HOUSE OF ASSEMBLY

Thursday 15 May 2003

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

RADIOACTIVE WASTE

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

That this house calls on the federal Leader of the Opposition to explain why, as the former federal minister for primary industries and energy, he released a discussion paper in 1991 to identify a suitable site for a national repository for radioactive waste.

It is important that we highlight to the house and to the general public that it was the federal Labor leader, Simon Crean, who started the process to find a site for a national repository to store our radioactive waste. In the last fortnight, the federal government has announced its final site selection for the national repository and it has ruled out South Australia as a place to store medium level waste, which is a positive for this state.

It is interesting to note that the federal leader, Mr Crean, started this process. Why did he do that? Because the federal Labor government of the time knew it was the correct policy position to establish a national repository to store radioactive waste properly and safely in one site. When in government, the federal Labor Party, of which the leader for the time being is Mr Crean, decided to establish a process whereby Australia would have one site for the permanent storage of low level radioactive waste.

Mr Crean put out a discussion paper to identify a suitable site. He followed that up with another discussion paper that identified eight possible sites that might be suitable for the storage of low level radioactive waste. Of those eight sites, five were either totally or partially within the state of South Australia. The point that I make to the house and to the people of South Australia is that it was always the intention of the federal Labor government that South Australia be considered as a possible site for the storage of low level radioactive waste.

When Mr Crean comes to South Australia and says that he does not support its being stored in South Australia, I think we all can see the hypocrisy of that statement, because it was his decision, as a minister in the federal Labor government in the early 1990s, to set up the process that deliberately included South Australia in that search for a safe site. In fact, five of the eight sites were either totally or partially within South Australia. South Australia had a reasonably good chance, I think, of ending up with the storage facility, if you look at the sheer numbers of it. The process to find a suitable site for safe storage of radioactive waste has gone on for eight or nine years. The scientific group, which was set up by the federal government of the day to go through an eight-year process, tells us that three sites at Woomera are safe for the storage of radioactive waste, and the federal government has now refined that down to one site.

What the Labor Party, at both federal and state levels, will do is use this as a political tool in South Australia to say that we should not have the waste stored here. What the people of South Australia need to realise is that Mr Crean, being a good federal minister, thought he would seek the cooperation of the states by writing to the states and saying, 'We are going to set up a process to establish a national facility for the storage of radioactive waste. Do you support that process?' The state governments agreed to that. The reason I know that is that Mr Crean said that to a packed media conference in my electorate in the past two months—and the transcript is available for those who wish to see it. Mr Crean said that when he was minister all the states agreed with the process; and 'all the states' includes the then South Australian Labor government in which Premier Rann was a senior minister. Labor's hands are all over the process to develop the low level national repository. It knew that there was a good chance it could end up in South Australia. Five of the eight sites were in South Australia.

The then state Labor government wrote back to the federal government, through the deputy premier Mr Hopgood, saying it agreed and would cooperate with the process, because there was an urgent and pressing need for a national facility to be set up for the storage of low level radioactive waste. I make the point to the house and the public of South Australia that the reason that we are having a low level national radioactive waste repository built in South Australia is that the two major parties at the commonwealth level took what was a responsible decision in the best interests of Australia. They said that radioactive waste is simply not currently stored safely.

We know that because this government is on record as saying that it is not sure whether radioactive waste is stored safely in South Australia, and it is currently doing an audit to try to establish that fact. We know that it is not stored safely because members of universities have said that they have concerns about the way in which radioactive waste is currently stored in the universities on North Terrace and at hospitals and other sites around the suburbs. In my own electorate, it is stored at Bedford Park; it is stored at Norwood; it is stored at Mount Barker; and it is stored at a range of sites around the state.

We think the federal Labor government of the day, in cooperation with the opposition, took a responsible decision to develop a national policy for the storage of low level radioactive waste. It is hypocrisy on the part of the present federal leader Mr Crean to come to South Australia and say—and I paraphrase what he said—'Even though I set up the process, even though I believed at the time the policy was right to have a national facility, even though five of the eight sites in the discussion paper were in South Australia, even though the scientific group we established decided that Australia's safest site is at Woomera, and even though the state Labor government of the day put in writing that it agreed to cooperate with the federal government, guess what? Now that it has been decided that it will be in South Australia, the federal Labor Party does not agree with it'. It wants to play politics with the issue, rather than do what is in the best interests of South Australia, namely, develop a safe method of storing radioactive waste.

For those members opposite who say that it should be stored at Lucas Heights—and the minister is out there saying that—I make this point: it was the federal Labor government that moved regulations to the appropriate act so that Lucas Heights could not be used as a permanent storage facility for radioactive waste. So, when the minister is out there saying that it is a problem of the federal government's making, it is really a problem of the making of the then federal Labor government, which took the view that Lucas Heights should not be used is a permanent storage facility for radioactive waste. I make those points to the house. I know I have made them before in other contributions, and again I will be asking the house to support this motion at the appropriate time.

The Hon. G.M. GUNN (Stuart): I support the motion because it points out the hypocrisy of the current situation. During this public controversy and debate that has been generated by the current government, on not one occasion have we been told what is going to be done with all the material which Mr Crean and Mr Beazley shipped up to Woomera without telling anyone and which is now improperly stored. What do they propose to do with this material? Let us not have any more of this charade of nonsense. What will they do with this material? We want a simple answer. Will they leave it in the hangar in the leaky drums or have it properly stored and managed?

The next question, to which the Attorney-General needs to address himself, is: where does he think the government of South Australia will house the nuclear waste produced in South Australia? Where will you put it? It would appear that it has adopted a foolish course of action. On the one hand it is claiming that we have a tight budgetary situation, but it is happy to spend large amounts of money when someone else will provide the money to safely house and store low level nuclear waste. We have to put it somewhere. Do they want it stored on North Terrace or in an isolated locality? It is a simple question.

Members interjecting:

The Hon. G.M. GUNN: That is right: they are very happy, as my good friend points out, to spend taxpayers money lining the pockets of lawyers. At the end of the day they will not be successful and we will still have the problem. Is it not better to fix the problem now, let common sense apply and get on with something more constructive and productive for the people of South Australia? All the nonsense of saying that this facility will affect other industries is absolute nonsense.

The Premier has taken a stand on this issue. I point out to the house that this is the same leader who was involved in a campaign to stop the construction and operation of the Olympic Dam mine. These are the same people who told us that the sun would not come up if that enterprise got off the ground. Now we have 4 000 people living at Roxby Downs with that company paying millions of dollars into Treasury. I also point out that this is the same party that said we should build the Chowilla Dam and not Dartmouth. They were wrong there and were wrong about Roxby, and with the passage of time they will be proved to be wrong in relation to this matter. What about concentrating on the real issues?

This is the amazing story. The leader has now become an enthusiastic supporter of Roxby Downs, but they had all their rent a crowd and other people charging around Roxby vandalising things up there and trying to stop it.

The Hon. M.J. Atkinson: Not me: I used to wear the Roxby Downs tie.

The Hon. G.M. GUNN: You were one of the few. If the truth be known, he probably supports the establishment of this low level nuclear dump. As a good, conservative, right-wing politician, he would probably support that, too. The other realists know that this is a political stunt.

The Hon. M.J. Atkinson: Stop being so kind.

The Hon. G.M. GUNN: I am always a kind character—it is my nature. That is how I have been able to continue to come back here. I am told that it is one of my attributes, but I will leave it for others to judge that. However, what concerns me is that we will have a great deal of hype and expenditure on lawyers and others, but we will still have the problem. Let us for goodness sake do something constructive and sensible, and act in the long-term best interests of the people of South Australia. The member for Davenport has quite properly brought this matter to the attention of the house, and I look forward to other members supporting the motion.

Dr McFETRIDGE (Morphett): I rise to support this motion. The hypocrisy and downright deceit being perpetuated by members of the government on this issue is absolutely deplorable. The history on nuclear waste storage in South Australia—which we know because we have had it so many times in this place—does not seem to have been made clear in the media. I do not know the media's agenda, but the *Advertiser* asked questions such as, 'Do you want nuclear waste stored in South Australia?' It does not raise the issue as to what sort of nuclear waste. That perpetuates the image of storing nuclear bombs and things like that in South Australia. Of course, people are concerned about nuclear waste, because they do not know much about it. The government is trading on ignorance and fear, and that is not the way to be an open and honest government.

Let us not forget that the matter goes back to a federal Labor government in 1991. I have a letter to the Hon. Don Hopgood from no less than Simon Crean encouraging him to look at South Australia as a place for nuclear waste. The history of this was included in an article in the *Advertiser* last year by Rex Jory. I have used bits of this before, but I will quote it again, as nobody seems to take any notice. The media certainly does not want to look, listen and report honestly about the history of the Premier in this matter. Mr Rex Jory wrote an article in the Adelaide *Advertiser* on 14 May last year. This is 12 months ago; this is how long people have been perpetuating the fear and ignorance arguments. He said:

> Mr Rann has been a consistent opponent of most elements of the nuclear cycle.
>
> As an adviser to then Labor Opposition leader John Bannon in the early-1980s—

that is how far this Premier's track record goes—

> his opposition to the establishment of the Roxby Downs uranium, copper and gold mine was well known.
>
> But there is a hint of popular politics, even hypocrisy, in Mr Rann's outspoken opposition to the low-level nuclear waste deposit in South Australia.

Mr Jory goes on to state that the Roxby Downs project pours millions of dollars of royalties into the state Treasury. I am sure the Treasurer will be more than conscious of that when he brings down the budget next week—the millions of dollars that have been coming into this state for years from Roxby Downs. Mr Jory goes on to say:

> If this waste material is deemed too dangerous to bury in rock, clear of artesian water, then how can it be safe to store in the basement of Adelaide University or the Women's and Children's Hospital?

Further, Mr Jory states:

> Ironically, the independent Speaker, Peter Lewis, whose vote is keeping Labor in office, is a firm advocate of a nuclear waste facility in SA. Who knows what weight his view will carry? Mr Rann should embrace the big picture, the national vision.

I received an email from a constituent of mine. I will not name him, but I am happy to show this to people who are concerned. This chap says:

> Hi Duncan,
>
> I read and listen with interest the debate brewing over the low level radioactive dump/repository for SA.
>
> Having been involved 'hands-on' in this industry for many years (I used to synthesise P-32 labelled nucleotides for medical/biotech research use for 8 years and also sold various medical isotopes manufactured in the US), I feel in a position to offer some construc-

tive criticism over the paranoia Rann and the media seem to be raising over the issue.

Why there seems to be such an objection to removing this waste from city and suburban buildings and placing it in a suitably built and maintained facility is beyond me. It seems to be an ostrich mentality in that we don't want to be seen having a nuclear waste dump in SA even though a reasonable proportion of this type of material is currently being stored in broom closets and other small rooms in hospitals and unis in and around Adelaide. . . I encourage you to get the government to pull their heads out of the sand and look at this issue in a responsible and proactive way.

The Hon. Peter McGauran pointed out a bit of the history of this matter in a press article recently. It has been said before but I will repeat it with a glimmer of hope that the media actually pick up on the history of nuclear waste in South Australia. Mr McGauran stated:

About 10 000 drums of low level radioactive waste were transported by road to Woomera in late 1994 and in early 1995. A further consignment of 35 cubic metres of waste was transported to Woomera in 1995.

The second lot, the 35 cubic metres of waste, was not low level but intermediate level nuclear waste. The article continues:

. . . the Rann government's position is politically motivated rather than based on genuine grievance. . . It is undoubtedly more cost-effective to establish a single, purpose-built facility to meet Australia's low-level radioactive waste disposal needs.

One of the other furphies going around is that this low-level radioactive waste repository will hurt our clean, green image. I was very disappointed to see representatives of the wine industry going on about this. If anyone involved in Australian agribusiness nowadays is not aware that the clean, green image is not going to be the lifesaver for Australia, they had better learn about modern economics and what is really going on in agribusiness. The myth that having some low-level radioactive waste in South Australia, in arguably the safest place in the world, is going to hurt our image is an absolute furphy. Look around the world and see what is happening. Significant nuclear industries are being used to produce everything from electricity to medical radio isotopes right around the world. Where are the leftovers being stored? In safe repositories.

Where is one of the largest repositories in France? One of the elite wine-growing regions of the world, the Champagne district of France, is storing radioactive waste right next to the grape vines that are producing premium champagne. Do you think that the French would say, 'We'll shut our nuclear industries because it's going to hurt our clean, green image'? People do not care about that any more. It is so important that we do not just perpetuate the fear and ignorance arguments all the time. I am disappointed in members of the government. The political opportunity is there for this Premier to be statesmanlike, to stand up to be counted, to recognise that there is a serious concern out there about what is really happening with nuclear waste.

Do not just be like the minister for misinformation in Iraq. Do not be like Mohammed Saeed al-Sahaaf: 'The infidels are not coming.' But just as the infidels, in the words of Mohammed in Iraq, were there, we already have nuclear waste in South Australia. It is a fact of life. The federal Labor government brought it here, with no consultation with anyone, just: 'You better work out some way of handling it and storing it safely, and continuing to store the ways that is going to be produced in tiny amounts.' We should say 'tiny amounts', too, because in Australia we produce 50 cubic metres of nuclear waste a year.

Mr Williams: A couple of truckloads.

Dr McFETRIDGE: A couple of truckloads, as the member for MacKillop says. What are they producing in Europe? Not 50 but 250 000 cubic metres a year, year after year. It is not 50 cubic metres a year of radio isotope waste from Lucas Heights. 'Lucas Heights radioactive waste: we will have to give it all back to them.' We ignore the fact that thousands and thousands of South Australians every day in our hospitals benefit from radio isotope treatment that has been manufactured in Lucas Heights. But 'Don't bring it here: don't let the South Australians benefit from Lucas Heights.' Let us get real on this. Let us be honest and let us be open. This Premier came into government claiming to be honest, open and bipartisan. He was going to do the right thing for South Australia.

An honourable member: Accountable.

Dr McFETRIDGE: Accountable! This is such a disappointing effort on behalf of this government. Even yesterday we heard furphies about the expenditure in the federal budget. I suggest that the Minister for Environment and Conservation go back and do his figures, recalculates the figures and gives the people of South Australia the truth. The Premier had better do it, the government had better do it; otherwise, I guarantee that the people of South Australia will wake up, and will kick them out in March 2006—and I know that we will get on with the job.

Mr SCALZI (Hartley): I want to make a contribution on this important debate, because it is not about nuclear waste and where we should store it: it is about the politics that have taken place, and the lack of honesty in this regard really concerns me. If someone is genuinely against nuclear storage, nuclear power generation and the nuclear industry, I have the greatest admiration for them, if they are consistent in that and do not play politics. But the problem with this government is that it has a candle mentality, with policies blowing in the wind—and I do not think that they could even get Bob Dylan on side, because they have been inconsistent and hypocritical.

The reality is that this is about low level waste that comes from something that is of benefit to a great number of Australians and South Australians. There is no question that we all benefit from nuclear medicine and from the use of this type of technology. We also, as South Australians, benefit economically from Roxby Downs, from Western Mining royalties. It is a very important industry in South Australia. Regardless of how that industry was established in South Australia, the reality is that it was a good Labor member, Norm Foster ('Stormy Normie', as members opposite call him) who put the interests of South Australia before his party, who put the interests of South Australia first, and it has been of great benefit to South Australia. Because he exercised his conscience, he was sent into the wilderness. But we thank him for what he did, because his sacrifice, his pain, brought great benefits to South Australia, and this government has been able to benefit from that.

I support this motion because, in reality, we have benefited from the industry. We know that the federal leader, whilst he was minister, allowed the studies to take place and, under the federal Labor government, medium level waste was stored in Woomera. Then this government came in here and told us, 'We don't want this industry. We'll have a referendum.' It should be consistent.

Further, where do we safely store the waste from the 104 different sites that we have in South Australia? I am aware that there are sites at the Royal Adelaide Hospital, the universities and various other places in the metropolitan area.

It is a little like this. In your home, you have 10 boxes of matches. We know that they can all be a potential danger to the wellbeing of the family. So, what do we do with those 10 boxes of matches? We can store them in a safe place, lock them up knowing that we have to do something about them, that we have to be responsible, but members opposite want us to believe that we should put one box of matches under the mattress and one in a drawer in a cubby house and hope that the kids do not get them. What sort of a policy is that? What sort of responsible government will come up with a policy that is not a policy? We know that this government is not about policies; it is about spin. It puts a spin on this and a spin on that. The trouble with spinning is that you get dizzy and you remain where you are. That is the Premier's policy. In other words, it is a Clayton's policy: a policy that you have when you do not have a policy.

The Hon. M.J. Atkinson interjecting:

Mr SCALZI: I wish the Attorney-General would be as meticulous in worrying about where to store this waste as he is about grooming his thesaurus. He is very good at picking up grammatical errors. I acknowledge that I am not a Penguin speaker, but we are not talking about Antarctica. I just wish the honourable member would come in from the cold and make some real policies. I remind him of what members of the upper house asked him: why does he not ask for a conscience vote? I am sure that he believes that we should store the waste properly so that there is no danger to the well-being of South Australians. He would not want us to waste money unnecessarily on our own nuclear waste dump.

We are told that we have a national competition policy and that we should all get together as a nation, that the states should not think on their own but, when it comes down to it, we have a government that is very NIMBY—not in my backyard. Not only are we going to have nuclear waste, if we do not store it properly in one of the safest places (according to scientists), we are going to have political waste. Week after week they tell us that we are going to have a referendum and that we are going to stand up to the federal government, and they ask us to do this in a bipartisan way. Why have members opposite not stood up in a bipartisan way? We have been given an assurance by Minister McGauran that we will not have a medium level waste dump in South Australia, that that waste will go to other sites not in this state. We have been given that assurance.

What we are dealing with is low level waste. Whether you believe in it or not, we use it for medical purposes, so we need it. We have the 10 boxes of matches and we have to store them in a safe place. We have a responsibility to do this. It is not being responsible as a government or as parliamentarians to play politics with something when there is no need to do that. We have a problem and we have to deal with it. Let us deal with it in the best way possible. The best way possible is to have a low to medium waste repository. That is what has been decided. We can have referenda and all those things, but we will just be wasting money and time. I am sure that, privately, members opposite agree. This is the sad thing: privately they agree; publicly they have been told by the spin doctor that they have to beat it up politically.

Ms Thompson: Who's the spin doctor?

Mr SCALZI: Who's the spin doctor? You're closer to them than I am. So, let us be responsible.

Ms Thompson: If you don't know, don't say it.

Mr SCALZI: It is difficult to get a spin doctor if he is spinning! Let us be responsible about this; let us stop playing politics. The waste is there, and we have benefited from the technology, so let us store it properly and stop playing politics with something that is important to the wellbeing of all South Australians and Australians, because we are part of Australia as well.

The ACTING SPEAKER (Ms Redmond): The member for MacKillop.

The Hon. M.J. Atkinson: Hear, hear! Excellent speaker.

Mr WILLIAMS (MacKillop): I thank the Attorney-General for his accolades. I accept those accolades from the Attorney-General, because he is one of the members on the other side that I absolutely know in his heart of hearts realises that what they are doing is wrong, particularly on this issue and on a number of other issues. So, thank you, Attorney.

The member for Davenport is asking, through this motion, for this house to call on the federal Leader of the Opposition (Simon Crean) to explain why, as the former federal minister for primary industries and energy, he released a discussion paper in 1991 to identify a suitable site for a national repository for radioactive waste. That is a very good question. Why did he do that? Why, in 1991, did Simon Crean, as the minister of the then Labor government, start a process to identify places to store nuclear waste?

In winding up his contribution, the member for Hartley used the words 'responsible' and 'responsibility'. I suspect that is why Simon Crean did that, because at that time he was a minister of a national government of this country, and he recognised his responsibility. Part of that responsibility was not to play silly political games but to get on and do what had to be done. That was his responsibility: to get on and do what had to be done.

Now, 10 or 12 years later, we see the same person cast in a different role where he can afford to show no responsibility. He can afford to play silly political games, and that is exactly what he is doing. The shame of this whole exercise is that we find the Premier of this state—a person who should be showing responsibility; a person who should be showing leadership; and a person who should at least be pretending to be some sort of statesman—falling into the same trap that Simon Crean, as an opposition leader in a federal parliament, has allowed himself to fall into. That trap is to play the irresponsible game; to play on the ignorance and fear of people; and to perpetuate that ignorance for low, base, cheap political gain.

I did not have a problem with some of these hypocrites playing that game when they were in opposition. Members opposite are well versed in that game, because they spent the last eight years playing it, and they played it tough. That is not a problem. When they were in opposition, they demonstrated that you can be irresponsible and you can play the political game. But for goodness sake—

An honourable member interjecting:

Mr WILLIAMS: Exactly, that is the point, and I am coming to that—they have been in government for 12 months now and still they have not realised that being in government is different from being in opposition. Being in government is about leadership. It is about setting policies for the benefit of the people. It is not about playing cheap political games. Unfortunately, what we have seen from this government over the last 12 months is a continuation of its role in opposition, a role which cared not about this state or the welfare of the people of this state. They cared only about getting their backsides on the green leather on that side of the house. Unfortunately, that is the only motive that drives these people today.

Members interjecting:

Mr WILLIAMS: I have elicited a couple of interjections from members opposite, but I will not refer to them because I know that that is out of order, and I do not want to be disorderly. I am very disappointed that, if members opposite honestly believe in their hearts that they are going the right way with this, none of them has the guts to stand up in the house today and defend their position. None of them has the guts to stand up and say why they are prepared to store our waste but forget that a lot of the waste that is generated interstate is generated for the benefit of South Australians.

If my memory serves me correctly, each year some 300 000 nuclear medical procedures occur in this state. None of the material used in those procedures is generated here; to my knowledge, it all comes from Lucas Heights, the nuclear facility in Sydney. Yet members opposite would have us believe that we have no responsibility for that material. That is plainly morally bankrupt. In relation to those members and their attitude to this issue, those words roll off the tongue very easily, and I have no problem using that description.

It will be recorded in the political history of this state that this was perpetuated by a group of people who failed to recognise their responsibility to the people of South Australia, and that is shameful. The parliament of South Australia has a long and proud history of doing the right thing for this state. It has not always been easy, and South Australia has struggled on the national scene through many times and in many areas. However, by and large, we have got where we are because leadership in this state has, generally, not shirked its responsibility; unfortunately, at the moment we are going through a period when that is so.

I will reinforce some of my colleagues' comments. The member for Morphett talked about our clean, green image, and I fully support his comments. Recently, in the *Advertiser*, I read a letter, from a supposed spokesman for the South Australian wine industry, that suggested that a low level short-lived nuclear waste repository at Woomera would destroy our clean, green image with respect to our export of wines. That is a nonsense. I will not repeat what the member for Morphett said, but I endorse his comments: that is a nonsense.

It is a shame that members of the government continue their irresponsible behaviour and push those myths because, in doing so, they are undermining South Australian exports. When in opposition, they spent many years bashing South Australia; for God's sake, do not do it now that you are in government. Show some responsibility and show some backbone!

I know that the Attorney-General agrees with what I am saying, but I call on other members opposite (and some probably do not agree with me) to make their comments and justify them, so that everybody can see where they are coming from and can get to the heart of the nonsense behind their debate.

As the member for Morphett said (and I know that the member for Bright will touch on this subject), the Premier now talks proudly of their activities at Roxby Downs. In relation to the waste that we generate in South Australia, we supply a significant proportion of the base fuel to the world nuclear industry from Roxby Downs, which is a major mine in South Australia, and we all derive a benefit.

Do members opposite believe that we can export uranium and get the benefits from mining and exporting that product but have no moral obligation to what happens to it after it leaves our shores? Do they believe that we have no moral obligation to what happens to the waste at the end of the cycle? They are morally bankrupt. I fully support this motion and I hope it has speedy passage through this house and is passed unanimously by this chamber.

The Hon. W.A. MATTHEW (Bright): I rise to join my colleagues in supporting this motion and, in so doing, commend my colleague the member for Davenport for introducing it as one of a series of motions that reveal Labor's hypocrisy on the issues of disposal of nuclear waste and uranium mining. This particular motion is about a series of backflips. It is about a backflip by the federal Leader of the Opposition, Simon Crean, who in 1991 was the minister who released the discussion paper on sites for potential nuclear disposal. It also reveals backflips by our now Premier. It is also about honesty and accountability of government and it is about responsibility of government. It also reveals a party playing politics for the sake of playing politics and deceiving its electorate.

By way of example, I refer to an interesting document written by Mike Rann in 1982 headed 'Uranium: Play it Safe' for the ALP (SA) Nuclear Hazard Committee. The opening page of the document reads, in part:

> Mike Rann is Chairperson of the Nuclear Hazards Committee of the ALP, SA branch. He is an adviser to SA Labor Leader, John Bannon, and was previously press secretary to Premiers Don Dunstan and Des Corcoran.

The Hon. M.J. Atkinson: I remember this. He was willing to stick out his neck against Roxby Downs.

The Hon. W.A. MATTHEW: I know the Attorney is interjecting because he has read this and I know the Attorney shares some of the views that I am about to espouse and that he has expressed them in caucus, but, unfortunately, he got wild because his viewpoint did not prevail. So I am giving the Attorney a bit of support today.

Interestingly, the document goes on to list the members of the ALP SA Nuclear Hazards Committee, and the first member listed is Norm Foster MLC, whom members will remember crossed the floor to make it possible for uranium mining to occur in South Australia at Roxby Downs. He is a man who can walk in our community with his head held high, who has been proven to be honest and correct beyond a shadow of a doubt. This particular document makes a number of interesting comments. It says, in part:

> Neither Dunstan nor the ALP platform espoused absolute opposition to uranium. The policy was simply that uranium should not be mined, developed or exported unless and until the hazards and flaws could be remedied. Hence, 'Play It Safe'.

It goes on further to say:

> So the South Australian government reaffirmed its commitment to the 'Play It Safe' policy.

So, in other words, Labor's policy was to play it safe and not mine uranium because certain safety aspects needed to be guaranteed. That is fair enough, and I do not think anyone will argue with that, but there is also the hypocrisy. It starts to ridicule the boom possibility through uranium mining and says, in part, under a section headed 'South Australia's Non Boom':

> In South Australia, the Liberal Government has got itself into a tangle over the proposed Roxby Downs copper and uranium mine.

It goes on to say:

> No serious commentators are. . . likely to join the Premier—

meaning premier Tonkin—

in trumpeting the economic impact of Roxby.

How things change! Now this very author, Mike Rann, as Premier of South Australia, has trumpeted in this very chamber the doubling of the size of Roxby Downs and the financial benefits it would bring our state. He has trumpeted that already. He knows full well that in the last financial year the Roxby Downs uranium mine delivered to government $28 million in royalties. I say that for the benefit of members opposite. That is $28 million for hospitals, schools, and law and order. It begs the question that if uranium mining was not going to occur under the Labor 'Play it Safe' policy until the hazards of storage and other things were resolved, how can it now be that the Premier can advocate the doubling of the uranium mine at Roxby but at the same time not support the disposal of nuclear waste here because the hazards have not been overcome?

The two do not match. Why this backflip? What has changed, or is it indeed a backflip? Remember that the Premier tells us that he is very learned about waste disposal. In fact, he details in his book a fact-finding mission. It says that he was a member of the Dunstan fact-finding mission on uranium in January 1979 and, in 1981, he felt so strongly about it that he even used an overseas holiday to investigate developments since that time. That is what Mike Rann tells us. In relation to radioactive waste he makes a very interesting series of comments. Author Mike Rann states:

> Concern over the disposal of nuclear waste was central—

I repeat, 'central'—

> in convincing the ALP in 1977 to adopt its 'play it safe' policy on uranium.

He then goes on to tell us what he found in Sweden, and he states:

> However, it would be wrong to ignore the substantial progress that has been made in the field of radioactive waste management during the past three or four years.

Well, that was Mike Rann in 1982, as an author of a paper to the Labor Party, telling people publicly in writing that there had been substantial advancements in the field of radioactive waste management from 1978 to 1982. It is now 2003, and what has changed? I put it to the Labor Party that nothing has changed. This is one of the most hypocritical acts of betrayal of the South Australian people we have ever seen by a government in this state.

It is a filthy political scam to scare the living daylights out of South Australians by feeding them misinformation. This Premier knows full well—and he told us in writing in 1982—that there had been significant advancements in radioactive safe storage. He knows full well that radioactive waste can be stored safely in South Australia, and he knew that 21 years ago, or longer. The fact is that, in taking its stance, the Labor Party is not only being hypocritical but it is saying to South Australians that it thinks it is okay to keep low level radioactive waste stored on North Terrace at the Royal Adelaide Hospital, at the Adelaide University, at the University of South Australia, or at Bedford Park at Flinders University or, alternatively, at the Flinders Medical Centre; or it thinks it is okay to store it at Lonsdale and myriad other sites around the state.

On behalf of my constituents, I say that is not good enough. Mike Rann himself, as an authority (he tells us he is an authority), advocated in 1982 that there had been significant advancements in the safe storage of radioactive waste. Independent experts, on a mission that was first put to them by none other than federal Labor leader Simon Crean, had determined that the safest place for the storage of low level radioactive waste was in the northern region of South Australia, and I for one, on behalf of my constituents, want to see that happen, rather than leave that radioactive waste in our Adelaide metropolitan area.

Let us have a bit of honesty by the Labor Party. We know that members of its own caucus have argued against the public approach being taken by the Labor Party. There are some responsible members in the Labor Party. The Attorney-General is one who has argued against the line being taken publicly by the Labor Party. The interesting thing in the business of politics is that what goes around comes around. Mike Rann, as an author, wrote this paper in 1982. Mike Rann is now Premier of South Australia. He cannot have his cake and eat it too. The fact is that he cannot go back on the viewpoint that he espoused after a series of investigations and a fact-finding mission.

Or is it that he does not oppose Roxby and he is making out that he does? In this publication he also tells people to join a 'boycott BP' campaign. BP was a partner with the Western Mining Corporation at Roxby. He says to boycott BP, do not buy your petroleum from them, stop Roxby Downs. Where does the Premier stand? Is this paper fiction or is today's view fiction? When will the Premier stand up and tell us what he really believes rather than the way in which he wants to manipulate the South Australian public for nothing other than crass political opportunism?

The Hon. M.R. BUCKBY (Light): I rise in support of this motion. I will be brief in my comments, but I want to cover three points. I find it very interesting that not a couple of months ago we and many other members of the public were in this chamber for a forum on the Murray River. As parliamentarians on that day we received a large amount of facts from scientific people about the health of the Murray and ways to fix it. Members on both sides of the parliament accepted that as being good advice, and the Premier and the Minister for the River Murray came out saying that this was an extremely critical issue and one that had to be addressed by the states and the commonwealth, in terms of the scientific knowledge that was put forward.

I find it fascinating now that, in an argument that does not suit the government, the government is now rejecting good scientific knowledge and saying that this site is the best site in Australia. They may not be the same scientists, but they are people with the same basic science background and knowledge in the field of geology, When I was undertaking my agricultural science degree at university I also studied geology, and we studied this area of the state.

Mrs Geraghty interjecting:

The Hon. M.R. BUCKBY: Yes, I did pass; I passed with a distinction, in fact. We studied this area in the state and we found that it is the most stable earth form within Australia, because it is one of the oldest areas of Australia and also the base rock there is of the most stable form. There are no fault lines through that area of the state, and that is the reason why the scientists are saying that this is the safest area in Australia in which to store this nuclear waste. I find it very interesting that on the one hand the government of this state will accept scientific knowledge in an area that suits it—that is, on the Murray River—but in another area, as the member for Hartley and others have said, because of the political spin it does not accept scientific knowledge that is proven to be correct about a safe area to store low level waste.

The second issue I want to cover is that, when minister McGauran from federal parliament identified where the site would be, the Premier came out and said, in essence, 'We will take this to the High Court; we will fight this through all the courts of the land.' I find that very interesting in light of a constitutional lawyer saying on a radio program that this is a no-win case. The federal government holds all the cards here. The Premier and South Australia can fight this all they like, but they will not win; it is a simple as that. We find on the one hand that the Premier and his cabinet are happy to spend money on a court case which they have no hope whatsoever of winning and yet in the same breath they say they will cut money, for instance from roads—$10 million last year and an estimated $23 million this year. They will cut money from areas where it is needed in this state but they are quite happy to spend money on a fruitless court case which has nil chance of gaining any advantage whatsoever for South Australia. So, it is purely a political argument.

The final area I wish to cover briefly is the hypocrisy of members of this government where they are not happy to have low level waste stored in a safe environment or the best site in Australia for the storage of this waste, and yet they are quite happy to have barrels or drums of low level radioactive waste sitting in a hangar in Woomera. It does not make sense to me to be saying, on the one hand, that we are not happy storing low level radioactive waste in the scientifically proven safest site in Australia, yet we do not hear a whimper about the fact that the Keating government moved—

Mrs Redmond interjecting:

The Hon. M.R. BUCKBY: Thank you, member for Heysen, I knew it was in the thousands—2 000 drums of low level radioactive waste in 44-gallon drums to a hangar in Woomera. We really have to question the morals of this government when comparing one situation with another. I will leave my contribution at that. As I said earlier, this has been proven by scientists to be the safest site in Australia to store this waste. I find it hypocritical that this government will accept scientific advice in one area when it suits them—for instance, the River Murray—but it will not accept the best scientific advice in another area because it does not suit it politically.

Mr VENNING (Schubert): I want to join this debate, but only very briefly because there are on the *Notice Paper* other matters to be dealt with. Certainly I support the motion of the member for Davenport. Really it is commonsense. It does highlight the hypocrisy of this current government when one considers that this motion talks about a previous federal Labor minister and the previous federal Labor prime minister's involvement in this case. Now this government is attempting to turn it around and to run away and hide in an effort to try to gain maximum political advantage.

The issue of radioactive waste is emotive, but we have to deal with reality and facts. The facts are that when Keating was Prime Minister and Mr Crean was the minister involved in primary industries, they released this discussion paper. As we properly hinted, they wanted to solve a problem, that is, the problem of there being large amounts of stored radioactive waste hanging around Australia. They made the decision, as we know—we have heard it ad nauseam—to move these drums to Woomera, which is where they now sit. I would certainly like to inspect these 2 000 drums, because I wonder what sort of quarantine, and so on, is occurring at the moment while these drums just sit there.

As I say, the previous Labor prime minister and federal Labor put this material at Woomera. This debate has been going on for some months now, yet I have not heard a sound from anyone about what they will do with this low level radioactive waste: it belongs to Australians, and, after all, we are all Australians. I am certainly very concerned that while we sit and prevaricate, stall, argue and debate, the problem is not being solved. I give the federal government the credit for making a decision—as hard as it is. There is no political kudos in it for the current federal government because there are no votes in it, but being realistic the matter has to be addressed, and the material has to go somewhere.

I am very pleased that, if we accept the low level dump, we have been given the guarantee that we do not have to have the medium level radioactive waste dump. Okay, members might say that we are hurting, but we are not hurting as much. I believe that is a very good deal, because there are medium and high levels of radioactive waste in Australia, and indeed in our own state of South Australia. I believe that we must share this load with every state of Australia.

As the member for Light just said, we have the most stable geographic and geological area in the country with the oldest land forms. It is commonsense that this material be stored below ground in that area and not left in an open hangar as it is currently and where birds, the wind and everything else can impact upon this dangerous material.

I find this whole thing so hypocritical, because when members consider debates in this house—and this is what upsets me about politics—on issues such as Roxby Downs, and if they read the speeches in *Hansard*, they will see how vehement the opposition was at the time. We can compare the vehement opposition to Roxby Downs with what is happening today and the hypocrisy of the current government, because this is a similar issue.

In the long term, this could be a positive for South Australia. I acknowledge that if we keep talking about damaging our image with exporters, sure as eggs it will happen. We do not highlight those facts and, as one of our previous speakers said, France, which has the largest amount of radioactive waste in the world, stores that waste near some of its most renowned wine regions, particularly Champagne. I will not mention the others.

Mr Caica interjecting:

Mr VENNING: The member for Colton mentions the Barossa, but we would not put it there because the rainfall is too high and there are fault lines. I agree that we do not want to damage our good image, but surely we can store it east of Woomera. The honourable member has a lot of commonsense and he is a man of the world. Commonsense tells us that no-one would consider putting the waste dump near Canberra or the Barossa Valley given the landforms and rainfall in those regions. However, I could not say the same about the area out there where it hardly ever rains and hardly anyone goes. I hear the argument about the Maralinga tests and I agree that we suffered because of that.

Ms Breuer interjecting:

Mr VENNING: The member for Giles carries on. I believe that this can be a very positive event because, in future, this resource will be very valuable. The way science is going and the way things turn around, this will become a very valuable resource, particularly in a non-polluted form. Polluted earth is a very difficult issue and I do not know what can be done about that. However, our old domestic appliances that have radioactive content—

Ms Breuer interjecting:

Mr VENNING: The more the member for Giles talks about it and the more she wants to make a headline, the worse it will be. It will be a self-fulfilling prophecy.

Ms Breuer interjecting:

Mr VENNING: It has not hurt the French and it has not hurt the Californians. If she keeps talking like that, I can assure the honourable member that she will bring that about. I do not discuss it; it is not an issue for me. I am not saying that the honourable member is wrong, but I am not discussing it because we have to deal with things in a commonsense way.

I am happy that we will not get a medium level waste dump here. We have received that assurance from the federal Liberal government and from the Prime Minister, and I hope that Mr Crean will make some comment, in the dying days of his leadership, about what he did when he was primary industries minister and what a future federal Labor government would do about it, particularly with respect to the location of the medium and high level dumps. In my book, there is nothing worse than a hypocrite, and if someone gets caught out they should admit it. It is just like Roxby Downs, so let us get on with the job.

I commend the member for Davenport for this motion. It highlights some of the hypocrisy in politics and it is high time we got on with the job and accepted the decision. The government should not spend a fortune going to court when we know we are going to lose. The government is prepared to go to court and spend millions of our short dollars, when it knows it will lose, but it hopes to win politically on an issue that it thinks will help it get over the line at the next state election. The government will try to keep it alive until then, and that is why we are dragging this out. That is the real reason behind this. The government is dragging this issue out, beating it up for all it is worth and is out in the media talking about how it could damage our clean, green image. Sure as eggs, that is damaging in itself. I support the member for Davenport's motion.

Mrs GERAGHTY secured the adjournment of the debate.

GENERAL PRACTITIONERS

Ms BEDFORD (Florey): I move:

That this house recognises the enormous contribution of general practitioners to the primary health care of all South Australians.

In moving this motion, I want to acknowledge and draw attention to the remarkable contribution of general practitioners in primary health care, and the initiatives being undertaken by the College of General Practitioners not only to manage health-related issues for their patients but also to increase the role they are playing in prevention. In my area, the North East Division of General Practice is doing very good work—great work indeed, nationally recognised work. The executive team is led by Dr Milton Hart and Briony Glastonbury. They oversee innovative programs in diabetes, general practice education, immunisation, aged care, mental health and informatics, which is beginning to play a very big part in general practice in Australia.

The diabetes program has been running for 10 years and has analysed outcomes from general practice-based mini clinics compared with outcomes for GP surgery or community-based services. They have showed sustained marked improvement in diabetes outcomes where care is provided in a multi-disciplinary team setting. Their work is continuing, in addition to the longstanding diabetes practice nursing network, which has broadened to include all practice nurses to address a more diverse range of chronic disease related issues. Diabetes, of course, has reached epidemic proportions in Australia. Anything we can do to reduce the suffering of people and the incidence of diabetes will be not only important to the people who do not develop it but also a great saving to our health budget.

The general practitioners education program continues to focus on providing support in areas encompassing chronic disease initiatives. It produces triennium programs and advises GPs in all areas of improving their workload. The 2002 annual report of the North East Division of General Practice refers to a program to cover things such as aged care—which, as the population profile increases in age, will be of vital importance to us all—cardiovascular disease, immunisation and mental health initiatives, and education sessions throughout the year to cover stroke prevention, autism and Asperger's Syndrome (which we see a great deal of), hormone replacement, rheumatology and psychiatry. The actual base for general practitioner services covers nearly everything one can imagine. It is not a matter of automatically going to a specialist: general practitioners look after their patients in all areas.

In aged care, the projection of South Australia's population over the next 40 years will see our 65-year-old population double from what it is now, and the 85-year-old population will quadruple, so, as the health care initiatives improve our life span, the importance of the role of general practitioners in maintaining our health cannot be overstated. They will be playing a large part in the Pharmaceutical Advisory Council's integrated best practice model for medication management in residential aged-care facilities. We all know the huge demand that is placed on the Pharmaceutical Benefits Scheme and the amount of drugs on which people are relying to manage their conditions. The importance of GPs being actively involved in managing that system, again, cannot be overstated.

With the immunisation program, a lot of our members and staff here today have had their flu injections. General practitioners also provide influenza shots and pneumococcal vaccines at the surgery. They are also heavily involved in the measles, mumps and Rubella program, and there is involvement through indigenous health programs. Rita's Big Day Out was a very successful initiative, and the second day was held in 2002. General practitioners are also playing a higher role in expos held around Adelaide, and I note that they were involved in the Parent, Child and Baby Expo, which gave them an opportunity to highlight the importance of vaccination for babies.

In my initial remarks I spoke about informatics, and I see in the annual report that this is to raise the awareness of GPs to the benefits of IT and to encourage the uptake of appropriate technology. These days a key component of managing health data relating to patients with chronic disease is the database in the surgery, as general practice moves to a more collaborative approach using enhanced primary health care for chronic disease initiatives. The Health Insurance Commission, in collaboration with the National Office for Information Economy, has developed a system for secured message transmission over the internet called Public Key Infrastructure. The North-East Division played a key role in raising the awareness of these issues with general practitioners. It is Dr Milton Hart's overriding interest in IT over the 20 years I have known him as my local doctor that has allowed the North-East Division to play such a key role.

Another area in which Dr Hart was innovative was the waiting room. As most of us sit and wait to see the doctor, we are able to take in health tips and ideas about looking after our health and can keep up with the latest trends in what is going on in health care in the state. GPs are the gateway to the Australian health system, and it is in everybody's interests that people are able to see a GP for primary and preventative health care as soon as a medical problem arises. The widespread availability of bulk billing by GPs has been of vital importance to Australians in that way. Early access to a visit to the doctor is the best way to identify undiagnosed health problems before they become acute or a bigger problem for us all. If people cannot afford to visit their GP there is only one consequence. It may take one or two days, a month or two, but in the end people find themselves in emergency departments in the public hospital system, which involves a far greater personal cost to them, not to mention the cost to the state and taxpayers. It is in everybody's best interests to have a healthy health care system.

Without the widespread availability of bulk billing by general practitioners that recent federal government changes have seen, Medicare's promise of overall universal coverage is threatened and in the end will be denied to all but those who are able to pay for health care. For bulk billing is not merely an add-on to Medicare but the core of delivering good health care to Australians. In recent months Medicare's principal charter or core promise has been rewritten: that health care should remain universal is the character of Medicare. Somehow the federal government has decided that bulk billing is not part of that general promise.

GPs are not the only doctors who bulk bill, specialists do also. They need to do that because, if you are unlucky enough to have a very bad illness and need to see a specialist, we know how quickly those costs can mount up. A disturbing trend now emerging from official statistics shows that as a result of the decline in bulk billing people are visiting their general practitioner far less than before. Last year Australians visited their GPs 1.75 million times fewer than in the previous year, and this year is the first year since 1995 that the number of general practitioner visits in the calendar year has dropped below 100 million. This reflects that, rather than having to pay a hefty co-payment, some people are choosing not to go to the doctor at all, and this will have dire consequences.

As I outlined earlier, if you do not go to the doctor you end up being more sick and that is a great cost to us all. The current federal government's meddling and dismantling of Medicare will affect us dearly. The costs will be greatest for those least able to afford them. Changes to bulk billing will put pressure on public hospitals and emergency departments, and we all know that state governments end up having to carry the can when the federal government does not come good with the funding necessary to keep the health system working.

The man who designed the program for the Medicare policy was a fellow called Professor John Deebles, and he has made some very interesting remarks about what is happening to Medicare at the moment. He suggests that the co-payment proposal being put forward is the greatest change to the Medicare principles, as it will disconnect patients from Medicare and allow the government to progressively withdraw health supports. He also suggests that it is a direct return to the pre-medicare safety net scheme for pensioners but with fewer cost restraints to keep medical costs down. The 'reforms' will be aimed at pensioners and health care card holders, but that is absolutely unnecessary, because most of them are already covered by the existing arrangements, and there is no evidence of a major decline in bulk billing for those groups.

So what do we have? We have proposals that will create a two-tiered system that will undermine equity and health outcomes. It will see non-concession patients pay a co-payment or a gap, and it will remove constraints for doctors to keep fees down. So, the end result of this Howard government attack on Medicare will see families and wage earners who are already doing it tough forced to budget even harder to continue the health fund contributions they have been emotionally blackmailed to sustain for so many years. We will return to the two tiered system, marginalising the majority of Australians, where equity and health outcomes will be undermined. It will remove constraints to increase fees and lead to less protection and higher costs for the low income families who do not get concessions, and there are many families in our electorates in that position.

General practitioners have a very good case to argue with the federal government that bulk billing payments should be increased. This would recognise the value of their work, allow them to sustain South Australian health care and keep Medicare operating as we all need it to operate. The importance of Medicare cannot be overstated. It is important because it is fair—not like health insurance contributions that are calculated at a flat rate, no matter what you earn or can afford. The Medicare levy we pay is a percentage of our income. So, those who earn more money pay more for Medicare. Those who earn can afford to pay.

In exchange for the Medicare levy, we receive back 85 per cent of the scheduled fee for a service from a doctor, and we have the right to a bed in a public hospital. Many people do not realise that Medicare gives you that in exchange for the levy you pay. Of course, if you are not a wage earner, you do not pay the levy. So we already have a fair and universal system of access to health care. If Medicare is allowed to fail or be dismantled further by the federal government, whose budget we have had a day to look into, costs for private health insurance will rise substantially.

Make no mistake about it: the retention of Medicare and its restoration to its real value as it was at the time of its inception is the best thing the federal government can do to provide the best circumstances for our general practitioners to continue as the frontline workers of health in South Australia. They are the ones who see us day in, day out, especially now as winter is approaching, along with the flu season. We hope that the SARS epidemic, which is sweeping the world, does not come to Australia but, if it does, GPs will be in the front line.

If the federal government really wants to do something to protect the health care of South Australians and to keep general practitioners in their role, it needs to take a long hard look at what it is proposing and start resourcing doctors; and the standard fee for service must be raised to recognise that. Once those stresses are removed, GPs can work not only in the curative role that we all see but in a preventive role, which will be very important not only as we work through viruses coming in from around the world but also as our population ages and we are all less able to fight off illness.

Mr MEIER secured the adjournment of the debate.

ADELAIDE HORMONE AND MENOPAUSE CENTRE

Ms CHAPMAN (Bragg): I move:

That this house congratulates the University of Adelaide company, Repromed Pty Limited, on establishing the Adelaide Hormone and Menopause Centre, which officially opened on 4 April 2003.

I am pleased to move this motion on the first day after the amendment of our constitution in which women are clearly now recognised, from our Queen to our Governor down to members here in this parliament. I am overjoyed today to be back in the chamber when we are fully recognised, and I look forward to those amendments being gazetted.

The Department of Obstetrics and Gynaecology at the University of Adelaide has long had a world-class reputation in research, and this led to the development of a university company, Repromed, in 1987. Repromed's purpose was to provide outstanding clinical facilities for men and women concerned about their fertility. This company has gone on to become one of the best in the world in its area and last year was awarded the SA Great award for health.

I am very pleased to say that recently this company relocated its operations to a purpose built facility at Dulwich, importantly in my electorate of Bragg. On 4 April 2003, I was pleased to attend with Prof. Rob Norman and other distinguished guests the launch of a new venture in this facility, namely, the Adelaide Hormone and Menopause Centre. It was something that immediately caught my attention, and I am sure that it will capture the attention of and certainly will be utilised by many women who are of a more mature age. I do not think we call ourselves aged or mature any more, I think we just call ourselves very, very grown up! Nevertheless, this is a very notable addition to services for women of mature age, importantly complementing a unique service in this state.

The aim of the centre is particularly to provide a tertiary level centre in the area of menopause and hormone problems, and to support medical practitioners and clients who are having problems in these areas. It uses as its template the successful model of the Jean Hailes Centre in Melbourne, whereby the group is run by general practitioners themselves with very strong support from skilled specialists such as endocrinologists, psychiatrists, reproductive endocrinologists and gynaecologists. Dr Jane Elliott is the leader of the group, and she has established a fantastic team of general practitioners and specialists who I am sure will contribute enormously to the success of this centre.

It is important to note that it is not only a menopause clinic but also one that deals with conditions such as polycystic ovary syndrome, menstrual disorders and other hormone-related conditions in women. I was pleased, on the occasion of the launch, to listen to Mrs Janet Michelmore (the daughter of the late Jean Hailes), who graciously attended to officially open the centre. Introduced by Professor Rob Norman, and in the presence of other distinguished guests, Mrs Michelmore made a number of very important statements, I think, in relation to the history of the Jean Hailes Foundation that had been established in 1989 in Victoria, and some very pertinent points in relation to the significance of providing a service for women in this area. I would like to quote from her presentation on that occasion. She said:

> Mum was a real pioneer in women's health and an incredible role model. Passionate about women's health, she challenged traditional medical practice and attitudes around mid life health care for women. Her very simple philosophy was that if you keep women fit and well, particularly at mid life, the rest has a good chance of falling into place. In 1971 she opened the first clinic in Australia at the old Prince Henry's Hospital, dedicated to the woman at mid life.

Mrs Michelmore also made, I thought, a very important contemporary comment about the current Australian situation, as follows:

> . . . the landscape of Australian women's health has—and it continues to constantly evolve and alter on a number of levels. One area that has experienced significant change is expectations—expectations amongst women, the profession, the media, and broader community.
>
> Just half a century ago our average lifespan was 60 years. Today the good news is we can expect to live well into our 80s. Balanced against this are women's changing roles. I believe they are not prepared to put up with unpleasant symptoms which interfere with their daily life—not that they should have ever needed to do so. In his book *Turning Point*, Hugh McKay asserts that the baby boomers have a great desire to get their health under control, and this creates serious implications for health service delivery.

She goes on to comment (and I think very importantly) about what is in the media arena, as follows:

> In July last year women across the nation woke to seemingly shocking new statistics about hormone therapy. Collective panic swept through the community and the medical profession took a big hit in what became the health story of the year. The media's voracious appetite for this story turned perceptions of the profession on its head in an aggressive media campaign fuelled by public fear, which privileged the sexy, uninformed news grab over balance and explanation of the facts.
>
> And so the complex love, hate relationship with the media persists—with regular conflicting information about research, drugs and menopause management strategies. But nowhere is the complex nature of this relationship more evident than when one national news broadcaster won't talk about periods in an early menopause story but the *Sunday Mail* publishes a progressive feature on women's attitudes on sex. Thus the changing landscape continues to shift.

Importantly, she also points to the pace of ageing in the Australian population and the challenges that that imposes on our health system, and the broad recognition now of the importance of prevention, which is a major cultural shift. She goes on to say:

> We should be encouraging each other to become clear about what is more relevant to each individual, to take personal responsibility for our health care, the context of any information and the media's need to capture our interest with headlines and dire warnings. The more confident people are, the more questions they will ask and the greater their empowerment to make informed decisions.

Indeed, the centre being opened and launched on that day was complimented as being ideally placed to join women in navigating their way through health issues important to them. I was privileged to attend the opening of this centre, and I welcome this innovative and important new addition to health services in this state, particularly for women in this age group. I think it will serve our community well. I am proud to say that this centre is in the electorate of Bragg, and I encourage all women in South Australia (as and when the need arises) to utilise these services. I wish the doctors and their teams success in providing these services, and I again congratulate Repromed for taking the lead and setting up this centre for South Australian women.

Mrs GERAGHTY secured the adjournment of the debate.

RADIOACTIVE WASTE

Ms BREUER (Giles): I move:

That this house calls on the opposition to abandon its support for a low-level national radioactive waste repository at Woomera or anywhere else in South Australia.

I want to read the following statement:

> We are the Aboriginal women Yankunytjatjara, Antikarinya and Kokatha. We know the country. The poison the Government is talking about will poison the land. We say 'NO radioactive dump in our ngura—in our country.' It's strictly poison, we don't want it.

These are the Kupa Piti Kungka Tjuta. On 1 June 1999 I read into *Hansard* a statement by these women from Coober Pedy expressing their objections to a waste dump in Outback South Australia: their country (their ngura). On Thursday 10 April this year I was pleased to attend a morning tea to celebrate the winning of the Order of Australia by Mrs Eileen Brown, one of these women. How proud we are that she has been recognised for her work and that of her sisters from Kupa Piti.

Fifty years after they witnessed and survived the British atomic tests in outback South Australia, two Elders from the Kupa Piti Kungka Tjuta were awarded the 2003 Goldman Environmental Prize for their continuing efforts to protect their country and culture from nuclear contamination. They were, again, Mrs Eileen Kampakuta Brown, a Yankunytjatjara/Antikarinya elder from Coober Pedy, and Mrs Eileen Wani Wingfield, a Kokatha elder now residing in Port Augusta.

Since the council formed in the mid-1990s the Kungkas have spearheaded a national environmental campaign in opposition to the national radioactive waste dump proposed for their country. 'We say NO radioactive waste dump in our ngura—in our country!' Their inspiring campaign is called Irati Wanti: 'The poison, leave it'. To the Kungka Tjuta their country is not a remote waste suitable for the dumping of highly dangerous nuclear waste: 'Never mind our country is the desert'—explain the Kungka Tjuta—'that's where we belong.'

My warmest congratulations go to these women for their prestigious awards. These women express the concerns of their people and the people of Outback South Australia. It is interesting to hear the comments this morning of members opposite, all safely ensconced in their nice little electorates a long way from where they are planning to put this dump. The people of Outback South Australia say: 'We don't want a national dump in South Australia; Coober Pedy people don't want a dump.' I refer to an article in the *Advertiser* of Friday 23 August 2002, which states:

> Irate Andamooka residents heckled Federal Government representatives yesterday over a proposed nuclear waste dump during a heated information session. 'If you believe what the Government tells us you believe in fairies', Andamooka town leader Bob Norton told the gathering of more than 60 residents of the opal-mining district.

The article goes on to say:

> Andamooka Progress Association chairman Chris Lyons was sceptical of Government assurances that the dump would have no health impact. 'At Maralinga during the bomb testing, people were told "don't worry, just don't look at the light" and we all know what happened there,' he said. 'If its so harmless why don't the politicians dump it in their own backyard?'

People in Andamooka do not want a national waste dump sited near them. A number of councils in South Australia, including Whyalla, Port Augusta and Coober Pedy, passed motions objecting to the establishment of a waste dump in South Australia. Polling by the *Advertiser* in July 2000 shows that 87 per cent of people in South Australia oppose the low level dump and 95 per cent oppose a store for a medium long-lived waste dump. More recent polling has shown exactly the same sorts of figures.

So, what a conundrum it is for the Liberal opposition in this place. The decision to drop the preferred site for the proposed national low level radioactive waste dump presented an opportunity for the state Liberal Party to support South Australia's fight against the dump. The decision by the commonwealth minister Peter McGauran not to pursue site 52a at Woomera, which was his preferred site for the national repository, meant that the Liberals had a chance to reconsider their very bizarre support for this debate.

I cannot understand why the member for Davenport is inflicting his bizarre motions on us all. Is he trying to take away the heat from the Liberal Party and blame it on the Labor Party? We have had motion after motion on this matter. Peter McGauran is now left with sites 40 and 45a (which are also in northern South Australia) as his remaining options. They are sites the commonwealth's own environmental impact statement documents found were less secure and less environmentally suitable than site 52a. That was supposedly the safest site in Australia, but it is no longer available, so the commonwealth government had to pick another site.

The former state minister, the member for Davenport, went to the state election with a policy that waste should be stored at Australia's safest place; that is, site 52a. On 8 July 2002, I pointed out in this place that site 52a was not a good choice, because it was right in the middle of a bomb testing range. When I first heard the rumours about it, I thought that it might have been mischief-making, because it was too stupid for anyone—even this federal government—to propose. They had actually chosen a site right in the middle of a bomb testing site—that is where it wanted to place its radioactive dump. The federal government wanted to put a radioactive waste repository in the middle of a weapons testing range! They said it satisfied all the requirements and was the safest site in Australia. How good was their research, their studies and their consultation?

At the time, I could not believe that the media did not pick up on this. I checked the map over and over again with defence department people and people in Woomera to make sure that the site was definitely on the bomb testing range. The incredible thing was that one government department was not listening or taking any notice of another government department. I know that the defence department was not publicly able to oppose the chosen site, but I knew that, behind the scenes, there was great concern. I knew that many potential customers interested in using the range for weapons testing were amazed and very concerned about the proposal, with its obvious and very likely potential to lose these customers.

Finally, the federal government has seen some sense, but have members opposite seen any sense? No, they have not. Why do they continue to back such a loser? There were two other sites to be considered, one of which was on Western Mining land near Roxby Downs. Western Mining said, 'No way! We don't want the problems associated with having a radioactive waste dump on our site.' It is interesting to hear members opposite, in particular, the member for Stuart, talking about the uranium mine at Roxby Downs. It is interesting that the member for Stuart spent some time attacking the Labor Party about Roxby and saying how wrong it was. It is ironic that Western Mining at Roxby Downs does not want a radioactive waste dump in its area.

The other site of Arcoona Station, which was the final selected site, is a sheep station. Do they really want to have the worry of protesters, trespassers, trucks going through their

land, employees and government officials tracking backward and forward on their land? This was originally the third preferred site—not the first—and the other site was the second—not the first—safest site in Australia. So, what exactly is going on? The whole process of selection was flawed and defective. The environment minister told the science minister to rule out the best site, because it was not safe and would discourage investment and work for the rocket range.

So, we now have an admission that the best site was, in fact, not the best site, and we are moving to an inferior site. Security and access to the site, together with water issues, are all inferior to site 52a, which is not suitable because it is dangerous on a rocket range if something lands on it. I would hate to be a member of the opposition trying, out of loyalty, to defend a dumb federal stand—dumb and dumber!

Having the state Liberal Party support a national radioactive waste repository in this state—against the wishes of the community—has been hard to understand. Its flimsy arguments in support of the dump have collapsed, and it is time for the member for Davenport and the rest of the state Liberals to join the fight against the plan to make South Australia a national nuclear dumping ground.

The Liberal members keep asking where we will store the waste—well may they ask. Our state government has said that it is prepared to look after the low level radioactive waste that we produce. Currently, the EPA is conducting an audit of all existing waste in South Australia and is determining whether it is stored safely. Recently, the minister pointed out the conundrum of the number of sites, their location and so on. Perhaps it would be safer to leave the waste where it is, but we will not know that until the report is issued. We are prepared to look after our own waste, but why should we be inflicted with waste from the rest of Australia?

What is the dilemma for the Liberal opposition? Why does it support this farcical federal government and its logic? It knows that the majority of South Australians do not want a dump (as shown by the polls) and certainly support our government on this issue. Why do the Liberals continue to support their Canberra mates and stick up for them? Why do they not have the guts to say that enough is enough and put South Australia first instead of party politics, which is what they accuse us of.

Liberal Party policy at the last election clearly supported the establishment of a nuclear dump at Woomera. The state Liberals say that they oppose a medium or high level waste repository but support a low level nuclear dump at that location. According to their web site, the state Liberals support the establishment of a single, secure, low level waste storage facility to be constructed by the commonwealth at Woomera and will negotiate for South Australia's waste to be relocated there.

We know that site 52a at Woomera is the wrong place for any nuclear dump. The Liberals want to put the facility next door to a missile testing range. Fortunately, strong opposition to this site was eventually expressed by the commonwealth Department of Defence and, following public pressure, the federal Liberal government has backed down. It is no longer the federal government's preferred location, but is it still the preferred location of the state Liberal opposition? Is that still Liberal policy?

This motion urges the state opposition to join the government and oppose a national nuclear dump at Woomera. I encourage members opposite to be bipartisan and stand with the government for the safety of South Australians and the state's regional industries, such as the wine industry, and oppose a national nuclear waste dump at Woomera, or anywhere else in South Australia.

Finally, we have heard many comments today by opposition members on a number of issues related to the dump, and they spoke very carefully about their support and so on. The federal member for Grey, Mr Barry Wakelin, in whose electorate the dump will be sited (he and I share Outback South Australia), is strongly in favour of this dump being sited in our electorate. He keeps telling us that the people do not mind. I have to say that Mr Wakelin is talking to different people than I am—perhaps some of his Liberal Party buddies, because he is not talking to the real people out there.

It is interesting that the opposition is so much in favour of this dump. However, on Thursday 8 May, when asked, 'Do you want it in your electorate?' Mr Wakelin publicly expressed his opinion on radio, for all to hear (despite all his comments and his continual canvassing for this dump): 'That's a good political question. I don't want it in my electorate.' Later, he said, 'No-one likes it; no-one wants it, including me.' This is the federal member for Grey, in whose electorate the facility will be sited and who is supposedly totally in favour of this dump, yet he is saying that he does not want it in his electorate! I call on the opposition to abandon its support for this dump and support the rest of South Australia.

Mr MEIER secured the adjournment of the debate.

CENTENARY MEDAL RECIPIENTS

Ms THOMPSON (Reynell): I move:

That this house congratulates all South Australian recipients of the Centenary Medal.

At the time I placed this item on the *Notice Paper* the community of South Australia had absolutely no idea what was happening in terms of the Centenary of Federation Medal. No list had been published in the *Advertiser*, and I spoke to several people whom I had nominated and who were quite confused, having received mysterious letters in the mail over a period asking whether they would accept the medal if it was offered, but they had no idea why it would be offered or anything else. Then they received letters saying that they would get the medal in the post and it would be presented at Government House—there were different options—and they did not know what was going on.

So, I am sad to record that the honours that should be accorded to those people who have worked hard in the community and deserve this recognition have been clouded by a failed process organised by the Prime Minister. My information is that the Prime Minister contributed to the delays in people being awarded their medals and that the process was not thought out by his advisers or those around him. I therefore apologise to all the recipients of the Centenary Medal that they have not been feted and recognised in the way that they deserve to be.

There has also been clouding by the fact that some people who received the medal thought it peculiar that, while many people were nominated on the basis of the work they had done for their local community, in other situations anybody who happened to be fulfilling a certain office on a certain day was nominated. In the future when we recognise ordinary citizens in our community who make a difference to other people's lives, I think we need to be a bit more careful about how we do it.

I wanted to get those unpleasant remarks and the criticism of the process out of the way before I paid the tribute that is deserved to the people in my area who have received the Centenary Medal on the basis of their usually unrecognised service to our community.

I refer, first, to Ken Lloyd of Reynella, who was recognised for service to arts and cultural development opportunities, in particular in regional Australia.

Ron Blake of Morphett Vale has been a stalwart of Neighbourhood Watch. In addition, he was very much involved in one of the centenary of Federation celebrations—the paddle steamer race—and has been heavily involved in the worthy community activity of the preservation of paddle steamers for some time.

Mary Cate is a centenarian. Then there is David Dean, who has been recognised for his service to the community, particularly through health information.

Jayne Delmore of Morphett Vale has been recognised for long service establishing and coordinating the Noarlunga volunteer transport service. Indeed, she is one of those people in our community who gives well over and above what can be expected of a coordinator of a service to ensure that aged, frail and isolated people in our area have access to a service to go shopping, have companion support in shopping or getting to medical appointments, and to widen the opportunities in their lives.

Ann Haverty of Morphett Vale was recognised for her service to the community through the Morphett Vale parish of the Catholic Church. Over the years, Ann Haverty has organised discos for young people and now organises bus trips for seniors. She has supported St Vincent de Paul and, very importantly, has supported many individuals in the parish when they were having a hard time. Ann has been there just to give people a hand in the community when they needed it, and that is what really helps our community to be healthy and thriving.

Pamela Hodges of Morphett Vale was recognised for service to the community through the Hackham West Community Centre, but it should also include her service to the Royal Society for the Blind. The unofficial part of Pamela's recognition is the inspiration that she is to so many people in the community. As well as overcoming a sight disability, Pamela also has a number of physical impairments that, over the years, have decreased her mobility.

Despite that, I find that when the Hackham West Community Centre holds a dance, Pamela Hodges is one of the most inspiring dancers on the floor. She has magic in her movements, despite the fact that she is severely impeded by both blindness and a damaged hip. Pamela Hodges is another person who just keeps the community inspired and focused. Dean Nicolle was recognised for service to the community through the establishment of a eucalypt research arboretum. Ethel Oswald was recognised for general services to the community. Frank James Owen was recognised for long voluntary service to the welfare of veterans in South Australia.

Members will hear an awful lot more about Frank Owen, the current president of the Morphett Vale sub-branch of the RSL, because he has been one of the driving forces behind the inaugural Anzac Youth Vigil. David John Smythe is a neighbour from Woodcroft. He is not quite in the electorate of Reynell but I wanted to note that he has also been recognised for his service to the public sector, particularly in the field of industrial relations. I had the privilege of working with David for many years. I see him around the area and I know that he is one of those totally loyal, professional public servants who fearlessly serves whatever government is in power in the interests of effective public administration in South Australia.

Walter Stamm has been recognised for his service to Australian society in engineering. Helen Louisa Weymouth has been recognised for her service to the community, particularly through Neighbourhood Watch. Also from a neighbouring area, Lynda Joyce Hann was recognised for service to the community, particularly with respect to disadvantaged families. Lyn Hann has been involved in both the Christies Downs Community House and the Hackham West Community Centre. Lyn is now very vital in the catering program at Hackham West, which enables people who have been out of the work force (and often out of the community) for many years not only to enjoy a catered meal but also to develop their skills both in cooking and in the organisation of catering for other events.

When you have done little outside the home it is very encouraging to be able to start catering for an important community event. It is a very great builder of self-esteem, and I am pleased that Lyn Hann has been recognised for her service. Also, I want to pay particular tribute to those other people at the Christies Downs Community House who started the catering scheme. It has been invaluable in our community.

I also want to recognise Eric Bennett, the former chair of the Hackham West Community Centre, who has been the inspiration for rebuilding the centre, both in terms of its activity and now with respect to a wonderful extended building. Eric has given much to the community of Hackham West. He has overcome many difficulties himself and, as I talk through the accomplishments of many of the people in my community, I am always reminded that so many of them have overcome intense personal battles and difficulties to emerge as strong individuals with a commitment to the community and a commitment to their families.

Bev Goodwin, the Secretary of the Reynella Neighbourhood Centre, is another person who has contributed to our community for many, many years. She is also a stalwart volunteer of the Noarlunga Community Information Centre, which is a major source of access to information for people who just do not know how to go about helping themselves at times.

Maureen Chalmers from Morphett Vale has been recognised for the contribution she has made through the Morphett Vale Baptist Church in her capacity as Community Services Director. In this way Maureen has set up community structures to support people to grow and develop and be by their side when they are going through periods of difficulty. Maureen works particularly with those who see no future in their lives, and tries to assist them to develop the spirit of a will to survive, a will to win.

That completes the individual acknowledgment of people in my area. I want to pay tribute to each and every one of them, and I know that they would want to pay tribute to the people who have assisted them through their community organisations to achieve what they have. The idea of a medal which allows this was very commendable. I can only express again my regrets that the process did not enable us to fully celebrate the achievements of those who make our community strong. I am pleased that in our area the member for Kingston, David Cox, is organising a ceremony to recognise the achievements of these and people from neighbouring areas. I look forward to participating in it and learning more

about the accomplishments of these very important members of our community.

The Hon. R.B. SUCH (Fisher): I would like to make a brief contribution. I congratulate the overwhelming majority of those who got the Centenary Medal. The reason I qualify my commendation is that, unfortunately, there always seems to be a small minority of those who get on the list of whatever the award is who probably should not be on the list. I do not agree with the automatic awarding of medals or whatever; I think that devalues the whole process. I have noticed not only in relation to the Centenary Medal but also to the Order of Australia that some characters receive those awards who in my view should not get an award, because of what I would classify as unethical behaviour. I know it is difficult to check out all aspects of applicants.

I am not trying to be churlish or in any way denigrate those who legitimately and in a most worthy way have received acknowledgment, but I question the outcome and the way in which some people get acknowledged when I am aware of some of their practices. Obviously, if you are not aware of who has been nominated there is no way you can have an input into the process. I believe that in the case of the Order of Australia and other presentations or acknowledgments a mechanism should be looked at to ensure that the people who get the awards not only are deserving in terms of their contribution to the community but also have high standards of personal behaviour and are committed to ethical standards. I do not want to name people—I do not think it is appropriate—but all members would sometimes look at the list and ask, 'Why did that person get recognition?'

Before canvassing a couple of other related points, I would like to add to the remarks of the member for Reynell, who inadvertently overlooked recognition given to Edith Gilbert. I do not believe we use the title 'Lady Mayoress' now, but she is married to Ray Gilbert, long time Mayor of the City of Onkaparinga and Mayor elect in the new council. I am glad the member for Reynell has drawn it to my attention, because I did write to the Prime Minister suggesting that it is fine for a partner to be acknowledged (whether that be male or female), but it seems to me to be a bit unfair not to also acknowledge the partner who has given support to the recipient of a particular award. If members think of the situation years ago involving knighthoods, they will recall that the female partner was usually acknowledged by the title 'Lady'. However, the response from the Prime Minister was basically that the recognition is implied. I think there is a case for making it more explicit. For instance, in the case of Ray Gilbert, who has done a great job in the south, his achievement—and I think he would be the first to acknowledge it—is possible only because of the ongoing support of Edith, and that would apply to other relationships as well.

I still think that, despite not being successful in my first request to the Prime Minister—and I would say the same thing for state awards as well—explicitly built into the awards should be some mechanism—

Mr Venning: Bring back knighthoods!

The Hon. R.B. SUCH: —to publicly acknowledge the contribution of the spouse or partner. In response to the member for Schubert, I am trying to visualise 'Sir Ivan' as a title. There have been some people in history with the Christian name of Ivan. some of them did not get a knighthood; some of them got something else but, in any event, I do not think we will get knighthoods back. If there is any possibility of their coming back, perhaps the member for Schubert should stand by his telephone, because he might get a call.

Getting back to the main issue, I think there is occasion for South Australia to develop a system of acknowledgment. I accept that we have a national or commonwealth system expressed in the Order of Australia, but I think that for South Australia awards could be made which are based on contributions specifically to South Australia and which do not detract from the commonwealth awards. Many people would fall into that category—and I guess that many of them have been considered in connection with the Centenary Medal.

However, we will not acknowledge people readily if we wait for the next medal, which I assume will be the bicentenary of federation medal! I think there is an opportunity for us to create the South Australia medal (or something similar) and, once again, build in an acknowledgment of the contribution of the spouse or the partner. I would not have a problem if both partners were acknowledged by way of a medal. We are not that good in our society at acknowledging people in the way in which some other societies do.

It is good to see in our school system that we are doing more of it, that is, acknowledging positive contribution, because we know that people respond to acknowledgment and praise. I think we can build on the federal system. Many local councils have ways of acknowledging specifically the efforts of people in a particular council area, but I would encourage the Premier and the government to look at maybe creating a South Australian medal (or something similar) to acknowledge people who have made a distinctive contribution to the state and, as I said earlier, without detracting from the commonwealth awards which are reflected in the Order of Australia.

I acknowledge the people who have received a Centenary Medal and also acknowledge the work of many people who probably did not get one. Those who did receive the medal should wear it with pride. However, I reiterate the point I made earlier, that the process of awarding medals and the Order of Australia should be examined to ensure not only that the contribution to the community is looked at in, say, a specific aspect of endeavour but also that the ethical behaviour of the individual is assessed so that we do not send the wrong message to the community.

Mrs GERAGHTY (Torrens): I take this opportunity to speak about some very special people living in my electorate who, for their selfless and dedicated service to the community, were awarded the Centenary Medal. I was quite pleased and surprised to see just how many recipients resided within the Torrens boundaries. It was also wonderful to see the reasons for which these people were awarded the medal. Service to organisations such as the SES and the Adelaide Magistrates Court was recognised, as well as service to those with visual impairment, to the Chinese, Vietnamese, Italian and Greek communities, and the list goes on.

The breadth of service is a solid confirmation of the importance of the role of volunteers in our community. The effort of people who are willing to give us their own time to assist others with their difficulties, to preserve the environmental integrity of an area, and to assist organisations that could not operate without such contribution is a vindication of the idea of Australia as a social democracy. The fundamental importance of such people in enriching communities is indisputable and it is fitting that their efforts are acknowledged. Indeed, it could be said that recognition does not go far enough when the countless hours of service and involve-

ment are taken into consideration. Admittedly, many of those who offer their services find it rewarding and fulfilling to do so. However, the value of the service that they provide is incalculable.

I have had long and continuing contact with some of the people who were awarded the Centenary Medal. Some I met through dealing with issues that they presented me, and some I met through my involvement with community organisations. Regardless of how I came to know these people, there is one enduring factor that holds true to each of the relationships that have developed, and that is their commitment to the community in which they live and their love of that community. It is a wonderful and touching thing to have contact with people who have such passion for the place they live in or the organisation they are involved with. It is humbling in many ways to see the dedication, commitment and the drive these people impart to their involvement. It is an honour to represent an electorate that has such a richness of community spirit such as that evident in the electorate of Torrens.

I take this opportunity to extend both my congratulations and my heartfelt thanks to the people who have contributed to the richness of our community. Without the presence and dedication of such devoted individuals, my electorate, and arguably many other electorates, would not be the vibrant places they are. The names of the people who were awarded the Centenary Medal are as follows: Freda Collins and Rosina Williams, who were on the Centenarian list; Hans Otter for his valued service to the community; Patricia Goodrich for service through the State Emergency Service (and I know that has been much appreciated); Joseph Leung for service to the Chinese community, particularly through the social and welfare services; Joe Lewicki for his service to the community through the Adelaide Magistrates Court; John Di Fede for service to the Italian community; Chauen Douglass for service to the community with the Hackney mission; Adelia Farrugia for service to the Maltese community; Pantelis Kazis for service to the Cypriot community; Elizabeth Kosmala, whom many of us know—

An honourable member: Libby?

Mrs GERAGHTY: Yes, Libby, for her service to the Centenary of Federation celebrations, which is just one of the many things that she does. Other winners were Lance Steicke for service to Australian society through the Lutheran Church; Derek Taylor for long service to the Royal Society for the Blind, which is ongoing; Katrina Webb OAM for service to the community as a Paralympian and member of the SA Women's Trust; Denis Hehir for service to the environment, particularly for his contribution to maintaining the artificial lakes in Oakden, which is just part of the commitment that Dennis gives to the community; Malcolm Penn, another person who will be well known to many people in this chamber, for his service to those with a disability, particularly those with a vision impairment; Joy Ricci, a remarkable woman, was awarded a Centenary Medal for service to the community, most notably—and I think minister Weatherill will recall—for her efforts to protect public recreation areas from development and encroachment; Arthur Musolino for service to the community through Neighbourhood Watch and Klemzig Primary School—and, I might say, that is just two of the many functions Arthur performs in our community; Ray Norton for service to the community through his involvement with the Lions Club—and he is pretty mean on the barbecue, as well; Stephanie Olivari for enduring service and commitment to the community, which is very much appreciated, particularly by those who attend Hillcrest Community House; and, Emma Fearnside, a longstanding and tireless community worker—and Emma is also a very remarkable lady. I congratulate them all and thank them for their effort and much valued service to our community. Our community would not be what it is without their wonderful effort.

Mrs HALL secured the adjournment of the debate.

ANZAC YOUTH VIGIL

Ms THOMPSON (Reynell): I move:

That this house congratulates and thanks the youth guard, leaders, volunteers and sponsors, who made the inaugural ANZAC youth vigil in the south an outstanding success.

'Outstanding success' is the only way to describe the inaugural ANZAC youth vigil in the south. As a result of a small idea, and a small group of people coming together to make that idea a reality, we had the moving experience on 24 and 25 April of 50 young people from various service organisations, with 50 adults supporting and supervising them, and 200 people attending the inaugural commemorative ceremony, which culminated in the Ode of Remembrance being read by the President of the RSL, Mr Frank Owen, at 9 o'clock.

Many members of the community came to sit and watch a while with the guard. I was able to speak with many of them, and they told me that they found the whole process very moving and appreciated what was happening with the young people of our community. In the morning about 1 000 people attended the local dawn service, with some 300 people returning to the Morphett Vale RSL to participate in the gunfire breakfast. I formally record the efforts of those who enabled this to happen. I had the honour of chairing the planning committee, which included Mr Frank Owen (President of the RSL)—and we are grateful to all members of the RSL for their unstinting support of this endeavour. Mr Brian Holecek was the co-ordinator of the vigil; and, Councillor Darryl Parslow and Councillor Doreen Erwin secured sponsorship of the vigil from the City of Onkaparinga. At times the committee included Mr Robert Mathie of the Morphett Vale Football Club and the club's support was crucial to the event being able to happen. In particular, I thank my assistant Kylie Heneker, who did an outstanding job in undertaking all the administrative arrangements.

The event was sponsored by contributions of cash and kind from many community members and the spirit with which those contributions were made was just overwhelming to see. The contributions varied and I want to list them all, having started with the sponsorship of the City of Onkaparinga which, as well as providing services, provided a substantial cash grant. I thank Australian Motors for an advertisement in the *Messenger*; Bradley's Bakery for pies, pasties and pastries for 100 people; Blockbuster for DVDs and a Playstation; Buttercup Bakeries for bread; Chem-loo Chemical Toilets for a portable toilet—a crucial facility on the site overnight; the City of Onkaparinga community bus; the City of Onkaparinga pipe band, which made a real difference to the ceremony; Coates and Wrekair for traffic signs to warn motorists of the important event taking place and asking them to slow down; Collins Parade Meat Shop for the contribution of the breakfast sausages and bacon at a very modest price; Dominos Pizza; Down South Party Hire for the canopy for the ceremony; the Emu Hotel, which said, 'Let us know what you want,' and produced tea, coffee, milk, sugar,

fruit juice, napkins, urns, cups and glasses used in the thank-you supper for the sponsors, organisers and supervisors of the various youth groups; Foodland Woodcroft; Hackham Business Association to enable us to produce a brochure and pamphlet for the night; Hackham West Community Centre, which provided a supper at cost; Image Home Furnishers, which cooperated by allowing us to use its car park for the breakfast; Kiwanis Club of Reynella, which provided the food for the young guards and their supervisors and all the other ancillary personnel for the evening (they put in a huge effort in planning the provision of food, and you, sir, would recognise that young Guides, Scouts and Police Rangers go through huge quantities of it in a very short time) and also served the food; L.J. Hooker of Morphett Vale and McLaren Vale, which provided the marquee for the cooking of the gunfire breakfast; the Morphett Vale Football Club, whose premises were essential to our being able to undertake the venture; O'Halloran Hill Fruit Market, which donated vast quantities of fruit and fruit bars; and the Onkaparinga Over 50s Centre made a wonderful contribution of $100. I was particularly moved by this contribution because the Onkaparinga Over 50s Centre has to work very hard to raise funds and amongst its membership are many people in need, but they wanted to celebrate the spirit of the event and make a contribution.

The South Australian branch of the RSL made a donation; the Rotary Club of Noarlunga did all the legwork and cooking for the gunfire breakfast; the Original Open Market at Christies Beach made a generous donation; Woolworths at Morphett Vale contributed goods; Sturt SES provided an air shelter as the first-aid and supervisory base at the Cenotaph; SES Noarlunga lit the Cenotaph; Southern Success Business Enterprise Centre provided premises for the supper for free; and Morphett Vale Netball Club stood out in the rain one night so we could use its premises for the meeting. I wish to record the organisations, because I know there is a problem with the time before I talk about some of the wonderful spirit of the event.

The following organisations were there: Air Youth of South Australia, 14th Squadron, with Andrew Deans who not only coordinated on the night but organised a rehearsal of the guards; the Noarlunga Venturer Scouts, coordinated by Viv Ross, who was the duty officer for the night of the vigil and who managed, remanaged and rejigged rosters; Guides of South Australia, Mawson district; and Air Force cadets, 619 Squadron. As my papers have become shuffled, perhaps with leave I could table the rest of the organisations for inclusion in *Hansard*. Do I have leave to provide the names of the other organisations?

The SPEAKER: Tables of statistics alone can be incorporated into *Hansard* under the provisions of standing orders, not lists of names.

Ms THOMPSON: Thank you, sir.

The SPEAKER: Of course, the member will have the opportunity to summarise at the end of the debate, perhaps on a subsequent occasion.

Ms THOMPSON: Thank you, sir. St John Ambulance members and police rangers were also present, and there was a wonderful contribution from young people. I will take the opportunity to record other details when I reply, because I am sure others will wish to comment on this matter. The whole event was to celebrate the spirit of Australian youth, both past and present. In all the ceremonies it was recognised that the people who went to war were young people, as it was their youth that was destroyed. It was the families of young people who were affected.

The young people who went away were supported by young people at home, undertaking all sorts of tasks that they had never undertaken before—for example, the Women's Land Army, and the people who were working in factories producing the munitions. All had their lives interrupted, and they included the sisters, girlfriends, boyfriends, wives and husbands of people who went away. We know that in those years—and this has been the case until recent activities—it was mainly the men who went away; the women remained at home, worrying all the time about the safety of their near and dear, providing support to them when they were away, writing the occasional 'Dear John' letter. It has been the young people of Australia who have defended what has been important in our community.

I want to pay a tribute to the youth who defended us and now honour all the youth of Australia—past, present and future—who are such a strong and vibrant force in our community on whom we depend. It was my pleasure and privilege to be involved in this activity. We are very hopeful that it can continue into the future with the support of our wonderful sponsors and that we will be able to extend the event to include other community members.

The Hon. R.B. SUCH (Fisher): I concur with the remarks of the member for Reynell. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

SITTINGS AND BUSINESS

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): I move:

That the sitting of the house be extended beyond 1 p.m.

Motion carried.

DROUGHT

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

Leave granted.

The Hon. M.D. RANN: I wish to add to comments that I made yesterday in the house in answer to the question from the member for Giles in relation to drought relief. I stated that the two zones the commonwealth has recognised are the north-east pastoral and the south-east sub-Murray Mallee, and I further said that other communities were ignored. I am advised by PIRSA that part of the areas of the eastern Eyre Peninsula, Upper North, Mid North and Murray Plains were identified to the federal government as worthy of the 'one-off', one in 20 rainfall deficiency assistance measures. To date, this request has not been supported, and I thought the house should know that.

The facts are that the state applied for exceptional circumstances for two zones in South Australia. I am advised that we also supported a further application from Queensland—and this is important—which included three properties in the far north-east of this state—so, just over the border. It was a Queensland application. South Australia was granted full recognition only for the central north-east. The three properties in the far north-east of the state also received full recognition as part of the Queensland application. The Mallee area has received only prima facie interim EC recognition, a

fact which provides those farmers with a lesser level of support.

The commonwealth's budget papers—specifically, the paper entitled *Australia's Regions: Working in Partnership 2003-04*—at pages 23 and 24 show a $7.2 million allocation to the central north-east and only $1 million for the area that the commonwealth describes as the south-east sub-Murray Mallee. As I indicated in my statement yesterday, we are trying again to see whether the commonwealth will reconsider the southern Mallee, that is, for full EC status. For the sake of the people and communities of that area, I hope that we are successful—as does, I am sure, the honourable the Speaker.

[Sitting suspended from 1.03 to 2 p.m.]

COFFIN BAY NATIONAL PARK PONIES

A petition signed by 1 492 residents of South Australia, requesting the house to urge the Minister for Environment and Conservation to take into account the heritage, pastoral and colonial history of the Coffin Bay Peninsula and reconsider his decision to relocate the Coffin Bay Ponies, was presented by Mrs Penfold.

Petition received.

WATER REGULATIONS

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

Leave granted.

The Hon. J.D. HILL: This morning, cabinet agreed to introduce legislation that will allow the government to regulate the use of water across South Australia and strengthen its powers in relation to water restrictions. The Water Resources Act and the Waterworks Act will be amended so that the government can prevent wastage of water in South Australia. Currently, restrictions on water can only be temporary and imposed during a drought. However, the water crisis facing our state demands permanent change in the way that we use our most precious resource.

I have always said that restrictions are likely to be imposed this year, if that is what the experts recommend, but the government wants to do more than apply band-aids to the critical condition of the Murray. The legislation that I will introduce in the next week of parliament will, for the first time in the state's history, allow permanent regulations about the use of water, not for one month or one season but for all time. For a suburban family that could mean—I stress 'could'; these decisions have yet to be made—a ban on watering lawns in the heat of the day, washing cars with a hose and hosing down paved areas.

We are taking this action to improve water efficiency and reduce the state's reliance on the Murray. Earlier today I briefed this parliament and the media on the condition of the Murray. The state's entitlement flow from the river is 1 850 gigalitres per annum. That flow is virtually guaranteed 99 years out of 100, and the state receives at least 4 850 gigalitres per annum for 50 per cent of the time. However, the recent drought has dried much of the basin. In fact, the total amount of water stored in all the dams and reservoirs of the basin is just 1 414 gigalitres, which is not enough to meet even South Australia's normal entitlement. At this stage we expect a cut of between 10 and 20 per cent of the state's entitlement. Of course, this could change month by month depending on rainfall, but the outlook is bleak.

The amendments to the water acts will complement the River Murray Bill and the Waterproofing Adelaide study. Together, these measures will set a new benchmark for water conservation. The government wants South Australia to lead the nation—and even the world—in the efficient use of water. The task is for all South Australians, from farmers on the land to families in the suburbs, to be efficient water users. South Australia has a proud history of water management. A cap on allocations has existed since the early 1960s, while other states have imposed caps as recently as 1996—but some have yet to impose any cap at all, as the member for Unley says. However, our state is the only one that does not currently allow for permanent regulation of water uses. The changes I have announced today are long overdue but will significantly strengthen our water laws.

QUESTION TIME

MURRAY RIVER

The Hon. R.G. KERIN (Leader of the Opposition): My question is directed to the Minister for the River Murray. Now that the minister has seen the documentation indicating that in-principle approval for Lower Murray irrigation area rehabilitation is for nearly $32 million of federal-state funding, and confirmed this with the federal minister's office, will he now admit that his proposal for federal-state funding of $22 million represents a cut of $10 million and is a demonstration of a lack of commitment by his government to the River Murray?

The DEPUTY SPEAKER: I remind the leader that he is seeking information and not seeking an admission.

The Hon. J.D. HILL (Minister for the River Murray): This is the third time this week that the Leader of the Opposition has asked this question. Fortunately, today, he has provided me with a copy of the letter which he received and on which his question is based. That letter (which I will table) was sent to me by fax some time this morning, and I have had my staff and officers go through it. The letter was sent to the Hon. Caroline Schaefer by Warren Truss, the commonwealth Minister for Agriculture, Fisheries and Forestry. It has been examined by my department, and I thank the leader for finally providing it to me.

I am pleased that the commonwealth has provided in-principle support for the program subject to its being identified as a priority in the accredited regional plan investment strategy for the River Murray. I am advised by my department that this is the first time that the commonwealth has indicated in-principle support under the NAP for additional funding of up to $25.2 million. I am further advised by my department that there is either a clear error in the letter or the commonwealth has decided unilaterally to provide us with an additional $10 million. It is difficult to see how the commonwealth has arrived at this amount, as every other—

Members interjecting:

The DEPUTY SPEAKER: Order, we cannot hear the minister!

The Hon. J.D. HILL: —aspect of the letter is consistent with the agreed $22 million. I will table the letter, and I invite members to read it. The funding available to irrigators per hectare provided in the letter is the same as that currently offered to irrigators and is budgeted for within the $22 million NAP budget. It also advises that the funding share for

public and private contributions was based on the report commissioned by the South Australian government. The letter supports the restructuring process and the contingency that has been built into the $22 million budget for the project.

The DEPUTY SPEAKER: Before calling the member for Wright, I must state that the member for Schubert has pointed out that there is someone crawling around up in the ceiling. We are getting it checked out to make sure that the person is bona fide.

NURSES

Ms RANKINE (Wright): My question is directed to the Minister for Health. Will the funding in the federal budget for training nurses address the national shortage of trained nurses, and how many extra training places will the commonwealth fund in South Australia?

The Hon. L. STEVENS (Minister for Health): I thank the honourable member for her question, because the shortage of nurses has had a major impact on our public hospitals over the past nine months. As I told the house on 9 July 2002, South Australia has a shortage of 400 nurses in the public sector, impacting on the ability of public hospitals and health units to provide services.

While a report in June 2001 on South Australia's graduate nurse requirements warned the previous minister that South Australia needed up to 1 000 new graduates every year to maintain the registered work force, this report was not released and no plan was put in place by the previous minister to head off the looming crisis. As a result, over the last nine months our public hospitals have been managing increasing workloads with a number of beds temporarily off line because of the shortage of nurses and 45 per cent cost penalties for employing even more agency nurses, the number peaking at 130. That number is coming down and is now at 80 as our new strategies start to kick in. There will be even more good news on this front in the near future.

On 29 August 2002, I advised the house that the government had responded immediately to the nursing crisis by developing a comprehensive strategy with the help of the Australian Nursing Federation for nurse recruitment and retention which cost $2.7 million in its first year. Key initiatives of the strategy included:

- grants to universities totalling $225 000 for the creation of an additional 100 undergraduate nursing places in 2003;
- $1 million for free refresher and re-entry courses, with scholarships worth up to $5 000;
- rostering to create more flexible working environments;
- offers of employment to all 400 nursing graduates in 2002;
- the expansion of free refresher and re-entry courses;
- subsidies for nurses and midwives relocating to areas of shortage;
- 15 extra nursing training places in Whyalla;
- $126 000 to fund a pilot program to increase the number of indigenous nurses in the outback of South Australia; and
- an overseas recruitment campaign, the result of which I will announce shortly.

Compare this with the federal government's totally inadequate budget response to the national nursing crisis. In 2004 the federal Liberal government has funded just 210 new nursing places across the nation.

An honourable member interjecting:

The Hon. L. STEVENS: Wait for it. What I do not yet know is South Australia's share of this amazing number of 210. On a population basis it would be fewer than 20 extra places for South Australia. The commonwealth is not only seeking to cut $1 billion to all states and territories under the new Australian Health Care Agreement but it has also failed dismally to provide our universities with the funding which is urgently required to train the nurses we need in our hospitals.

MURRAY RIVER

Mrs MAYWALD (Chaffey): My question is directed to the Minister for the River Murray. Can the minister provide the house with details, including time lines, of the consultation program he will undertake with irrigators and other stakeholders prior to deciding how water restrictions will be introduced, and what assistance the government will provide to help irrigators plan for the management of a reduction in their water allocation?

In South Australia, there are 55 000 hectares of land irrigated from the River Murray, 37 000 hectares of which is above lock 1, or mostly within my electorate. The economic impact on the Riverland will be significant as any reductions are applied. Irrigators have advised me that they need time and assistance to plan for managing those reductions, and they are concerned that they are not being consulted about the restrictions that may be applied.

The Hon. J.D. HILL (Minister for the River Murray): I thank the member for that important question, and I acknowledge her great advocacy on behalf of the irrigators of the Riverland. I will get a detailed response for the member which goes through those processes, but I say in general terms that the government is expecting to have further advice from the Murray-Darling Basin Commission some time towards the end of this month or early or near the middle of next month. We would like that advice as soon as possible so that we can make some clear statements about how much water there will be and what sort of proportions can be made available over different periods. We certainly intend to consult with all the major stakeholders and, obviously, the irrigation authorities, SAFF, the dairy industry association, the winemakers association and so on. We will go through that process in rapid time once we get that decision. Of course, it depends on when the restrictions will have to come into play. If we were to do that at the beginning of July, that would give us a fairly short time frame, but my officers have advised me—

Ms Chapman: It'll be raining by then.

The Hon. J.D. HILL: That is a brilliant contribution! My officers inform me that they should be able to go through that process in a fairly rapid way. As the honourable member would understand, they have been having informal conversations with certain key groups; they are well aware of some of the issues and will be taking advice from appropriate people in government. We are committed to working with those who will be affected and to plan this in the best way we can to maximise the potential outcomes for irrigators over the coming season. While there may be restrictions at the beginning of the season, if it is a good season the restrictions can be lifted. We need to do it in such a way that the optimum number of opportunities are left to the irrigators, so we do not cut off options in the first part of this.

ROADS, FUNDING

Mr KOUTSANTONIS (West Torrens): My question is directed to the Minister for Transport. What is the 2003-04 commonwealth budget for South Australia's national highways?

The Hon. M.J. WRIGHT (Minister for Transport): I thank the honourable member for his question and his hard work in this area. The 2003-04 commonwealth budget can only be described as very disappointing in relation to South Australia's national highways. The total road program for 2003-04 is $51.9 million—far short of the $70.6 million requested by the state government for important capital improvements and necessary maintenance.

On the one hand, a number of important projects will continue, although not at the desired rate. Funding allocations for committed projects include $6.9 million for Portrush Road and $7.5 million for stage 1 of the Port River Expressway. A total of $5.1 million has been allocated for shoulder sealing on the Dukes Highway, the Eyre Highway between Penong and Ceduna, and Highway One between Port Wakefield and Port Augusta. Overtaking lanes will be constructed on Highway One between Port Wakefield and Port Augusta at a cost of $3 million.

Only $4 million has been made available for overtaking lanes on the Sturt Highway, and that will not meet John Anderson's promise of constructing 17 overtaking lanes on the Sturt Highway by 2004-05. No allocation whatsoever has been made to fix the Dukes Highway between Bordertown and the Victorian border. The commonwealth minister has acknowledged the need to address the problem on this stretch of road. However, it is staggering that the submission made by South Australia in February this year has not resulted in funds for this desperately needed work.

I continue to be gravely concerned at the commonwealth's AusLink proposal. AusLink has the potential to be disastrous for South Australia—not the new era in national land transport investment that the commonwealth claims it to be. The commonwealth budget contains nothing for national highway maintenance after 2003-04, as future arrangements are to change under AusLink.

Most disappointing of all was the fact that the fundamental inequity in road funding for South Australia remains. We have some 14.9 per cent of Australia's national highways and 11.7 per cent of local roads, yet received just 5.5 per cent of available funds. Clearly, South Australia's road transport network is not a national priority for the Howard government. Once again, the Liberal Party has failed to look after the bush. The Liberals have failed on country roads. Sadly, the Liberal Party continues to ignore country people. How disappointing!

Members interjecting:

The DEPUTY SPEAKER: Before calling the member for Unley, we have been informed there was someone in the ceiling, but it was a technician. So I thank the member for Schubert for his diligence and role as protector of the house.

MURRAY-DARLING BASIN

Mr BRINDAL (Unley): My question is directed to the Premier. In view of the potential crisis to the Murray-Darling system and, therefore, to South Australia, as outlined in the briefing given this morning by the Minister for the River Murray—and, indeed, reinforced in his ministerial statement—will the Premier take urgent and immediate action to ensure that his interstate counterparts lift the artificial restrictions on water trading in the Murray-Darling Basin before the next irrigation season? In spite of a national water reform agenda which demands that water be separate and freely tradeable as a property right, New South Wales and Victoria have ensured that South Australia can only sell and lease waters from the system below Nyah in Victoria. This means that water extracted from the Upper Murray, the Goulburn and the Murrumbidgee is effectively quarantined from high value usage in South Australia. In the times ahead, a lifting of these restrictions not only would provide a lifeline to South Australia and South Australia's industry and producers but would be a potentially lucrative income stream to equally hard hit interstate users.

The Hon. M.D. RANN (Premier): Today, we have been given a briefing about the future of the River Murray, over which for years and years there has been inaction. There have been disputes across—

Members interjecting:

The Hon. M.D. RANN: No, this is beyond politics. This is about whether or not you are patriotic to your state and nation, whether you are loyal to future generations. Tackling this issue must be the moral equivalent of war. That is why I have asked for this issue to be placed on the agenda of the Council of Australian Governments and the Premiers Conference, chaired by the Prime Minister, John Howard. This is an issue where we as a state—

Members interjecting:

The DEPUTY SPEAKER: Order, the members for Newland and Bright!

The Hon. M.D. RANN: —must lead by example, and we will. In the forthcoming budget a series of decisive actions will be announced on the River Murray that we will ask every member of this parliament—and, indeed, the community—to support. Let me make this point: I do not care about the political persuasions of premiers in other states. This issue is above party politics. This issue is beyond friendships. This issue is not just about the problems caused by a drought but about what will happen in 10, 20 and 30 years from now. This is action that we have to take now for future generations. This is about—

Members interjecting:

The Hon. M.D. RANN: Come on! I say to members opposite: I will not stand up here and condemn what you did or did not do. That is the politics of the past. This is about the moral equivalent of war, and all of us have to sign up to fight the fight and win it.

Members interjecting:

The DEPUTY SPEAKER: Order! When the house comes to order we will have the next question from the member for Torrens.

CLIPSAL 500

Mrs GERAGHTY (Torrens): My question is directed to the Treasurer. Has the Treasurer received any indication as to the amount of money that was raised for charity as part of this year's Clipsal 500 race?

The Hon. K.O. FOLEY (Treasurer): In case there are any cynics on my side of the house, I say from the outset that all money raised will go to charity. I will not be taking anything back to the budget. Each year, as members opposite would know (because it was a fine, outstanding initiative of the former government), the initiative has been to support the Clipsal 500 in its efforts to raise significant amounts of money for very worthy charities. During this year's race, over

$100 000 was raised for charities in South Australia. This year four main events raised the money, including the Clipsal 500 ladies' luncheon, an event that is run by the *Advertiser* and *Sunday Mail* Foundation, of which, as we know, Angela Condous, the wife of the former member for Colton, is the patron. I am advised that this event in itself raised approximately $10 000. Another event is the V8 super cars television dinner and show run by the Variety Club—and I do not know whether the member for Waite, as a lover of V8 super cars, attended that. He certainly drives one.

An honourable member: Not any more.

The Hon. K.O. FOLEY: You haven't got a Ford, have you? This event, which was supported by Channel 10, and featured an auction of V8 motoring memorabilia, in itself raised $45 000. It is a pity the Channel 10 camera is not running on this.

Members interjecting:

The Hon. K.O. FOLEY: Well, it was a plug for Channel 10.

Members interjecting:

The Hon. K.O. FOLEY: So, do that again: the V8 Supercar TV dinner and show run by the Variety Club event was supported by Channel 10, and it raised approximately $45 000. Let's hear it for Channel 10! This money will assist sick, disabled and disadvantaged children throughout South Australia. The Royal Society for the Blind luncheon raised approximately $23 000 and the Royal Adelaide Burns Unit was the designated charity for 2003, and events that they ran raised, I am advised, somewhere in the order of $30 000. That was achieved through donations on the day, at the Clipsal 500 promotional day that was held on Norwood Parade on the Sunday before the event.

Ms Ciccarello: Hear, hear!

The Hon. K.O. FOLEY: I am sure the member for Norwood would have been an active participant in that. On behalf of all members of the house I want to thank all people who donated to the above charities, and I hope many in this chamber would have done so. If not, I look forward to your donations next year.

The Hon. M.D. Rann: Still time.

The Hon. K.O. FOLEY: As the Premier has said, there is still time. You can leave your donations with me and I will ensure that they get to the appropriate charities.

Members interjecting:

The Hon. K.O. FOLEY: Trust me! To all of the participants, all of the organisations, the media outlets, and all: thank you very much for your support. It was an outstanding initiative, as I said, initiated by the former government, and it is to be commended for that. The Clipsal 500 board and management are also to be thanked for what is just a good story, a good local commitment to charities from what is an outstanding race.

HOSPITALS, MOUNT GAMBIER

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is directed to the Minister for Health. Were staff members from the Mount Gambier Hospital summoned to fly to Adelaide earlier this week to brief the Department of Human Services, or the minister, about the transfer of a patient from Mount Gambier Hospital to Ballarat?

The Hon. L. STEVENS (Minister for Health): I am interested to hear the next instalment of the serial in terms of the patient who went to Ballarat, on the advice of his doctor, for an operation. I am not aware of what the Deputy Leader said. I am happy, of course, to look into it and I will be delighted to bring the next instalment back to the house as soon as I possibly can.

TOURISM BUSINESS TRAINING

Ms CICCARELLO (Norwood): My question is directed to the Minister for Tourism. What is the South Australian Tourism Commission doing to assist tourism operators enhance their business through training?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): The Tourism Commission has been working with the Centre for Innovation, Business and Manufacturing (CIBM) and the Adelaide Institute of TAFE to develop a package of online training. This is a way of allowing operators who work very long hours to upskill in the areas of product development, marketing, financial accounting and business management. As members will realise, small businesses operators very frequently have significant difficulty in getting to formal courses, and we were very anxious that they should have the availability of courses from the institutes, and other available courses, that had been run as a face-to-face operation, as 'how to' workshops.

This online program was launched through a video link, a teleconferencing link, to 13 regional locations. The website is called TO.BE (Tourism Operators Business Education website) www.tobe.com.au. Currently, the portal site has up to 30 online courses, but some of the study courses can be developed via videoconferencing, self-paced learning or CD ROM. The portal site is particularly useful, because it also links to other CIBM activities.

The DEPUTY SPEAKER: Order! It is impossible for the chair to hear the answer because the Deputy Premier and the member for Bright want to talk to each other. The Minister for Tourism.

The Hon. J.D. LOMAX-SMITH: The site is particularly useful, because it allows the TO.BE users to link to other business sites in the suite of activities run by government. It is also a keen example of how our government works across portfolios to bring together small business, tourism and the TAFE sector.

HOSPITALS, MOUNT GAMBIER

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is again directed to the Minister for Health. Further to her answer in parliament yesterday concerning the surgery at the Mount Gambier Hospital, will the minister table in parliament this afternoon the letter from the Manager, Quality Improvement and Customer Liaison at the Mount Gambier Hospital, which was written on 29 April, and read to and table in the parliament—again, this afternoon—the response written by the general surgeon back to the hospital on 9 May? And will the minister explain why she failed to inform the parliament of these material facts when answering the question yesterday?

The patient, Mr X, dealt with the doctors, so the doctors know the real facts. On 9 May, a letter was written by the general surgeon to the hospital, setting out the facts, and parliament should have immediate access to that letter, which tells quite a different story. The patient, Mr X, has indicated to the opposition today that the minister's account of events is wrong, and that he is full of praise for the doctor and hopes

that the problems at the Mount Gambier Hospital are fixed very quickly indeed.

The Hon. L. STEVENS (Minister for Health): I also wish all the issues in relation to the Mount Gambier Hospital to be clarified and dealt with as soon as possible. I ask the Deputy Leader to table the letters, if he has them, so that I can see what he is talking about and give a response.

MURRAY RIVER

Mrs GERAGHTY (Torrens): My question is directed to the Premier. What has been the response from the Prime Minister to the Premier's call for action on the River Murray to be placed on the next COAG agenda?

The Hon. M.D. RANN (Premier): Thank you, sir.

Mr Meier interjecting:

The Hon. M.D. RANN: I beg your pardon?

The DEPUTY SPEAKER: Order! The member for Torrens asked the question, not the member for Goyder.

The Hon. M.D. RANN (Premier): Earlier this year, I wrote the following letter to the Prime Minister:

My dear Prime Minister,

I write to you concerning one of the most pressing issues confronting the Australian environment and economy, the health and future of our waterways and water supply, particularly the River Murray. As you are no doubt aware, the River Murray has deteriorated dramatically in both flow and water quality in the past few decades. If this deterioration continues then it is predicted that in the next 20 years our water from the Murray could be unfit for drinking 40 per cent of the time according to the World Health Organisation standards.

The city of Adelaide and the state of South Australia depend on the River Murray but the Murray-Darling system is of national economic significance. It covers 15 per cent of the continent, generates 6 per cent of surface water run-off, but produces 75 per cent of irrigated agricultural produce. Currently, we are being forced to dredge to keep the mouth of the Murray open.

I believe the future of the Murray-Darling Basin is of such critical importance to the future of this country that it is time that the governments throughout the nation give it the priority it demands. I therefore ask you to consider convening a special Council of Australian Governments meeting or special Premiers conference to consider the issues confronting the Murray-Darling Basin and more broadly the issues confronting all of the nation's waterways, as well as our underground water supplies.

We have seen the Murray-Darling Basin Commission make strong progress in recent years; however it is time for First Ministers to consider the issues that confront our greatest river, waterways and natural water supplies that are so vital in our dry continent. I know you have agreed to see drought issues on an upcoming COAG agenda. While the drought has placed further pressures on the nation's water supplies, the deterioration of the River Murray and other water sources will not be over when this drought breaks.

I have written to Premiers and Chief Ministers in these terms and will also be making this call publicly today in a speech to the National Press Club. Prime Minister, great progress has been made in reviving the Snowy River through a cooperative approach. As leaders of government, let's now tackle the much larger task of cleaning up the Murray-Darling system.

I have received a reply from Prime Minister John Howard's Senior Adviser written to my Chief-of-Staff, which states:

Dear Mr Halliday

I refer to the letter of 19 February 2003 from the Premier of South Australia, the Hon. Mike Rann MP, to the Prime Minister regarding the future of the Murray-Darling River system. The Prime Minister has asked me to reply on his behalf. I apologise for the delay in responding.

The Commonwealth shares South Australia's concerns about the health of the Murray-Darling system. The declining health of the River Murray has become increasingly apparent over the past decade and has been discussed at length by the Murray-Darling Basin Ministerial Council and key stakeholders in the community. In response to this I understand that in April 2002 the Ministerial Council agreed to hold community wide discussions about the costs and benefits of returning water to the river system to improve river health.

I understand that the Ministerial Council will consider the outcomes of the consultation process later this year. As the Premier noted in his letter, the Murray-Darling Basin Commission has made progress in this area in recent years. It is the Commonwealth's preference, therefore, to allow the processes already established by the Ministerial Council to run their course.

I think that is a mistake. Rather than saying that this should just be left to the commission or the Ministerial Council, I think it is vitally important that the first ministers of Australia (the Prime Minister, state premiers and chief ministers) meet to address this issue which clearly is of national importance for this generation and future generations.

Mr BRINDAL: I rise on a point of order, Mr Deputy Speaker. As a matter of courtesy, the Speaker of this house has consistently ruled that if a minister quotes from documents it should be the practice that those documents be tabled. I am sure the Premier would not mind.

The Hon. M.D. RANN: I am happy to ensure that there is a proper record for *Hansard*, in case I have made any inadvertent slips with my poor eyesight, by tabling these documents, because I would like members to see that, in my view, the commonwealth is not taking this issue seriously enough.

KENO

The Hon. G.M. GUNN (Stuart): I direct my question to the Minister for Gambling. Will the minister assure the house that the government sponsored consultation process regarding the removal of Keno machines from unlicensed premises has included direct consultation with the agents of unlicensed premises so that their views and concerns can properly be taken into account before any decision is made?

The Hon. J.W. WEATHERILL (Minister for Gambling): I thought I made it clear yesterday, but I will try to make it a bit clearer today. The Independent Gambling Authority, as the name suggests, is independent, and carries out its activities independently of me. I am informed that it is undertaking consultations on a range of measures to do with a code of practice that will govern all lottery products in the future. Obviously, part of those investigations includes Keno products. I understand that they have consulted with the Lotteries Commission and invited the Lotteries Commission to canvass its agents in unlicensed premises, to which the honourable member refers.

That is the extent of my understanding. I expect that the Independent Gambling Authority will carry out those functions through broad consultation. Every piece of evidence involving the way in which the Independent Gambling Authority has carried out its functions since we came into government and provided further resources to it indicates to me that it is assiduously going about the task of public consultation in ways previously unknown in this area.

People are being invited to public hearings in some of the activities that the Independent Gambling Authority is undertaking. The very fact that this is a matter of public controversy indicates that the authority is doing its job properly. However, I will check on the precise details of how the authority is going about its work to ensure that at least I am satisfied that that consultation process is occurring. Whatever suggestions that I might helpfully make to this authority I will be happy to proffer on behalf of the member.

STATE BUDGET

The Hon. R.G. KERIN (Leader of the Opposition): Will the Minister for Environment and Conservation rule out any new levies or charges on landholders in the coming budget from within his portfolio?

The Hon. J.D. HILL (Minister for Environment and Conservation): The Treasurer is not in the house, which is very well spotted. I congratulate the Leader of the Opposition for seeing an opportunity and giving me an opportunity to walk right into it. All I can say to the Leader of the Opposition is that the budget will be brought down in due course and he will be able to find out then.

The DEPUTY SPEAKER: I point out that the question was hypothetical and, in the way it was framed, was technically out of order.

SCHOOLS, RETENTION RATES

Mr SNELLING (Playford): My question is directed to the Minister for Education and Children's Services. What recent progress has been made in addressing problems of poor student attendance in schools?

The Hon. P.L. WHITE (Minister for Education and Children's Services): One of the major aims of this government in education is to improve student retention rates, and a number of strategies have been put in place. In fact, we have been saying that since coming to office, because it has been a priority since we were elected, unlike the former government. They kept arguing the statistics, but did not recognise that there was a problem. So, step No. 1 is to recognise that there is a problem. This government is doing something about it, whereas the former government, in its 8½ years in office, refused even to recognise the problem.

One of the strategies in tackling that very important goal is to ensure that we improve the attendance at school of a lot of our students. If we do not tackle that problem, poor school attendance often turns into the ultimate non-attendance of dropping out altogether. I inform the house that an additional four student attendance counsellors have been appointed and are in their jobs addressing that issue. That is a 40 per cent increase in the number of student attendance counsellors.

The Hon. W.A. Matthew interjecting:

The DEPUTY SPEAKER: Order! The member for Bright will be a non-attender shortly.

The Hon. P.L. WHITE: In fact, the former government did not increase the number of student attendance counsellors at all during its whole time in office. That is how much importance it placed on tackling this very important issue.

Ms Chapman interjecting:

The Hon. P.L. WHITE: They are already in place. These extra counsellors will work on the state government's statewide strategy to improve school attendance in our public schools and thereby student retention as well. One part of their job will be to help those students who are regularly not attending school. As I have said, those students are overrepresented in our school drop-out rates and juvenile crime statistics.

The counsellors will work with students who are non-attenders without valid reason. It will be done in partnership with their schools and families to help find ways of bringing those students back into a learning environment where they can learn and succeed in their learning.

Some of the work to be undertaken through the project will include working with groups of schools, and implementing their attendance improvement packages. This year, every school will have an attendance improvement package. All schools will be required to have a plan and to set goals to improve their attendance rates. This is the first time that that has been a requirement of our state schools. They will have a focus on 15 and 16 year olds. They will work with families to strengthen relationships between the home and schools so that they can properly support those students. We have worked on a better relationship between my department, South Australia Police and schools for the return to school of truanting students.

While this government is sending a very clear and strong message to every school and school community in the state that regular attendance at school is important to the success of students, the needs of these students are being met by a number of programs, strategies and changes that are taking place this year in our schools. It is one element of a student—

Ms Chapman: They're still in Rundle Mall.

The Hon. P.L. WHITE: The member for Bragg says they are still in Rundle Mall. I say to the member for Bragg that step one is to recognise the problem. Unlike the former government, that is exactly what the Labor government is doing. We not only recognise the problem but we are also putting in the resources. How much money did the former government promise at the last election for improving school retention and school attendance? Absolutely nothing—not one cent! This government is putting in the resources, the effort, the motivation and the programs and is sending the clear message to students, their families and school communities that regular attendance at school, engagement in school and learning, and keeping with it and finishing an education is important to the future of our South Australian students.

INTERNATIONAL HORSE TRIALS

The Hon. D.C. KOTZ (Newland): My question is directed to the Minister for Tourism. Has the minister totally ruled out financial support as well as using the Adelaide parklands as a venue for this year's proposed international horse trials four star event, and has the minister advised David Lindh, Megan Jones and Gillian Rolton of her ultimate decision?

Letters seeking support to enable this major event to be held in the east parklands, at least for this year, were sent to the minister last week from David Lindh of Adelaide International Horse Trials; Megan Jones, a member of Australia's elite eventing squad; and Gillian Rolton, a national team equestrian selector. Gillian Rolton advised the minister in her letter dated 6 May:

> This decision will now mean that a number of our top Olympic prospects will indeed not be qualified for the Olympics next year. . . This will not be possible with this short notice as the horses need a good three months legging up and three months fitness training before a major comp. There is no time for this preparation before the other qualifying events in Australia this year . . . the demise of [the international horse trials] this year will have a direct bearing on our Olympic Games team and possibly the Australian Equestrian Team's fourth consecutive Olympic gold.

Miss Rolton finishes her letter to the minister by saying:

> I implore you to reconsider the extremely untimely decision to cut the international horse trials from your major events list.

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I do not think that the member for Newland's informants have been entirely—

The SPEAKER: Order! If the member for Bright wishes to have a conversation with members and ministers on the

government side, he is at liberty to acknowledge the chair as he crosses to do so, but I will certainly see him out of his place fairly quickly if he persists in conducting a conversation across the chamber while the minister is trying to give an answer.

The Hon. J.D. LOMAX-SMITH: I do not think the member for Newland's informants have been entirely accurate when they have explained the situation. If she were to examine the situation concerning the Adelaide International Horse Trials, as has the member for Waite in consultation with us when we explained the situation at the beginning of April, she would understand that the cost of running this event is extremely high, and major events funding goes to major events which bring in tourists. It goes to major events which are seen to bring economic benefit to the state.

I understand the enthusiasm that the member for Newland has for sporting events and Olympic athletes, but funding and maintenance of Olympic sports is not the responsibility of the tourism portfolio. In fact, it is true to say that Mr Lindh knows quite well the financial situation of this event. If the event were run in Sydney it would cost $100 000: to run it in Adelaide costs around $1.3 million to $1.4 million. The sponsorship dollars are inadequate to cover the cost of the event and it is not self-funding. My view is that it would be improper to cut off funding for a major event at short notice. My view, if this event is to continue, is that there should be funding over a four-year period to allow the event to be self-sustaining in a different form. The option was given to the Equestrian Federation that it should cooperate with the tourism—

Members interjecting:

The SPEAKER: Order! I cannot identify the chatterbox on the opposition benches, so the next time I see some lips moving I will name the member.

The Hon. J.D. LOMAX-SMITH: Thank you, Mr Speaker. We have worked with the Equestrian Federation towards retaining a styled event in a location at a cheaper cost and having a funding package that goes over four years. In addition, we would happily give our intellectual property, manuals, and occupational health and safety records to any new organising committee, as well as $100 000 worth of jumps that we have prepared over the past five or six years. In fact, when the economic impact statement, the bed nights and the gain from the event were explained to the member for Waite, he said, 'These things happen. It's a decision that had to be made.'

Mr HAMILTON-SMITH: Mr Speaker, in accordance with your previous rulings, I request you to ask the minister to table the document from which she was quoting.

The SPEAKER: Which document?

Mr HAMILTON-SMITH: The minister has quoted me and I would like her to table the document.

The SPEAKER: If the minister has quoted from a document from her ministerial papers, she is required to table it.

The Hon. J.D. LOMAX-SMITH: I am in the habit of making contemporaneous notes if I deal with people with whom I wish to keep records of conversations.

The SPEAKER: I point out to the house, and for the benefit of the member for Waite, that it is an aid memoir to a conversation in which the minister has been involved at an earlier time and from which she is quoting.

WATER METERS

Mr RAU (Enfield): My question is directed to the Minister for Environment and Conservation. What has been the response in the South-East to the government's new licensed water use metering policy that was announced earlier this year?

The Hon. J.D. HILL (Minister for Environment and Conservation): This is an important question because it highlights that water issues in South Australia are not just related to the River Murray. There are other issues, as well, in relation to water. In February this year, I announced a new licensed water metering policy that requires all irrigators in prescribed areas to monitor water use by volume. This is a policy which I hope still enjoys bipartisan support—it was certainly initiated under the former government. The roll-out of water meters has commenced in the South-East, where 2 670 water-taking licences will need an estimated 5 500 meters to be fitted by 2006. Approximately 770 meters were scheduled to be fitted by 30 June this year, and, to date, approximately 340 meters have been fitted. Meter distributors in the South-East are currently experiencing delays in the delivery and installation of meters. Therefore, it is expected that supply and fitting of 770 meters for this financial year will be delayed by about three months. The volumetric conversion program is providing incentive payments to participants who fit meters as part of the metered extraction trials. So far, incentive payments have been made to over 40 participants who have provided copies of their meter supply and installation invoices.

I would like to thank those individuals for participating with my officers on that trial. The cost of meters varies considerably, depending on size and whether a meter is mechanical or electronic; for example, the cheapest approved meter costs $535, while the most expensive one costs $6 450, which includes installation. The government appreciates the effort of local irrigators to install new meters, and the water metering policy will help to make sure that the state's total consumption remains within licensed limits.

SCHOOLS, COROMANDEL VALLEY PRIMARY

Ms CHAPMAN (Bragg): Will the Minister for Education and Children's Services confirm when the Coromandel Valley Primary School will receive its funds, including the federal government funds, for its major facilities upgrade project, and how much will actually be paid? The previous government had announced in the 2001-02 budget a $2 million redevelopment and upgrade of the Coromandel Valley Primary School, with $1 million to be spent in that financial year. Last year, Minister White announced that this project would be reviewed. Then, after complaints were made, including a complaint by federal minister Brendan Nelson, that $1.2 million of the federal funds had already been paid to the state government, she agreed in November last year that these funds would be handed over. They have not been paid, and the minister has refused to contribute any state funds as promised and budgeted for by the previous government.

The SPEAKER: Order! The member for Bragg tests the patience of the chair by making statements of opinion of the kind she made at the conclusion of her explanation. That is not appropriate.

The Hon. P.L. WHITE (Minister for Education and Children's Services): I will check the progress of the

Coromandel Valley project. However, I point out to the honourable member that, regarding her claim about handing over funds from the commonwealth government, she may be a little confused. What happened in November—it was certainly towards the end of last year—is that I announced that a redevelopment project at Coromandel Valley would proceed, and at that time, I listed the work that would be done. I know—and it may have already started—an earlier time line was that the demolition of the first building would happen over the school holidays that have just ended, at the end of term 1. I will check on the status of that, but I believe that the project has already begun.

HOUSING TRUST

The Hon. M.R. BUCKBY (Light): Will the Minister for Housing assure the house that the Gawler Housing Trust office is not closing in October of this year? I have been advised this morning that the government plans to close the Gawler office in October, and if this occurs residents of Housing Trust homes in Gawler will have to travel to Elizabeth to access a Housing Trust office.

The Hon. S.W. KEY (Minister for Housing): To be honest with the honourable member, I am not sure of the answer, because I am not aware of the Gawler office being scheduled for closing. I will certainly check those details. I can understand why the member would raise this issue. When we had our community cabinet in Gawler it was very obvious that a number of issues raised were associated with Gawler as a place where people pass through from quite a lot of country areas travelling in the direction of the city. Issues were raised with me as the social justice minister, one of them being that a number of people ended up what would be termed homeless or likely to become homeless. Certainly, as I said, it involved people moving through from the country to the city who had difficulties in accessing accommodation.

I understand the seriousness of the honourable member's question, because I know the workers in the Housing Trust in the Gawler office have to deal not only with accommodation requirements but also with other social issues associated with people who do not have permanent accommodation. I am happy to come back with an answer for the honourable member, and I understand the seriousness of the question.

HAEMOGLOBIN LEVEL STANDARDS

Dr McFETRIDGE (Morphett): My question is directed to the Minister for Health. Given the statement in the house yesterday by the Minister for Tourism that the state has an emergency plan in place for war, terrorism and disease, can the Minister for Health tell the house what the effects will be on blood and blood product stocks when the new haemoglobin level standards are adopted by the Red Cross Blood Transfusion Service?

The Hon. L. STEVENS (Minister for Health): I would like to thank the member for Morphett for his question. I will have to get some of the details for him, which I am happy to do. But I would also like to assure the house that the state indeed has a disaster management plan in place, and we have a whole range of systems that we would call upon if required. But I am very happy to obtain the details. The Emergency Management Council meets on a regular basis—

An honourable member interjecting:

The Hon. L. STEVENS: Chaired by the Premier; it meets on a regular basis to discuss all these issues. The precise details of the issues in relation to the blood products that the honourable member is talking about, I will bring back for you.

BOLIVAR WASTE WATER TREATMENT PLANT

Mr CAICA (Colton): Can the Minister for Administrative Services inform the house what is being done to progress the closure of the Port Adelaide waste water treatment plant and to replace it with a new high salinity plant at Bolivar, as approved by cabinet in August last year?

The Hon. J.W. WEATHERILL (Minister for Administrative Services): I thank the honourable member for Colton for his question. I am pleased to report to the house that construction work was recently commenced on the pumping station pipeline and new high salinity waste water plant at Bolivar. The current waste water treatment plant was in fact commissioned in 1935 and, unfortunately, it discharges effluent into the Port River from time to time. The old plant will be decommissioned in 2005. The new Bolivar plant will be completed by the end of next year, at the cost of $97 million. Once the plant is commissioned, water quality in the Port River and the Barker Inlet will improve considerably. The odour issues in that part of town will improve considerably.

Importantly, given what we have heard today about the crisis in the River Murray, this is a water reuse scheme as well, and South Australia is in fact leading the nation in its water reuse technology, and this is part of an ongoing effort to waterproof Adelaide and ensure that we make less call on that precious natural resource.

The project involves a 17 kilometre pipeline to transport the waste water from Port Adelaide to Bolivar; a pumping station at Port Adelaide designed to handle 32 megalitres of high salinity waste water a day, to ensure that the waste water moves through the pipeline; and a high salinity plant at Bolivar incorporating modern biological nutrient reduction technology that will result in a 70 per cent overall reduction in total nutrients discharged into the marine environment. The community affected by the work is being provided with an information leaflet that will be letterboxed in the area, and through stories in the local paper. Every effort is being taken to minimise disruption to local residents.

This project demonstrates this government's ambition for Port Adelaide, its ambition for the Port Adelaide region in terms of bringing it up, regenerating it, in terms of urban regeneration. It reflects our commitment to restoring the marine environment in the Port Adelaide area, and our general commitment to Port Adelaide and the residents who live in those suburbs.

ROADS, EYRE HIGHWAY

Mrs PENFOLD (Flinders): Can the Minister for Transport advise the house whether there is any truth in the rumour that a number of parking bays on the Eyre Highway are to be closed and, if so, has a regional impact study or any consultation been undertaken with the local people? These bays are greatly valued, and are used constantly by many thousands of people driving between Port Augusta and the Western Australian border. They help to reduce the road carnage caused by fatigue when travelling long distances. Only two dedicated workers patrol the road between Ceduna and the Western Australian border, and they take great pride in keeping the parking bays maintained, as well as cleaning

up road kill, collecting rubbish, repairing road damage and replacing guard posts. My constituents are most concerned that they remain open and well maintained.

The Hon. M.J. WRIGHT (Minister for Transport): I thank the member for her question. I would be surprised if the answer was yes, because our policy is to increase the number of parking bays. We think this is an important part of our road safety campaign. I do not know whether the specific area that the member for Flinders is talking about is undergoing some reconfiguration or whether there are some changes, but I would be very surprised, from a global point of view, if there were to be fewer of them, because we have a policy to increase the number of parking bays.

I will obtain a detailed response with respect to the location that the member for Flinders has asked about. It may well be that some are being upgraded, and that there are some with respect to which the location is being changed. I am not sure of that sort of detail. But, as I said to the member for Flinders, I can give her an assurance that we have a commitment to increase the number of parking bays throughout South Australia. So, I would be extremely surprised with respect to the tenor of her question. I will bring back the detail for the specific area that the member talked about.

SCHOOLS, COROMANDEL VALLEY PRIMARY

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

Leave granted.

The Hon. P.L. WHITE: I would like to add some further information to a response that I gave earlier to the member for Bragg in answer to a question about a redevelopment project at Coromandel Valley. The information that I gave was correct. The project has, indeed, already commenced—in fact, the project commenced during the school holidays. The redevelopment of a building called building 2A has already been—

An honourable member interjecting:

The Hon. P.L. WHITE: That is what they said. I have been advised that the redevelopment with respect to the building named 2A is almost complete. Another building is to be constructed, and that will go to tender in June. I confirm that—

An honourable member interjecting:

The Hon. P.L. WHITE: I wish the member would listen patiently. She asked, 'When are you going to pay the money?' As I indicated in my earlier response, she has a misunderstanding about the process of capital works in the education portfolio. Money is not paid directly to schools. Contractors bill the department, and they are paid by the department.

MINISTERS' REMARKS

Mr HAMILTON-SMITH (Waite): I seek leave to make a personal explanation.

Leave granted.

Mr HAMILTON-SMITH: A moment ago during question time—

Members interjecting:

The SPEAKER: Order! The Minister for Education and Children's Services was granted leave to make a statement. It is not necessary for her to embellish it.

Mr HAMILTON-SMITH: —the Minister for Tourism purported to quote comments from me that I believe to be inaccurate. On making her decision to cancel funding for the International Horse Trials, the minister asked me to attend a private and confidential meeting in her office to personally discuss the matter. I attended. During that conversation, a range of facts was given to me, many of which I subsequently found to be incorrect or misleading.

A number of matters were discussed. At no time did I give the minister any indication that I was in agreement with or supported the decision that she had made. I listened sympathetically during the private and confidential meeting that the minister had requested. I do not recall having made the comments that the minister has quoted to the house from her contemporaneous notes—which I would love to see. Whatever words were said (and I will check *Hansard*) I feel certain were taken out of context—and, in fact, I have no recollection of having said them in the manner put by the minister.

The Hon. D.C. KOTZ (Newland): I seek leave to make a personal explanation.

Leave granted.

The Hon. D.C. KOTZ: During question time, in answer to a question I asked of the Minister for Tourism, the minister made comments which I regard as highly offensive. She insinuated that the information which I gave to the parliament and the minister was incorrect, and she alleged that my informants were incorrect. The information that I gave to this parliament was quoted directly (and exactly) from a letter to the minister signed by Gillian Rolton. If it is the wish of the minister and the parliament, I am happy to table this document, but I find it offensive to hear people called—

The SPEAKER: Order! The honourable member has pointed out where she believes she has been misrepresented in the response provided to the question by the minister. It is not appropriate to engage in debate.

SPEAKER'S STATEMENT

The SPEAKER: There are a couple of matters that I want to put to the house. First, lest there be any ill informed speculation or gossip (or worse) about my health arising from the tests I have been having in recent days—members of the general public would have seen me engaged in that—may I take the liberty to reassure the house and anyone else that I am, in the common vernacular in my electorate and elsewhere in Australia in the idiom, quite literally as fit as a mallee bull.

May I also state briefly for the record that I am somewhat surprised that there has been no explanation of the fact that the ill-advised privatisation moves that were made when the Snowy Mountains Authority was privatised have resulted in a substantial quantity of water being locked up out of the original quantity available to the Murray-Darling Basin Commission for allocation to all users, not just hydro-electricity generators. I indicate that we as a parliament (and maybe the government) should challenge both the federal government and the authority over what I believe to be a gross indifference to the public interest and public responsibility in consequence of that transfer of ownership of the water as well as the facilities and the right to use that water exclusively for electricity generation. It saddens me that my constituents (along with all other South Australians in

general) will suffer in consequence of the idiocy of that agreement. I thank the house.

SPEAKER'S REMARKS

Mr BRINDAL (Unley): I seek leave to make a brief personal explanation.

Leave granted.

Mr BRINDAL: To clarify the record and in the light of your previous comments, Mr Speaker, it is only fair to state that this morning the Premier—not in this chamber, admittedly—referred to the matters that you have just put to the house—

The Hon. R.J. McEwen interjecting:

Mr BRINDAL: It is a personal explanation. I am explaining something to the house. You don't have to be aggrieved.

The SPEAKER: Order! I tell the member for Unley and the house that personal explanations should be of a personal nature: for example, if a member claims to have been misrepresented by parties or persons either within this chamber or publicly.

Mr BRINDAL: Therefore, Mr Speaker, I conclude by saying that—

Ms Thompson interjecting:

Mr BRINDAL: If the Speaker was implying that that was something of which the opposition or I was unaware, I assure him that that is not the case, and I agree with his comments.

GRIEVANCE DEBATE

MINISTER FOR HEALTH

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I wish to refer to a reply from the Minister for Health yesterday concerning the Mount Gambier Hospital. I think it is worth while recapping what prompted the minister's answer yesterday. On 1 May, I asked in this house whether the minister was aware that a Millicent man had to travel 400 kilometres to Ballarat to have a cancer tumour removed after unacceptable delays at the Mount Gambier Hospital. That was a very simple question. Yesterday, the minister acknowledged that that was true, but she then went on to claim:

> The shadow minister got it wrong again. He did not check the facts and, as I have said many times before, you cannot believe anything he says.

The fact is that that is the only statement I made concerning the man travelling from Millicent to Ballarat because he could not get his surgery done at the Mount Gambier Hospital. So, the minister gave a dishonest response to the house yesterday. I was absolutely correct: this man did have to travel to Ballarat to have his surgery.

The minister then went on to say other things in the house, but I point out to the house that she failed to reveal what was said in a letter dated 29 April from the Manager, Quality Improvement and Customer Liaison, Mount Gambier Hospital, to the general surgeon involved in which he asked certain questions and requested an explanation. The general surgeon wrote back on 9 May outlining exactly what the circumstances were. When the minister gave her answer to the parliament yesterday, she would have known that. Therefore, her answer to this parliament was a gross distortion of the facts. In fact, under the ministerial code of conduct, you would have to say that the minister is not fit to be a minister, because that code of conduct says that she has a responsibility to give the material facts to the house—and she failed to do that. She did not fail to do that just in a minor away: she failed to do it in a very serious way.

That is why I challenge the minister today to table both these letters in the parliament this afternoon and to read to the parliament (by way of a ministerial statement) what the general surgeon said in his reply to the hospital on 9 May. The whole credibility of the minister will depend on whether she has the courage to table those letters. Copies of these letters are in the possession of her department. There would be a copy of the one sent from the Mount Gambier Hospital on 29 April and the original sent by the general surgeon to the hospital on 9 May.

I challenge the minister to table both those letters in this house. I also challenge her to read, in particular, the letter from the general surgeon because, if she does, members will find an explanation entirely different from that which the minister gave to the house yesterday. This is a serious breach of the ministerial code. Yesterday, the minister implied that the general surgeon deliberately excluded this person from the general list of surgery on those various occasions and that the fault lay entirely with the general surgeon. I think we ought to hear what the general surgeon has to say. Mr Speaker, as someone who wants to make sure that the credibility of this parliament is maintained—you were not in the chamber when I asked this question and, incidentally, I wish you to remain as fit as a mallee bull—

Mr Williams interjecting:

The Hon. DEAN BROWN: No, you wouldn't want to go to the Mount Gambier Hospital at present. Mr Speaker, yesterday the minister gave an explanation in answer to a question which provided an entirely false impression of the circumstances concerning why the surgery was not carried out.

The Hon. R.J. McEWEN: I rise on a point of order, Mr Speaker. I seek your guidance. Do claims of this nature require a substantive motion?

The SPEAKER: No. What the member has done in the course of the grievance debate is to draw attention to a set of circumstances where his credibility is called into question. Whilst it goes close to an attack on another member's character, he has maintained the focus, nonetheless, on the facts that he alleges occurred in Mount Gambier in this context. I listened very closely to what he was saying to ensure that the standing order of which I have sought to remind the house in recent times was not breached. To have gone any further most definitely would require a substantive motion.

PEGASUS PONY CLUB

Ms RANKINE (Wright): This afternoon, I am delighted to congratulate the Pegasus Pony Club on its 50th anniversary. It is the largest and oldest pony club operating in South Australia. Fifty years of continuing activity in our local area up at Golden Grove is indeed a very proud achievement and worthy of recognition and celebration, particularly as this is Volunteers Year. That club has thrived over those 50 years due very much to the contribution of a large number of volunteers in our local community.

Participation in the Pegasus Pony Club provides a great opportunity for young people to learn a whole range of things; to be involved in a very active community club; to be involved in developing team spirit; to practise individual

disciplines; to learn to care for and support others; as well as, quite obviously, the care and support of their animals.

The parental activity in the club is extremely high, and I believe that it is a real indication and reason why this club has been as successful as it has been over so many years. Many volunteers continue to participate in this club long after their own children have ceased to be involved in those sorts of activities. Again, that is another indication of the very strong community commitment that these people have. Something like 100 volunteers support the club in its activities, which include twice monthly rallies, an annual camp, an annual one day event, and a Christmas break-up.

At the recreation and sport industry awards held in July last year, the Pegasus Pony Club won a volunteer award. This award was based on its being a small to medium sport and recreation club which had a significant reliance on volunteer support with no more than two full-time paid employees. So, I know that the club was absolutely delighted to have that level of recognition. In fact, the club's President was also a finalist for an individual volunteer award. James Thompson has been on the committee of the Pegasus Pony Club since 1990 and President since 1997, and he is a very strong advocate on behalf of his club. He has been the convenor, the program designer, promoter and now show commentator at the Pegasus Pony Club EFA and the Open Show Competition since 1992. James was also an equestrian volunteer at the Sydney 2002 Olympic Games and was awarded the Horse SA Volunteer Certificate in 2001.

I am very proud to have been invited to be patron of the Pegasus Pony Club. I must confess to not having a great deal of equestrian skill myself—although, Mr Thompson, when I confessed that to him, displayed a very naughty sense of humour. In fact, at one of the functions I attended some time ago in the company of the Hon. Gail Gago, he enticed me to try to ride on the back of one of their horses. I popped my foot in the stirrup, went to pull myself onto the back of the horse, but the saddle slipped, my foot was under the horse's tummy, and the horse took off with me leaping very ungainly behind it. I was rescued and then thrown back on top of the horse and taken for a gallop. James came in a week later and advised me that the horse's name was Rebel and was the grandson of the famous racer Comic Court. I have never quite forgiven James for that!

James is supported by a very strong committee that includes the Vice President (Geoffrey Purdy), Secretary (Anne Easton), Treasurer (Kerrin McGilton), and a range of other people, including Glynis Pritchard, Anne Purdy, Lyn Blakeman, Tracey Goodman, Robyn Basso, Sue Bellwood, Stephanie Jones, Narrie MacArtney, Kirrilly Thompson, Sylvia Usher and Mr Chris Walsh.

The club is celebrating its 50th anniversary. It had a horse spectacular on Sunday 5 May, and they will also be hosting an anniversary dinner on 12 July which I will be delighted to attend.

Time expired.

HOSPITALS, MOUNT GAMBIER

Mr WILLIAMS (MacKillop): I want to take my time today to continue on with the same theme as the Deputy Leader of the Opposition. Representing the town of Millicent, I contacted Mr Barry Langridge today and spoke to him about his experiences which had been the subject of questions and answers across the house. Mr Langridge has been described as the non de plume of Mr X. I have his authority to use his name, and he is quite happy for me to do so. He has already expressed his concerns publicly in the South-East, and he wants me to do anything I can to try to improve the system. Notwithstanding the fact that he believes that he is now receiving more than adequate treatment by travelling to Ballarat, Mr Langridge does not want other people in the South-East to have to experience what he has been through.

In regard to the minister's response to a question in this house, she made some statements and tried to put down what she asserted were the facts of the case. Mr Langridge tells me that, prior to when he was booked in to have a CAT scan on 11 March, he spent a whole day in Mount Gambier. An appointment had been set up by his treating doctor for him to go to Mount Gambier to have certain tests and to have a meeting with the anaesthetist. He asked the hospital whether that could be done in the afternoon, but he was told that he would have to be there at 9 a.m. and that the anaesthetist would see him some time around midday.

Mr Langridge is very disappointed that he spent all day lying in a bed in Mount Gambier waiting for the various people come and see him and do the things they needed to do to prepare him for his CAT scan and diagnostic treatment on 11 March. He told me that he had spent four months trying to get the treatment he needed in Mount Gambier. Eventually, all of what took four months but still did not get completed took about three hours when he did go to Ballarat. I can inform the house that Mr Langridge is due to have surgery in the Ballarat Hospital on 27th of this month.

I will now return to the events of 11 March. The minister asserted that Mr Langridge was booked in on 11 March (and, indeed, he was booked in at 7 a.m.), and she asserted that, because he was claustrophobic, he left the hospital without informing any of the staff and disappeared. Indeed, he went to the Admissions Department of the Mount Gambier Hospital at 7 a.m. on 11 March and was told by the staff at the hospital that there was no record that he was to be treated or attended to that day and that he needed to consult with his doctor to find out what had gone wrong.

He left the hospital and obviously was unable to meet with his doctor until after 9 a.m. that day. When he did meet with his doctor, his doctor assured him that he was supposed to be booked in at the hospital and that he was to have a CAT scan and other diagnostic work done that day. When he ascertained this, it was too late to backtrack and he had to make a booking at a future date for that to occur.

Mr Langride's story of how he has been treated—or not been treated—and his attempts, first, to have the diagnosis and then have the required surgery is lamentable. He is absolutely adamant that he wants the system fixed up because he does not want other people in the South-East to have to go through what he has gone through. He told me that he has left messages with the minister's department seeking a discussion with a senior medical officer so that he can put his side of the story. I asked him whether the department had contacted him for his side of the story and he said that it had not; but, when he has sought to have discussions with the department, his calls have been left unanswered.

I agree with the shadow minister on this issue. I think that the minister should come into the house and table the relevant letters between the hospital and the treating doctor, and I think the minister should come in here and tell us the whole truth. Furthermore, I think the minister should get on top of the problems at Mount Gambier Hospital and sign off on the contract so that the people of the South-East can continue to receive specialist medical treatment.

Time expired.

COUNCIL RATES

Mr CAICA (Colton): Since I have been elected the member for Colton, and even before that time, I have been approached by many constituents regarding the council rates they pay and other utility services, and I know that it is a perennial problem. They have expressed serious concerns because, in essence, they are paying more in council rates and for those services than they have paid in the past. I know that the member for Cheltenham, the Hon. Jay Weatherill, when he was minister for local government and, since then, Minister McEwen, have been working with the Local Government Association and local councils to address some of the problems involving council rates and the perception that exists about the setting of those rates.

It is safe to say that the Local Government Act is very flexible with respect to what councils can do but, to cut a long story short, it is a fact that the capital value of properties is used as the basis for the amount to be paid in council rates. In my area, which is not unique, the capital value of properties has skyrocketed over many years, particularly along the foreshore. Some of those properties are now multi-million dollar properties. Houses that might have been bought for between $20 000 and $40 000 only two decades ago are now worth at least $1 million. So, the value of those houses has risen significantly.

The fact is, though, that people have been living there for that period and their income has not changed. They have become what you call asset rich but either their income has been stable or, in fact, many have retired. In fact, there are not as many people living there long-term as there were previously because, quite frankly, a lot of them had to move out because they could not afford to stay there based on the fact that they could not afford the rates and the services they are now required to pay.

I have some friends and acquaintances who would say to me, 'Bad luck: they have a rich asset base and they should sell it and live somewhere else.' However, we are talking about people who have been living there for 40 or 50 years, and they want to die there. My friends would say, 'Let them borrow against the capital value of their house.' What would that do? That would make the banks richer. That is not a proper way in which to manage their lives. I think something needs to be done. This matter is not isolated to my electorate or to beachfront suburbs. I look at some of the great areas within my electorate such as the working-class areas of Seaton and Findon and the capital values of properties in those areas have skyrocketed as well but the incomes of people living there have not increased.

This situation does not only apply to council rates. Last night I received an email from constituents who have lived on the Esplanade for 30 years, and they made reference to the sewerage rates they pay. They do not put any greater amount down their sewerage system than anyone else does but, based on the capital value of their house, they pay significantly more than other people. I believe in a system whereby people who have the capacity to pay more pay for those who do not have the capacity to do so, so that the richer people look after those who are most disadvantaged. I am proud to say that I have always embraced that view and will continue to do so. The point I am trying to make is that using the capital value of properties is not perhaps the best mechanism by which to do that, and maybe there needs to be a combination of things. For example, a wealthy person such as the member for Schubert might buy an expensive property: the capital value would be set at the time when that house is bought and remain stable for the purpose of setting rates over that period or increase with inflation. That could be considered.

Suffice to say that I will watch with interest how SA Water and, indeed, the Local Government Association and local councils manage this situation so that a form of social equity will prevail to ensure that those people who have the capacity to pay are those who do pay, and that those who become asset rich over a period time without increasing their income are looked after.

Time expired.

WHEAT STREAK MOSAIC VIRUS

Mr VENNING (Schubert): I rise to speak about a very important issue which I think is of great significance but which has not been given sufficient attention by the government. As members would be aware, Adelaide's Waite Institute is under strict quarantine following the discovery of the potentially devastating wheat streak mosaic virus at the research centre. Wheat streak mosaic virus is a serious and widely distributed disease affecting wheat in a number of overseas countries, particularly North America, Eastern Europe and parts of the former Soviet Union. It is particularly significant in winter cereal crops but it also occurs in spring cereals, including wheat, barley, corn, rye and oat. The wheat streak mosaic virus is one of two diseases that are spread by the wheat curl mite. This mite is believed to be widespread across Australia's wheat production areas but, because it is most active during the summer months, its effects during our growing season in winter are unclear at this time.

According to some reports, South Australia may be the only state unable to eradicate the wheat virus that has the potential to slash $300 million from Australia's grain production. Several industry sources claim that wheat streak mosaic virus has been at the Waite Institute, Australia's leading wheat breeder, since 1996 or earlier. Preliminary positive WSMV tests initiated by a Waite Institute researcher were not confirmed in supplementary testing. There has been a case confirmed, which is the only one beyond a research facility, on a South-East property. Initial positive identification has also been detected in material from the University of Adelaide's Roseworthy campus, which is indeed a further worry.

I read that some have said that the wheat streak mosaic virus has been endemic and widespread in Australia for many years because of South Australia's involvement with major breeding programs. Many industry sources believe that the virus will be found throughout the state's grain-growing regions, making it difficult to eradicate. That again is a worry, and who knows what may happen?

There are conflicting reports filtering through about this disease and how far it has spread and, indeed, about the real threat that it poses to the grain industry of South Australia. It is shameful that we have sitting in another place a silent Minister for Agriculture, who has been inactive on this issue. He owes it to the grain industry to take the initiative and to inform this state what the government is doing about it.

If one talks to wheat growers in rural and regional South Australia, the feedback is clear. Farmers are asking:

- What does the virus mean to me and my crop?
- What is the significance of the outbreaks on my farm?
- Can I do anything about it? and

· What are the minister and his department doing to ensure that all actions necessary to safeguard the South Australian wheat sector are currently being undertaken?

Some leadership needs to be displayed here. I am thankful that we have a strong federal minister in Warren Truss to advise the nation on what the outbreak means to the wheat growers out there. It is a shame that on a state level the minister is able to hide away in another place, almost totally secluded from the probing and questioning that should be coming his way. I hope that the minister will stand up for the industry here and try to ease the uncertainty surrounding wheat streak mosaic virus. This problem highlights another serious problem: the downscaling of our department of agriculture's agronomy service. We have been moving away from government supplied agronomy services for many years, leaving it to the private agronomists.

Mr Speaker, as you know, we need always to have commercially independent advice. Issues such as this highlight this fact because it is not dollar driven. It has not been the focus. We should reverse this trend. Government, via PIRSA and SARDI, should employ agronomists for independent advice. Serious problems such as Australian wheat streak mosaic virus will always come along to test us. We have to be forever vigilant to detect it and defeat it, and to be able to carry out a campaign of eradication. Like most things, early detection is paramount and we now pay a high price because we have let our guard down.

FEDERAL BUDGET

Mr KOUTSANTONIS (West Torrens): I rise today to discuss yesterday's commonwealth budget. South Australia is, without doubt, the jewel in the Liberal Party's crown. Currently, out of 12 lower house federal seats, the Liberal Party holds nine, and I believe they have four senators. They also have a number of cabinet ministers and a number of so-called active backbenchers. As I read through the *Advertiser*, looking at the budget and how it impacts on South Australia, I see very little return for our electing so many federal Liberal MPs. I notice that the ideology of the Liberal Party, which its members kept hidden for so long after pretending to be a pale imitation of us in 1996 to become elected, is coming to the forefront. I see that John Howard's long-term struggle to destroy Medicare has finally topped his agenda. I note that he is doing everything he can to Americanise our health system. He is not only Americanising our health system but also turning to our universities.

Members opposite have achieved tertiary qualifications as a result of sweeping reforms brought in by Labor governments. Some did not, but, of course, some did. Those members got the benefit of sweeping Labor reforms in the 1970s to get free education in order to go onto become teachers, military officers, lawyers, bankers and vets, or whichever profession they chose—even professional politicians straight out of the universities.

Mr Scalzi interjecting:

Mr KOUTSANTONIS: HECS is a good, decent Labor tax and the honourable member should not let anyone tell him otherwise. An article on page 5 of yesterday's *Advertiser*, entitled 'Security upgrade', concerns me. The article states:

> Australia's only nuclear reactor will be protected by the latest technology under a major security upgrade. An extra $17.9 million will be spent over four years to upgrade the Lucas Heights facility. . . following protests and security breaches. . . It has been the repeated target [of terrorists]. . . after an apparent plan to bomb the facility was foiled in New Zealand.

The commonwealth government is planning to locate in South Australia a nuclear radioactive waste repository for the country's radioactive waste. The one point not mentioned in their budget, apart from the environmental and social risks and making South Australia the nation's dumping ground, is that they are also making us the nation's terrorist target. It seems to me that—

Mr Goldsworthy interjecting:

Mr KOUTSANTONIS: The member for Kavel says that it is paranoia.

Mr Goldsworthy interjecting:

The SPEAKER: The member for Kavel will have his chance to have a go if he wants to.

Mr KOUTSANTONIS: The member for Kavel says it is merely a hoax, a threat and a beat-up. Well, that is not so, according to the federal government and the honourable member's colleagues in Canberra, because they believe that nuclear storage facilities are legitimate targets of terrorists. Indeed, all state governments have been given warnings by federal agencies such as ASIO and AFP about public places and our storage facilities being terrorist targets. Given Australia's commitment to the war on terrorism and the liberation of Iraq, it seems to me that we are making South Australia a greater target by storing the nuclear waste in South Australia. I believe South Australia has had its fair share of this nuclear threat. We had the Maralinga tests in the 1950s. We fought for the clean-up, and now our opponents want more.

Time expired.

HOSPITALS, MOUNT GAMBIER

The Hon. L. STEVENS (Minister for Health): I seek leave to make a ministerial statement.

Leave granted.

The Hon. L. STEVENS: In question time today the Deputy Leader of the Opposition asked me a question about staff members from Mount Gambier Hospital being summoned to fly to Adelaide earlier this week to brief officers of the Department of Human Services or the minister about the transfer of a patient from Mount Gambier Hospital to Ballarat. The answer is no. I am informed that Mr Neilson, Regional General Manager, and Mr McNeill, CEO at Mount Gambier Hospital, visited Adelaide on 14 May 2003 to discuss with the Department of Human Services arrangements to apply during Mr Neilson's absence on leave.

In relation to the second question about letters between an officer of the Mount Gambier Hospital and a general surgeon, I have not seen the letters that the shadow minister is challenging me to table today. I did ask him to table them so that I could deal with the matter expeditiously, but I note that he has not done so.

MINING (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I move:

That this bill be now read a second time.

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

Leave granted.

The bill has been prepared by government to enable various amendments of an administrative nature to be made to the *Mining Act 1971* ('Act'). One amendment is also to be made to the *Opal Mining Act 1995*.

The Act in its current form does not recognise Indigenous Land Use Agreements even though such agreements can be validly negotiated under the commonwealth's amended *Native Title Act 1993*. This bill therefore provides for minor amendments to Part 9B of the Act to enable the minister to grant mining leases to proponents who have negotiated an Indigenous Land Use Agreement and have had that agreement subsequently registered by the National Native Title Tribunal.

The bill also sets out various amendments to Part 5 of the Act dealing with exploration licences to encourage more efficient turnover of exploration ground in order to facilitate new exploration and accelerate current activity in South Australia. These amendments include the introduction of smaller maximum size areas for licences and a more prescriptive process for the renewal of exploration licences at the expiration of the period of 5 years.

Another important amendment involves the re-definition of 'mining' under section 6 so that investigations and surveys carried out by authorised officers under section 15 of the Act are not classified as mining. These activities are either geological or geophysical investigations which are consistent with the role of the Department in the orderly management of the Crown's mineral resources and the promotion of the mineral potential areas of the State. None of these activities lead the State into direct involvement in mineral extraction; rather, the aim is to attract increased investment by the private sector in mineral exploration and development.

Flowing on from that amendment, the bill also proposes changes to section 15 to provide that the minister may publish a notice in the Government Gazette setting out areas in the State which will be subject to Departmental investigations and surveys. This provision will be used where it is anticipated that the investigation or survey will take some time or where, for the benefit of all South Australians, the area under investigation or survey will be exempt from exploration or mining for a specified period until the work has been completed and results published. The owner of any land affected by any such investigation or survey will retain a right to compensation for the disturbance of land under section 61 of the Act.

A further amendment to the Act is the introduction of a provision whereby the minister may delineate exploration licences in such manner as the minister deems appropriate, thereby allowing the geodetic datum system GDA 94, currently used by other States and Territories, to be used.

A further amendment to the Act deals with the repeal of section 87 which provides that where a company making application for a mining tenement is a subsidiary of another company, evidence of that fact must be presented to the minister. Further, where the parent company of a tenement holder is taken over by another corporation, the minister's approval to that takeover is required. No other State or Territory has this provision in legislation and it is considered to be an unnecessary administrative procedure which has no meaningful value.

Finally, the operation of the South Australian right to negotiate schemes in both the *Mining Act 1971* and the *Opal Mining Act 1995* has generally been acknowledged as being relatively successful to date. At present, these schemes contain sunset clauses that would see the schemes expire on 17 June 2003. The bill provides for the repeal of these clauses so that these schemes can continue to operate into the future.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation.

Clause 3: Amendment provisions

This clause is formal.

Clause 4: Amendment of section 6—Interpretation

The definition of "mining" is to be amended to ensure that investigations or surveys carried out by authorised officers under section 15 of the Act are not classified as mining.

Clause 5: Amendment of section 15—Powers of Minister, Director and authorised persons

Section 15 of the Act is to be amended so as to allow the minister to publish a notice in the *Gazette* identifying an area that is to be the subject of an investigation or survey by the Department. The minister will then be able to refuse to receive and consider an application for a mining tenement in relation to that area until a completion date specified in the notice.

Clause 6: Amendment of section 28—Grant of exploration licence

Subsections (4) and (4a) of section 28 of the Act relate to the area in respect of which an exploration licence may be granted. This is now to be dealt with under proposed section 30AA. Subsection (6) of section 28 is no longer necessary in view of the proposed amendments to section 15 of the Act.

Clause 7: Amendment of section 29—Application for exploration licence

An application for an exploration licence may be made "in writing". It is appropriate that an application be made in a manner and form determined by the minister.

Clause 8: Insertion of section 30AA

New section 30AA relates to the area of an exploration licence. It has been decided to deal with this matter by a separate provision in the Act. The prescribed maximum will now be 1000 square kilometres, unless the minister considers that circumstances exist that justify the grant of a licence in respect of a greater area. However, as to an exploration licence for precious stones in an opal development area, the maximum area for a licence is to remain at 20 square kilometres.

Clause 9: Amendment of section 30A—Term of licence

An application for the extension of a term of an exploration licence will need to be made in a manner and form determined by the minister and accompanied by the prescribed application fee and any associated information that the minister may require.

Clause 10: Insertion of section 30AB

The minister will, on the expiration of an exploration licence the term or aggregate term of which is five years, grant a new licence over the area (or part of the area) of the former licence. Increased commitments will then be expected to apply.

Clause 11: Insertion of section 33A

The minister will be able to describe or delineate the land in respect of which an exploration licence is granted in such manner as the minister deems appropriate. Provision will be made to deal with cases where an alteration to the manner in which land is described or delineated results in a change in the areas of two contiguous licences.

Clause 12: Amendment of section 58—How entry on land may be authorised

Clause 13: Amendment of section 58A—Notice of entry

These amendments recognise indigenous land use agreements registered under the *Native Title Act 1993* of the Commonwealth.

Clause 14: Amendment of section 61—Compensation

A right to compensation under this section will extend to any relevant operations undertaken under section 15.

Clause 15: Amendment of section 63F—Qualification of rights conferred by exploration authority

Clause 16: Amendment of section 63H—Limits on grant of production tenement

These amendments recognise indigenous land use agreements registered under the *Native Title Act 1993* of the Commonwealth.

Clause 17: Repeal of section 63ZD

This amendment repeals section 63ZD of the Act.

Clause 18: Repeal of section 87

This amendment repeals section 87 of the Act, which is no longer required.

Clause 19: Repeal of section 71

This amendment repeals section 71 of the *Opal Mining Act 1995*.

Schedule: Transitional provision

The amendments made by clauses 6(1) and 8 of the bill will not apply with respect to applications lodged with the Department before the commencement of those provisions, or to the renewal or regranting of exploration licences granted before the relevant commencement date.

Mr HAMILTON-SMITH secured the adjournment of the debate.

SELECT COMMITTEE ON THE CROWN LANDS (MISCELLANEOUS) AMENDMENT BILL

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

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

Motion carried.

CRIMINAL LAW CONSOLIDATION (SELF DEFENCE) AMENDMENT BILL

Adjourned debate on second reading.
(Continued 31 March. Page 2613.)

Mr HAMILTON-SMITH (Waite): I rise to support the bill and to follow on from the second reading contribution of my good colleague the member for Bragg. I will not repeat all the legal explanation put forward by her, but I want to make some points for the benefit of the Attorney-General.

The Hon. M.J. Atkinson: You're on the record supporting the drunk's defence, Martin.

Mr HAMILTON-SMITH: I am glad the Attorney has interjected with that remark regarding the drunk's defence because, if he reads *Hansard* carefully, he will find that that is not the case at all. He will find in my summarising remarks precisely the view put. I look forward with great interest to the Attorney's bill, and when that bill comes forward I will ascertain how different it is from bills that have been considered earlier. Getting back to the point of this bill, I certainly support its general thrust and the principle contained within it of restoring the subjective test contained in the 1991 act. I note the Attorney's second reading speech, in which he has justified the bill on a range of grounds. However, in particular he has expressed the opinion that the 1997 act moved away from the intent of the 1991 act towards increasing the objectivity of the test.

He says that the government's policy is that the intent of the 1991 act be restored and, in particular, innocent people be given increased rights to protect themselves against home invaders. I will be interested to see whether this bill does improve things much at the end of the day. There are already adequate protections for defence in the home with the law as it stands. This is a political exercise, designed to give the impression that the government is tough on law and order. It is one of a range of measures that will not cost any money but will enable the Attorney-General to go out there and say, 'Aren't we fabulous! We're tough on law and order', while the Attorney cuts funds on crime prevention and puts people in gaol rather than working on the real causes of crime. The Attorney has sat by for a year now and done virtually nothing about the problem of drugs and drugs in crime, bearing in mind, as he would know, that 70 per cent of petty and street crime is drug related. The offence this bill is designed to prevent is often drug related, as he would acknowledge.

Home invasions are frequently the consequence of drug related disputes. People go around looking for marijuana crops and other drugs, and many of the shootings, murders and other acts of violence committed in the context of home invasion have been drug related. The Attorney's object is not to prevent or reduce crime but to clearly give the impression to the public that this will somehow make the world a better place. My colleague the member for Bragg has mentioned a range of improvements that should be made to the bill. The bill seeks to achieve its objectives in some fairly mysterious and circuitous ways, as my colleague has pointed out.

The Hon. M.J. Atkinson interjecting:

Mr HAMILTON-SMITH: The Attorney might be surprised to learn that an interest in the law is not the exclusive province of this place, and I note his. First, the bill provides that the general requirement of reasonable proportionality does not mean that the defendant cannot exceed the force used by the aggressor. I note that provision in proposed new section 15B. Proposed new section 15C(1) sets out the five qualifying factors that would entitle the offender in a home invasion to be acquitted, for example, in the case of an eligible defender. I have the principal act, and I would like the Attorney to note that I do not find any definition in the act of 'home' or 'home invasion', yet it is mentioned in the amendment. I find a definition in the principal act of 'property' and a number of other definitions.

However, the bill raises the question whether it is the government's intention that the bill apply not only to a home but also to a workplace, acknowledging that nowadays many people work from home. The obvious example is the farm, but there are less obvious examples. I am interested to know whether it is the Attorney's intention that in certain circumstances a place of work could fall within the definition of 'home' for the purpose of home invasion in his bill, particularly if it was dual use as both home and a place of work. Some implications may flow from that which might require clarification in the bill. The Attorney might like to give that matter some consideration.

There are some fundamental questions about the principle involved. The new provisions in the bill are extraordinarily complex. My colleague the member for Bragg has mentioned the negatives in which the bill is expressed. The 1991 select committee claimed that the old law was too complex, but I do not think this law has solved the problem. Reversing the onus of proof puts the householder in a worse position, and the Attorney has probably acknowledged that the bill needs some amendment; indeed, it was in a far from ideal state when he introduced it. I am glad that we have managed to add some value to the bill through our discussions with the Attorney to date and through our contributions. The requirement that the defender must prove on the balance of probabilities that he or she genuinely believed that his/her defensive conduct was reasonably proportionate is unduly onerous. As I said, I am sure the Attorney will amend that provision accordingly. The law is supposed to clarify matters and let people know where they stand. The bill, in its initial state, has failed that test; it is obscure and complicated. The bill is unnecessarily complex and does not do what the Attorney said in his second reading explanation it would do, which is to restore the law to the pre-1997 position.

However, I am certainly not going to in any way get in the road of the bill, because I think the underlying principle is right and is good. I think the underlying principle is upheld in the law as it stands, without this bill coming into force, but the Attorney wants to go through the exercise of pretending to the world that this government is so tough on law and order, as part of this process of reinventing the Labor Party as some sort of a born again law and order party, the very party that introduced, what was it, 10 marijuana plants. The Attorney was quite happy to be part of a Labor Party that gleefully supported 10 marijuana plants, that led to a blossoming of bikie gangs and an illicit drug trade.

The Attorney was quite happy to be part of a Labor Party that was vacuous and purposeless in much of what it introduced when it was in government during the Bannon years, which in many people's view undermined the very fabric of society. The Attorney was very happy to be in a Labor Party that during the 1980s was not interested in any of the things that the Labor Party of today has suddenly found some passionate conviction for. I must express my amazement and admiration for the Attorney's remarkable transformation.

The Labor Party of today is so busy trying to be a conservative party that it is just bewildering, absolutely bewildering, and we stand back in awe. Interestingly, it may

put the Liberal Party in the odd position of having to stand up for things more earnestly, such as crime prevention, drug rehabilitation, and some of the things that the Labor Party once held as true, that once the Labor Party held as being most important, but which, as the member for Mitchell pointed out when he left the Labor Party, had been abandoned by the ALP, right, left and centre, in their desperate attempt to curry up to the media and follow the polls at any price.

We would, of course, be the only jurisdiction in the commonwealth to adopt the subjective test, were we to accept it, and it would allow people to use grossly excessive force. I hope that when the Attorney amends the bill we really do not leave open the prospect that some farmer will actually take the shotgun out and kill a trespasser nicking an apricot off the tree or stealing something off the back of the tractor and then claim that, 'Well, Attorney Atkinson introduced a bill that enabled me to shoot the apricot thief, so here I am.' We will see if that situation is rectified by the Attorney's amendments.

In summing up, I support the principle of restoring the subjective test in the 1991 act, but I think the bill requires improvement in a number of areas. The unnecessary verbiage, particularly in clause 15(1)(b) and (c) needs improving in regard to amending the disqualification based on consumption of drugs, to differentiate between legitimate drugs, alcohol, and illicit drugs. It needs improvement in clause 15(2) regarding maintaining the requirement that the onus of proof lies on the prosecution, and there is scope for improvement in limiting the defence to cases of aggravated serious criminal trespass; for example, cases where the defender is in a residence and the trespasser enters with criminal intent, knowing that the person is lawfully present, or reckless about whether anyone is in the place, or in company with others, or is carrying an offensive weapon. I have mentioned this issue of what is a home and what constitutes a home invasion, and the cross-over between a genuine place of residence and a place of work needs clarification.

So, I will be supporting the bill. I hope that the bill is amended before it gets to the other place. I will be supporting most of the bills, in fact, that the government intends to bring forward in the law and order area. A lot of them are unnecessary. A lot of them are simply window-dressing. They make some very minor improvement to the way the legal system works, but nothing of great substance. But they do fit the Labor Party's overall object of creating a bit of a media spin out there in the community, that somehow or other they are a born again law and order government, after decades of being soft on crime, encouraging drug abuse, and generally reckless in regard to criminal law.

Mr SNELLING (Playford): It is very interesting, having heard the member for Waite just articulate his objections to the bill, that he then says that, nonetheless, he is going to support the bill. I only wish the member for Waite would perhaps have the courage of his convictions and call for a division and go down on *Hansard*, on the record, as opposing this measure, rather than this mealy-mouthed opposition to the bill and then saying, 'Oh well, nonetheless I will support it.' I know that members opposite hold the welfare of criminals paramount; and good luck to them, that is an honourable position. But I only wish they would have the courage of their convictions: oppose this in the parliament, call a division, and go down on the record of the parliament as having opposed this bill.

It will be no surprise to members that I do in fact support this bill. When I first had the honour to be elected to this place in 1997, the swing in my seat was rather substantial; from memory it was over 10 per cent. I have to admit that I do not think that this had terribly much to do with the fact that my constituents were particularly in love with me as a person. To be quite honest, I think that that swing was very much on the back of the public outrage towards the previous government, and in particular the previous attorney-general, Trevor Griffin, and his changes to the law to take away the rights of householders to protect themselves. This was further indicated only a year or so ago, when over 100 000 citizens of this state signed a petition—

The Hon. M.J. Atkinson: Four years ago.

Mr SNELLING: Four years ago, the Attorney corrects me. When you have as much fun as I do time passes very quickly. Four years ago 100 000 citizens of this state signed a petition calling on the government to change the home invasion law, to do exactly as the Attorney is doing.

When householders are defending themselves, are defending their family, are defending their property, they have the right to know that the law will be on their side, that they will not be dragged off to court and have to convince a judge and jury that they were using reasonable force. They have the right for the law to be on their side. There is a certain type of criminal who preys on those who are vulnerable. They look out for the elderly and those who are in some way vulnerable. They keep a watch on their home, they watch their movements, they work out when they are going to be home alone, and they go into their homes, generally late at night, knowing that they will be an easy victim, that they will be easily bashed and they will be easily restrained, and they know that they can get into the house quickly. They presume that there will be valuables in the house, which are reasonably available, and that it is a quick and easy steal. I have no sympathy whatsoever for that type of criminal and, if push comes to shove, and someone in that situation defends themselves, the law must be on their side. We cannot have this ridiculous situation of householders, in the heat of the moment, quickly having to make some assessment of whether the force that they are using will be considered by a judge and jury to be reasonable. The government is on their side.

It is sad to see that the opposition is a bit squeamish about this bill. If opposition members want to look after the welfare of such criminals, they are free to do that. But I only wish, as I said earlier, that they had the courage of their convictions and went on the public record and opposed this bill so that the people of this state would know how the opposition truly feels about this.

Mr VENNING (Schubert): I rise to support this bill—or at least the forecast intent of it. For years in this place, the member for Spence (as he was; the now Attorney-General) has been hammering us with what was the position with respect to the tenor of this bill regarding self-defence in one's own home, particularly in relation to home invasions. And I have always agreed with him. But I was very disappointed to learn that the government would introduce this bill its having reversed the onus of proof. I understand now that the Attorney-General has prevailed upon his colleagues, and it has been reversed. Would the Attorney tell me why this bill was presented with that provision in it in the first place? Really, it was totally counterproductive. The government was making it illegal with respect to someone breaking and entering; one had rights as a person being in their home and

their castle, but one then had to turn around and prove that that person was an intruder. The onus was on the defenceless person, the person who was being vilified, to prove that that was the case. I just could not believe that. The Attorney, or the government, have had a change of heart, or have seen the folly of their ways.

I appreciate the Attorney's frankness and truthfulness: in his summary he will say why that changed. It might have something to do with what I think about the bill—in fact, what I think about him. I am curious to know why that onus of proof came out like that. I was somewhat dumbfounded, because I just did not know what the government was thinking.

I would like to Attorney to clarify 'home'. Does 'home' include a property such as a farm, for instance? If someone was stealing a person's prize racehorse, dog, or whatever, and they raced outside and attempted to save their prized animal and they were harmed, would this measure extend to that; or is it in the confines of the walls, doors and windows of one's home? Home to many farmers is the farm—the precincts of the yard, or whatever. I would be very interested to hear what the Attorney has to say about that.

I read with interest the Labor Party's policy on this matter. This is what I presumed would happen early in the term of the Labor government. It is a little like Bartels Road, I suppose: I thought that that would be an absolute 'gimme' with this Attorney-General—

The Hon. M.J. Atkinson: No, Barton Road, not Bartels Road.

Mr VENNING: Sorry, Barton Road. I thought it was an absolute 'gimme'—

The Hon. M.J. Atkinson: Bartels Road is the other side of the city.

Mr VENNING: Barton Road. I just wonder what happened to that. We heard so much about that from the member for Spence before he became Attorney-General, but we seem to have heard nothing of it since. I remind the house of the 2002 Labor Party election policy:

> Labor will return to South Australian householders a right to use such force as they genuinely believe necessary against a burglar or other intruder in their home or their backyard.

Is their backyard the farm? The policy stated that the self-defence law should protect the householder, not burglars. I could not agree more, as most people would say. So, I ask the Attorney why he, the government, or both, then changed the onus of proof around?

The Hon. M.J. Atkinson: We haven't.

Mr VENNING: Not on my understanding. The Attorney said that he has not done so. I am pleased to hear that.

The Hon. M.J. Atkinson: We'll fix it up. We'll all agree by the time the committee stage is over. It will all be sweet.

Mr VENNING: Okay. The other matter in this bill about which I am concerned is clause 15C(1)(e), which provides:

> the defendant's mental faculties were not, at the time of the alleged offence, substantially affected by the voluntary and non-therapeutic consumption of a drug.

I presume that means alcohol. If I was enjoying a few drinks with my friends one evening, and, in the middle of the evening, an intruder broke in and someone got hurt, would the fact that I had a couple of drinks preclude me from protection? Anyway, who will decide whether or not I am capable? Is that subject to an RBT test? Will the Attorney please clarify that? It is a bit late to discuss that the next morning, is it not? And who is to be the judge? Again, I would give the benefit of the doubt to the person who is being vilified—to the person who is at home. I think it is a bit unfair if a person has a drink in his own home (and I am not talking about drugs; that could be a different matter), which is quite a legal, and indeed friendly, thing to do—

The Hon. M.J. Atkinson: Convivial.

Mr VENNING: A convivial thing to do, being from the Barossa Valley, of course. If a person is obeying the law perfectly to a T and, being a true South Australian, having enjoyed a good red, or even an Aussie beer, then retires for the night and is woken in the middle of the night by an intruder and there is an incident, it would be grossly unfair to make that person's position subject to some doubt. It would not be very hard to prove that maybe the person had had a drink or two—

The Hon. M.J. Atkinson: They fall back on the usual defence. They haven't lost anything, Ivan.

Mr VENNING: I would be happy to hear the Attorney explain this, because it will be important. As this law is written and as it goes to another place, I think the Attorney's comments will be very important in this matter, because that area—

The Hon. M.J. Atkinson: No, Lawson will get together with the Democrats and try to gut the bill.

Mr VENNING: I do not think so. Mr Speaker, the Attorney thinks that we will gut the bill. I can only speak for myself, but I also understand that most of my colleagues certainly agree with the intent, tenor and principle of this bill.

The Hon. M.J. Atkinson: But Lawson doesn't.

Mr VENNING: Give us some credit, Attorney-General. We agree with the principle of this bill.

The Hon. M.J. Atkinson: Yes, you do. But Griffin pickpocketed you every time.

Mr VENNING: I certainly would appreciate the Attorney's spelling these things out—

The Hon. M.J. Atkinson: Griffin pickpocketed you every time. I was your only friend in the last parliament.

Mr VENNING: I appreciate the Attorney-General, because he is very frank and generally pretty truthful. But I am curious to know why he got snowed in relation to the onus of proof. I would like him to clarify this drug/alcohol matter.

The Hon. M.J. Atkinson: If you are substantially impaired, you fall back on the current defence.

Mr VENNING: If you are happy to put that in your comments, I am happy to take it on board. I am happy to give the Attorney-General some credit for his persistence. I do not know whether he picked up this information from Bob Francis or other shock jocks, but for people out there with the onset of this modern crime of home invasion I think this bill is timely and I am happy to support it with clarification from the Attorney-General.

The SPEAKER: The member for Heysen.

The Hon. M.J. Atkinson: Hear, hear! Good member!

Mrs REDMOND (Heysen): Thank you, Mr Speaker, and thank you, Mr Attorney. I do not intend to go over in great detail all the areas raised by my colleagues, as I agree with them. I rise to support the general thrust of the bill, but I would like to see some amendments and clarification in a number of areas. In order to understand the bill, I think it is important quickly to go through where we have come from historically. Until 1991, we had the common law. I think the member for Bragg referred in her contribution on this bill last night to the case of Zecevic v. the DPP, in which the common law position was well set out. It states:

> The question to be asked. . . is whether the accused believed upon reasonable grounds that it was necessary in self-defence to do what he did.

There was then considerable discussion about the adequacy of the common law, and in 1991 an act was introduced. This act changed the common law. I refer to the case of Hirschausen (169 LSJS 159), where it is stated:

> . . . the common law requirement as laid down in [the earlier case] that the belief must have been based on reasonable grounds is no longer required, and the test is therefore entirely subjective. . . The test looks not to what is necessary and reasonable, but to the defendant's belief on the subject.

In 1996, the Hon. K.T. Griffin introduced a bill which was enacted in 1997. In introducing the bill, the Attorney-General said:

> The major substantive change from current law [the 1991 act] in section 15 is that, for an acquittal, the force used by the person in self-defence must be objectively reasonable on the facts as he or she believed them to be, rather than, as section 15 currently states, it suffices if the person genuinely believes that the force used was reasonable in all of the circumstances. . .

The Attorney wishes to go back to the pre-1997 position and the subjective test introduced in the 1991 act. Essentially, I am with him on that; I have no difficulty with the idea of going back to the subjective test, but I do have a difficulty with the fact that we are only talking about home invasion. The Attorney commented that he will look at those other areas in due course, but I think it is odd that we are speaking about only the specific offence of home invasion.

Like the member for Schubert, I am concerned that this defence will not be available to someone substantially affected by alcohol. As the member for Schubert pointed out, the words 'substantially affected' are not defined in any way; it will be a matter for a court to decide what those words mean. It is not like our road traffic laws where we will have .05 to .079, etc.

The question of the reversal of onus has been discussed by other members, and I will raise it in committee. I will not spend time on that now because I understand there will be some amendment in this area. There are a number of issues on which I would like the Attorney to comment in his reply which might help us to expedite the committee stage. First, I want to know whether the Director of Public Prosecutions was consulted for his comment.

The Hon. M.J. Atkinson: Yes.

Mrs REDMOND: Has he provided that comment? Has he expressed any view about whether what the Attorney is proposing can be applied in practice? Has any advice been sought from the judiciary or individual magistrates?

The Hon. M.J. Atkinson: Yes.

Mrs REDMOND: Obviously, the Attorney is commenting across the floor, but I would like his comments to be on the record in due course.

The SPEAKER: I inform the member for Heysen that they go in as interjections.

Mrs REDMOND: I would like him to comment on them in his reply when he closes the second reading debate. Has the government received any advice or comment on the bill from the judiciary, magistrates or judges, and what was the nature of that advice?

The SPEAKER: It is not appropriate, because the separation of powers is involved.

Mrs REDMOND: With respect, in the case of the Attorney-General it is rather a special relationship. The nature of what I am asking is not that there be any lessening of the separation of powers but merely a discussion with those who practise in the area to ascertain the practicality and likelihood of success of what the Attorney proposes. One of the things I was originally going to ask was whether the government has received any advice or comment from the Law Society on this bill.

The Hon. M.J. Atkinson: What do you think?

Mrs REDMOND: I was going to ask, but I have a copy of the letter that the Law Society sent to the Attorney, and I will comment on that in a minute.

The Hon. M.J. Atkinson: Never ask a question when you don't know the answer already.

Mrs REDMOND: Never ask a question when you don't know the answer was the very first thing I learnt in evidence law. I do know the answer, and I will deal with that in a moment. Has the government sought advice or comment from any practising criminal lawyer on the bill, and what was the nature of any comment or advice received in that regard? As I said, I have a copy of the Law Society's letter, and I will refer to that in some detail. This letter to the Attorney (dated 14 May) points out that the Criminal Law Consolidation (Self-Defence) Amendment Bill was only supplied to the Law Society on 8 May. They felt they had had insufficient time to consider the various concerns. In fact, they felt that further debate ought to be undertaken before any legislation was introduced. So, at that stage, they were not even aware that it had been introduced. The letter states:

> The application and operation of the existing self-defence laws needs to be traversed as well. The assumptions underlining the proposed bill need to be considered and tested. The Law Society is keen to be involved in this process.

The Law Society goes on to say—and these are some of the concerns they raised:

> The Bill allows property owners to use excessive force against intruders so long as the perception of danger to themselves or another is genuine. The bill removes the requirement for the reasonable proportionality test. . . Self-defence therefore will be judged by the perceptions of the defendant no matter how unreasonable.

I think what the Law Society is getting at is: what if someone is not engaged in any criminal conduct but is a completely innocent licensee attending some premises and is perceived by the occupier or owner of those premises to be a threat to them and they respond to that perceived threat rather than any actual threat? That is the difficulty that the Law Society wants to discuss with the Attorney. It points out that home invasion is nowhere near the problem. I think we all acknowledge that home invasion has been dealt with in this state as a special case because of public pressure to do so. There certainly has been public pressure to do so, although I was not in this place at that time.

However, The fact is that, on a per capita basis, the reported rate of home invasions in Sydney, for instance, was .34 per 10 000 of the population. My calculations make that 3.4 per one million of the population. The Law Society points out that South Australia is not even ranked that high. It is ranked fourth compared to other states for unlawful entry with intent offences. Of course, those offences include not only home invasion but unlawful entry of a structure with intent to commit an offence against an individual incorporating burglary, break and enter, and some stealing offences.

The Hon. M.J. Atkinson: So, you're saying it's not a problem then?

Mrs REDMOND: I'm saying that the problem is overrated by the media when compared with the actual threat to the average householder.

Ms Breuer: You don't feel like that when it happens to you.

Mrs REDMOND: Having been subjected to six burglaries in my lifetime, I can assure the member that I know exactly—

Ms Breuer interjecting:

Mrs REDMOND: All I am pointing out to the house is that home invasion specifically as an offence is perceived by the population to be rather a bigger and more common offence that it is. As the member for Waite pointed out, it is often related to people involved in the drug trade, and that is how the home invasion comes about.

In its letter, the Law Society makes particular comment on section 15B as follows:

> The wording of section 15B is unclear and does not address the issues raised in parliament about concerns expressed by the courts about the legislative scheme on self defence previously. For example, it is respectfully submitted that the use of the phrase 'objectively' is redundant given the use of the word immediately following 'reasonably'. The section confuses and mixes a number of concepts. These include the objective test, reasonable proportionality and a genuine subjective test.

On the question of section 15C, the Law Society makes a number of observations, with which I will deal more particularly during the committee stage. The Law Society talks about if the legislation applies only to home invasion situations—and, of course, I have already referred to that. It talks about the use of the term 'just committed' and asks what is the test for 'just committed'. Will it apply to the intruder who is climbing over a fence or attacked two hours later down the road? The Law Society says that paragraph (c) of 15C(1) is unclear. It should include that the defendant genuinely believes their conduct to be reasonably proportionate to the perceived threats and that they acted accordingly. It also raises another thing that I thought when I first read the legislation, which is again something I will raise in the committee stage.

The reference in subparagraph (d) that the defendant was not engaged in any criminal misconduct 'before the time of the alleged offence' is of concern. When is 'before the time of the alleged offence'? The Law Society suggests that some nexus in time should be specified. They also refer to what we are calling 'the drunk's' defence, although, strictly speaking, I do not see this as relevant to the drunk's defence. However, the Law Society does suggest that there should be some clarification of what 'substantially affected' means. So, it is not just the member for Schubert who is asking that as a non-lawyer but also the Law Society itself. Indeed, the letter goes on to state:

> It is wrong to suggest that the provision in paragraph (e) is a corollary of any aspect of the drunk's defence, and the existence of a drunk's defence is a misnomer; such a defence is not known to the criminal law.

The Law Society expresses the view that subsection (2) not only reverses the onus of proof but also requires a defendant to prove all the matters in subsection (1) and, whether or not it is called a reversal of onus, in its opinion it is unfair. The Law Society's submission concludes by stating:

> It is unlikely that the bill in its current form can operate without problems occurring.

It flags possible defects and indicates that it is more than happy to meet and discuss the proposed law with the Attorney-General with a view to providing further suggestions to address its concerns.

Those comments from the Law Society do raise a number of concerns. As I said, a number of those concerns coincide with my thoughts on the matter, in any event. I am happy to wait until the committee stage so that we can see just what we are able to sort out in the debate at that stage. It is clear that there has been a lack of genuine consultation in the sense that the Law Society feels that it has had insufficient time and wants to discuss these issues further. It is only appropriate, given that the Attorney is anxious to get this through, that it be put through after proper consultation with genuinely interested persons who have some knowledge in the area and can contribute in a sensible way to achieving the outcome that we are all agreed we are happy to help achieve.

Dr McFETRIDGE (Morphett): I am not a lawyer; I am just a poor veterinarian. I am privileged to be in this place to protect and serve the people of Morphett, and it is with great pride that I do so. Part of my responsibility, having been elected to represent the people of Morphett, is to ensure that laws passed in this place achieve what is intended and certainly what is the wish of my constituents.

I will just fall back on my role as a veterinarian and say that, when we were being trained as veterinary students, we had dog trainers come out from the Air Force to talk to us about handling vicious dogs that could attack us. We asked, 'What do we do?' The simple answer was, 'You do whatever it takes.' If one has ever seen anyone who has been attacked by a dog—and, unfortunately, that is a problem we are seeing more and more—one realises that some fairly strong deterrent action is required. When a dog is attacking you, you need to assess what is happening. It is the same situation when someone comes into your home and presents you with a threat. Whether you consider that to be a mild or a severe threat, I do not know how you would objectively measure whether that person was acting in a reasonable fashion. I believe (and I know most of my constituents believe) that you should be able to do whatever you think is necessary at the time. Whether you are acting in accordance with someone else's values is a matter that you should not have to worry about.

I have great faith in the intelligence of the people of South Australia and the people of Morphett not to go out and kill everyone who breaks into their homes. Certainly, I have had some unfortunate experiences where people under the influence of drugs or alcohol have entered my property down at the Bay. I have challenged them and had to 'persuade' them to leave the property. The fact that I was probably holding a long-handled shovel in my hand at the time when one fellow came in 'persuaded' him fairly quickly. It is one of the advantages of renovating your home—there is always tools and pick axes and such things close by.

Something we did when animals were admitted to the veterinary hospital was to 'soap' them. We used to subjectively assess what was going on, that is; whether they were really sick or really tired. We then objectively assessed what was going on; that is, we took their temperature, pulse and respiration, and their gum colour. We assessed the situation and then we planned what to do. I do not expect anyone who is lying in their bed half asleep or is startled whilst they are in their bed, or who is watching television and hears a noise in their house, and someone comes in to 'objectively assess the situation'. It is a flight or fight syndrome that comes into play. I guarantee that, in my case, it is the fight syndrome. If you come into my house, you deserve whatever I am prepared to give you to get you out of my house. I know that is how

my constituents work, and that is how most people in South Australia work.

You do not get 100 000 signing a petition because they are not worried about home invasions. They want the government to say, 'We'll put in place a punishment which will be so much of a deterrent that people will not break into your home.' It is a well known fact in criminology that it is not the size of the deterrent that matters; rather, it is the chance of getting caught. If there are more police on the ground to keep tabs on what criminals are doing and to be out on the street (and I would certainly like to see more police on the beat down at the Bay on weekends at night, and on the weekends), it would be much better. The police do a fantastic job, but more would be good, Attorney-General and Treasurer.

If you provide the people of South Australia with the ability to apprehend someone or put in place the risk that someone who enters your property and threatens you or your family in any way will be physically hurt and probably apprehended (after all, it is a bit hard to move when you have a broken leg), I would be quite in favour of that.

I know that the Labor government seems to have gone left of Genghis Khan in some of its law and order stuff, and I cannot disagree with some of that. I am not into capital punishment; I would never go that far. Certainly, I reserve the right to protect my wife and my family if someone comes in and threatens me. When do you stop being responsible for your own actions? We hear about the drunk's defence and 'He's full of drugs', and other comments such as, 'I didn't make him take the drugs and I didn't fill him full of booze, yet he (or she) came into my house and has to be prepared to take whatever they get, and I will do whatever it takes.'

I received a letter from the Warradale branch of Neighbourhood Watch the other day condemning the government for withdrawing the funding for local crime prevention officers. Certainly in Holdfast Bay the local crime prevention officer has worked in conjunction with the council, hotels, traders and Neighbourhood Watch to put in a very effective program of crime prevention. But that has all gone now, and I implore the Treasurer in this year's budget to reinstate funding for Neighbourhood Watch. We have seen a huge increase in graffiti, as well, because Graffiti Watch has gone. That is another case in which reversal would not be a bad thing.

It is very important that the government is open and honest and does not just give us rhetoric and window-dressing, tinkering around the edges and changing a few clauses in the bill to make them look good so that the media takes notice. Every politician likes to be taken notice of in the media and they are all trying hard, but let us make sure that in this case the people of South Australia get what they deserve, and that is protection from unjust punishment. We have all heard tremendous stories about a burglar coming into a house and the home owner is sued. Those stories are being perpetuated, and we need to ensure that that situation never arises. Your home should be your castle and, certainly in the case of self-defence, we cannot go far enough to protect those who are the victims. We really need to keep our eye on the victims.

I took a degree of offence when the member for Playford said that over here all we care about is the welfare of criminals. Certainly, I care about the welfare of prisoners in our prisons because, although prisons are places of punishment, they should also be places of rehabilitation, and that is a very important part of the criminal and correctional process. So, once people are in gaol, we try to rehabilitate them but, before they go to gaol, let us try to support those people who are at risk in a dysfunctional society, and let us try to deter people from making choices which are not going to be to their personal benefit or to their family's benefit, so that they can then make those choices about whether to come and invade my home and trespass on my property and threaten me and my son.

My son was at the back of our house at the Bay when he saw some scruffy blokes going through cars. They saw him watching them and they threatened to come onto our property and beat his head in. My son should be able to take any measure that he deems necessary to protect himself under those circumstances and should not become a victim of the law. He is already a victim of these layabouts, these criminals, and he should not then be a victim of the law processes. So I ask the Attorney-General to ensure that the law works the way that the people would like it to, not just the way that the politicians would like it to. I support the bill.

Mr HANNA (Mitchell): This bill is part of the Labor government's phoney law and order package. I call it phoney because the real policy concern shared by us all is crime reduction: that is what we all want. This government is actually doing very little to reduce crime. It is using cheap legislative tricks to cover the fact that it is taking money away from crime prevention programs and services in prisons which might help to rehabilitate offenders and avoid their reoffending.

So, this measure creates an extra layer of defence for householders in relation to people who come onto their property and into their residence. It is brought into this place against the background of our existing self-defence laws which are found in section 15 of the Criminal Law Consolidation Act. There is already an ability for people to defend themselves in their homes—or in any other place, for that matter—and that defence is crafted to take account of the fact that action taken in self-defence may or may not result in death.

The measure brought into the parliament goes a step further because, in certain circumstances, it takes away the requirement that the defendant's conduct should be reasonably proportionate to the perceived threat. It applies if a home invasion is taking place, which means that one or more people are coming into the residence of the defendant, if we assume the defendant to be a householder. The bill takes the existing law further by allowing the defendant to be exonerated if the defendant genuinely believes the conduct—that is, their defensive measures—to be reasonably proportionate to the perceived threat. There are a couple of difficulties about that.

First, it is very unclear what can be meant by the threat. When the householder sees an intruder coming into their lounge room late at night, the threat is not specific in its manifestation. It is clear that there is an intruder who is somebody who should not be there and it is frightening, but it is not clear whether that person has a weapon and it is not clear what their intent is. This bill allows for the defendant to say, 'As soon as I saw the person come in, I was afraid that they might kill me. That is the perceived threat I had and, therefore, I killed them first.' To that extent, this bill is a licence to kill. There may be many in the community who value life to the same extent as do the proponents of the bill, but I know that there are also many people who are concerned that even intruders should not be so readily at risk of being put to death.

There is a concern about whether this bill is necessary at all, because we have existing self-defence provisions. In reality, it is practically unheard of for a householder to go before a jury, even after having killed someone, and to be at real risk of being convicted for murder, or even manslaughter, because it is well known that the jury's sympathies in such cases will lie with the householder, not the intruder. It does not matter that the person sleeps with a gun by their bed; it does not matter if they have a gun on the coffee table ready to use; it does not matter if the intruder is a 15-year old person looking for loose change. If the intruder in those circumstances meets with their death, in many cases the sympathy of the jury will still be with the defendant. It is not the sort of case that a criminal defence lawyer would want to have tried before a judge alone.

In conclusion, there are some real questions about what some of the provisions in this bill mean, and there is a real question about whether it is necessary at all in the light of our existing law which protects householders against intruders.

The Hon. M.J. ATKINSON (Attorney-General): I move:

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

Motion carried.

Mr RAU (Enfield): I think this bill is good.

The Hon. M.J. ATKINSON (Attorney-General): I listened to the member for Bragg's speech on the bill last night, and I read it carefully in *Hansard* today. I still do not know the Liberal opposition's position on the central issue in this proposed law. The question is: should the magnitude of force used by the householder to repel a home invader be limited to reasonable force (as the Liberal government enacted it in 1997) or should it be such force as the householder genuinely believes is necessary to repel a home invader?

Mr Speaker, it is tolerably clear that you support the latter formulation; so does the member for Morphett; so does the member for Schubert; so does the member for Enfield; and so does the member for Playford. We are not sure what position the member for Bragg takes. I think the member for Mitchell supports the former formula, and I think the member for Waite supports that also, but we are not sure of what the Liberal Party's position is, and it will probably move back and forth in the other place. They are reserving their right to do something different in the other place.

After five years of arguing my case for the genuine belief test, I would have thought the member for Bragg and the Hon. R.D. Lawson (the shadow attorney-general) could make up their minds, but, no, I am not dealing with the mountain: I am dealing with the marsh—the moderate faction of the South Australian Liberal Party.

There are two fundamental truths about the law of self-defence that the house should keep firmly in mind. The first is that the law of self-defence consists of two separate elements that must not be confused, that is, necessity and proportion. A person may entertain wrong or unreasonable beliefs about either. The failure of Justice Murphy to maintain this point was the principal reason, I think, why he was in the minority in Viro. This bill deals with proportion, not necessity. The law in this state has been that a genuine belief about the necessity to act in self-defence will be recognised, at least since 1991. The bill does not seek to change that at all. It deals with mistakes about proportion.

The second thing that the house should bear in mind is that, if the defendant fails to get the exceptional defence proposed in the bill, he or she will still have the usual defence of self-defence to fall back on. It is not an all or nothing proposition. Put another way, in terms of the onus of proof that seems to offend the member for Bragg so much—

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: —and the legal profession, but we will come back to that—there is no presumption of guilt here. The defendant who fails in this exceptional defence still gets the benefit of the usual defence with the usual onus of proof, namely, that the prosecution must prove all the elements beyond reasonable doubt. The member for Bragg, siding here with the legal profession, says that the legal profession does not agree with the bill. Well, I spend a lot of time with the legal profession, and I find that the legal profession does not have a collective view on this or the government's criminal justice program.

My experience is that most lawyers do not practise in the criminal law and they do not have a view one way or another about the government's criminal justice program. Some lawyers are strongly in favour of the government's criminal justice program. They see me at legal functions; they see me at welcoming ceremonies in the Supreme Court for new judges; they see me at parties; and they see me at the football. Some lawyers tell me, 'Keep it up Mick; don't let the gang of 14 get you down; we're on your side.' Other lawyers take a strict libertarian point of view and abhor the government's law and order program, although, rather than criticise the program, they tend to be offended by the rhetoric. I cannot agree with the member for Bragg. I do not think she is right to put the legal profession all in one category. She does so, and I know the Premier does, and I think they are mistaken.

The member for Bragg finds the proposed enactment of section 15B curious. It is not curious at all. It is there for two reasons. First, it represents the current common law. If we are to have a codified defence, we should try to be comprehensive about it. That is what a code means. The law of New South Wales contains just such a provision. Second, it corrects a popular misconception about the law. Many people appear to think that the law does require an equivalent response. It does not, and it does no harm to educate the public by saying so. As my old criminal law and procedure lecturer, Doc Connor, used to say, 'If someone comes into your home unarmed, it does not mean that you are limited to repelling them with a rolled up copy of the *Sunday Telegraph*.'

The member for Bragg criticises the reversal of the onus of proof. Why? This is an exceptional defence. It gives the householder a wide licence. The householder should have to prove he or she deserves it. As I have already stated, it is not an all or nothing proposition. Contrary to what the member for Bragg says, it does not put the householder in a worse position than is now the case. It can only improve the householder's position: it cannot make it worse. The amendment that has been put on file is a drafting amendment designed to make that point clear beyond any argument. It is not the case, as the member for Bragg claimed, that having just a few reds will disqualify the defendant from the exceptional defence. I invite the member for Bragg to look at the words in the bill. The test is whether the faculties of a person were substantially impaired. It is commonsense that people substantially impaired by alcohol are prone to

violence. It is not the policy of the government or the bill to give unusual licence to drunks to inflict personal injury on anyone.

The member for Bragg asks why this unusual defence is not available to everyone. The answer is that this is an unusual and unprecedented defence. It carries out a specific policy of the government that I have been promoting for almost six years. The policy was limited to innocent householders defending themselves against home invaders. That is what the bill seeks to do. The honourable member asks why the bill is not limited to home invasions as defined in section 170(2) of the Criminal Law Consolidation Act. The answer is simple: the offence of home invasion as so defined includes, for example, reference to the state of knowledge or recklessness on the part of the offender. The occupant is not going to be in any position to be aware of what is in the mind of the offender. The occupier will not know whether the offender is, for example, reckless about whether anyone is at home. We cannot expect him or her to know that, so we do not.

The member for Waite asked about the definition of 'home invasion'. It is defined in the bill in proposed section 15C(3), as 'serious criminal trespass in a place of residence'. 'Place of residence' is defined if only the opposition would look for it. It is defined in section 117A(2) of the Criminal Law Consolidation Act. The member for Bragg need not reach for it, because I will tell her. It is defined as 'a building, structure, vehicle or vessel, or part of a building, structure, vehicle or vessel, used as a place of residence'. I hope she finds that helpful. There will always be marginal cases. Any attempt to be more precise would be counterproductive and produce more complexity on what is a question of fact for the jury. I do not think the members for Waite and Bragg want more complexity.

The member for Schubert was concerned about the reversal of the onus of proof, and I think I have dealt with that. Again, this is a truly exceptional defence in its scope and ramifications, and should, in the public interest, be carefully applied. We should not be asking the DPP to disprove that which it is impossible to disprove. In response to the member for Heysen, the Director of Public Prosecutions says that, accepting the policy of the government, the bill is workable. In the latest version of the bill, there has been an administrative oversight about consultation on that form. There has not yet been a response, but we will consider responses sympathetically when they arrive. The Law Society has responded. The answer is that the Law Society—this is the notorious Criminal Law Committee of the Law Society—disagrees with the government's policy. They cannot be accommodated. They make some drafting comments, and these will be carefully considered before the bill is dealt with in another place. However, the member for Heysen cannot both support the bill and the Law Society's policy position. The member for Heysen will have to make up her mind. Whose side is she on?

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: The member for Heysen says that she is on our side. She is welcome to join us. I am sorry that there was a hiccup in consultation, and I apologise to the Law Society for that. I do not think the member for Morphett said anything that needs to be responded to. He is on board with us, and I thank him for his support. As for the member for Mitchell, I am sorry that he is not here. However, the member for Mitchell—

An honourable member interjecting:

The Hon. M.J. ATKINSON: Yes, a very good point by the member for Heysen. I apologise to any reference to the absence of any member. So, what I would say about the member for Mitchell's contribution is this: the member for Mitchell was actively involved in the drafting of this amendment when it was put by me as the shadow attorney-general in 1997. He expressed no dissent from the principle of the bill then. The member for Mitchell is to be commended for fighting and winning what was a Liberal Party seat on behalf of the Australian Labor Party. He is to be commended for holding that seat at the last election and increasing his majority as a Labor candidate against the Liberal candidate, Hugh Martin, who was lavishly funded by the Liberal Party.

However, in the course of being re-elected, the member for Mitchell requested and received the support of the Labor Party central office on the question of criminal justice. At his request, the letter from Mrs Ivy Skowronski, supporting our criminal justice policies, was circulated, personally addressed, in his electorate at the general election. Therefore, he adopted our criminal justice policies and sought electorally to benefit from them. His repudiation of them since the general election speaks for itself.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

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

Page 3—

After line 19—Before subclause (1) insert:

(1aa) This section applies where a relevant defence would have been available to the defendant if the defendant's conduct had been (objectively) reasonably proportionate to the threat that the defendant genuinely believed to exist (the perceived threat).

Line 20—Leave out 'This section is applicable where—' and insert:

In a case to which this section applies, the defendant is entitled to the benefit of the relevant defence even though the defendant's conduct was not (objectively) reasonably proportionate to the perceived threat if the defendant establishes, on the balance of probabilities, that—

Lines 23 to 28—Leave out paragraphs (b) and (c).

Page 4, lines 1 to 4—Leave out subclause (2).

These amendments are designed to achieve a single aim. They may be considered as one. Their purpose is to make the task of a judge directing a jury about this new defence easier than it would otherwise be. The amendments result from a submission made by Mr Ian Leader-Elliott of the University of Adelaide, and I express my gratitude for that.

It is vital to recall at all times that, if the defendant fails to get the exceptional defence proposed in the bill, he or she will still have the usual defence to fall back on. It is not an all or nothing proposition.

In drafting the exceptional defence, parliamentary counsel felt that it was necessary to recite that a person got the exceptional defence only if he or she could establish the usual defence. That is logically right. It also has the virtue of being a shorthand method of making sure that the elements of usual defence, other than proportionality of response, with which the bill is designed to deal, are incorporated by reference to the exceptional defence.

So these requirements of the usual defence were listed as preconditions for the exceptional defence, but the policy required other preconditions as well, like not being substan-

tially affected by drugs and alcohol. They are all drafted as a single list and the onus reversed.

In order to get the usual defence, the onus is on the defence merely to raise a reasonable doubt. The Crown must then disprove the usual defence beyond a reasonable doubt. It would be very confusing if the jury were then told that, in order to get the exceptional defence, the accused would have to prove the same elements on the balance of probabilities. These amendments are designed to make the proposed exceptional defence operate in such a way that it is not necessary by removing the elements of the usual defence from the list where the onus is reversed.

Ms CHAPMAN: May I indicate, in relation to this amendment, the concern that this amendment should be presented to this house yesterday. As I indicated in my second reading contribution, this is a policy which has been clear not only since the election but has been strongly advocated by the current Attorney-General since 1996. We have had the bill presented a year into the term of this government, and only yesterday when we are to debate the bill did we receive this amendment. I raise that history because it helps to appreciate the situation, and this can be coupled with what occurred with the consultation process, and particularly that in respect to probably the most significant group to represent the legal profession, namely, the Criminal Law Committee of the Law Society of South Australia, which we find has only had the bill for a matter of days, and only then with an understanding that it had not even been tabled in the house.

It was to be considered on an urgent basis, it only having been supplied on 8 May. They have had to gather together very quickly a written submission to the Attorney-General, and, indeed, that has only been forthcoming by letter dated yesterday, and on the day that we are to debate the matter, and I am assuming at that stage without any particulars of the foreshadowed amendment that we are currently discussing. That is of great concern in itself, because, again, the parliament is deprived of the opportunity of having their considered view on the amendment, and, indeed, parliament does not have the opportunity to consider the myriad of issues that they have raised in relation to the operation of the principal bill.

I think it is important, without revisiting the history, to consider both the law of self-defence and the accommodation in the last 12 years in the legislature of a new specific provision for those who are victims of home invasion, and indeed those who are brought to account for their conduct in home invasions, that being a specific area of the law which has had the attention of the parliament as a legislative codification of the law of self-defence and, in particular, this aspect. It is a very important provision. We have heard both the public outcry and demand for this to be addressed and to be incorporated. We have also heard at length of the complexity in attempting to provide a specific provision for this unique situation.

So, it is difficult to carve out an exclusive provision for that set of circumstances without causing some pain in attempting to make sure that it is got right. I think, in fairness, the history of the legislature tells us, and the judicial comment in relation to the legislative history, that perhaps the legislature has not always got it right, and that therefore we need to be very thorough in how we now move in an attempt to address this special provision.

As I have said, and will repeat it again—and it seems that the Attorney-General perhaps was not listening to this aspect of the presentation late last night—it is the Liberal Party's view that special importance should be accorded to people in their own home. That has been made quite clear, and I suggest that it is evident in the fact that even the 1997 legislation accommodates that principle. But what we are very concerned to do is make sure that we get it right and that we do not cause confusion to someone who may be a victim of a home invasion and who finds themselves before the courts, and that we do not find that there is an onerous and complex process by which a person can achieve justice, from their perspective, and relief and protection from the court. We do not want to leave people vulnerable and exposed to a process that makes it so difficult to have the protection that we all earnestly and genuinely are attempting to provide for them.

What we have done since last night, and having had the foreshadowed amendment that we are considering provided, is, first, we have looked at that, to see whether that might remedy the situation. That is the major concern that we raised in relation to onus of proof. Secondly, we have looked at whether the amendment might introduce other complications which again would only make the situation worse. I will not repeat all of the concerns that we raised on the implementation of the principal plan. But they are the two things we have attempted to have a look at in this very short time that we have had to do so. It is fair to say that we are working on a draft amendment to attempt to deal with the inconsistency and inappropriateness of placing the burden on a potential defendant as to onus of proof, and as to how that might better be dealt with.

We are in the drafting stages (we are still working on that), and it may well be that the government will take the view that, notwithstanding the expressed concern of the Law Society and the lateness of the amendment that has been presented, we should press ahead and that we should deal with any fix-up of this in the upper house. And there are now a lot of things to be fixed up, including the issues that at least the Attorney-General acknowledges, from the Law Society's quick attention to this matter, will be addressed before the bill reaches the upper house. There is no indication that they accept the concerns raised as a matter of policy, but the Attorney has indicated today that he will look at drafting aspects. But I suggest there is a lot more than drafting aspects in the concerns that they have raised. The alternative is to press ahead and deal with it here.

Another alternative is that we consider adjourning further consideration of this committee (and that, I suggest, is open to the government in all the circumstances, and is probably appropriate) so that we can properly look at this matter—not just for the Law Society to have its say and for us to sit down and consider whether there are better ways in which to improve this, but also to make sure that, notwithstanding the concerns of complexity and the almost impossible application of this new law, we try at least to sort out this onus aspect. What has been raised by this amendment is the clarification, as the Attorney explained, that we will create a new set of rules in relation to the special circumstance; we will set a new lot of rules in relation to the onus of proof to avail oneself of this new arrangement; and then, if all else fails, we will ensure that there is protection of the usual self-defence law.

I can only imagine how that will complicate a trial of this matter and, certainly, extend the time for that issue to be dealt with. We would almost have a mini trial to start with; then we would deal with the opportunity to bring in a second level of self-defence if the first option does not succeed; and then we

would proceed. I am very concerned. Whilst I accept that the Attorney had a genuine belief that this would be a way of remedying the problem to ensure that a defendant in this circumstance was not prejudiced, for the reasons we have identified, in relation to onus of proof, nevertheless, I suggest it could, indeed, even complicate the situation further.

There is one other thing that I flag in relation to the way in which this is dealt with, that is, that we go back to the 1997 additions to the Criminal Law Consolidation Act. I refer to division 2, sections 15 and 15A of the current Criminal Law Consolidation Act 1935, which incorporates the 1997 provisions. Division 2 is the defence of life and property; section 15 deals with life and the protection of the person, and section 15A deals with the defence of property. However, I will not deal with property just for the moment.

In an attempt to deal with the protection of the person, one could look at the option of amending the self-defence terms in section 15A. I think it is clear, but I had better state the current position, which is that there is a defence if there is a genuine belief that the conduct to which the charge relates is necessary or reasonable for a defensive purpose (that is all fairly clear); and section 15(b) provides that the conduct was, in the circumstances as the defendant genuinely believed them to be, reasonably proportionate to the threat that the defendant genuinely believed to exist. That is the current legislative provision.

We could look to amend that section of the act to incorporate that there are circumstances of particular cases where the requirement of reasonable proportionality does not apply, and, as in the original bill before us today, attempt then to identify the circumstances in which reasonable proportionality does not apply, and incorporate that. So, in other words, we flag, in the entitlement to self-defence and defence to property provisions that currently exist in the act, that there are certain circumstances where there is an exception to the requirement of reasonable proportionality, and then we separately deal with reasonable proportionality, largely in terms of the circumstances that the government proposed, notwithstanding that there has been comment in relation to discriminating between legal and illegal drugs, alcohol and other substances that are illegal; and that has been flagged in some of the debates that we have heard. That is just one alternative way that we may be able to look at how we address this issue and make sure that we do not complicate this process even further and really, ultimately, make this defence even more alien from the people to whom we are attempting to give some protection.

Accordingly, I repeat that, in the circumstances, it would be preferable that, rather than rush into debate only of this amendment, we sit down and seriously look at how we can protect the person in this circumstance without further complication, and come up with a way of ensuring that the onus is clear, that it is not inconsistent with other obligations in the usual course that are to be proved in any self-defence or defence of property provision, and that we do not, as I said, exclude those whom we are attempting to assist. If we have an opportunity to do that, hopefully we can come up with something that will be productive and useful for them. At the moment, we already have a complicated system. I have highlighted the confusion that that has caused—and, I suggest, as I did last night, that it will continue to cause—and we are now going to add another layer of complication to this process and even further alienate this from the people whom we are attempting to assist.

I do not make any other general comment in relation to this amendment. Some questions will be asked, now that the Attorney-General has flagged the direct intent and purpose for which the drafting has been taken along this course.

The CHAIRMAN: Do I take it that we are dealing with these four elements of clause 4, or does the committee want to deal with them in parts?

The Hon. M.J. ATKINSON: Take them as a whole, sir.

Mrs REDMOND: New subclause (1aa) appears to me to be no different from clause 15C(1)(b). I wondered why it is being shifted, and what was the reasoning, or if there is a difference between what is there currently and what is proposed in new clause 1(aa).

The Hon. M.J. ATKINSON: That paragraph is being moved out of the reverse onus area into the recitals area.

Mrs Redmond: There's no difference.

The Hon. M.J. ATKINSON: There is no difference in content, but we do not want the onus for that reversed.

Amendments carried.

Mr HANNA: Is it anticipated that the extended defence will apply in every case where there is an intruder in someone's residence? The definition of 'serious criminal trespass' envisages that it is a more serious matter where a person is reckless towards someone being at home or if they know there is going to be someone at home. The very assumption on which the amendment is based is that there is someone at home. So, is it anticipated that, in practically every case when an intruder comes into a residence, the householder will be able to use the extended defence on the basis that it is a home invasion—assuming that the other conditions are met? Is it practically always going to be a home invasion?

The Hon. M.J. ATKINSON: Assuming the other conditions are met, the answer is yes. The trigger is whether the defendant genuinely believed the victim was committing (or had just committed) a home invasion.

Mr HANNA: Does the Attorney have any examples from the courts since the 1997 amendments were enacted to suggest that householders are at a real risk of prosecution in circumstances where the defendant genuinely believed their defensive conduct to be reasonably proportionate to the perceived threat of an intruder when in fact, objectively, the force used was more than reasonably proportionate?

The Hon. M.J. ATKINSON: There are two cases that spring to mind. First, Kingsley Newman in the BP service station on Richmond Road.

Mr Hanna: That wouldn't be covered by this, though.

The Hon. M.J. ATKINSON: No, it wouldn't. The case of a home invasion that springs to mind after the 1997 amendments were made is the case of Joseph Nashar who, from memory, lived at Corconda Avenue, Clearview. He was charged with murder. Under the 1997 law, my interpretation of the facts is that he used disproportionate force in shooting from an upper floor window at a gang of 20 or so who had swarmed onto his property as part of a home invasion designed to obtain his marijuana crop.

Mr Hanna: They were only in the backyard, weren't they?

The Hon. M.J. ATKINSON: No. I think you will find they were coming through the front. The jury acquitted him. I must say I was surprised at the jury's verdict.

Mr HANNA: That is a good case to illustrate the concern that I raised during the second reading debate because, if the 20 or so intruders had come into the back yard or the front yard, they would be treated differently under this law than if they had actually come inside the premises. Is it not relevant

that they actually come inside the building as opposed to the yard; and, if so, what is the rationale for that?

The Hon. M.J. ATKINSON: The first thing is that Joseph Nashar would not have had the benefit of the extended defence because it was his own criminal activity which led to the arrival of the home invaders. The second thing is whether the front yard of the residence would be a question of fact for the jury. My guess is that it would. It is also fair to say that there is no question that the people who came onto Joseph Nashar's property in the middle of the night were not invitees. They made their intentions towards him and his family clear from their utterances before the shots were fired.

Mr Hanna: But you don't need this if someone like him gets off, do you?

The Hon. M.J. ATKINSON: Let me qualify that slightly. The criminal conduct that would deprive the householder of the defence has to be criminal conduct punishable by imprisonment. I hope that makes the situation with the drug crop a little clearer.

Mrs REDMOND: This is really a matter for consideration between now and another place, but the Attorney will recall that, in my second reading contribution, I referred to the Law Society's comments. One of the matters on which the Law Society commented was the problem of the time nexus. Under paragraph (d) the defendant was not (at or before the time of the alleged offence) engaged in any criminal conduct that might have given rise to the threat. If the word 'immediately' is inserted before the word 'before', the paragraph would then read: the defendant was not (at or immediately before the time of the alleged offence), etc. That might overcome the time nexus problem. I do not have an amendment drafted in this regard, but I ask the Attorney to consider such a proposal if one is put between now and the other place.

The Hon. M.J. ATKINSON: We have thought about the point made by the member for Heysen. In fact, there is a nexus there, and the nexus is that the defendant was not at or before the time of the alleged offence engaged in any criminal conduct that might have given rise to the threat, or perceived threat. If we had included the word 'immediately' to create that time nexus, we might have stumbled. Let me give the following example, and the member could think of it in connection with the Nashar case. Nashar has a drug crop at his home. A gang of 20 youths is prowling Clearview, sniffing for drug crops. They smell marijuana in the street near Nashar's property. They assume there is a drug crop on the property but, unbeknown to them, in fact, the drug crop has been harvested and had gone some days previously.

So, they invade but, lo, there is no drug crop and the Nashar home is clean. Therefore, he can avail himself of the defence. He should not, though, because his criminal conduct some days earlier gave rise to the threat.

Mrs REDMOND: Then Mr Nashar, in those circumstances, even though for some days past he has not been involved in any conduct which would lead to the criminal offence component, is not entitled to this defence because some days previously he had been engaged in such conduct. Is that your intention?

The Hon. M.J. ATKINSON: That is the policy position we are taking. The conduct in that case gave rise to the threat, or perceived threat.

Mrs REDMOND: Is there not a difficulty, potentially, with someone being at the time quite innocent of anything? At one point does Mr Nashar or some other hypothetical person become entitled to be treated like any other member of the community?

The Hon. M.J. ATKINSON: The test is whether he is an innocent householder and whether his criminal conduct gave rise to the threat, or the perceived threat. That is the nexus. If his criminal conduct did not give rise to the threat, or the perceived threat, he would be regarded as an innocent householder.

Ms CHAPMAN: For the sake of the completion of this issue, if we are using the Nashar example, assume that Mr Nashar was well known to have been involved in drug growing and sale but, nevertheless, some months or years before, had abandoned this illegal practice and reformed his behaviour and was living happily at Clearview. If those who were attending the property genuinely believed that he was continuing in the game and proceeded as a result to enter the property, even though that behaviour could some time before have been abandoned, it seems to me that you are introducing a nexus that has to be applicable, irrespective of any time limit that is purely connected with the belief of the intruder, the result of which gave rise to their entering that property.

The Hon. M.J. ATKINSON: It is a question of causation for the jury to decide. It would be a question whether the defendant's criminal misconduct gave rise to the threat, or perceived threat, or whether the home invasion occurred owing to a mistake of fact by the victim. It is a question for the jury, and I have great confidence in our juries and our jury system.

The CHAIRMAN: I raise with the Attorney for clarification the issue of the 'average citizen' being able to understand, in simple terms, this issue of self defence. I appreciate that lawyers like and enjoy the detail of this, but how is the average citizen to understand what is reasonable and what is unreasonable in their situation without having an encyclopaedia of law next to them when someone is about to come through their window?

The Hon. M.J. ATKINSON: I think the law was more complicated when it relied on reasonableness both as to resort to force and magnitude of force. I think we are simplifying it by giving the householder licence to resort to force if he or she genuinely believes that it is necessary. They have already got that and have had it since 1991. However, now we are giving them licence to use such magnitude of force as they genuinely believe is necessary. It is a simple formula, and I think I can explain it on radio tonight.

The CHAIRMAN: We will all be listening.

Mr SCALZI: I am puzzled. I ask the Attorney a question using the Nashar example. Would a member of the Nashar family who happens to be in the house but is innocent and has no association with the prior behaviour be entitled to the defence?

The Hon. M.J. ATKINSON: Yes.

Ms CHAPMAN: I think we should leave the Nashar case, because it is probably not a good example of what we are trying to achieve here. Nevertheless, I am equally puzzled as to why he would have been acquitted. In any event, as the Attorney points out, for the reasons he has explained, he would not have this defence available to him, and that is probably a good thing. It is concerning nonetheless and highlights the problem.

Regarding the mental faculties provision, proposed subparagraph (e) requires that the mental faculties were not substantially affected by voluntary and non-therapeutic consumption of a drug. I think it has already been asked how on earth we define 'substantially affected'. Has the Attorney

considered how he will make this distinction in a circumstance where the victim of the home invasion may be under the influence of a combination of things? For instance, he may have had two or three glasses of wine with dinner and then taken a perfectly legitimate therapeutic drug to enable him to sleep. How would someone be able to distinguish the drug under which they were under the influence for the purposes of excluding them from the benefit of this requirement?

The Hon. M.J. ATKINSON: The emphasis is on voluntary consumption and non-therapeutic consumption, and this is a good illustration of why we have drafted this law so that the onus of establishing the elements of the defence is on the defendant on the balance of probabilities. How on earth would the Director of Public Prosecutions negative beyond reasonable doubt the defence in that situation, as the member for Bragg advocates? I think we have got this right, and this is a further illustration of how we have got it right.

Clause as amended passed.

Title passed.

Bill reported with amendments.

The Hon. M.J. ATKINSON (Attorney-General): I move:

That this bill be now read a third time.

The member for Bragg asked a number of questions at the end of her second reading speech. Owing to the splendid efforts of Joy Wundersitz and the Office of Crime Statistics, I am able to answer those questions. Before answering them, I have been asked to stress three points.

On 25 December 1999 new legislation was proclaimed that replaced break and enter offences with a range of serious criminal trespass offences, including aggravated serious criminal trespass. After this change, there was a transition when some matters were reported or charged as break and enter while others were dealt with as serious criminal trespass. This made it harder to compare accurately from one year to another during that transition. In particular, there was no way to determine which of those matters recorded in 2000 and 2001 as break and enter under the old legislation had aggravating circumstances and would, under the new legislation, have been classified as aggravated serious criminal trespass.

Secondly, in these statistics aggravated serious criminal trespass is a subcategory of serious criminal trespass. Thirdly, data for 2002 has not been fully audited and the figures are, therefore, preliminary. The member for Bragg asked: how many instances of serious criminal trespass were reported to the police? In the year 2000 there were 36 924; in 2001, 35 744; and in 2002, 33 765.

Mrs Redmond: It has gone down.

The Hon. M.J. ATKINSON: The member for Heysen notes that it has gone down, and she is correct.

Question 2: the number of charges laid for serious criminal trespass. In 2000 there were 3 940; in 2001, 4 023; and in 2002, 5 692. There is a lot of extra money going into the office of the Director of Public Prosecutions under this government.

Question 3: the number of findings of guilt for serious criminal trespass. These figures are for adult courts. In 2000 there were 551; in 2001, 610; and in 2002, 619.

Question 4: how many instances of aggravated serious criminal trespass were reported to the police? In 2000 there were 3 195; in 2001, 4 216; and in 2002, 4 599.

Question 5: the number of charges laid for aggravated serious criminal trespass. In 2000 there were 1 300; in 2001, 1 702; and in 2002, 1 807.

Question 6: the number of findings of convictions for aggravated serious criminal trespass (and this is the total for adult courts). In 2000 there were 42; in 2001, 103; and in 2002, 104.

I thank all members for their contribution to the debate.

Bill read a third time and passed.

STATUTES AMENDMENT AND REPEAL (NATIONAL COMPETITION POLICY) BILL

The Legislative Council agreed to the bill without any amendment.

ADJOURNMENT

At 5.58 p.m. the house adjourned until Monday 26 May at 2 p.m.