I call on the member for Giles, if the member has a question. I invite the leader to approach the chair if he is of the belief that I am mistaken in my analysis of the nature of his inquiry.

HOSPITALS, RENAL DIALYSIS

Ms BREUER (Giles): I direct my question to the Minister for Health. What new services are being provided to country residents who are dependent on renal dialysis and who currently have to travel long distances to access services in metropolitan hospitals?

The Hon. L. STEVENS (Minister for Health): I thank the honourable member for this very important question, and I also know that the Leader of the Opposition will be interested, because last week I announced that a new renal dialysis service will be established at Clare. A new two-chair facility will initially provide a hospital based service to four people who currently need to travel to Adelaide to be treated. This will be an important service for those most in need. It is not always possible for dialysis dependent people to self manage their dialysis at home, and for those people it means a trip to an Adelaide hospital or clinic. Usually patients must attend their dialysis site three times a week, sometimes for up to six hours at a time, and it is a substantial imposition on people's lifestyle, family and work commitments if long travel is required. By establishing dialysis services in rural areas, the state government is demonstrating our commitment to providing services closer to where people live—a key theme of the generational health review.

The service will be based at Clare District Hospital and is being incorporated into the eastern wing of the $3 million hospital redevelopment that is currently under construction. It is expected that the service will be fully operational by June 2003. The new Clare service will complement similar services already established at Port Lincoln, Mount Gambier, Ceduna, Murray Bridge, Berri and Port Augusta.

PRIVILEGES COMMITTEE

The SPEAKER: Before proceeding to the next question and further to the ruling the chair has just given, let me make it abundantly plain, if it is not already plain, that no legal representation will be provided to or required by any witness before the Privileges Committee that has just been established by the parliament. There is no precedent for it, nor any need for it. The duty of that committee is to discover, in relation to the subject matter for which it has been established, what happened in any and all circumstances, why it happened and whether or not, in consequence of those events that the committee has satisfied itself did happen, the minister then deliberately misled the house.

The people who are called to the committee to give evidence to it are there to assist the committee, not to assist one or other outcome that any party may believe is desirable. I repeat: it is to establish what happened, when it happened and what the consequences of that were in relation to the matter to which the house has said the committee shall direct its attention. The leader.

GREENING AUSTRALIA

The Hon. R.G. KERIN (Leader of the Opposition): Does the Treasurer know that Greening Australia in South Australia is the only Greening Australia body in the country to be forced to pay a payroll tax, and is it true that in February this year the Treasurer wrote to Greening Australia insisting on the back payment of more than $100 000 in payroll tax? Greening Australia first became aware of its potential liability for payroll tax this financial year. Greening Australia claims that the reason it is liable for payroll tax is that its delivery of the NHT funded program had increased its total wage level beyond the tax free threshold.

Mr Brokenshire: He'd tax his grandparents!

The Hon. K.O. FOLEY (Treasurer): That was very unfair; I am offended by the suggestion by the member for Mawson that I would tax my grandparents.

Members interjecting:

The Hon. K.O. FOLEY: They don't live in South Australia. Lucky them. That is a fair question by the Leader of the Opposition. I am not familiar with the specific details, but I am happy to seek advice, to have a look at the correspondence that I have sent to Greening Australia, to consider a response, and to give that to the house and the Leader of the Opposition.

POLICE OPERATIONS

Mr BROKENSHIRE (Mawson): Will the Minister for Police advise the house which local service area, which local police station, and which local community will be left short of police following the transfer of six detectives to the Major Crime Investigation Section? In today's *Advertiser* there is a report saying that six extra detectives have been assigned to the Major Crime Investigation Section to investigate cold murder cases.

The Hon. P.F. CONLON (Minister for Police): I am not quite sure that I understand the gist of the complaint of the member for Mawson. Given that last week he said that they needed more detectives in major crime, I would have thought that he would be pleased that there are now six extra detectives. Another thing that the member for Mawson seems to have suddenly forgotten—as we have heard from him for so long—is that where police are assigned is a matter for the Police Commissioner. Decisions about what the Commissioner does with the resources that we give him—the best resources that the police have had for a decade—are matters for the Commissioner.

Mr Brokenshire: Get your priorities right.

The Hon. P.F. CONLON: The member for Mawson apparently has somewhere he would prefer these six detectives to be, but fortunately he does not run operational matters—and fortunately neither do I: the Commissioner does.

Mr Brokenshire interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: I was not consulted about the move of these six detectives to the Major Crime Investigation Section—and neither should I have been. If the member for Mawson has a complaint about the longstanding operations of the police and the operation of the Police Act (which was enacted in this place) he should perhaps seek to alter the act through a private member's bill. Until he does that I will ignore such silly questions.

Mr Brokenshire interjecting:

The SPEAKER: Order!

TRADE LICENCES

Mr O'BRIEN (Napier): My question is directed to the Minister for Consumer Affairs. What is the government doing to reduce red tape for applicants for trade licences?

Members interjecting:

The Hon. M.J. ATKINSON (Minister for Consumer Affairs): I am ashamed to say that I will have to take that question on notice and bring back a reply for the honourable member.

Members interjecting:

The SPEAKER: Order! It may please opposition members to know that government members' questions are questions without notice.

OUTER HARBOR

The Hon. M.R. BUCKBY (Light): Will the Minister for Government Enterprises advise the house what steps have been taken so far by the government in respect of the deepening of Outer Harbor? On 27 September last year, it was announced that the development of a deep sea grain wharf would go ahead. The site for the grain wharf is to be at berth 8 next to the container terminal at Outer Harbor. Flinders Port has achieved all-time high levels of cargo handling with records in grain and container traffic overall throughout the seven SA ports, increasing by 12.5 per cent to 16.7 million tonnes. The Outer Harbor channel needs to be deepened to handle larger container ships and bulkers.

The Hon. P.F. CONLON (Minister for Government Enterprises): The member for Light appears to have mixed up a couple of subjects in the one question. I will try to give him a run down, to the best of my recollection to date, as to where we are with Outer Harbor. Of course, when we came to government we inherited a complete crock of a deal on the grain terminal that occurred during the sorry privatisation of the ports—one which we now know was done at bargain basement for the state, because the people at Flinders Ports are making a great deal of money, thank you very much. However, so it goes with all the privatisations of members opposite.

One of the things we inherited was a decision that was cobbled together to satisfy some of its lobby groups during the privatisation process, with a site for a deep grain terminal that was entirely inappropriate. On coming to government, one of the first things we did—and being more responsible than members opposite were with taxpayers' funds—was to suspend the legal obligations on both sides by discussion with Flinders Ports so that we could come to a better solution. We achieved that by moving the grain terminal at Outer Harbor. There would have been enormous problems—in fact, it may well have been impossible—to dredge as necessary for the berth where it had been positioned by the Liberals.

As I understand it, there were severe question marks. So, we came up with a much better arrangement for the grain farmers of South Australia. I would like to know whether the members for Schubert and Stuart agree—and I am sure that anyone who was fair would say this—that the new situation for the grain terminal at Outer Harbor is a much better result.

The Hon. W.A. Matthew: It certainly is better than Port Stanvac.

The Hon. P.F. CONLON: For once the member for Bright and I agree. From there, we—along with Flinders Ports—are committed to the dredging necessary for the grain terminal. That is one issue. It is a different issue, and the member for Light asked about two others. Of course, we have to put in place other major pieces of infrastructure, including getting the grain to the new grain terminal. So, we are in the process of looking at rail crossings to get the grain there. It is another major piece of infrastructure.

One of the other advantages of the approach this government took to the approach of the previous government was in locating the grain terminal at Outer Harbor instead of where it was under the previous government. It gave us the scope in future—and it is something we are looking at in future in cooperation with Flinders Ports—of not only deepening the grain terminal but also examining the scope to deepen the container terminals there so that we could hopefully at least compete with or even steal a march on Victoria. Of course, that is a further deepening than that required for the grain terminal. However, it is now an option for us because of the good decision taken by this government to cure the defects of the previous government's decision. To the best of my memory that is where we are at present. If there is anything incorrect in what I have said, I can guarantee the house that I will be back in here correcting it pretty soon.

SMALL BUSINESS

Mr CAICA (Colton): My question is directed to the Minister for Small Business. What has the government done to improve the services available to South Australia's small business community, especially to help in dealing with the financial and emotional stress involved in small businesses?

The Hon. J.D. LOMAX-SMITH (Minister for Small Business): People will realise that the costs of compliance and the difficulty in managing small businesses do produce stress, and the risk of failure impacts on families, the broader community and, of course, their employees. We have recently improved the services provided under our help line area, firstly, by changing the nature of the service. It was previously called the business emergency service. One of the problems with the name was that it implied businesses in crisis, and this name alone often deterred small business men and women from applying for assistance because there was an inference that there they were in desperate straits.

The business help line in its new form was expanded in January 2003 but particularly given extended hours to enable more access to professional advice. Now the service is available between 10 a.m. and 4 p.m. each weekday, and the extra hours of operation enable proprietors in South Australia's small business community to access services in order to contribute to reducing the emotional and financial stress they are experiencing, as well as to avoid and manage any threat of business failure.

Help line counsellors refer business people to a professional network of lawyers and accountants who are able to provide five hours of free advice to each client. The extended service has been promoted by print and radio advertising campaigns focussing on the most common issues raised such as poor sales, family stress, family relationship issues, leases, landlords and general management issues.

The number of calls to the small business operators' service has doubled since the launch of the reinvigorated service compared to the same period last year. The service itself is delivered by the Adelaide Central Mission on behalf of government, and it operates in partnership with the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants and the Law Society of South Australia.

BICYCLES, REGISTRATION

The Hon. M.R. BUCKBY (Light): Will the Minister for Transport guarantee that the government will not bring in a registration fee on push bikes? Recently on an Adelaide radio station it was announced that the government is the considering a way of paying for bicycle tracks and the upkeep of line marking that would be accomplished by a registration on bicycles.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. WRIGHT (Minister for Transport): To the best my knowledge, this is the first I have heard about the matter. As such, I am happy to rule it out.

RAA BUILDING

Ms CICCARELLO (Norwood): My question is directed to the Minister for Urban Development and Planning. What is the future plan for the RAA building on the corner of Hindmarsh Square and Grenfell Street?

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): I am very pleased to report to the house today that I announced this morning that I have declared as a major development a development proposal for the RAA building site. The Hines Group and Grenfell East Pty Ltd have proposed an $80 million development based on a range of unique principles, including environmentally sustainable office and apartment development principles. If the development is approved, it will incorporate a number of sustainable construction technologies such as solar cell energy collectors on the facade of the building providing a very visible commitment to solar energy. It will also include measures to improve water and energy efficiency in recycling and also of elements of safe building features to avoid the sick building syndrome.

Indeed, the demolition process that will occur during the actual building process will recover an extraordinary amount of the resource that is embedded in the existing site. In many respects, it really lays the groundwork for an environmentally

sustainable development within this state. It has been suggested that it is the greenest building development of its size in South Australia, and it has been claimed that it rivals national experience also.

The interesting thing about this development is that it indicates that two things can happen simultaneously. One can have a sustainable development that embodies these principles, and this is obviously good for the environment; it is able to reduce greenhouse emissions and the call on our natural resources; but also it can be done in a financially viable fashion.

We have a developer who has been prepared to put up a proposition about this in the knowledge—obviously on his own business case—that he can make this work. It is a welcome development. Obviously, a range of sensitive assessments need to be taken out here. A heritage building is embedded within the site. There is the proximity to the square and related car movements and, of course, there are questions of the implication of council properties. We need to assess the true impact of the sustainable initiatives, including the solar panels, which will occur during the development assessment process. However, it is a very welcome sign.

MOTOR VEHICLES, REGISTRATION

The Hon. M.R. BUCKBY (Light): Will the Minister for Transport advise the house when the electronic alternative for car registrations for the retail motor industry will be available? Last year the minister announced that on 1 January 2003 the retail motor industry would not be able to pay vehicle registration transactions by some credit cards as in the past. As the electronic alternative was not in place on 1 January, selected credit cards were still being used.

The Hon. M.J. WRIGHT (Minister for Transport): I will bring back that detail for the member for Light. I have asked the department to do a range of work for me in this area and I am awaiting further advice in respect of some options that the government may well consider, and I will also share that with the house when I have received that information as well.

STATE HOUSING PLAN

Ms BEDFORD (Florey): My question is directed to the Minister for Housing. What is happening with respect to the development of the South Australian state housing plan?

The Hon. S.W. KEY (Minister for Housing): As members are aware, the state housing plan process has been under way since last November. It will provide a 10-year strategic framework to ensure access to affordable, appropriate, safe and secure housing for all South Australians wherever they live. The plan will chart a course for the future of housing policy and the housing market in this state. Access to adequate housing contributes to the state's overall economic and social sustainability. It is also a human right that helps underpin the Labor government's social justice agenda. The intention is to finalise the plan by September this year. Relevant consultations are proceeding and substantial work is being undertaken within the housing portfolio to ensure that the real issues are addressed.

Major interest groups are working collaboratively to ensure that the robust plan is developed. Ably chaired by Dr Judith Brine, the state housing plan steering group involves experts from the community, industry, academia and across the spheres of government. We are now at the point where a set of issues and option papers will be available to the public for input. They have been prepared by working groups made up of members from the steering group. I place on record the government's gratitude to all involved. People have been extremely generous with their time and ideas. The papers focus on six areas and will be available on the state housing plan web site this week.

The categories are: first, shared objectives, government and industry; secondly, planning, land supply and urban regeneration; thirdly, alternative financing and investment for affordable rental housing; fourthly, social housing, public, Aboriginal and community housing; fifth, homelessness and transitional housing; and, sixth, private market, rental and home ownership. I look forward to bringing the housing plan to the house later this year.

COFFIN BAY NATIONAL PARK PONIES

Mrs PENFOLD (Flinders): Will the Minister for Environment and Conservation advise the house when he notified the Minister Assisting the Minister for Government Enterprises of his intention to relocate the Coffin Bay ponies from Coffin Bay National Park to the SA Water reserve at One Tree Hill? Members of the Pony Preservation Society believe the minister responsible for SA Water land was not aware of the decision by the Minister for Environment and Conservation to shift the Coffin Bay ponies to land under his control.

The Hon. J.D. HILL (Minister for Environment and Conservation): I note the question that the member has asked. I am not aware of the precise details; I am happy to get the answer for her. I am still waiting for a request from the honourable member's office for her to bring a group of her constituents to talk to me about this matter and how the future of those horses can be managed, so I look forward to her contacting me.

ANZAC DAY

Ms THOMPSON (Reynell): My question is directed to the Minister for Education and Children's Services. How will students in government schools be instructed about the importance of Anzac Day?

The Hon. P.L. WHITE (Minister for Education and Children's Services): I thank the honourable member for her question on this very important topic at this time of year, because Anzac Day is a very special day in the academic year and the Education Department does recognise its position in society. I do note that the member for Reynell has been very active in the promotion of Anzac activities in her own electorate, initiating last year, as she did, the Anzac youth vigil in the south. It was initiated by the member and supported administratively through her office. It was also supported by the Morphett Vale sub-branch of the RSL, the city of Onkaparinga and local businesses and community groups particularly.

I should also mention that the member for Fisher has taken a particular interest in this topic and written to me about Anzac Day activities for this year. His suggestions have been put into place because the department does consider Anzac Day to be of such importance that it warrants special attention and that lessons reflecting this importance should be given prior to the day. As the day now falls during school holidays (which was the matter about which the member for Fisher wrote to me), it is anticipated that schools will mark the day

educationally before the end of term one, which finishes on 11 April this year.

Teachers are very aware of the significance of the day and include Anzac Day themes in their programs. To aid them this year in the provision of services to children and information to children, a range of resources is available to them and some web site links have been set up on our departmental web site. In addition, a whole range of resources have been published in the *Express Journal*, which is an internal Education Department publication. We have published about 10 resources on web sites which deal with everything from introduction to Anzac Day for early childhood through to Anzac stories, Anzac week activity programs, stories on South Australians at war, information about the First World War and a range of other resources available to teachers to be included in their program.

The aim of the site is to provide a service to the educational community by aggregating a useful and comprehensive collection of Anzac resources for teachers, and there is a link to the EDNA site, which is the educational resource web site. The Office of Learning and Service Delivery will circulate a reminder to all district superintendents on the importance of Anzac Day, requesting that schools ensure appropriate programs are undertaken. Quite a significant amount has been done this year specifically for Anzac Day but, in addition, some guidance has been provided to schools to help them, given the global situation of war in Iraq. Extra information has been provided to schools to help teachers deal with issues in the curriculum, to answer children's questions about war, the Anzacs and issues of global conflict.

SCHOOLS, ASBESTOS

Mr WILLIAMS (MacKillop): My question is directed to the Minister for Education and Children's Services. Given the recent failure of protocols for removal of asbestos at Ascot Park Primary School and concerns over the delayed demolition of asbestos contaminated buildings at Stirling East Primary School, will the minister have conducted an audit and inspection of each school site to ensure the safety of South Australian schoolchildren?

The Hon. P.L. WHITE (Minister for Education and Children's Services): Each school site is required to keep a register of asbestos. Obviously, government buildings that date back many years contain asbestos, which is why an investigation was launched by the responsible minister, my colleague the Minister for Administrative Services, as this issue impacts not only on school buildings but all government buildings. Those registers are required to be kept in good order and, as the Minister for Education, I will work collaboratively with the Minister for Administrative Services to examine any recommendations that come from him as a result of his investigations.

RAILWAYS, SAFETY

Ms RANKINE (Wright): Will the Minister for Transport advise the house whether the Adelaide metropolitan passenger rail system was exposed to any specific safety risks identified out of the recent crash findings, and are there any other specific threats that are unique to the Adelaide environment?

The Hon. M.J. WRIGHT (Minister for Transport): Travel by rail is widely acknowledged as one of the safest forms of transport. However, when incidents occur it can result in multiple fatalities and injuries, which reawakens the community to the dangers of transport. Recent incidents nationally suggest that causes fall into two categories: namely, infrastructure and human, with the latter dominating. The Adelaide metropolitan passenger rail system has an excellent safety record but incidents do occur. TransAdelaide endeavours to maintain a safe system by focusing on fit-for-purpose infrastructure and employing qualified, trained and motivated employees.

TransAdelaide addresses areas of risk with strategies that target asset plans enacted through a 10 year, five year, three year and annual works program, with work allocated on a priority basis and targeted to mitigate potential safety risks. Secondly, human aspects are addressed through appropriate policies, staff selection, training and performance management.

Examples include a drug and alcohol policy that exceeds the requirements of the South Australian Rail Safety Act 1996 by enforcing a strategy that embraces random alcohol and drug testing; a rail education unit for instructing vulnerable groups, such as primary school children, in how to use trains and trams safely; and TransAdelaide also has a number of systems in place to manage the performance of employees engaged in rail safety work, for example, train drivers undertake proficiency assessments every 12 months. A new performance management system is also being introduced.

To help develop strategies, TransAdelaide examines various incidents that occur in Australia and overseas for relevance to its own system, including the recent Waterfall incident in New South Wales and the Spencer Street Station incident in Victoria. Although the investigations into both these incidents are not complete, several issues have attracted media comment. Passenger trains in Adelaide are fitted with operational black box recorders. These have been in working order for many years and are used to analyse data when incidents occur.

TransAdelaide monitors all train movements operating across the system through its centralised traffic control system. The CTC system also has a black box recorder and information is analysed whenever an incident occurs, as was the case at Salisbury on 24 October last year. Over the years, TransAdelaide has addressed a variety of safety risks with the intent of eliminating all occurrences and continues to monitor and manage issues alike:

- Signals Passed at Danger, through effective human resources and performance management systems;
- wrong side signal faults through effective engineering strategies; and
- track buckling, also through effective engineering strategies.

The government is strongly committed to safety as a key policy driver in the transport portfolio, with that safety focus across all modes of transport.

SCHOOL CARD

Dr McFETRIDGE (Morphett): Will the Minister for Education and Children's Services inform the house what steps she is taking to ensure that schools can receive School Card funding from parents who, for some reason, fail or refuse to fill out School Card application forms even though they are eligible for School Card? It is my understanding that if the application form for School Card is not filled out by the parents or guardians of a child at school, the school cannot claim that money and so is missing out on funding.

The Hon. P.L. WHITE (Minister for Education and Children's Services): I suppose that the government is not in the habit of forcing people to fill out School Card forms on behalf of schools. Schools do go to some effort, I know, to ensure that information is provided to parents who may be eligible for School Card and for them to apply.

The Hon. W.A. Matthew interjecting:

The Hon. P.L. WHITE: The Member for Bright intervenes about literacy levels. Schools do go to considerable effort, and if people identify that they are having trouble filling out forms I could, with a fair degree of confidence, say that the school would go to great lengths to assist those parents to fill out those forms, because it is in the interests of the school to have all parents apply who are eligible for the benefit, thereby benefiting the school in terms of funding. It is possible that parents who are eligible have not got the message that they are eligible. As I say, schools do go to considerable effort (perhaps some more than others, the majority at least) to make known to their parent group that this benefit is available.

The honourable member may be alluding to the circumstance where a school thinks that a parent might be eligible but the parent is not eligible because, for example, they might have had a greater income in that year and, not wanting to tell the school about their personal financial information, have just not filled out the form. I can assure the honourable member that significant effort is made by schools to ensure that parents who may be eligible are made aware of the benefit and they are encouraged to apply. However, in terms of investigating the private financial information of individuals, schools do not have the means to go that far.

RIVER RED GUMS

Mr RAU (Enfield): My question is directed to the Minister for the River Murray. What is the condition of the red gums along the River Murray following reports that they are sick or even dying?

The Hon. J.D. HILL (Minister for the Rivery Murray): I thank the Member for Enfield for his question and I acknowledge his great interest in this issue, and I am sure that all members are interested in hearing the latest news about the red river gums. The government is most concerned about the health of the red gums along the river in South Australia, as well as upstream in New South Wales and in Victoria. The Murray-Darling Basin Commission has undertaken a preliminary report on river red gum health. The report is being coordinated by the Department of Water, Land, Biodiversity Conservation.

A project team has been established, comprising agency staff from both South Australia and Victoria and eminent scientists, to assess the health of the gums and to identify the extent and severity of the decline. That report was sent to the commission late last week, as I understand it. The report is based on two types of surveys: landscape observations made by members of the project team and two separate on-ground surveys. The report focuses on the area from Mildura downstream to below Walker Flat. However, anecdotal evidence of decline in river red gums has also been noted as far upstream as Euston Weir, a total distance of 925 kilometres.

Observations made by members of the team on 20 February this year recorded that approximately 80 per cent of trees on the River Murray flood plain in South Australia are stressed—that is, 80 per cent are stressed—with 20 to 30 per cent severely stressed. In the area between Wentworth and Renmark, more than half the trees have been assessed as stressed or dead. Further downstream towards Renmark the survey indicated that in some areas 100 per cent of trees—

An honourable member interjecting:

The Hon. J.D. HILL: I thank my colleague for his assistance. He may care to keep his remarks to himself. I report that the survey indicated that in some areas 100 per cent of trees are either stressed or dead. Black Box and River Coober trees are also showing signs of stress. The draft report concludes that the decline in tree health is due to prolonged water stress, as we would all know. This report indicates a dramatic decline in the frequency of flooding, which in turn has reduced ground water recharge. The conclusion is supported by the fact that medium sized flows, which normally would have flooded these trees, have reduced from a frequency of one year in three to an average frequency—

Mr Brindal interjecting:

The Hon. J.D. HILL: I understand that, member for Unley—of one flood in every three years to an average frequency of one every eight years. Therefore, it is estimated that the majority of the affected river red gums have been without a flood since mid-1995, a period of some 77 months. Coupled with the current drought, these conditions have created an intolerable level of stress for these trees. This is of particular concern because the River Murray corridor is the only flood plain in this region, which in turn is critical to a wide range of species, many of which are of national and international importance.

Putting more water in the soil can be achieved through natural flooding, inducing a significant flood, through significant rainfall or a combination of all three. If flooding does not occur or cannot be induced for 18 months or so—this is the critical point—it is doubtful that the now severely defoliated trees will survive without significant rainfall. In other words, we have 18 months before we lose a significant amount of river red gums along the River Murray. This is an absolute crisis.

Given the water resource predictions for the next 12 months, it is sadly unlikely that the required flooding can be induced. However, it may be possible to provide water to small affected areas as part of an ongoing monitoring program. It is critical that the Murray-Darling Basin Council this year, when it meets, agrees to and votes for increased water flow for the River Murray. Without that, we are facing a grave crisis.

PROPERTY RATES

Dr McFETRIDGE (Morphett): Does the Minister for Local Government agree with the comments made by the member for Adelaide and reported in the *City Messenger* in December last year regarding council and water rate rises potentially forcing people from their homes? Referring to housing prices in North Adelaide, the Messenger article reads:

> Member for Adelaide, Jane Lomax-Smith said, 'The rising prices were a double edged sword.' Ms Lomax-Smith said, 'The changes must be encouraging for investors, but they could pose a huge problem for owner occupiers on fixed incomes whose water bills were partly based on property values and rate bills based on rental values. Although you might own a very substantial building, if your family has left home and you're a pensioner, then its a big burden to bear, and clearly people don't want to be forced from their homes by rising overheads' Ms Lomax-Smith said.

I have been contacted by several constituents in the Glenelg area regarding the same issue.

Members interjecting:

The SPEAKER: Order! One should always ascribe to any other honourable member the assumption that the honourable member is acting in good faith and not respond in a cynical fashion as the chair can only assume is the way in which such members as berate another honourable member might have themselves behaved in the same circumstances.

Dr McFETRIDGE: I have been contacted by several constituents in the Glenelg area regarding the same issue. One constituent in particular recently moved from New South Wales and has said that she is paying twice the amount for water as she did in Sydney where her home was half the value. The comment I often hear from residents is that the present system of charging water rates on the value of the property and improvements is inequitable and should be reviewed.

The Hon. R.J. McEWEN (Minister for Local Government): I think there was a question in there somewhere. I am struggling to discover where it was. Obviously it is totally inappropriate for me to comment on what someone may or may not have said, but the crux of the matter is a lack of understanding in this place around property values generally. At a recent meeting over the way the City of Adelaide and the City of Port Adelaide-Enfield use independent valuers to establish rates, it became clear that not only members in this place but also the industry at large totally misunderstand the whole property valuation system.

We have to explain to people that often the property value is a stepping off point for a range of property based taxes. If property values go up the base for collecting those taxes will go up, but that does not necessarily mean that the tax per se will go up. We all know that property values are going up, and they are one of the fundamental bases for this state and local government to raise rates and other taxes.

CLIPSAL 500

Mr HAMILTON-SMITH (Waite): Does the Treasurer now acknowledge his government's mistake in slashing $110 000 from the budget for this year's Clipsal 500 motor racing event, given the Premier's announcement last week to reverse that decision by spending more on infrastructure next year?

The Hon. K.O. FOLEY (Deputy Premier): I can say that this government has provided a very good budget to Clipsal for this year. Clipsal has said to us that it wants further assistance with further infrastructure, and I and the Premier have been happy to agree to that and are now factoring it into the budget. Everyone in this house would applaud the work of Roger Cook and Andrew Daniels, the board and the staff of the Clipsal 500 for an outstanding event. We backed this event in this year for four days instead of three, and it was an outstanding success. I know that the shadow minister is keen—so keen is he with the race that I sent him a Clipsal 500 shirt so that he could proudly wear it on the Sunday. He did so, and he enjoyed the day. With the bipartisan support we received for the Clipsal 500, we look forward to next year's race, which can only be bigger and better.

MULTICULTURALISM

Mr O'BRIEN (Napier): Will the Minister for Multicultural Affairs advise what the government is doing to help community accord in South Australia's multicultural communities, particularly among South Australia's Islamic and middle eastern communities in the face of the war in Iraq?

The Hon. M.J. ATKINSON (Minister for Multicultural Affairs): World events including terrorist attacks on New York, Washington and Bali, and now the war in Iraq, have led to a heightened level of anxiety and tension in many places, including South Australia. As Minister for Multicultural Affairs, I believe it is important that we do not allow division and violence to erupt. The greatest continuing protection against division and hostilities is achieved through respect, understanding and equity, epitomised by our state's bipartisan policy of multiculturalism.

South Australia's population consists of people from more than 186 different countries speaking some 150 languages and celebrating many faiths. There is clearly no room for xenophobic attitudes. The South Australian government and previous state governments over many decades have been committed to the principles of multiculturalism. Continuing to support this policy and to provide resources through government is the pest way to help accord among the many diverse groups and the public.

The comments by the commonwealth Minister for Education, Mr Brendan Nelson, about the curriculum in Islamic faith based independent schools were unhelpful and indeed surprising, coming from that gentleman. During the recent Harmony Day, I urged South Australians to use the opportunity presented by the International Day for the Elimination of Racism to pause and think about how multiculturalism has made our state a better place. I have taken several measures to ensure that Middle Eastern and Islamic South Australians have open channels of communication with the government.

Together with the member for Mitchell, I recently attended the Kurdish community new year celebration of Newroz soon after United States troops stormed Iraq. It was an evening of mixed emotions with Kurds in good spirits awaiting the demise of Saddam Hussein's government but also fearing for the safety of family and friends still in Iraqi and Kurdistan and also in Mosul and Kirkuk, still then under the control of the Baghdad government.

At the Turkish Festival of Sacrifice last month, I met several Iraqi Turkmen who also fled to the haven of South Australia. I am meeting with the Middle Eastern Communities Council of South Australia, and I have visited the only Islamic college in South Australia at Cedar Avenue, West Croydon, in my electorate.

The Hon. W.A. Matthew interjecting:

The Hon. M.J. ATKINSON: I am not sure what the member for Bright finds funny about that. Multicultural affairs agencies have held meetings with police together with representatives of communities of Middle Eastern origin and Islamic faith to discuss any action needed to prevent a backlash on local groups. Eight Islamic or Middle Eastern groups have directly benefited from the latest multicultural grants scheme to the tune of $10 700, including the Australian Kurdish Association, the Iraqi Turkman Association and the Middle Eastern Communities Council of South Australia. Several agencies are taking steps to reinforce

respect, goodwill and understanding between Australians of all backgrounds.

My colleague the Minister for Education announced $45 000 of grants for Harmony Day activities in South Australian schools. I understand that the Department of Human Services has launched a web site, providing practical advice to parents and other adults on what they can do to help children deal with the fears and anxieties that current world events bring. I call on everyone to be mindful of the rights of South Australians. Irrespective of their views on the war in Iraq, people should not be attacked or criticised for events in their country of origin over which they have no control. As it happens, chances are Kurds in Australia and Turkmen in Australia are more likely to be enthusiastic about the war in Iraq than the class of Australians who respond to opinion pollsters.

PRIVILEGES COMMITTEE

The Hon. P.F. CONLON (Minister for Government Enterprises): With the forbearance of the house, I move a consequential motion upon the establishment of the Privileges Committee. I move:

That the Privileges Committee established today have leave to sit during the sittings of the house.

Motion carried.

GRIEVANCE DEBATE

HOSPITALS, EUDUNDA

The Hon. G.M. GUNN (Stuart): I wish to raise a matter of concern in relation to the Eudunda Hospital and the difficulties they are having in meeting costs beyond their control. I hope that the minister will give favourable attention to the difficulties being experienced by Eudunda and Kapunda Health Service Incorporated. They are a hardworking and dedicated group of people who have the best interests of their community at heart. I recently received the following letter from the Eudunda and Kapunda Health Service:

The board of the Eudunda and Kapunda Health Service would like to bring to your attention the financial difficulties being experienced at the Eudunda campus following the redevelopment of the hospital. In 1998 the Health Services Board agreed for the Eudunda campus to participate in arrangements with the state and commonwealth to locate eight high care commonwealth nursing home beds in the hospital. The state government funded approximately $1.1 million for the building redevelopment, which was completed in mid-2000, and the commonwealth provided the funding for the ongoing care of the residents.

As part of the arrangement, the state government through the Wakefield Regional Health Service sought and received agreement from the board for the local community through fundraising to the Eudunda capital account to contribute $90 000 towards the cost of the redevelopment. To date the hospital has paid $25 000 but has been unable to pay the remainder and has proposed an arrangement to the Wakefield region to pay the balance over a number of years with the next payment being due in June 2003.

A major difficulty with this arrangement is that there have been a number of building issues that needed to be addressed from the Eudunda capital account because the building redevelopment project exceeded its budget and they could not be completed as part of the initial project. Some additional matters such as a new roof, electrical rewiring of the old nurses' home and a hot water system were funded by DHS; however, there remains many other unfunded work that has had to be financed by the Eudunda capital account. These works include:

- Installation of fire alarm detectors in the old nurses' home
- Replacing the new main entrance doors because they have been found to be unsuitable due to their exposure to the wind
- The replacement of the hospital lawns and gardens which were destroyed during the redevelopment.

Therefore, not only does the Eudunda capital account have to fund $90 000 for the redevelopment: it has to pick up the cost of works that should have been completed as part of the initial redevelopment project. The current balance of the capital account is $33 000, which is needed for replacement of medical equipment and urgent building issues, which cannot be funded from the recurrent allocation. At the end of October the Eudunda campus is projected to have an end of year deficit of approximately $167 000.

Under the South Australian casemix funding model, the Eudunda campus is classified as a minimum volume hospital and is entitled to a rural access grant as part of its recurrent state government funding. In the 2002-03 year, unlike last year, the rural access grant has been reduced by $122 700 per year because of the funding cuts to the Wakefield region. The basis of the reduction in the rural access grant is that the hospital now receives funding from the commonwealth for its nursing home residents. The reduction to the recurrent state government funding was never part of the agreement between the state and the commonwealth and was not part of the board's agreement with the region to pay $90 000 towards the cost of the redevelopment.

As you could appreciate, the board is somewhat disappointed and frustrated with the current financial situation and is seeking some assistance to resolve this difficult financial situation. Any support or advice you could provide the board would be greatly appreciated.

The letter is signed by the Chairperson of the Eudunda and Kapunda Health Service. So, I ask the minister whether she will look at this situation. These are good hardworking people. It is a well run hospital; they are not people who deliberately ask for money they do not need; and they have strong community support. The new facility at the hospital is excellent and provides much needed assistance. I am very happy to give the minister the letter from which I have just quoted.

I am not saying that this is all the fault of the minister, but it is a matter which I think needs some discussion to work through the issues to try to come up with a sensible solution that will assist the hospital, taking into account various other matters. I thank the minister for remaining in the house to listen to what I have to say, and for her indulgence. I know that the board will be pleased that the minister has listened to what I have had to say today.

Time expired.

ROYAL AUSTRALIAN AIR FORCE

Ms BEDFORD (Florey): This morning at 1100 hours, it was my honour to represent the Premier at a ceremony at the Cross of Sacrifice attended by the member for Morphett (on behalf of the Leader of the Opposition) and Air Commodore Bentley, many other distinguished people and air personnel past and present to celebrate the 82nd anniversary of the Royal Australian Air Force and to remember the significant contribution of that arm of our defence services, both past and present, and its members who made the ultimate sacrifice in the service of our nation.

The Australian Air Force was formed on 31 March 1921, becoming the Royal Australian Air Force later that year. However, the traditions of the service had begun several years prior to the First World War. By the standards of military aviation, the Royal Australian Air Force has an unusually long history. It is one of the world's oldest independent air forces, having been established three years after the first, the British Royal Air Force. Military aviation took wing in

Australia when the Central Flying School was formed at Point Cook in 1912, only nine years after the Wright brothers made the first successful controlled flight at Kitty Hawk, North Carolina. The Central Flying School grew quickly into the Australian Flying Corps. By 1914 Australian pilots had been dispatched on active service to New Guinea, to help seize German colonies. One year later the Australian Flying Corps was fighting in Mesopotamia, which is modern day Iraq. Coincidentally, our Air Force finds itself on active duty there again today.

By the end of First World War four Australian squadrons were in action: No.1 squadron in the Middle East, and Nos 2, 3 and 4 squadrons in France on the western front. While officially the Australian Flying Corps' main role was army cooperation, its squadrons inevitably became involved in air to air combat and bombing attacks, as the full potential of the air weapon became apparent. While Australian fighter pilot A.H. Cobby, for example, was credited with 29 kills, making him one of the war's leading aces, the average casualty rate for the squadrons for the duration of the war was unfortunately 50 per cent.

It was partly because of the manifest potential of air power that the RAAF was established as an independent service in 1921. Nevertheless, the period between the First and Second World Wars was a difficult one for Australia's airmen. For example, Australia's first Chief of the Air Staff, Wing Commander (and later Air Marshall Sir) Richard Williams, found himself repeatedly under attack from his army and navy counterparts, who persistently argued that there was no place for independent air power, and that air forces would always exist only to support armies and navies.

The RAAF entered World War 2 on 31 September 1939 and for the two years before Pearl Harbor sent thousands of young men to fight against the Axis powers in Europe, either in Australian squadrons or with the RAF. Indeed, one of the two operational squadrons at Edinburgh, No.10 Squadron, was the first RAAF squadron to see action in the UK. The skill, bravery and dedication of those who fought in Europe is legendary and, in circumstances where the probability of death was greater than surviving, unfortunately far too many of the men did not return.

Following the Japanese attacks on 7 and 8 December 1941 against Pearl Harbor, Malaya and the Philippines, the RAAF's attention tended to shift to the war in the south-west Pacific, especially given that during the first half of 1942 Japanese invasion of Australia seemed probable. It is not widely known that the Australian mainland was bombed more than 60 times by Japanese aircraft. One of the major factors in reversing the Japanese advance through South-East Asia was the productive alliance formed between American, Australian, New Zealand and Dutch air forces. Probably the most notable action was the battle of the Bismarck Sea, fought just on 60 years ago from 2-4 March 1943. In a brilliantly conceived and executed operation, American and Australian aircraft destroyed 12 of 16 ships in a Japanese convoy attempting a major reinforcement of New Guinea. That victory removed forever any likelihood that Japan had to regain the initiative in New Guinea and so again threaten Australia.

At the start of the Second World War, the RAAF consisted of about 3 000 personnel and 300 aircraft. By 1945 it had grown 50-fold to a force of over 180 000 personnel operating more than 3 000 aircraft. By 1948, however, its personnel numbered only 8 000. Air Commodore Bentley's speech today also talked about the many significant contributions in conflicts such as the Berlin airlift, the Korean conflict, the Malayan emergency confrontation with Indonesia, Vietnam and more recently in Timor and Afghanistan.

Currently we are involved in action in Iraq. It is worth noting in the house at this point that, while RAAF aircraft did not significantly and directly participate in the Gulf War in 1991, the RAAF provided support, intelligence officers, linguists and a medical team. I join with the house and you, Mr Speaker, in congratulating the Air Force on a fantastic and proud military tradition.

Time expired.

BAROSSA VALLEY PROPERTY

Mr VENNING (Schubert): Today, sir, I want to refer to an incident that arose in my electorate of which you would be aware, when a person went to a public auction to buy some land. This person is a well-known businessman in the Barossa Valley and he also grazes cattle. He went to a public auction, which was duly advertised in the local media and the *Stock Journal*. He went to the public auction and purchased that property for what we would all say was a rather inflated value. Everybody knew who the person was and what he intended to do with that land. He purchased it at the auction in December last year, and about 26 days later—two days before sign-up—he received a notice and visit from the native vegetation people saying, 'Sir, we are sorry but you are unable to graze this property with cattle.'

An honourable member interjecting:

Mr VENNING: I think it might have been. I agree with my constituent. The officer came and said, 'You are not allowed to graze this property because of the Native Vegetation Act,' which I believe had come into effect only a few months earlier. I find it very difficult to believe that you can go to a public auction (whether or not it is in the act, and I have not checked that but I will check that; if it is in the act it is wrong, and we ought to amend the act) and there is no caveat, no notice or anything else set out at the auction about any encumbrance or whatever on that land. I find it very difficult to believe that after the auction and you have bid the price someone can come along and say to you, 'I am sorry, sir; you are not able to graze this property.' I have great sympathy for my constituent. You, sir, and most people in this house would know who my constituent was. I have contacted the department and spoken and written to the minister about this, and nothing has happened, apart from—

An honourable member interjecting:

Mr VENNING: I will not name the businessman, in fairness. I am happy to tell people in private, but I do not want my constituent named in this place. I do not very often get up in this place and bat so strongly against the department people. I do not believe what happened is fair. If the act provides this, there ought to be a compensation clause in it. My constituent paid top dollar for this land and it is unfair for him to be told thereafter that he cannot do certain things with it.

Years ago this land was ploughed and it has been left very rough. My constituent wished to plough the land so that he could smooth out the rough stuff, get rid of all the weeds that were growing there, improve the pastures and then graze. I am very confident that my constituent would have such good pastures that the animals would not trouble the native vegetation.

In recent years sheep owned by the previous owner have been grazing there, but there were very few of them because

the previous owner was a Vietnam veteran and was not often there; he basically treated it as a hobby farm and a retreat for himself and his family.

I believe that somebody in the community up there has dobbed in my constituent. I say 'dobbed in' because it is not very far from the Kaiser Stuhl park, and I have had some difficulty in the past with friends of the Kaiser Stuhl park. I attempted to arrange a few functions there, one for minister Evans at the time, and these people continually say to me, 'This is a conservation park, not a recreation park'—there is a difference, apparently. I believe somebody up there has taken it upon themselves to contact the native vegetation people to say that there is native vegetation on this property and that my constituent ought to be prohibited from grazing it.

I am very concerned about this. I do not believe it is fair and I will do all I can to ensure that my constituent is either allowed to graze cattle in there or, if not, he is compensated. I contacted the department again a few days ago and have been encouraged by the head of the department, and I hope to arrange a meeting on site between him and my constituent, and hopefully we can resolve this matter.

Time expired.

MEMBER'S REMARKS

Ms RANKINE (Wright): I take this opportunity today to conclude the comments that I started to make last week regarding an accusation which the member for Mawson made against the Labor government of being tardy in our responsibility to deliver police resources in my electorate. On Wednesday of last week whilst going through a series of events that had occurred in my electorate I highlighted that the criticism by the member for Mawson related to the Labor government's not honouring a promise which the Liberals made in 1997—not in 2002, as the member for Mawson would have us believe.

I also pointed out last week that even the Liberal candidate had no confidence that his party would deliver on a promise. Having promised a patrol base for Golden Grove in 1997, during the election campaign the Liberals promised a shopfront police station but, as I said, the Liberal candidate himself had no confidence in that and actually put out in the community literature saying that he was prepared to fight for the speedy delivery of his party's commitment. So, even he had no confidence in the Liberals ever delivering on anything.

In my speech I had reached the point where the member for Mawson had been delaying honouring this commitment for some time. The reason put forward was that they were trying to identify a suitable site. The community identified a suitable site: surplus land owned by the government at the Golden Grove High School. The school wrote to the minister offering this land and received a response from him in late 1999 confirming that no funds had been put aside in the 1999-2000 financial year even though it had been stated some time previously that a decision would be made regarding this facility in early 1999.

By January 2000, the minister was telling us about a task force which the government had set up to review a range of issues including resources for the police. In June 2000 I asked the minister about this report and its outcomes and whether he was prepared to release it. The report was not released; instead, the minister said to me in this house:

> There is no requirement that I am aware of for urgent decisions to be made.

So, while the member for Mawson was minister there was no urgency at all in relation to servicing the people of Golden Grove, but now he wants some expediency.

I wrote to the member for Davenport when he was minister in January and May 1998, and I wrote to the member for Mawson in November 1998, September 1999 and January and July 2000. I even invited him to our area to meet with residents but, needless to say, he did not come along. He gave us a list of his government's accomplishments in his speech the other day, but what he forgot to tell us about was the reduction in the number of police vehicles which occurred under his government. They took the meat away from our wonderful police dogs and cut the hay budget for the horses by half.

I have spoken on this issue in this house and raised questions with the minister on about nine separate occasions and lodged a petition with nearly 3 000 signatures. What we got for all our efforts, for all the credible arguments that were put forward, was another promise which meant absolutely nothing. Does the member for Mawson really expect anyone to take him seriously? I only wish that when he was the minister and in a position to do something he had the commitment then that he displayed last Monday. The proof of the pudding is always in the eating, and the member for Mawson's pudding never did rise. His comments have no credibility or substance.

As I said, if I were he I would be embarrassed to raise this issue in this place—or anywhere else for that matter. I have no need to assure the residents of my electorate of my commitment to them and our community. They know my position: they know that I do not back away from issues of importance to them. You only need look at the harangued and weary faces of our ministers to know that. The electors of Wright will continue to be ferociously represented by their local member in this place.

GOYDER ELECTORATE

Mr MEIER (Goyder): I want to comment on a few activities that have occurred in my electorate in recent times, the most recent of which was the official opening of the Kadina Golf Club's irrigation system on Saturday evening. This was the culmination of many years' work, and I was pleased to be present together with 400 other people. Later in the evening we were entertained by Cornesy's All Stars. This was the first time that I had heard Graeme Cornes and his All Stars. They are a good oldies' band: they played all the old tunes that many of us who are slightly more mature in years grew up with and enjoyed.

I would also like to compliment Mr Butch Davies, the President of the club, and also a gentleman who has done so much—in fact, it has really been his project to get this up—Mr Brenton Brind. When I looked at my notes I saw that it was back in 1999 that I had a meeting with members of the golf club as well as members of the hockey, football, netball and cricket clubs to try to get a regional development grant from the then state government for $150 000.

To cut a long story short, the clubs eventually got $120 000 towards what is something like a $500 000 project. The CEO of the district council informed me that it was back in the late 1970s, at the time of an inquiry being held into what should be done with the run-off water (the wastewater) from the town, when it was then determined that, ideally, appropriate storage dams should be provided. In the early 1980s the council sought to do this, but it has taken 25 years

to get irrigation for the golf course and associated areas. It is magnificent. I think the fact that 400 people turned up on Saturday evening showed how the local community and visiting golfers from other clubs appreciate what has been done.

The Hon. M.J. Atkinson: How many?

Mr MEIER: There were 400. There was a sit down dinner in two marquees which they had to hire because this number of people would not have fitted into the clubrooms. They have a large debt to pay off. I compliment the council for all the work it has done, particularly the earthworks, and also for a monetary contribution towards this project. This has helped to put Kadina on the map for excellent golf courses at a time when the Copper Coast is growing at such a phenomenal rate. The Wallaroo Golf Course is irrigated, Kadina is irrigated, and Moonta is certainly heading in that direction as well.

Another thing that I would like to highlight in the remaining minute or so is the 30th anniversary of the Lions Club of Yorketown and District. I had the privilege of attending this event last Saturday week, and I would like to compliment the President, Lion Ron Duncan, and the Lioness President, Elaine May, who hosted the anniversary function.

I had the privilege of serving as a president of the Lions Club of Yorketown many years ago, and it was great to come back as both a former president and the local member for Goyder and to join with the club in celebrating 30 years of serving their fellow men and women in the area, and in the state—in fact, throughout the country and internationally, because, of course, the Lions Club of Yorketown and District is part of Lions International. I offer my congratulations to them and say, 'Well done', and I look forward to continuing to help their community in the coming years. It is great to have such wonderful clubs as the Kadina Golf Club and the Yorketown and District Lions Club in my electorate.

PROSTITUTION

Mr SNELLING (Playford): I rise today to comment on an article in today's *Australian* entitled 'Police give up battle on prostitution'. I certainly do not believe that the police should (or are able to) put the whole of their resources into every single offence on our statute books. It is necessary for the police to make choices about where they are going to put resources and to do so accordingly.

I find it somewhat unusual for the police to give an advance warning that, effectively, they will not police a certain offence, and one wonders whether it is good policing to do so. I also note that the source of this article is an anonymous police source. Some weeks ago the Police Commissioner went on record in the *Advertiser* calling for changes to the law on prostitution, and that was quite proper. However, I am not exactly sure whether it is proper for an anonymous police source to become involved in the debate on prostitution by way of saying, 'If you are not going to change the law then we are just not going to police it.'

Nevertheless, the article has a point in that our prostitution laws are somewhat antiquated. It is not merely because the laws were drafted many years ago but because of some quite silly court decisions with regard to the nature of what constitutes payment. That has nothing to do with this draft. You would think payment—whether it be by credit card or EFTPOS—is payment; it does not necessarily have to be a transfer of cash. One of the biggest problems with our existing laws is that they have seen a move of prostitution away from brothels and into escort agencies. I do not believe you can sanitise prostitution. You can never make it good. It is, by its very nature, an exploitative arrangement. Nonetheless, to take prostitutes out of the relative safety of a brothel and put them into a situation of visiting their so-called clients is not a good arrangement. Prostitution through escort agencies is completely out of the realm of our existing laws, while the prostitution that exists in a brothel is.

It would seem to me that the police certainly have a point, that there is a real need to have another look at our prostitution offences. For members' benefit, I draw their attention to the Social Development Committee's report of some years ago, particularly the minority report of the now Attorney-General and the member for Hartley. They make a good case for a reform of the law which, in effect, retains the offence of prostitution but tries to bring some empowerment to prostitutes. It reforms the law to get rid of the old offences and replace them with one simple catch-all offence, and it also rejects this notion that it is somehow possible to sanitise prostitution and that the government should be involved in licensing brothels or brothel owners. That would be to the detriment of individual prostitutes, because it would drive them into large brothels where they are able to be easily exploited. I also reject any calls for the establishment of a red light district. Finally, the law should give prostitutes the protection of an award and the protection of a workers' compensation scheme.

Time expired.

SUPPLY BILL 2003

The Hon. K.O. FOLEY (Treasurer) obtained leave and introduced a bill for an act for the appropriation of money from the Consolidated Account for the financial year ending 30 June 2004. Read a first time.

The Hon. K.O. FOLEY: I move:

That this bill be now read a second time.

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

Leave granted.

This year the government will introduce the 2003-04 Budget on 29 May 2003.

A Supply Bill will be necessary for the first few months of the 2003-04 financial year until the Budget has passed through the parliamentary stages and received assent.

In the absence of special arrangements in the form of the Supply Acts, there would be no parliamentary authority for expenditure between the commencement of the new financial year and the date on which assent is given to the main Appropriation Bill.

The amount being sought under this bill is $1 500 million.

Clause 1 is formal.

Clause 2 provides relevant definitions.

Clause 3 provides for the appropriation of up to $1 500 million.

Mr BRINDAL secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (SELF DEFENCE) AMENDMENT BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935. Read a first time.

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

That this bill be now read a second time.

The Labor Party went to the last election with a policy on self defence and defence of property. That policy was:

THE CRIMINAL LAW

- Self-defence—a clear right to defend your family and home.
- Labor will give people the right to defend themselves in their own home with a self-defence law that protects the householder not the criminal.
- Labor will return to South Australian householders the right to use such force as they genuinely believe necessary against a burglar or other intruder in the home or their backyard. The self-defence law should protect the householder, not burglars.
- In 1991, the then Labor government introduced a law giving people the right to defend themselves properly in their own home, but in 1997 the Liberal government weakened the right.
- Labor will restore householders' rights, as recommended by a parliamentary select committee.

This bill carries out that policy. It is necessary to explain the history of the controversy about self-defence and defence of property so that the origin and meaning of the Labor government's policy and the resulting bill can be understood. The law on self-defence was an issue in 1990 and 1991. Then, as now, debate—

Mr Brindal interjecting:

The SPEAKER: Order! The member for Unley is out of his place.

The Hon. M.J. ATKINSON: —centred on the extent of the legal right of an occupier of property to use force to defend himself, herself or the property against unlawful intruders. Then, as now, there were many who believed that the law is harder on those defending themselves than upon intruders. Owing to public agitation, including petitions to parliament containing more than 40 000 signatures, the House of Assembly set up a select committee on self-defence. The committee made recommendations. Central to them was the recommendation that the law should, so far as is possible, be codified so that people could look it up and see what it actually said. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation

The Select Committee on Self-Defence recommended a Bill. It began in the following terms:

(1) A person does not commit an offence by using reasonable force in defence of himself, herself or another.

(2) A person does not commit an offence by using reasonable force, not amounting to the intentional or reckless infliction of death or grievous bodily harm, to protect property from unlawful appropriation, destruction, damage or interference.

(3) A person does not commit an offence by using reasonable force, not amounting to the intentional or reckless infliction of death or grievous bodily harm, to prevent the commission of a criminal trespass to any land or premises or to remove a person who has committed criminal trespass from any land or premises.

(4) (dealt with excessive self-defence in homicide cases)

(5) The question whether the force used by an accused person was reasonable or excessive must be determined by reference to the circumstances in which it was used as the accused genuinely believed them to be unless no evidence or no sufficient evidence of the accused's belief is available to the court in which case the question must be determined by reference to the circumstances as they actually existed.

It can be seen that the Bill as recommended by the Committee recommended a wholly subjective test as to the situation or facts—that is, the facts were to be as the accused believed them to be—but firmly required objectively reasonable force to be used as those perceived circumstances warranted.

As a result of this recommendation, the Parliament passed the *Criminal Law Consolidation (Self-Defence) Amendment Act* 1991. However, the Bill as introduced into Parliament differed from that recommended by the Committee in a number of ways. It was subject to considerable debate in the Parliament and went to a Conference of Managers. The result was a complicated series of sub-sections. The general provisions stated:

(1) Subject to subsection (2)—

(a) a person does not commit an offence by using force against another if that person genuinely believes that the force is necessary and reasonable—

(i) to defend himself, herself or another; or

(ii) to prevent or terminate the unlawful imprisonment of himself, herself or another; and

(b) a person does not commit an offence if that person, without intending to cause death or being reckless as to whether death is caused, uses force against another genuinely believing that the force is necessary and reasonable—

(i) to protect property from unlawful appropriation, destruction, damage or interference;

(ii) to prevent criminal trespass to any land or premises, or to remove from any land or premises a person who is committing a criminal trespass; or

(iii) to effect or assist in the lawful arrest of an offender or alleged offender or a person unlawfully at large.

These were the core provisions. There followed definitional provisions and the section allowing for a verdict of voluntary manslaughter by excessive self-defence in cases of homicide. When called upon to analyse the core provisions, the courts treated them as a codification of the common law position which was (and still is, for common law jurisdictions) (a) what the defendant genuinely believed the situation to be and (b) what force was reasonable on the basis of that belief.

The core provisions on self-defence worked well. The provisions concerning the partial defence of excessive self-defence did not. In *Gillman* (1994) 62 SASR 460 at 466, Mohr J, giving judgment on behalf of the Court of Criminal Appeal, said:

> In my opinion the section as drafted is completely unworkable and should be repealed and either redrafted in a way to make it clear what is intended or repealed to allow the common law principles set out in ss (2)*(a)* to operate.

In *Bednikov* (1997) 193 LSJS 254, Matheson J referred to 'the notoriously ill-drafted s 15 of the *Criminal Law Consolidation Act*'.

In light of these criticisms, the Government of the day moved to redraft the code on self-defence. It did so by the *Criminal Law Consolidation (Self-Defence) Amendment Act 1997*. The intention of the Government at the time was that the law (and particularly the core provisions) should have the same content, but should be so drafted as to assist their practical application in the courts. The Labor Government is of the opinion that the 1997 Act moved away from the intent of the 1991 Act toward increasing the objectivity of the test. The Government's policy is that the intent of the 1991 Act be restored and, in particular, that innocent people should be given increased rights to protect themselves against home invaders.

"Home invasion", although not specifically called that, is part of the law on aggravated serious criminal trespass. The relevant sections are:

Serious criminal trespass

168. (1) For the purposes of this Act, a person commits a serious criminal trespass if the person enters or remains in a place (other than a place that is open to the public) as a trespasser with the intention of committing an offence to which this section applies.

. . . . . .

(4) A reference in this section to the occupier of a place extends to any person entitled to control access to the place.

. . . . . .

Serious criminal trespass—places of residence

170. (1) A person who commits a serious criminal trespass in a place of residence is guilty of an offence.

Maximum penalty: Imprisonment for 15 years.

(2) A person who commits a serious criminal trespass in a place of residence is guilty of an aggravated offence if—

(a) the person has, when committing the trespass, an offensive weapon in his or her possession; or

(b) the person commits the trespass in company with one or more other persons; or

(c) another person is lawfully present in the place and the person knows of the other's presence or is reckless about whether anyone is in the place.

Maximum penalty: Imprisonment for life.

(3) In this section—

"place of residence" means a building, structure, vehicle or vessel, or part of a building, structure, vehicle or vessel, used as a place of residence.

The Government believes that the law of self-defence should be changed to provide that, in a case where an innocent occupier genuinely believes that he or she is defending himself or herself from the commission of an offence of aggravated serious criminal trespass in a residential building occupied by them, then, as a general rule, he or she may use such force in defence of his or her person or property as he or she genuinely believe to be proportionate to the threat that they genuinely believe that they face.

There are to be some exceptions to that general principle. For example, the occupier is not entitled to the extended right if he or she is so intoxicated by self-induced intoxicants that his or her judgment is substantially impaired. The Government has consistently maintained its opposition to any form of the drunk's defence and will be pursuing that matter further in the future. In addition, the occupier is not entitled to the extended right if he or she was engaged in criminal misconduct that might have given rise to the threat or perceived threat. If, for example, the occupier was a thief in possession of a large quantity of stolen money and the home invader was after that stolen money, it would be incongruous to treat the thief in the same way as an innocent home owner protecting himself or herself.

In addition, The Government believes that the general law on self-defence should be amended to include a statement that the law does not prevent a person who carries out conduct in self-defence from using a higher level of force than that used by the person against whom the conduct in self-defence is carried out. This is not a new principle. As has been famously said, the law does not demand detached reflection in the face of an uplifted knife. But it is worth stating the principle in the codified version of the law so that people are clear on it.

This Bill implements the Government's election policy. It will enhance the legal rights of South Australian householders to protect themselves from intruders.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment provisions

These clause are formal.

Part 2—Amendment of Criminal Law Consolidation Act 1935

Clause 4: Insertion of sections 15B and 15C

This clause inserts new sections 15B and 15C into the principal Act as follows:

15B.Reasonable proportionality

The defences available under section 15 (defence of life or safety) and 15A (defence of property) require that the force used in defence be (objectively) reasonably proportionate to the threat or perceived threat. This clause clarifies that requirement to make it clear that, even though the requirement is assessed objectively, it does not imply that the force used by a person in defence cannot exceed the force used against the person.

15C.Requirement of reasonable proportionality not to apply in case of an innocent defence against home invasion

Where a defendant can establish, on the balance of probabilities, that this section applies, then the defendant is entitled to the benefit of a defence under section 15 or section 15A (as the case may require) even though the defendant's conduct was not (objectively) reasonably proportionate to the perceived threat.

In order for the section to apply, the defendant must establish—

- that he or she was responding to what he or she genuinely believed to be a home invasion (ie. a serious criminal trespass in a place of residence); and
- that he or she can satisfy all the other requirements involved in claiming the relevant defence; and
- that he or she had not been involved in any criminal misconduct (punishable by imprisonment) that might have given rise to the threat or perceived threat; and
- that his or her mental faculties were not substantially affected by the voluntary and non-therapeutic consumption of a drug at the time of the alleged offence.

Mrs REDMOND secured the adjournment of the debate.

RIVER MURRAY BILL

In committee.

(Continued from 27 March. Page 2592.)

Clause 6.

Mrs REDMOND: We are discussing the change in relation to indigenous people. At present, clause 6(f) provides:

to respect the common interests and aspirations of indigenous people in the management of the River Murray.

We now have several amendments before us in relation to that paragraph.

The Hon. J.D. HILL: I thank the member for Heysen for her assistance. I have been preoccupied with a few other matters in the last few days, but my mind is flowing now—hopefully, more rapidly than the River Murray. The government prefers its own amendment. We have looked at the amendments moved by other members and I will briefly summarise our views in relation to them.

The member for Chaffey intends to move an amendment which would include 'and other people' as those whose interests and views should be respected. I do not believe that is the appropriate way to go. This paragraph relates to indigenous people. The member for Chaffey told me that she would try to create a cause and an object relating to non-indigenous people who are community members with an amendment which would allow them to be consulted in the same sort of way. I said that would be satisfactory to me, so the member for Chaffey will move an amendment.

I have looked only briefly at the member for Newland's amendment because it was received only today. The difficulty we have with the member for Newland's amendment is the phrase 'traditional owners'. As I understand it, crown law advice is not to go down that track because there is a particular meaning for that phrase in relation to Aboriginal heritage, and that may lead to some difficulties in terms of working out with whom we can properly consult. We do not want to produce arguments. We would rather have a more flexible use of language so that we can talk to those who express an interest in being consulted. I think that would be a fair way of putting it.

We have also had a closer look at the member for Mitchell's amendment, and the advice provided to me is that it is not to be preferred over the one the government has moved because it adds an additional requirement. The member for Mitchell's amendment adds the words 'opportunities to make a significant contribution'. The concern about that is that it may imply some sort of financial assistance which may need to be provided, and we would not want to create that right.

Mrs REDMOND: We are up to that, but can we ask a couple more questions about some of those positions first? I note the minister's comment in relation to preferring his amendment. I notice that the minister uses the word 'association' in his amendment, but in a number of the other amendments the word 'connection' is used. In my dealings with Aboriginal land use over a number of years, the terminology has consistently been 'connection'. That is the term that I

understand indigenous people prefer to use. Without wanting to hold things up, would the minister be prepared to consider changing that word at least between this place and another place?

The Hon. J.D. HILL: We can have a look at that. I advise the member for Heysen that we have had advice from the Department of Aboriginal Affairs in relation to this and they recommended and preferred the word 'association'. I am not too sure that there is a huge difference. My advice is that there is not a particular difference from a legal point of view, but we will check on that.

Mr HANNA: How is it that the bill could give due recognition to the ability of 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 without ensuring that those people would have opportunity to do so? In other words, the minister suggests that my wording is inappropriate, yet, in substance, I suggest it is the same as recognising the ability of people to make a contribution. In a sense, I am hoping to take it a step further by ensuring that indigenous people have a say in the matter, but I cannot see how the minister could possibly construe my amendment as giving people a right to financial assistance.

I would encourage other members in the chamber to join with me in supporting what I am trying to do. I hope that other members would agree that there is nothing in my amendment which gives rights to financial assistance and, if the government's concerns are allayed on that score, there is no reason not to prefer the amendment that I have put forward. I take this opportunity also to say that I agree with the principle that the general community's interests in the matter and the value of their views in relation to the River Murray ought to be recognised as well.

I make that comment in relation to the member for Chaffey's proposed amendment. However, I think that there should be a specific clause here for indigenous people connected to the River Murray, and that is why I say to the member for Chaffey that, if the honourable member wants to move a further amendment that deals with the general community (if I can call people that), that should be the subject of a different clause again. Again, I say that my amendment is preferable, and I remind the minister that my specific question was that, as the government amendment would have it, due recognition to the ability to make a significant contribution can be put into the bill without having the same effect as my amendment would have.

The Hon. J.D. HILL: I am just providing the advice that I have received. I am not a legal expert in these matters. The amendment that I am proposing gives recognition to the ability of those indigenous people to make a significant contribution to the promotion of the principles of ESD, and so on. We are recognising in the bill that indigenous people have the ability to make those contributions. It is really honouring their traditions and heritage, if one likes. Then, my amendment to clause 9, page 15, after line 12 provides:

(b) should, when consulting with indigenous peoples under subsection (1)(d), give special consideration to their particular needs.

So, there is an imposition also on me, or the authority, to consult with Aboriginal people. There is recognition in the act that they have something special to contribute, but it is a matter of working that out in the process. The words the honourable member is putting into the bill create a requirement that we must ensure that indigenous people have opportunities to make a significant contribution. My advice is that that may produce a financial obligation which is undefined and which is very difficult to deal with. It may well be—and I do not deny this to be the case—that Aboriginal people do need assistance.

I know that, through the native title processes and through a range of processes, Aboriginal people are given assistance. It may well be better to go back to the Department of Aboriginal Affairs and for us to negotiate with that department about how that assistance can be provided. But advice to me is that to enshrine it in the act is inappropriate.

The Hon. D.C. KOTZ: It would appear that the minister has received advice in relation to indigenous people and their association with the River Murray. It would also appear that the minister requires indigenous people to make this significant contribution. It appears that the word 'connected' is not part of that assessment, because the minister has also advised that crown law, for whatever reason, has suggested that 'association' is a far better word than 'connected'.

I certainly do not want to disagree with crown law, but I suggest that its use and connotation of the word 'connected' in this particular clause would appear to have a far greater meaning than the word 'association'. I have already given reasons why I believe the bill should refer to traditional owners rather than indigenous peoples, but the minister advises that crown law has disputed that particular change. As I said earlier, I would certainly not like to dispute crown law's interpretation of 'traditional owners' as opposed to 'all other indigenous peoples'.

I have outlined to the minister my concerns with this clause, which I believe to be extremely open, broad and perhaps not quite as specific as it should be if, in fact, the minister's determination is to give true respect to the connection of different Aboriginal groups to areas of the River Murray when seeking their input. For those reasons, I withdraw my amendment. I will leave it to the minister to assess, through advice given from crown law, what he believes is right, obviously recognising that the minister will have the numbers to support his amendment rather than my amendment and other amendments from other members in committee.

I can count so, from that point of view, I will withdraw my amendment. Far be it from me to say, 'Be it on the head of the minister', should the advice that he has been given prove to be incorrect.

The Hon. J.D. HILL: I thank the member for Newland for her gracious withdrawal, as always. I just say to the honourable member that, as this is a sensitive issue, I do not want, particularly, to crunch the amendment through. Perhaps we can support it in whatever form we can get it through today. I am happy to do some more work on it. The crown law advice, I am advised, was oral advice—it was a conversation over the telephone. The advice was that this was the preferred way to go, but we can explore that in greater depth if the honourable member would like us to do that.

We want to keep it reasonably flexible. We do not want to end up in a legal dispute in terms of to whom we should talk, and I think that the honourable member will understand from where we are coming in relation to that matter. With respect to the issue about 'connection' and 'association', I will get some more advice. I am happy to amend it in the other place if there is a broad consensus about the way to go. I do not have any real feeling one way or the other. I am just trying to get something which will work and which will achieve the goals that all of us would want to have achieved.

Mrs MAYWALD: In the light of the comments of the member for Newland and the answers of the minister, I also advise that I will be withdrawing my amendment, numbered 108(12), and leave it to the discussions between this place and the other about what might be the appropriate words to insert, in particular in consultation with crown law. I flag at this time that I would like to insert a further subsection in the objects to encompass the same interests and aspirations of the community. I am concerned that, in this particular act, we do have the objects and the objectives.

The objects refer to indigenous interests and the environment's interests, but there are no other references in there to the community. There are, however, references in the objectives to both the indigenous community and the broader community, which I consider to be appropriate. I think that it would also be appropriate to have a clause similar to that which refers to the indigenous people and which respects their interests and aspirations as we would for the broader community. However, I will be moving an amendment following this amendment.

The Hon. J.D. HILL: I thank the honourable member for taking that approach. I will certainly support, subject to having seen it, of course, the amendment the honourable member is describing; that sounds to me a sensible way to go. We want to be inclusive and that helps us achieve that.

Mr HANNA: I support this amendment, even if it is only a temporary measure while the matter is considered between here and another place. The procedural question is whether my amendment or the government's amendment is to be voted on.

The ACTING CHAIRMAN (Mr Snelling): I suggest that the honourable member move an amendment to the minister's amendment.

Mr HANNA: And then it will be dealt with first because, if my amendment fails, I would be supporting the minister's amendment. I move:

Page 11, lines 20 and 21—Leave out paragraph (f) and insert:

(f) to respect the interests and aspirations of indigenous peoples who have a connection with the River Murray and to ensure that those indigenous people 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 move this amendment as an amendment to the government's amendment.

The Hon. J.D. HILL: I will not support the honourable member's amendment here, but I will look more closely at how we can better achieve what he is trying to achieve with his amendment between here and the other place. I am more than happy to put it, but I argue against its being included in the bill at this stage.

Mr Hanna's amendment negatived; Hon. J.D. Hill's amendment carried.

Mrs MAYWALD: I move:

Page 11, after line 21—Insert:

(fa) to respect the interests and views of other people within the community with an association with the River Murray and to give due recognition to the ability of those 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;

As I mentioned in relation to my comments regarding the previous amendments, it is important that the objects of the act recognise not only the indigenous community and the contribution they are able to make in relation to ecologically sustainable management of our natural resources but also that the broader community also has a major role to play in that.

The Hon. J.D. HILL: I am happy to accept the amendment.

Amendment carried.

Mrs REDMOND: There is a minor change to subclause (2). I have marked on my copy that subclause (2) is just a change for the purposes of this section. Was that not a proposed amendment?

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

Page 11, line 24—Leave out 'subsection (1)(d)' and insert 'this section'.

This amendment is consequential on the one just passed.

Amendment carried.

Mrs REDMOND: I refer to subclause 2(a)(i). We talk about sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations. I seek clarification of whether we are including economic needs within that concept of 'the reasonably foreseeable needs of future generations'.

The Hon. J.D. HILL: Yes, indeed. I understand that this phrase is lifted from the Water Resources Act and from the Environment Protection Act. Certainly it encompasses the broad range of human need.

Mr WILLIAMS: I will go back a little earlier to clauses 6(1)(a) and (c). I raised this issue in my second reading contribution on the bill. Subclause 1(a) says that the objects of the act are:

(a) to ensure that all reasonable and practical measures are taken to protect, restore and enhance the River Murray.

I have concerns about the word 'restore', and I ask the minister to put on record exactly what he and his advisers mean by that word. In subclause (c) there is a similar provision 'to provide mechanisms so that development and activities that are unacceptable in view of their adverse effects on the River Murray...'. There might be a wide range of restorative measures that could be taken on the River Murray, and I note also that subclause (a) goes on to talk of 'in recognition of its critical importance to the South Australian community and its unique value from environmental, economic and social perspectives'. It depends on which of whose perspectives one puts the most weight as to what one considers it is necessary to restore. That could have significant consequences.

If we said that it was absolutely imperative that we restore some environmental standard of the river, that might have significant impacts on the economic standing of people on the river and on people utilising the river and its resources. How can those people be assured that this legislation will give equal balance to the economic needs of the community with regard to the river, the social needs and so on? Plenty of people over the years have suggested that certain activities on the river should be banned for certain reasons. If we were to put much more weight on environmental restorative activities, we might turn around and say that on this part of the river we will not allow power boats or water-skiing because it is having an adverse effect on the amount of wash on the bank (and I have heard people make those sort of comments), whereas if we just looked at the environmental impacts it might be a worthwhile action to take.

If we then also look at the economic impacts, we see that many communities along the river are quite reliant on the tourism trade, and a large part of that revolves around people being able to use the river as a playground as well. I want a

reassurance from the minister that he and his advisers do intend to be even-handed in regard to what could be conflicting interests.

Paragraph (c) refers to activities that are unacceptable in view of the adverse effects on the Murray: it is a motherhood statement that could be taken in any way. We have the same misgivings about that being included as an object of the act, as it will give a minister in future the ability to do almost anything he chooses. He could stand up and say that an activity is unacceptable in view of the adverse effect on the River Murray and therefore it will be banned. I hope I am right in being quite sure that that is not what the minister is intending, and I want to ensure it is on the public record that it is not what he is intending.

The Hon. J.D. HILL: I am happy to give the assurance that the member is looking for. This bill is about getting some balance into the way in which we manage the river. In fact, the first object is referred to in the last phrase of subclause (1)(a), as follows:

> . . . unique value from environmental, economic and social perspectives;

So, it has the balance right up there in the first object of the bill. For example, subclause (2)(b) provides:

> proper weight should be given to both long and short term economic, environmental, social and equity considerations in deciding all matters relating to environmental protection, restoration and enhancement.

The objects of the bill clearly state that is what it is about. No-one would believe that there is any chance of our restoring the Murray-Darling system to the way it was pre-European settlement or interference. No-one is seriously making that suggestion. However, certain things do need to be restored; for example, water flow needs to be restored to some extent so that the member for Finniss's electors can put their boats into the river. That is just one problem that they have at the moment.

The essence of this bill is about sustainability; it is not about stopping people from doing things. It is about ensuring that when people do things the consequences of those acts are taken into account so that we do not have long-term problems. In the past, decisions have been made where the environmental consequences have not been considered. I am not blaming people in the past for doing it; it is just the way people used to do business. The past was a different place. However, now that we are in that future, we are having to spend a lot of money and put a lot of resources into fixing those errors. It just makes sense from now on to take all those things into account before we decide that something should happen one way or the other.

Mrs REDMOND: I have two points, both of which are couched in the same terms, I would like the minister to clarify. Can the minister explain what he had in mind—and one point he has just referred to—in the very last point of subclause (2)(b), which refers to proper weight being given to both long and short term economic, environmental and social considerations? I comprehend that, but I am not clear what the minister means by 'equity' considerations.

The Hon. J.D. HILL: As I understand it, these are reasonably standard considerations. I guess in the issue of equity, there is a common phrase these days—maybe it is a trendy phrase—about intergenerational equities where you take into account what this generation uses compared to what our children and grandchildren might care to use. There might be groups who have strong social interests in continuing to do something. However, it may not be very equitable, because they have a domination of particular activities. I have nothing in mind when I say that, but it is really to have that broad sense of fairness included in it as well as all the other issues.

Mrs REDMOND: The other question is really couched in the same terms and relates to subclause (2)(a)(ii). Could the minister explain what he means by 'safeguarding the life-supporting capacity of air'? I am fine with water, land and ecosystems, but I am curious as to what he had in mind in 'safeguarding the life-supporting' and what he was thinking about when dealing with any problems with air and the River Murray.

The Hon. J.D. HILL: Subclause (2) is about the principles of ecologically sustainable development, and this is one of those standard principles. I suppose one could take an extreme point of view, if a series of factories produced emissions along the river that might have some impact on the air quality. I think that is highly unlikely, but it is just a general statement in that subclause.

The Hon. D.C. KOTZ: The questions asked by my colleagues obviously relate to the triple bottom line, and the minister's answer, of course, is that the objects in both subclauses (1)(a) and (2)(b) talk about the economic and social prospectus. Subclause (2)(b) talks about long and short term economic, environmental, social and equity considerations relating to environmental protection, restoration and enhancement.

Obviously, many aspects of this bill in its different clauses have a relative association with the Water Resources Act and perhaps draw from some of the wording used in that act. In relation to the questions my colleagues have asked with respect to the economic considerations, although the objects talk about and recognise the word 'economic' in terms of the triple bottom line, the Water Resources Act itself talks about facilitating the economic development of the state. That encompasses not only looking at, supporting and sustaining the physical, economic and social wellbeing of the people of the state but also facilitating the economic development of the state.

At this point, I cannot recollect a relative area within this bill that might determine that there is a benefit in terms of facilitating economic development. As we all know, the River Murray has been man managed (if I can use that term) for many years. If it were not for the fact that this had been managed in such a way, the lifeline of water to South Australia would obviously not exist in the quality and quantity that it has existed over the years, nor would South Australia have benefited by economic development in any sense whatsoever without having these extra attributes through enabling water to be used specifically to add to its value and therefore to the value of economic progress within South Australia.

Will the minister advise whether there is any reason why in the objects and objectives of this bill a reference to facilitating economic development in relation to the triple bottom line has been omitted?

The Hon. J.D. HILL: That was an interesting question from the member for Newland. I think that the answer is that the Water Resources Act will still apply. That act, as distinct from this bill, is an act which allocates the resource and determines what the shares will be. Of course, the River Murray Catchment Water Board will still continue to exist and will do those things. It will act in conjunction with this bill, and so all those principles will still apply under that act. The honourable member has made a fair point as to whether

the purpose of the River Murray Bill is to facilitate economic development. I suppose in a fundamental sense it is, because if we can protect the river and make its use sustainable, that will obviously have strong economic benefits for South Australia because we are so dependent upon the river. Indeed, I suppose, if we restore its ecological health somewhat, we improve tourism and other kinds of activities.

I have not had a chance to think about this issue, but I am happy to examine it and perhaps bring back an amendment myself or, if the member has something she would like to think about, we can bring that in later.

Clause as amended passed.

Clause 7.

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

Page 12—
Line 13—Leave out ', fish'
Line 15—After 'species' insert:
of animal

Amendments carried.

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

Page 13, lines 5 to 8—Leave out paragraph (b) and insert:
(b) the community's knowledge and understanding of the River Murray system is to be gathered, considered and disseminated in order to promote the health and proper management of the system;

The purpose of this amendment is to make the wording closer to the wording in the Murray-Darling Commission objectives for a healthy river.

Amendment carried.

Mrs REDMOND: I move:

Page 13, lines 16 to 20—Leave out subclauses (6) and (7).

This is the amendment by which the member for Unley wishes to delete paragraphs (6) and (7) under which the Governor may amend the objectives from time to time. I think the member for Unley spoke about that at some length in his second reading speech. In their speeches he and a number of other people considered it objectionable that the Governor and therefore the government would have the ability not just to introduce regulations but also to change the objectives of the legislation without coming back to the parliament to do so.

The Hon. J.D. HILL: I think perhaps the member might misunderstand the processes that would be gone through. These are objectives, not objects; we cannot change the objects through the Governor. It would be the cabinet that would do this if the cabinet were minded to change the objectives. We may wish to do it to take into account new understandings and new knowledge about the ecology of the system. They may be minor matters, and that is why it was thought best to do it by that process so we would not have to amend the act every time we wanted to add a new word or category or group of issues we wanted to address. It would be done by regulation, so it would still come back to the house.

We are opposed to the member for Unley's amendment, but I support the amendment to be moved by the member for Chaffey which requires a certain process in addition to the one I have just described in relation to any change in objectives. I do not necessarily want to speak for her, but I think she is talking about a number of prescribed groups such as the LGA and the parliamentary committee we are establishing being involved in that process. That seems to be quite sensible. So, I would oppose the member for Unley's amendment and support the member for Chaffey's.

Mr WILLIAMS: I speak in favour of the member for Unley's amendment on this. This would be the first time that we gave a minister and/or the cabinet, but basically the minister, the power to make legislation via regulation. The member for Unley opposes this, and if he had not moved this amendment I and I believe many others on this side of the house would have done so. There is a significant difference between a minister having to come back into this place and move an amendment to change a statute and the minister merely making a regulation. I will just take the committee through what can happen if a minister can merely change a statute by regulation, because we saw that situation with regard to the service fee paid by parents under the Education Act.

We know that, the fee formerly being struck by regulation, either house could disallow the regulation, and that brought the power ultimately back to the parliament, but from the time when the minister promulgated or put up the regulation to the time when the regulation was disallowed by the house, the regulation stood and had effect. With regard to the service fee that was paid by parents under the Education Act, if the minister put forth the regulation, say, at the start of the school term at the end of January and the house did not sit until the end of February, and in the meantime the school sent out the account for that service fee, the house sat at the end of February and disallowed it, the fee was still legally chargeable, because it was effective for that period of time when the account was sent out.

That is why the opposition believes that if a minister wants to change a statute he or she should come to the house and argue the case in front of the house. We do not accept that merely by bringing forth a regulation a minister should have the power to change the statute. Going back to the other example I have just given, we have seen that this parliament sat for one week between early December and the beginning of last week, so we went through a recess of virtually three months. We certainly went through from the beginning of December until 20 February. So, there were almost three months when the parliament did not sit. In that situation the minister of the day could put down a regulation, and that regulation would have the effect of changing the objectives of the act and the parliament would not have the opportunity to disallow that regulation for another three months. In the meantime, it would be a part of the statute and the minister could use that to do all sorts of things.

The minister suggests that this is just to make minor amendments; if they are so minor and insignificant, why would the minister not be prepared to bring those sorts of minor adjustments and amendments to the parliament as an amending bill? We have all seen the situation when it was necessary to make an amendment in a very short space of time; the parliament—both this house and the other place—have been very cooperative with ministers. If it is non-controversial but absolutely necessary, the parliament has demonstrated that it can make those sorts of amendments within a matter days. So, I think it is absolutely unnecessary. I think it would be a very bad piece of legislation for us to leave subclauses (6) and (7) in this bill, because it would be absolutely breaking new ground in the way the statutes are created in this state.

Mr BRINDAL: I heard the concluding remarks of the minister on this matter, but unfortunately the business of the house detained me from hearing the earlier remarks. I would like to follow on from the very lucid remarks made by the member for MacKillop. For the opposition this is not a small and significant matter: this is most significant, because in this bill the government seeks to let the Governor, presumably as

a result of the recommendation of his Executive Council, amend these objectives from time to time by regulation. That really provides that the Governor or the executive government can subvert the rights of this parliament and actually change, not regulations, but statute. It is very important that all members understand this. This measure clearly allows the Governor in Executive Council to change the will of the parliament—to change the statute law of South Australia—to change the bill.

This is quite different. It is quite normal for the government to say that under this bill we need regulatory powers; we need to be able to do certain things not provided under this act. That is quite normal and quite acceptable to the opposition. What is not acceptable to an opposition and should never acceptable to this parliament is any government—Labor, Liberal, Greens or anyone else by an act of executive government outside this place being able to change—

An honourable member interjecting:

Mr BRINDAL: —and Nationals; I apologise—the law of South Australia. That is what the parliament exists for; the parliament exists to make the law. The parliament exists to make the law and to see that the law is obeyed, and if any government on any day wants to come in here and change a law which they previously made it is quite entitled to do so. I want to go a bit further, because the member for MacKillop is quite right with respect to regulations: the parliament might not sit and we can come in here and disallow a regulation. Let the minister or his advisers tell me I am wrong. I do not care whether or not this is lost in this place.

I will fight this on behalf of my party as publicly as they will let me and for as long as I can and wherever I can, because this is not a small matter. This is a matter of huge principle, of very important principle, a matter of this government's coming in and saying, 'Trust us; we'll take your job and do your job better then you if we choose to.' Because what happens under a regulation? The member for Stuart would know, because he is long practised in these matters. If he does not like a regulation, he can come in here—and will—as soon as parliament resumes and move to disallow the regulation. Where is the disallowance procedure in this measure? Could I speak to the minister? I want to be sure that the minister hears what I say and knows what I am talking about.

The Hon. J.D. Hill: I'm listening to you.

Mr BRINDAL: Regulations can be disallowed—by the member for Stuart, the member for MacKillop or anyone else—but this allows the minister to change the statute law, and there is no disallowance procedure. The only disallowance procedure of which I am aware to change a law once it has been changed is to come back here and move a private member's bill and go through the machinery of parliament to change it back again. This is much more forceful than just having a regulation because, in the break, they can change the objectives, and the only way parliament can then have a say is by bringing in a bill to change the objectives back.

Every private member of this place who has ever sought to introduce legislation knows how long and how convoluted that process is: it takes years. That is the power that the minister wants. Over which section of the act? It is over the objectives, which are, of themselves, comparatively new. We have acts with objects, now they have objectives. Lawyers tell us there is a difference. One is high-flying principles—

An honourable member interjecting:

Mr BRINDAL: Some lawyers tell us there is a difference. The dictionary seems to define 'objects' and 'objectives' as much the same sort of thing. In my personal opinion, I think it is a lot of not too sophisticated gobbledygook.

Putting that aside for a moment, the minister can change these objectives through the Governor in Executive Council. What do they concern? Things of no moment? No. The objectives are as follows. Under River Murray health we have key habitat features, environment features, native species and migration. In the second section under 'environmental flows', we have: the River Murray Mouth, the connectivity between the environments, and significant elements of the natural flow regime. Then we have natural water quality objectives which deal with salinity, nutrient levels and potential pollutants.

Then we have the human dimension objectives including, incidentally, the interests of the community and how and when they are to be consulted, and there is a section taking into account indigenous and other cultural and historical relationships. They are all there. Then there is this hugely important section on the way in which the objectives will be put in place. I hope all members are listening to this, because it says they may 'provide for new or substituted objectives'. This government is saying, 'Trust us, pass this bill, and three minutes after we rise we might provide some new sections that you never thought of or we might substitute some. We might decide that we don't think that keeping the Murray Mouth open is practical or important any more'—I am giving a ridiculous example—'so we will substitute something else for that objective.' In other words, under these objectives they are asking us as a parliament to give them carte blanche to do whatever they want and run it by bureaucracy. If this parliament passes this we might as well pack up and go home, because the principle is this: do we run this place, do we pass legislation in law, or do the lawyers and public servants run this place?

Quite frankly, if any member of this place votes other than for this amendment, they are voting for an abdication of the right of this parliament to determine the law of South Australia, to put it in the hands of bureaucrats and lawyers and to hold them solely accountable through the minister. That is the effect of this. Finally, I repeat that this will have the additional effect that—and this is for the member for Mitchell's benefit—unlike regulations, because this is a change to the statute law, we would have to come back here and bring in a private member's bill—

The Hon. J.D. Hill: Will you stop talking if I give up?

Mr BRINDAL: If you give up I will.

The Hon. J.D. HILL: I am not suggesting that I was persuaded by the merit of the member for Unley's argument but by the passion and the tenacity of it. Before I concede the point, I would like to say that there is, of course, precedent for these provisions. I refer the honourable member to the Construction Industry Training Fund Act—and I am not too sure whether that was an act for which the honourable member was responsible—

Mr Brindal interjecting:

The Hon. J.D. HILL: Yes, true, but I think you were responsible for it, and it was not amended. I also refer to the EPA Act schedules from 1993 for which the member for Newland was responsible at one stage.

An honourable member interjecting:

The Hon. J.D. HILL: That is true, but you had the numbers to change them if you chose. There are a couple of acts under which these things could have been done. I will accept the amendment. These objectives are to put into the

body of the bill the objectives that the Murray-Darling Basin Council developed over a long period, so they are word for word. The measure would allow us to change these if the Murray-Darling Basin Council subsequently decided to change them and bring in an element that had not been considered before. It is a matter of convenience. We could have put all these things into the regulations and then change them.

An honourable member interjecting:

The Hon. J.D. HILL: I understand. It would have been much the same process, of course, because all the arguments the member for MacKillop raised would have applied equally if they had all been by way of regulation. In fact, if one was being absurd, you could draw a conclusion that there should be no regulations, because there is always the potential for government to do the dirty, if you like, on the democracy of the parliament by proclaiming them during a break. If the member for Chaffey is happy about my accepting this—and I did say to her that I would accept her amendment—I will concede on this point in the interests of facilitating this bill. It is of no great moment to us. If we have to change it, we will have to bring back an amendment. The member made one other point, that is, that these were regulations that could not be overturned. I understand that the Subordinate Legislation Act would have provided the capacity to do that.

Mr BRINDAL: I thank the minister for advising me of that. If I was a lawyer, I probably would have known that. I absolutely assure the honourable member that I believe, speaking for all my colleagues on this side—and probably speaking for the whole chamber—that, if the minister or his successors ever come in here with something proposed by the commission, if it is a reasonable suggestion I am sure this house in its entirety would facilitate that. It is not an attempt to impede the government in something it wants to do. Hopefully, we will meet often enough. The member for Chaffey might still be here at that time. She has heard that we on this side of the house will support any worthy changes to the objectives in the house. The point I make is that that is the process, and we should stick to it.

Mrs MAYWALD: After listening to the debate, I certainly support the member for Unley's comments. I thank the minister for his consideration of those amendments. I am quite happy for these amendments to be accepted by the house and for my next amendment to be withdrawn. It is vitally important that there be broad consultation on objectives as there are on objectives that come into play in any catchment plan or plan that is developed under an act. It is very sensible to retain those objectives in the management of the house.

Amendment carried.

Mr WILLIAMS: I refer particularly to clause 7, subclauses (2) and (3), and ask the minister to reassure me and the community at large. The river health objectives talk about the key habitat features being restored; the high value of the flood plains, and uses the term 'restored'; barriers to the migration of native species within the river system being avoided or overcome; and in subclause (3)(a) it refers to ecologically significant elements of the natural flow regime. I want to be reassured that these objectives will not be used as an excuse to remove the weirs and locks system on the river.

The Hon. J.D. HILL: These objectives were established by the Murray-Darling Basin Ministerial Council, and they were developed over a period of at least a year by the community advisory committee of that council and adopted by the council as basin-wide objectives in 2001, so I suppose that we are bound to them through the Murray-Darling Basin council process. This bill just puts complementary provisions in our legislation. It is about making a healthy river. I cannot say whether or not the locks and weirs will be eventually affected by this—that would be overly bold of me—but I can assure the member that there is no secret plan to get rid of the locks and weirs and this is not the stalking horse to do that. Otherwise, the whole Murray-Darling Basin council and commission would be part of the conspiracy.

Mrs REDMOND: I recognise that subclause (3) provides specifically for environmental flow objectives, but I found it a little odd that the river health objectives do not include any reference to environmental flows. It seems to me that, surely, the river health depends on—as I understand the Adelaide declaration, for instance—the improvement of environmental flows. Whilst I appreciate that there is a separate section specifically dealing with environmental flows, it seems odd to me that we have not included the question of environmental flows as part of the definition of the objectives of river health.

The Hon. J.D. HILL: Clearly, all of these things are inter-related. I guess you have to have some way of classifying the key objectives, and that is what this attempts to do. I am not sure of the process that the Murray-Darling Basin council's community advisory committee went through to get this, but I guess there was some sort of consensual process—I guess they got around tables and blackboards and had group sessions about what are the key objectives. But the member makes a perfectly valid point: these things are obviously interconnected. You cannot have the river health objectives without having environmental flow in many cases: I agree with that.

Mrs REDMOND: I wonder whether the minister perceives any risk that the river health objectives could be interpreted to be entirely related to the current flows of the river and, therefore, there could be some degree of conflict between the river health objectives and the environmental flow objectives.

The Hon. J.D. HILL: I do not believe so.

Mr WILLIAMS: In regard to subclause (5)(b), the community's knowledge and understanding of the River Murray system is to be gathered, considered and disseminated, etc. I have received correspondence, and I am sure the minister has a copy, from the Murray and Mallee Local Government Association, and one of the issues that it raises is consultation. The association says that it has sought from the minister's office an assurance that the association would be considered as a stakeholder and considered at all points when consultation was required by this legislation. They particularly talk about clause 9, but I think it also relates to this area. When reading through the bill, I noted that it talks about consultation in a number of places. It does not use the word 'consultation' in this instance, but I want an assurance from the minister that consultation will be both open and two-way. The minister's assurance will confirm that this applies every time it arises and I will ask the question only once.

Unfortunately, my experience over a long period is that quite often consultation merely consists of sending out some letters to the community to let them know what decision has been taken. It has then been considered that the community has been consulted. Many times I have heard ministers say, 'I am quite willing to consult with you but the decision has already been made'—

An honourable member interjecting:

Mr WILLIAMS: Someone said, 'A la Coffin Bay ponies'. I was thinking a la Lower Murray River flats. I want an assurance that the processes of consultation will be two-way and that, at the end of the day, the input from the stakeholders and the communities along the river will have some standing, that it will be taken on board by the minister of the day and that this bill will not allow ministers to whitewash local communities along the river and just ram down their throat their idea of what should be happening.

The Hon. J.D. HILL: I certainly acknowledge the point that consultation is absolutely essential in relation to the River Murray. A number of processes have been gone through in the establishment of this bill, and we will go through further processes in relation to the regulations. I have made that commitment to the house. There will be ongoing consultation. I have to say that the Murray Mallee LGA has been particularly helpful to us and has made some very good suggestions, many of which have been taken on board in the preparation of this legislation. I do not know whether my officers have had continuing consultation with them, but they have attended many of their meetings and put a lot of effort into it. I think they should be assured by our practice that we will continue in that way.

However, in addition to this bill, there is the River Murray Catchment Water Management Board, which, under future legislation, will become an integrated natural resource management board, and that is basically a community driven consultative process. Obviously that will work hand in hand with this act when it is proclaimed, because it will be of great interest to that body. Obviously, too, we are committed to continuing to work with the community, as we need to do that in order to make it work. It will not work just because we pass a few laws in here and put badges on a few people: it requires community support.

Mr BRINDAL: I would like to put a couple of questions to the minister about the human dimension objectives. I note that, while I was absent from the chamber, the minister agreed to look at least between the houses at one of the objects of the act being socioeconomic need—the need of the river as an economic entity. Subclause 5(d) provides:

> the importance of a healthy river to the economic, social and cultural prosperity of the communities along the length of the river, and the community more generally, is to be recognised.

If the minister reads all the objectives from a human dimension, it all seems to say, if the river is healthy, that economic health and prosperity will follow. I do not disagree with that as a long-term assumption—we must have a sustainable river. I think there is at least the latitude to interpret there that, provided you are arguing for river health, all the rest comes secondary. First, you get a healthy river, then you get an economic benefit that flows from the healthy river. In the minister's second reading speech, he pointed out very clearly the complex interrelationship that exists. We cannot afford to drain the river and leave it as a seasonal river, as it was. We need to grow the produce, because Adelaide, Sydney and Melbourne—and the Australian economy—need the produce that that river basin produces.

I suppose what I am leading to is this. With respect to the human objectives, is the minister absolutely assured in his own mind that these objectives, though they are called the human objectives, are not too skewed, so that some future minister (neither him nor I, because we are too enlightened to do this) would skew the objectives around in such a way that a future minister could say, 'Look, all the human objectives are served by a healthy river,' so it is a healthy river, a healthy river, a healthy river and, once we have the healthy river, everything else flows. Can the minister get where I am coming from?

The Hon. J.D. HILL: I think the last point that the member made is right, and I believe I made that general point in response to a question from the member for Newland. As I said, these are objectives that were agreed to by the Murray-Darling Ministerial Council. That was in March 2001 in Sydney, and I think the member for Unley may well have been part of that decision making process. So, he might be able to give the advice on what these objectives mean, because we have just lifted them out of the Murray-Darling Basin Council. I guess if you want to sit here and analyse every word and every phrase, there is a whole range of questions. But these are things that have been developed by the community, and I think that is the importance of them. They have come out of the community, and we are enshrining them in our legislation to pick up on what the council has agreed upon generally.

Mr BRINDAL: I recall the meeting. The minister has been part of the councils, and he will know that in those ministerial councils the whole object is to try to achieve some sort of consensus between a disparate group of ministers from separate states, all of whom are trying to work, hopefully, for the objectives of the river, and sometimes—not always—it means that a group of ministers sitting down at a table with all their public servants comes up with a set of amazing gobbledegook that means to each minister exactly what they want it to mean in terms of their state.

The Hon. J.D. Hill interjecting:

Mr BRINDAL: The minister knows what I am getting at. Ministerial communique often is slightly vague and slightly ambiguous, because it needs to be. What South Australia needs to be able to say might not be identical to Victoria and New South Wales, and in that context I say this—and this is perhaps what concerns me, and perhaps the minister might look at it between the houses. While it might have been directly lifted from that body, we now put it in a law, and we say in clause 8 (which we will get to in a minute) that, when the courts look at this, one of the things they have to look at is the ORMs, which is exactly what we are now talking about. That means that, having taken it from the likes of you and me getting what we want in the form of a communique, we are now putting it in legislation, and we are then saying to a court system, 'You interpret what each of these words means and what every one of these phrases mean.' If the ministerial council had been told that, as soon as we left the meeting, a band of lawyers would sit down and analyse the meaning of every word, we might perhaps have been a little more careful with what we said. Given the minister's answer, I would like him to look between the houses and see whether he can scratch it up and clean it up and whether South Australia could perhaps do slightly better than the ministerial council, at least on the wording.

The Hon. J.D. HILL: Of course, if we had not got rid of that provision that the member forced upon me, I would have been able to do that relatively simply from time to time. I would like to point out to the member for Unley the objects of the key documents. These are subsidiary. What we are doing here (and I think this is a very important thing) is saying to our colleagues in the other states that we will take seriously these things about which we sit around ministerial councils and make decisions.

We are going to put them into the law. That is powerful stuff. If we can get the other ministers in the other states to

do the same thing, are we not advantaged by doing that? Is this not about showing leadership in relation to the River Murray? Is this not about sticking up our hands and saying, 'We're serious.'? That is why I think this is important. The honourable member may be right, that there might be the odd word here or there that we could change but, over time, we can amend it; and also, presumably, over time, the ministerial council will amend it and, if it is required, we will come back with some amending legislation. I will happily have another look at it. I mean, we have had a look at it, but this is pretty well where we are.

Mr BRINDAL: I do not want to labour the point. Suffice to say that the opposition has acknowledged and applauds what this legislation seeks to do; and, yes, everyone is supporting putting it into legislation, but we want to make it the best legislation we can. We need to say, 'Yes, we have taken everything you have said and we have put it into legislation.' I am simply saying, though, that we need to put it into the best words we can because, as the minister knows, it will be subject to interpretation and probably very soon.

As soon as this becomes law and the minister makes a decision on a whole list of matters, especially if they affect people's water property rights (and he knows, he has been talking himself, that that will come soon; it could come very soon), you must make those sorts of decisions. You will have people with absolute big money—irrigation cooperatives—in there fighting the minister, as the Crown, and it will all be down to what these words mean because the courts are told to take into account the objects of the act and the ORMs. All I am arguing is that, yes, what you are doing is correct.

We support what you are doing if we can make it a bit tidier and neater. In discussions that members on my side of the house have had outside the chamber, many of us are scratching our heads and saying, 'But what exactly does it mean?' It is just not clear. I do not want to labour the point. I just make the point because, in so far as it is showing a bold lead, that is very good; in so far as it might tie us up in the courts for months, I do not think that the minister's government likes spending hundreds of thousands of dollars on lawyers any more than our government did. That is something best to be avoided for everyone except the lawyers.

The Hon. J.D. HILL: I guess that the officers have done this the best way they can. We have consulted and all the rest of it. We can have another look at it, and if the honourable member wants to make some particular suggestions or point out areas (he has mentioned some, we have that in *Hansard*) about which he has some concerns we can have another look.

Mrs REDMOND: Just so that it is on the record, there is no statement in clause 7 that prioritises these objectives. I take it therefore that the government is not intending that they have any particular priority and that each objective has therefore equal weight and merit?

The Hon. J.D. HILL: In a sense, it depends on the particular circumstances. No, there is no sense of priority here, they are all important.

Mrs REDMOND: Subclause (3)(c) provides:

> significant improvements are to be made in the connectivity between and within the environments constituted by the River Murray system.

It is a bit of a double-barrelled question, but perhaps it is easiest if, first, I ask the minister to explain what he means by 'connectivity between environments constituted by the River Murray system'.

The Hon. J.D. HILL: It is really talking about the connections between the various elements of the system: the river and the flood plains, the rivers and the estuaries, and so on. It is taking into account that this is a complex system; it is not just a simple thing.

Mrs REDMOND: That brings me to the second barrel, as it were, that is, that I am just puzzled by the words 'and within the environments', because the minister's explanation is much as I thought it would be, but I do not understand why the words 'and within the environments' appear in that subsection.

The Hon. J.D. HILL: It is the normal sense of the language: it is the connectivity between and within the environments constituted by the River Murray system. So, an 'environment' might well be a wetland, for example, an estuary or a flood plain, and it is the connection between and within those environments. There might be areas within the environments as well. We are getting into technical detail. 'Within' means from one flood plain to another part of the flood plain, for example.

Mr BRINDAL: I note that elsewhere in the bill the minister has the power to construct levees. Would this objective, for example, allow for significant improvements to be made in the interconnectivity between and within the environments constituted in the River Murray system? It is also an environmental flow objective which is impinged upon by evaporation. If you think of the area behind lock 1 at Barmera, just behind the Barmera bridge or—

The Hon. J.D. Hill: Blanchetown.

Mr BRINDAL: —Blanchetown—if you think of that area; in building the weir, we simply flooded a huge flood plain, where there were hundreds of dead river red gums. Following the member for Heysen's line of questioning, I presume that making significant improvements in the interconnectivity might mean the construction of a levee bank, the restoration of the flood plain and the cutting down of evaporation in the management of the interconnectivity between the then unflooded flood plain. Is that the sort of thing that the minister has in mind?

The Hon. J.D. HILL: That is right.

Clause as amended passed.

Clause 8.

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

> Page 13, line 25—After 'Act' insert:
> and any other person or body required to consider the operation or application of this Act (whether acting under this Act or another Act).

This amendment clarifies the intention of the provision. It ensures that any person involved in administration of the act, whether directly or through amendments to the related operational acts, including an appeal court hearing (appeals under other acts, for example) against a condition directed by the Minister for the River Murray, must seek to further the objects and objectives.

Mr BRINDAL: I am just trying to work out how that amendment fits.

The Hon. J.D. HILL: If a court were hearing a matter under another act, such as the Mining Act, which would be under the District Court, it would have to take into account the objects and objectives of this legislation if it were in this region.

Mr BRINDAL: Which would be the competent courts of jurisdiction—the Magistrates Court or the ERD?

The Hon. J.D. HILL: Just the ERD in this provision.

Mr BRINDAL: Would it apply generally?

The Hon. J.D. HILL: Are you talking about my amendment or the original clause?

Mr BRINDAL: I am talking about the whole of the original clause within this bill. My imperfect recollection is that I had matters before the ERD which, after the ERD, would go to the Magistrates Court, or somewhere else. An appeal mechanism took them out of the ERD and took them further. I want to establish how the system will work.

The Hon. J.D. HILL: If it went through the system, the matter would go to the Full Court of the District Court and, possibly, the Supreme Court, or however far they wanted to go. The amendment proposes that any other court that is considering a matter in a related bill needs to take into account the objects of this legislation if it is in an appropriate zone, so that is what that is about.

Amendment carried.

Mr WILLIAMS: I seek an understanding of the way acts in general work. Is this a common clause? I would have thought that it was quite superfluous to the legislation. I would have thought that it was superfluous to put into the legislation clauses 6 and 7, the objects of the act and then the objectives of the act, and to have clause 8 propose that, now that we have those objects and objectives, we have to be consistent with them. I would have thought that that was implicit in clauses 6 and 7.

The Hon. J.D. HILL: You and I are legislators and we have parliamentary draftsmen and draftswomen. It is in the Aquaculture Act, the Water Resources Act and the Environment Protection Act.

Mr WILLIAMS: From time to time I have had the misfortune to read federal acts and they are so damn wordy it is almost impossible to read them. Some of our acts are starting to head down that path. Our statutes by and large are fairly easy to read and are not great tomes, but the federal government has gone down the line of having literally millions of words to do, quite often, quite insignificant things in the acts they pass. Brevity is a virtue—maybe I should be listening to my own wisdom. It concerns me that we might be going down the path of putting in clauses that really are superfluous.

Progress reported; committee to sit again.

SITTINGS AND BUSINESS

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

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

Motion carried.

MATTERS OF PRIVILEGE

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

Leave granted.

The Hon. J.D. HILL: In my personal explanation of last week there was a typographical error: the number '560' on page 2 ought to have been '506'.

RIVER MURRAY BILL

In committee (resumed on motion).

Mr BRINDAL: My understanding of this sort of provision is that when the courts look at an act they may look at clause 73(a) and might rule exactly on the legal interpretation of one part of the act. I understand this sort of provision is there to tell the courts that, notwithstanding anything it might say in this little bit or that little bit of the act, you are required to look at not only the letter of the act but also the spirit of the act. In so far as someone might bring an action and that action contradicts the spirit of the act, basically this then tells the courts to disallow the technicality and allow the spirit. I might be wrong, but is that the answer to what the member for Mackillop is asking? I think it is.

The Hon. J.D. HILL: The member for Unley has summed it up extremely well, and that is a fair analysis of it. It gives greater weight to the objects and the objectives of the legislation, so, in any court matter, the court will have to do as the member for Unley has described.

Clause as amended passed.

Progress reported; committee to sit again.

ADJOURNMENT

At 6.02 p.m. the house adjourned until Tuesday 1 April at 2 p.m.