

## HOUSE OF ASSEMBLY

Thursday 29 May 2003

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

### FAMILY TRUST

The **Hon. DEAN BROWN (Deputy Leader of the Opposition)**: I seek leave to make a personal explanation. Leave granted.

The **Hon. DEAN BROWN**: Last night, we debated water restrictions that would apply across the state. It affects probably all of us, but I should have perhaps declared the fact that I am a trustee of a family trust that has an orange orchard, and I would like that formally recorded in case anyone thinks there is a conflict of interest in terms of any remark that I made. I do not believe that there is a conflict of interest, but I at least want to record that.

### STANDING ORDERS SUSPENSION

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

That standing and sessional orders be so far suspended as to enable Order of the Day Government Business No. 1 to be taken into consideration forthwith.

The **SPEAKER**: I have counted the house and, as an absolute majority of the whole number of the members of the house is not present, ring the bells.

*An absolute majority of the whole number of members being present:*

Motion carried.

### STATUTES AMENDMENT (WATER CONSERVATION PRACTICES) BILL

In committee.

(Continued from 28 May. Page 3234.)

Clause 2 passed.

Clause 3.

**Mrs MAYWALD**: I move:

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Lines 12 to 21—Leave out subclause (2).

Lines 24 to 27—Leave out subclause (4).

Proposed subsection (6a), which is to be inserted after subsection (6), provides:

(6a) Where, in the opinion of the minister, the quantity of water available, or likely to be available, in a watercourse, lake or well (whether prescribed or not) is such that measures should be imposed so as to provide for the conservation or efficient use or management of water, the minister may, by notice published in the *Gazette* and in newspapers circulating generally throughout the state—

- (a) prohibit or restrict the taking of water from the watercourse, lake or well; or
- (b) limit the quantity of water that may be taken from the watercourse, lake or well.

I have moved to delete that subclause, because I believe that it is totally unnecessary. There are provisions under section 16 that already enable the minister to impose restrictions on the basis of a shortage of water to supply demand. I believe that this provision gives an extra power to the minister over and above that emergency trigger, and I do not believe that

this is the appropriate clause of the bill to undertake that kind of measure.

I respect the fact that the minister and those who have developed this provision have in their mind a conservation and water efficiency use objective. There are other sections of the bill that work through those issues, such as the water allocation plans and others, and I fear that, if this measure is moved in the format indicated, it could be another way in which, at some future time, a minister (not, of course, this minister) may want to use that provision to invoke some form of clawback. I think it is imperative that, in the current debate over water restrictions that are introduced because of the drought, we do not confuse the two issues of managing a limited resource in a drought situation and clawing back water for the long-term conservation of the resource. It is my view that they are two separate issues, and they should be dealt with in two separate processes.

The Living Murray process of the Murray-Darling Basin Commission is working through that process at the moment, and I believe that that is the appropriate mechanism that should be used to ensure that right across the basin there is a fair and equitable approach to how we are to get more water back in the river. I feel very uncomfortable about this extra power being placed into these emergency provisions. I fear that it may be used in the future to claw back water without the appropriate compensation to water licensees. I have therefore moved the amendments to remove that subclause.

The **Hon. J.D. HILL**: I accept the amendments. This amendment was supposed to clarify powers that the government already has, but I think, rather than clarifying it, it tends to confuse, so we are happy not to proceed with this measure.

**Mr BRINDAL**: The member for Chaffey's amendments should highlight to all members of this house the contributory nature of the debate on water in this chamber. The member for Chaffey and the minister have highlighted the reasons why the minister originally sought the amendment; and the opposition, as I said in my second reading contribution, was minded to accept the briefing that we received from the minister's office. I notice that the member for Chaffey, in good spirit, does not decry those reasons. She has very specific reasons for saying that this amendment is not quite what it seems.

I think that amply demonstrates to this chamber that anyone who is handling the water portfolio has to be very careful because there is no one expert on water in this place. The member for Chaffey knows her stuff; I hope that many members on this side know their stuff; and the minister knows his stuff. In view of the member for Chaffey's comments, we have gone away and reconsidered, and I think what she says is sensible. I congratulate the government on being prepared to concede this issue.

I think there remains some confusion in relation to section 16. At another time I think we all need to sit down and work on a very clear form of words that better explains what it is. I hope there is no confusion. But, on balance, the opposition also accepts the member for Chaffey's amendments because we want to get it clarified, as do the minister and the member for Chaffey. However, we do not want to clarify it in a way that makes it more difficult or puts in an additional impediment, and this is what the member for Chaffey also seeks to avoid. We support the amendments.

The **Hon. J.D. HILL**: I thank the opposition for those kind words. I make the point that there will be two opportunities within the next 12 months or so to deal with this measure again. The government's integrated natural resource manage-

ment legislation will bring together a variety of acts, including the Water Resources Act, so we will have an opportunity during that debate to reconsider it if we have made a mistake or there is something we need to pick up.

That will be a fairly crude bringing together of various pieces of legislation. After we have got that legislation in and the NRM arrangements are in place, we want to work through the legislation in fine detail to review all the acts in order to get a proper, integrated piece of legislation. We know that some of the provisions in the Water Resources Act are pretty clunky and do not necessarily fit together very well, so we want to work through that. I give an undertaking to the house that there will be at least two opportunities to review this legislation.

**Mrs MAYWALD:** I thank the government and members of the opposition for supporting my amendments. I believe that this will need to be reviewed during the course of that process, and I thank the minister for undertaking to do that at a future date.

Amendments carried; clause as amended passed.

Clause 4.

**Mr BRINDAL:** I move:

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Lines 12 to 23—Leave out subsections (2) and (3) and insert:

(2) The Governor may, by regulation, introduce one or more water conservation measures.

(3) Regulations under subsection (2) must be declared to be made—

(a) for the purposes of taking action to provide for the better conservation, use or management of water (longer-term measures); or

(b) for the purposes of taking action on account of a situation, or likely situation, that, in the opinion of the Governor, has resulted, or is likely to result, in a decrease of the amount of water available within a water resource (whether prescribed or not) (short-term measures).

(3a) A regulation under subsection (2) will, unless it has already been revoked, expire—

(a) in the case of a longer-term measure—at the expiration of 5 years from the day on which it comes into operation;

(b) in the case of a short-term measure—at the expiration of 1 year from the day on which it comes into operation.

(3b) Before a regulation is made under subsection (2)—

(a) the minister should take reasonable steps to consult with persons who, in the opinion of the minister, are appropriate representatives of groups who will be affected by the proposed regulation; and

(b) the minister should give consideration to the provisions of any relevant water allocation plan, and of any other relevant part of this Act.

Line 24—Leave out 'or notice'.

Lines 27 to 29—Leave out subsection (5).

Line 30—Leave out 'or notice'.

Line 35—Leave out '(but subject to the operation of subsection (5)).'

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Line 7—Leave out 'or notice'.

Lines 8 to 13—Leave out subsections (7) and (8) and substitute:

Line 14—Leave out 'or notice'.

I think these amendments come as a working compromise between all parties in this house. When I, on behalf of the opposition, made my second reading contribution in this matter, I talked about the opposition's concern about a juxtaposition of purpose in this act—while the minister needs these powers and needs them quickly because of the start of the new irrigation year on 1 July, at the same time he was seeking to inherently improve his powers under the Water Resources Act for the better use of water resources in South

Australia. So, on the one hand he was seeking to do something quickly because he needed to and, on the other hand, he was seeking to do something for the better governance of this resource in South Australia.

As I explained to the house, the opposition had a problem trying to handle both at once because, as the Speaker commented with respect to the member for Finnis's particular contribution, the speed with which this had to be brought into the house, because of other factors, was worrying many members of the opposition.

Thus, we had a discussion last night between nearly all the interested parties, and decided that there was and should be a reasonable degree of compromise, and that reasonable degree of compromise is represented by this series of amendments. Basically, they say that all the minister's powers are exorable by regulation, which quarantines to either house of this parliament the right to scrutinise every and any act done under the statute law we will now pass and allows either house of this parliament to disallow those regulations as it deems appropriate, which the parliament has always deemed to be a right and proper practice.

It then says, however, that there can be two classes of regulations: the Governor may make two classes of regulations. The first, if the actions taken are to provide for better conservation, use or management of the water resource, can be longer-term measures. This is because it does not matter if there is a drought and it does not matter if there is plenty of water: if they are better conservation measures for the use of water, they should be able to be promulgated and be part of the ongoing regulations appended to statute that just continue as long as necessary. If that is the sort of regulation that the minister wishes the Governor to promulgate through the Executive Council, that will be declared a longer-term measure.

If, however, there are other measures—and they might come up over the next spring and summer period—that are required for short-term application because of an emergency, they may be introduced and will be triggered if there is likely to be a decrease in the amount of water available within a water resource. If the minister wishes the Governor to trigger that mechanism through the Executive Council, they will be declared short-term measures, and a short-term measure will be able to be in force for only 12 months. The member for Chaffey made a distinct contribution in this area, as did other members.

In any case, in both forms of regulation the minister will be required to take reasonable steps to consult with persons who, in the opinion of the minister, are the appropriate representatives of groups who will be affected by the proposed regulation. That means that if the minister were to make a regulation specifically relevant to the viticulture industry in the River Murray area, he would not have to consult everybody in South Australia: he would not have to consult the dairy people, the almond growers and other groups. He might not even choose to consult viticulturists in the Clare Valley or the Barossa Valley, because they would not be involved. This law will require him to consult people who are relevant and people who will be affected in whichever industry and in whatever capacity.

So, the purposes of these amendments, therefore, are to give the minister and executive government reasonable and necessary powers for the long-term conservation of water (and they will be enduring powers); to have short-term emergency powers which can be put in place because they are necessary; to keep the scrutiny of the parliament over the

whole process; and to ensure that at all times relevant stakeholders are consulted.

I commend to the committee the amendments standing in my name on behalf of everybody—the minister, the member for Chaffey and everybody who came and had an input, and there were various people. These amendments represent a good improvement in the election. They exemplify good parliamentary practice—people working together to get a better legislative outcome. I hope that in their passage they will strengthen the legislation.

**The Hon. J.D. HILL:** I indicate that the government supports these amendments. I thank the opposition, the member for Chaffey and others for their assistance in developing these amendments. They do not reduce the powers that the government already has; they merely clarify and put in place a number of safeguards and controls to limit the potential for abuse of these powers, and that is appropriate. As the member for Unley says, the process last night was an interesting one. There was a formal debate on the floor of the chamber and in the galleries. Half a dozen of us—comprising officers, parliamentary counsel and members from both sides, including the member for Chaffey—worked through the issues and came up with a set of amendments with which we could all agree and which could strengthen the legislation. That was a good process, and it shows why parliament is such a great institution. It achieves good things for our community.

It is good to see a number of young people here today so that they can see this positive aspect of parliament being put into action, because too often we see only hostility and argument. This is where parliament really does work well. I support these amendments, and I thank the opposition for moving them.

**Mrs MAYWALD:** I also support these amendments and put on the record my appreciation for the efforts of the member for Unley and the minister, and the various officers last night in trying to come up with a way in which we could satisfy all members' concerns in regard to these amendments and to clarify the issues further. My concern in relation to the short-term and long-term emergency measures to provide for conservation and efficient water use was that we may have been overriding a number of other processes that are already in the act.

During the last five years, I have worked closely with the River Murray Catchment Water Management Board in respect of its catchment plan, and its consultation process in relation to that, which sets the overarching principles for water conservation and water use, and sustainable use of Murray River water in that catchment, and also through the development of its water allocation plan.

That water allocation plan is specific in relation to the conservation measures that it is imposing and the targets that we will need to achieve in the Riverland over the next few years. For example, in the water allocation plan all Riverland irrigators will be required to meet an 85 per cent efficiency target by 2005, and by 2010 they must be able to offset the impact of any off-site drainage water through mitigation or other works on their own property. They are very ambitious targets. They are targets that will impose a significant cost impost on irrigators to ensure that they can maintain those targets. However, it is necessary to ensure that we can get that kind of achievement in irrigation use to ensure the sustainability into the future, and in particular for future generations.

I must say that I am pleased that we were able to come up with this form of words to ensure that the minister considers

the provision of any relevant water allocation plan or any other relevant part of this act. It seems to me that it would be particularly onerous on the community to go through a consultation process over a number of years to get these plans in place, get them operational and have a minister come in and decide that they have changed their mind and want to achieve water conservation for whatever reason in a different way. That would circumvent the process, and it would make it difficult for the community to understand and feel confident in the process and in ensuring that the goalposts will be in the one place long enough for them to make long-term business decisions. Therefore, I support these amendments, and I thank all those who are involved in negotiating the position. I hope that they will provide for a better law in the end.

**Mr WILLIAMS:** I have the impression that the chamber will support these amendments, about which I have some minor concerns. I therefore have a couple of questions for the minister about them. I want to make a few comments about where we are going with this bill, per se. Since I have been in this place and prior to that, I have never been a strong champion of the move to establish water property rights in South Australia. I always saw the establishment of water property rights as bringing a whole series of complications, and this bill highlights that. I fully appreciate that one of the reasons the water property rights were established was to allow trade, particularly on the River Murray, and that is something we needed to do. I question the sanity of establishing these water property rights, because here today we are moving a bill to limit those rights.

Freehold title to land allows the owner of that land to use it for whatever productive purpose they might desire. For instance, I could purchase a parcel of land in a highly productive agricultural area, and I could use it for production of some crop or livestock or whatever for my benefit and that of the state. Indeed, I could turn around and build a golf course with the piece of land and play golf on it seven days a week. The state would not and does not—and I do not think it should—demand that that land be used for agricultural purposes or for 'the best possible use', because that is a completely subjective notion. Yet, having gone through the process—and I have been beaten around the head many times over the last few years during this process—to establish water property rights, the parliament is now saying, 'We've given you a water property right that is freely tradeable on the market, but we will restrict the way you might use it. We will not tell you at this point how we will restrict the way you might use it. We are asking you to believe that we are working in your best interests, but from time to time we will make regulations that curtail the way you are able to use that.' So, it is a very interesting property right that we now have in water. I have some concerns there.

The parliament is having one foot firmly in each camp on this matter, and it is an issue about which I have been passionate for a long time, because I have been able to foresee the problems we are getting ourselves into. By way of example, a lot of people go around this state and talk about the profligate use of water in suburban gardens in Adelaide. I have never heard one person in the media say, or read one article in the media stating, the real fact that Adelaide is by and large built on very reactive soils. If the average suburban garden in many of the suburbs in Adelaide is allowed to dry out in the summer, the houses will literally start to fall down because of the reactive soils. To turn around and say that we can have Adelaide as a city without lawns and gardens and that that will save us a lot of water, to my mind, is a non-

sense, because we cannot keep those soils dry in the winter. The only way we can keep them stable is by keeping them relatively moist during summer. I have experienced this and seen examples where people have moved into a new house in an area they did not know and allowed the backyard to dry out, only to find that huge cracks appear in the house.

So, a lot of nonsense is talked about what we may and may not be able to do. We have to live with the fact that in Adelaide people will need to keep their backyard, the surrounds of their house and the soils in those areas relatively wet. When we are debating these issues, we must have some understanding of the facts.

In irrigation areas we have a lot of people talk about the pros and cons of various irrigation systems and of various crop uses. We also have a lot of people talking about putting water to the best economic use for the benefit of the state, and this gets back to my earlier comments about what are these property rights, what is the best economic use for the state, and what restrictions the parliament should be able to legislate over people's use of this property right once they have gone into the open market and purchased it. I would argue that, if the state—and that may mean the taxpayers of South Australia, because that is how I would define the state—wanted an amount of water used for a certain purpose, now that we have created these property rights, the state (that is, the taxpayers of South Australia) has just as much right as anyone else to go into the open market and purchase that water at the going rate and put it to whatever purpose it wishes.

That is exactly what this country will have to do to save the River Murray. It will have to, as taxpayers of this state and the other states—the commonwealth—purchase water. That is what is going to happen. At a public meeting in my electorate at Meningie a week or two ago, I estimated that, just to get that process started in a realistic way, I believe the taxpayers of this nation will have to find at least \$2 billion for that purpose alone. At the moment, to buy 1 000 gegalitres of water out of the River Murray would cost you about \$1 billion and, once you go into that market and start spending that sort of money, I am sure the price of water will rise substantially. I would estimate that you would need at least \$2 billion as a starting point, and that is something we have to come to grips with. These issues are being dodged, because the people making the decisions are not game enough to talk in those sorts of terms, but I believe that is what is needed. I have a couple of concerns with the amendments, and I will come directly to those now. Proposed subsection (3)(a) provides:

for the purposes of taking action to provide for the better conservation, use or management of water (*longer-term measures*): or

I have some concerns about the use of the words 'conservation' and 'use'. Who will make this subjective judgment, particularly with regard to the term 'better use'? On whose judgment will that be based, and what criteria will they use for that judgment? Will the criteria be that you have a world-class golf course or a world-class vineyard or, in fact, you have neither of those and have something else?

I remind the house that a lot of people out there are talking about the cotton and rice industries in Australia and their so-called profligate use of water. I come back to the point that, if you took all the water currently being used by the cotton and rice industries in Australia and demanded that that water be used to grow wine grapes—whether in South Australia or anywhere in the Murray-Darling system—I would argue that the value of the production from those vineyards would be

about as useful to this nation as the value of cotton and rice, because of supply and demand. If we had that much wine grape production, it would probably return the same dollar value we currently get from growing rice and/or cotton.

So, it is pure nonsense to talk in those terms, and that is why we need to let the market sort these things out. Let the people out there who are producing things make the decision on what, in their opinion, is the best thing to produce with the water available to them. That is what property rights are all about. Let them make the judgment because, after all, it is their investment which is driving their judgment. That is what the market is all about, and I think we should allow that to work. So, I have some serious concerns about a bureaucrat being able to make a ruling on what is the better use, because of the subjectivity of it.

My concern flows from that to proposed subclause (3)(a), which provides:

A regulation under subsection (2) will, unless it has already been revoked, expire—

(a) in the case of a *longer-term* measure at the expiration of 5 years. . .

I do not know why that is there, because originally the Liberal Party was talking about a term of one year, and I do not know why the parliament would want to make that five years. If the minister wishes to promulgate a regulation to get a particular effect, I do not know why he would say, 'I don't want that reviewed within five years,' because that is basically what these provisions are trying to do: they are trying to ensure that the regulation process is continually under review, with the regulations expiring on a continual basis. I have had plenty of experiences where bureaucrats have made decisions that were subsequently found to be seriously lacking. In these cases, I believe that the role of the parliament should be to maintain its right to continually review these sort of things.

I think there has been broadly bipartisan support for these measures, and I thank the minister for shifting his stance; he has moved a considerable distance from the position he took when introducing the bill. I would have been much more vehement in my condemnation of some of the clauses in the original bill, but I understand that the minister and the government are happy with these amendments and, therefore, I am willing to wear them. However, I do have some concerns, and I ask the minister whether he can give the committee some understanding of what is in his mind and how he would see these powers being used.

I would not be able to support these measures if the proposed subsection providing that the minister could take action through regulation 'to provide for the better use' resulted in banning flood irrigation in favour of spray irrigation. There is a huge argument that has not been had in the broader community about the benefits of either of those systems, but I think that most people in the community, when they hear the words 'flood irrigation', immediately think that is bad, merely because they have no understanding of it. They immediately think that a centre pivot used to irrigate food crops is good. I again remind the committee that, when you use a centre pivot irrigation system, the surface area of the water that is applied to the ground is many times the area of that ground, and in the summer time, particularly with hot winds, the evaporation rate is enormous. Studies have shown that, under adverse conditions, up to 60 per cent pumped through a centre pivot never reaches the ground and never reaches the plant simply because of evaporation.

I would certainly like the minister to give us some understanding of his purpose for introducing these measures

and to indicate how these powers will be used, because I do have some concerns.

**The Hon. J.D. HILL:** As mover of the amendment, I also want to make some comments about the reasons for these powers. However, before I do that, I want to talk about the issue of rights. The member talks about water property rights, but that is not a phrase I would care to use. Water rights are limited, because they are really related to water licence rights. People who have water licences in South Australia are entitled to certain amounts of water under certain conditions and, of course, those conditions can change over time. That is the legal situation now in South Australia. I agree with the member that we should not try to amplify those rights and turn them into property rights, because I think that would be wrong in principle and would make—

**Ms Chapman:** You'd have to pay compensation.

**The Hon. J.D. HILL:** It truly would bring in issues to do with compensation and, in relation to the River Murray, it would involve providing for compensation on the basis that the water right was actually a water property right, despite the fictional absurdity of having a property on something which does not exist (that is, next year's rainfall). How can you own something that has not yet occurred? However, even if that could be worked out in a legal sense, it would mean that you would never get any water back into the river without paying the full dollar for it.

There are some circumstances in South Australia where water allocations have been reduced; for example, pretty well by agreement in the McLaren Vale area, where too much water was being used, the growers got together and, through a proper process which was sorted out under this legislation, the allocations were reduced without compensation. That was perfectly proper and appropriate. I just want to make it clear that I do not support the notion of property rights. The honourable member drew a parallel with land rights and made the point that, in one sense, you can do whatever you like on your land. I would say that is not true, either. Property right in land is certainly a stronger right, I guess, than water rights, but there are controls and limitations on what you can do on your land. If you have a piece of land in an agricultural area you cannot put a nuclear waste dump on it unless you go through certain legal niceties.

*An honourable member interjecting:*

**The Hon. J.D. HILL:** Well, as an individual, you just cannot choose to use your land in that way; you cannot pollute that land; you cannot allow things to escape from that land; and you cannot cut down native vegetation—there are a range of things. So, there are—

*Mr Brindal interjecting:*

**The Hon. J.D. HILL:** That is true, yes. There are a range of things you can do but there are limits. There are controls on that, and I guess the same applies with water. What do we intend to do with these measures? There are two measures: one is a short-term measure, which is what you do in an emergency. A drought is an emergency, and I think everyone understands why, if there is not enough water coming into the state, you have to reduce the amount of water you allocate to certain people. You do it in a way to minimise waste so that more productive uses of water are allowed and the least productive are not allowed. That just makes sense.

The other measure, which is the longer-term measure, is really trying to change behaviour in the longer term so that people do not waste water in the normal course of their daily operations, whether or not there is a drought. Many of the other states and jurisdictions have water regulations in place

that are ongoing. I was told yesterday that Brisbane has had water regulations in place since 1967 or 1968. They were put in place because of an emergency. Originally, there was sufficient water in Brisbane to supply need but not sufficient infrastructure to deliver that water so, as Brisbane expanded, it had to be rationed out.

A regime was put in place where no-one could water gardens on Monday. You could water on Tuesday, Thursday and Saturday or Wednesday, Friday and Sunday, depending whether your house number was odd or even. People got used to it and it became popular, so that when the infrastructure was sufficient that measure was kept in place because it seemed like a good conservation thing to do. It is measures of that kind about which we are talking.

As a farmer the honourable member would know that if you apply water to your garden in the middle of the day when there is a lot of sun, especially if you do it with a garden spray, or something, it will be half as effective as if you do it after the sunset. You get the same outcome, you get the same amount of vegetables growing and the same amount of roses growing, but you use just half as much water.

What we have in mind for this long-term process is really looking primarily at domestic consumers of water so that some simple conservation measures can be built in on an ongoing basis, and it is really no more complex than that. I understand that the honourable member is concerned—and this was the point raised by the member for Chaffey in conversations with me—that government could use this measure to effect irrigation practices. However, I think this is an inappropriate measure to deal with irrigation. The appropriate process there is a water allocation plan, which sets standards of efficiency, best practice and all the rest of it, and I do not see any reason why you would want to interfere with that process in any ongoing way.

The main beneficiaries or the main class of people who would be subject to this provision would be SA Water customers, but there are also water users who are not SA Water customers in domestic situations, and it would apply to them, too. It would also give us some powers in relation to unprescribed water courses, and there are large numbers of those in our state.

The process of prescription, which allows a regulatory regime to be put in place, is an expensive, time-consuming one; and there are some circumstances where it would be beneficial to have this power to put in a regulated use of water without going through that process of prescription. A case came across my desk earlier this year in relation to an extraction from, I think, the Bremer. A lot of pressure was being placed on a particular water course, and it would have been good to have this provision in place, because I could have fixed the problem without going through quite a complicated and expensive process.

But the primary purpose for this is to deal with domestic, perhaps industrial, water use—not to stop people getting full benefit of the use of water but to stop them wasting water. Spraying down your driveway instead of using a broom just strikes me as bad practice. Having local government watering its gardens and perhaps footpaths in the middle of the day sends really bad messages. It is good to do for its own sake, but it is also important from a political point of view, in the broad sense of 'political', because when visitors come from interstate and see these practices around our community they say, 'How can you complain about the River Murray and want us to do things when you just waste water in your city?'

That message is put out all the time, and it is something we need to do on that broader level. We can use this act for a range of things, but the plan is to use it primarily for the reasons I have just described. We could also use it in prescribed areas, of course, for people who would be using a prescribed water course to supply their domestic circumstances and who would also be restricted from using their garden spray in the middle of the day.

The honourable member also said, 'Some public servant somewhere is going to make these draconian rules.' A lot of process is involved in this. The minister will advise the Governor about this process but, before I do that, I have to consult with those who will be affected by it, that is, both the short-term and long-term measures, and I have to take into account any water allocation plan that is in place. I would then go to cabinet, because that is the way it will work, and that will mean that every other government department and minister will have a chance of looking at that provision and to comment on it.

Those departments which are advocates for the constituents (or some of the constituents) of the member for MacKillop, such as primary industries departments, will say, 'No, you can't do that; that will impact negatively.' We will have a robust debate, as you do, across the public sector and then across the ministry, and then, eventually, that will be settled and the Governor will sign it. Then a regulation will be created and will come to the parliament. So, if we get it wrong the parliament can scrutinise it. There are a lot of checks and balances in here. But the primary reason for doing this is to ensure that we do not waste water in obvious ways and to send very good public messages, both to our own community and to people interstate, that we are wise users of water.

**Mrs MAYWALD:** The matter of property rights has been raised by the member for MacKillop and the minister, so I think it is only prudent that I respond to those issues. The property rights of water, whilst they may be fluid (excuse the pun), are also a tradeable right, and in a lot of instances we are working in quite a mature market in South Australia in respect of those tradeable rights, and considerable amounts of money have been paid to access that resource. So, to suggest that it is something that they have been given and granted on an annual basis without cost is incorrect.

A considerable amount of money is invested in purchasing access to that resource, and any thought of a claw-back would need to take that into consideration. I guess the reason for my amendments is to ensure that, through the back door, this process cannot be used to bring in a claw-back process. I know that is not this minister's intention but, in future years, that could be the intention of some other minister, department or government, and that debate needs to be held in a separate forum. I believe that these measures being undertaken by the minister here, as he has identified, are specifically for short-term and long-term measures of conservation in relation to mainly domestic and industrial users.

The minister is quite right when he says that, in respect of irrigation, there are a number of other measures within the act to manage the conservation and water efficiency use through water allocations and the like in prescribed areas. Just to ensure that this committee understands my point of view, property rights is an issue for debate on another day and has no reference to the kind of provisions we are putting in place here, and we have tried to ensure that the words within these amendments take that into consideration.

**Mr WILLIAMS:** I was very interested in the comments the minister made in relation to my earlier statement and questions. The point that the member for Chaffey has just raised is the point that I was trying to make, that we really do have this problem. I was delighted to hear the minister's opinion on property rights, but the member for Chaffey is exactly right, and that is why I made my comments earlier that a substantial amount of money will have to be found by the taxpayers of this country if we are to begin to address the problem of environmental flows.

The minister commented that the long-term powers that he is seeking, the ones that would be subject to review every five years by parliament, are basically for domestic and industrial users. Would he be prepared to put that in the clause, to say that they will be used for those purposes? As the member for Chaffey has already pointed out, broader uses or irrigation uses are already controlled by other parts of the act. The minister used an example of some situation that occurred on the Bremer where, if he had this power, he could have used it then. Could the minister have used the shorter-term power for that situation? The committee is unaware of the details of that situation. If that is the minister's intent, can we add the words 'for the better conservation, use or management of water for domestic and/or industrial uses (longer-term measure)'?

**The Hon. J.D. HILL:** I would be disinclined to put those constraints on it. There may be circumstances where we would want to use them for particular areas, particularly non-prescribed parts of the state, where we want to have some sort of conservation measure put in place. I am really saying that the measure is primarily not for that purpose but for other purposes, and to constrain the power in the way that the honourable member is suggesting may have some unforeseen consequences. I think that we have the balance right with the form of words that are in place.

If there is a water allocation plan that tells us how to do stuff in a way that gets the efficiencies we need, we would not want to overturn that, but there may be some parts of the state where that is not the case. I would like to have that capacity in the legislation. I am happy to contemplate it further between here and the other place, but I think that we have the balance right between those interests.

**Mr WILLIAMS:** I thank the minister for his answer and particularly for saying that he will contemplate this matter between houses. Because he said that, I will make these comments. The previous government took action in the Padthaway basin to restrict the use of water from what might loosely be termed sleeper licences, or those parts of licences that could be called sleeper licences. A restriction was applied on 7 December two years ago whereby unused portions of allocations could not be brought into use, I think until further notice. I believe it was under section 16 of the act.

In my opinion, that was an inappropriate way to institute the measure that was taken: it sent the wrong signal. We now have the minister wishing to impose restrictions on irrigators on the River Murray. When we indicate that we may at some stage arbitrarily impose restrictions on unused portions of allocations, we immediately send the signal that people should use their full allocation. That is what the measure did in Padthaway, and that signal has been sent to every irrigator across the state. It was a bad signal and it used the wrong part of the act. I thought it was an inappropriate use of that section of the act.

That is why I am delighted that the minister will have another look at this, and I suggest that he considers that. If we

do not need this clause for anything other than domestic and/or industrial use, it would be a much better piece of legislation if those words were inserted.

**Mr BRINDAL:** As a matter of public record, I will juxtapose what the member for MacKillop said. While he and I have always been at some variance on this, I do not disagree with what he is saying, except that my understanding of what was necessary in the Padthaway basin is that people were increasingly accessing water to which they had entitlement because they had a licence. The salinity in the Padthaway basin was going up and up. I will speak to the member for MacKillop about this afterwards. My understanding is that the reason for imposing a restriction saying 'no more water taken' was that not to have done so would have completely destroyed the basin.

The member for MacKillop makes a good point. It must be juxtaposed by a minister who, determining an action to be necessary, then takes a bold and decisive action. If the minister imposes a restriction, saying that is necessary for this purpose at this time, and does so as of midnight that day, it is difficult for somebody to use the rest of their allocation because it is simply illegal. The member for MacKillop's point is right: if we are going to put them on, pull them off, put them on, pull them off, everyone will do it, but in the case of an emergency, if it has to be done, it is all government can do. We cannot not do it if the resource is going to fail.

Amendments carried.

**Mrs HALL:** I seek information from the minister as to how this measure relates specifically to the operation of private water companies. As the minister would be well aware, a number of private water companies operate through sections of the electorate of Morialta and a number of the other Hills-type electorates. From time to time, a number of issues of great concern arise either to the company involved or to the users and recipients of the water. Can the minister outline the power that now exists under these new provisions over both company and users in terms of both short-term and long-term measures?

**The Hon. J.D. HILL:** If these private companies have a licence with SA Water and are sub-licenceholders from SA Water, they would be caught under the emergency powers by the general restrictions that will be put in place at this time. If they are extracting water directly from a water source that is not part of the River Murray, that would not be the case because there is not necessarily a drought in those circumstances. If their water source were to be the River Murray or at some future stage a water resource that was drought affected or there was an emergency of some sort, they and their customers would be caught by this provision. In any case, they will be caught by the longer-term provision and their customers will be caught by that provision, as well.

I may not have said that as clearly as I ought. If and when the longer-term measures are brought in, they will affect all water users. Whether you get your water from a private company or SA Water or directly out of the River Torrens yourself, if it is decided you cannot water your garden with a sprinkler between 10 and 5, it will apply to those companies as much as any other company. Does that answer the honourable member's question?

**Mrs HALL:** It answers the first part. I would like to pursue that, because in the section we have now just agreed to the minister has undertaken to take reasonable steps to consult with 'persons in the opinion of the minister or appropriate representatives. . .', and so on. Could the minister either outline what proposals he may have in place

or give an undertaking to the committee that, when the consultation processes start, these groups of people are somehow included in that process? I specifically ask that question because we have all listed off the groups of stakeholders involved in the debate in which we are involved at the moment. However, there are a considerable number of users and a smaller number of companies operating quite independently through sections of the Adelaide Hills. I have some fear that, in the necessary focus on the river and aspects we have been discussing, particularly those that affect irrigators, this significant group of people will be overlooked. Has some thought been given to these people and, if so, what is it and, if not, will the minister give an undertaking in this specific area?

**The Hon. J.D. HILL:** We have not thought through how we will apply this provision since it was developed last night, but we will go through a proper process and I give an undertaking to the member for Morialta that, if we are looking at making changes in that area, we will certainly take advice from her if she would care to give me suggestions as to whom it would be appropriate to consult. In the interim, we will use these short-term emergency provisions, because we have to work out a way of reducing use of River Murray water by about 20 per cent, and we will apply that to River Murray water users across South Australia. If you are not a River Murray user, you will not be affected by that provision. There may be an anomalous situation where one person who gets River Murray water is on restriction but the person next door is not. The logic relates to where the water comes from.

During the course of the 12 months that we have the drought provisions in place, the Minister for Administrative Services, responsible for SA Water, and I will need to work this through and look at how those restrictions are working and evaluate which of them ought to be ongoing. Once we work out the ongoing ones, they will apply to all water users and not just to River Murray users. I would not think we will go through the long-term provisions for some time, as short-term provisions will be in place in most cases. We will be able to develop a better protocol for consultation in that time.

**Mrs HALL:** Following on from what the minister has said (and I respect that he has undertaken the consultation process), one issue that was raised on a number of occasions last night is what will happen when these restrictions are in place. In some of the areas to which I refer, one can imagine the consternation and sometimes the difficulties that may be caused between neighbours if one person is using water to wash their car or water their lawns or gardens on days when that is not supposed to happen because they are taking water from the private suppliers. This issue will need to be addressed, and I am pleased that the minister has given that undertaking. I think it is quite an important issue for many hundreds of householders, who automatically assume that, because they are in the metropolitan area, they are connected and are users of SA Water when in fact they are not.

**The Hon. J.D. HILL:** There are two ways we could do it: we could try an education program and say that everybody else is on restrictions and it would be good idea if everyone obeyed them on a voluntary basis. Alternatively, it is hard to see how we could use the emergency powers if they are not in an emergency—probably it would be an abuse of that power. We could introduce the longer-term power and apply it to them, but you would not necessarily want to put in a whole range of restrictions that might apply to everybody else for a short time because it would be applying for a longer

time. I can see the difficulty, but I am not sure what is the solution. However, we can think it through.

**Mr BROKENSHIRE:** With respect to division 1A, I would like the minister to clarify a couple of points, which I am duty bound to ask on behalf of my electorate. I also declare my interest as a water user, irrigator and farmer. This bill has been rushed through the parliament, as have a few other bills. We have seen with this bill an unbelievable number of consequences that will now have huge imposts, if they are passed by the parliament in their entirety, for a large number of people who never knew they would be caught up under the bill.

I refer particularly to the tributary zone. We still have not received from the minister or the minister's office the detailed tributary zone for the Fleurieu Peninsula and Adelaide Hills, despite my requesting a road by road map so that the parliament, on behalf of the South Australian community, in an honest, open and accountable way, can see who was to be unduly affected. I put that on the public record and hope we receive that detailed map in the near future.

In the general community, most people think that the 20 per cent water restrictions about which the minister and his colleague, the Minister for Urban Development and Planning, have spoken is only to do with the users and irrigators of River Murray water. I understand that this clause will tie up areas which are not proclaimed. I seek an answer on that. I also refer to the area of proclamation in my electorate in the Willunga Basin and to the water reusers group, which receives water from the Christies Beach treatment plant, and that is not water from the proclaimed area. Will they be tied up in this if the conservation practices have to be applied, and will it then also involve the types of crops they can water and the type of equipment they can use during the period for which this conservation practice might come into place? This is a de facto way of getting major control over water areas without due consultation in the community, as one would expect to occur in a democratic way, particularly in an area as vital as water usage. I seek a reply on those two or three key points.

**The Hon. J.D. HILL:** Unfortunately, the member for Mawson was out of the chamber when we had this discussion about 20 minutes ago: we have been through these points in some detail, but I will go through it again in summary. The measures the house has just passed by way of amendment, moved by the member for Unley, impose on me a consultation process.

There are two types of water restrictions. Short-term restrictions are to apply in the case of a drought, or some other emergency (and I cannot think of one, other than a drought, but there may well be one), where something has to be done in the short term because there is just not enough water, and you have to do the kind of things you have to do to ensure that everybody gets a fair share. I think that everybody understands that. At the moment, we have a problem with the River Murray, and that provision obviously will apply. However, there may well be a problem in some other part of the state at some future time, so those provisions would be used in that part of the state.

The other measure is a longer-term one that is really about good water conservation practices. Primarily, it is focused on urban water users, and the kind of examples I keep giving are not watering the garden in the middle of the day with a sprinkler because, if you do it at night, you get the same benefit but use half as much water. It is simple things.

It is not intended to affect irrigators, because we have water allocation plans in place. Any measure that I put in place has to take into account water allocation plans. I also have to consult with representatives of the major groups who may be affected. However, this measure has the capacity to allow a minister to deal with a situation where water is being taken out of a non-prescribed watercourse. At the moment, we have a fairly lengthy, costly and time-consuming process of prescription that allows government to do things. However, that usually happens when the watercourse is stressed, or close to being stressed.

In the lead-up to that, if we do not put anything in place to have good conservation measures, you can do what you like but, when you cause a problem, we come in with what could be draconian measures, as arguably was the case in the member's area of McLaren Vale, where water allocations were reduced quite considerably—largely by consent, I think. Nonetheless, I think that it would have been better for some measure to be in place earlier on to avoid those changes.

This measure gives us a new power in relation to non-prescribed areas, which will allow governments to have good water conservation measures in place. In prescribed areas, I cannot see how this measure would impact on irrigators at all, although there could be some reason why you would want to, and people may think it is a good idea at the time. However, the water allocation plan imposes some sort of conservation measures on irrigators. It also applies to non-irrigator users of water from prescribed areas. For example, local government might be caught by the provisions and told, 'You can't water your parks and reserves during the middle of the day: you have to do it at night-time, or in the early morning.' I think that we have the safety checks in place. The general feeling in the house was that we had, and that is why the amendment was supported.

I am not sure about the member's question about the reuse. I have not contemplated that area, and I am not sure whether or not that is caught up, or whether it is part of any water allocation plan.

*Mr Brokenshire interjecting:*

**The Hon. J.D. HILL:** I do not know whether anybody has thought it through, but we can certainly do so and give you a considered response.

**Mr BROKENSHIRE:** Thank you, and I look forward to an early response. In relation to irrigators and water conservation practices, in its current structure does this bill have the capacity to force them to change their irrigation practices with respect to the methodology of application of water? It is one thing to cut the amount of water that you may use in a situation, and I understand that; however, it is another thing to demand that water users use different methodologies, which could be quite costly if they were forced to change the type of application of equipment that they need to get their water onto their pasture or crop.

**The Hon. J.D. HILL:** The member for MacKillop asked a similar question about whether it could be used to stop flood irrigation. That is not the intention of this provision: it is really not about doing those kinds of things. The water allocation plan is the appropriate mechanism for achieving those goals, and the amendments mean that I have to take those provisions into account. It is not about those things: it is about non-critical high waste use. We do not see irrigation in that category.

*An honourable member interjecting:*

**The Hon. J.D. HILL:** I will not go down that track. I understand those members opposite who represent irrigators.



This measure is not designed to change irrigation behaviour. We have a water allocation plan process that is designed to stop water wastage. This measure provides an opportunity to put some conservation measures in place early in non-prescribed areas before a prescription process is undertaken. I think it is good to have that power but, primarily, it is about stopping domestic, industrial and those kinds of users. As I said, I will look at that more generally before this bill goes to the other place. I have already promised the member for MacKillop to do that.

**Mr BRINDAL:** I want to draw one final matter to the minister's attention: it is almost a 'notwithstanding any provision in this bill' in terms of the whole way we deal with water. Under the COAG water policy framework, under which the nation increasingly operates (and the minister is aware that much play has been made of it), water is a fully tradeable property right. In terms of water licences and a number of other things, the minister has a right to exercise some rights and constraints.

What worries me about this legislation is that the minister can exercise rights in respect to a property or a situation. When our water is fully tradeable, the minister and his department will need to consider this. I might have 100 megalitres of water, which is fully tradeable. I might have used 80 megalitres of water last year, and the minister may say that this year, because of an emergency, I can only use 60 megalitres.

Especially when interstate trade and so on comes into play, I can foresee a situation where the better the minister massages what is needed to be done on a property, the more somebody might be inclined to say, 'The minister can tell me that I can use only 60 megalitres, but I have a licence for 100 megalitres; therefore, I will trade 40 megalitres.' Do you want to answer that, because the reply might stop me making the next statement?

**The Hon. J.D. HILL:** I just want to make sure that I understand it.

*The Hon. S.W. Key interjecting:*

**Mr BRINDAL:** I am very disappointed that the Minister for Social Justice seeks to deny the whole of the community justice over its most basic commodity—water.

*The Hon. S.W. Key interjecting:*

**Mr BRINDAL:** So, she has a personal vendetta against Anglo-Saxon—

**The Hon. S.W. KEY:** I rise on a point of order. I think that the member for Unley should stop grandstanding and using this opportunity to—

**The ACTING CHAIRMAN (Mr Snelling):** Order!

**The Hon. S.W. KEY:** The minister is trying hard to answer his question.

**The ACTING CHAIRMAN:** There is no point of order. It is not within the power of the chairman to prevent the member for Unley grandstanding.

**The Hon. J.D. HILL:** Is the member asking whether, if a person has 100 megalitres of water and uses 60 for their own purposes here in South Australia and has 40 surplus, which they trade interstate, on a short-term trade, and a water restriction is put in place and there is a 20 per cent reduction, it is on the whole 100 or just on the 60 you have: is that what the member is asking?

**Mr BRINDAL:** I was not necessarily asking a question. I was trying to make that point and saying there are some questions that will arise because of this. As I said, if I used 60 gicalitres of a 100 megalitre licence, the minister then places in situ a number of regulations for better conserving

the water on my property. If it is an inalienable freehold, if you like, the minister can say that on my property I can use 60, but I still have a licence that gives me 100. It was not so much a question: this is where we are going. It may, therefore, be possible for me to take my 40 and trade it into New South Wales or Victoria, where there are not the same restrictions. We are trying to save water, but 100 megalitres is still coming out of the river.

The minister will probably argue, 'All right, it is against New South Wales' allocation, or Victoria's allocation', and they may or may not be able to handle it. In a way, it flies in the face of what we are trying to do. Additionally, there is something about which I am not sure in terms of the minister's ability to control—and I am not asking for an answer: I am just asking him to think about it. If I have that same 100 megalitres of water and he allows me to use 60, he can limit my use, but the licence—

*The Hon. S.W. Key interjecting:*

**Mr BRINDAL:** It is very difficult, but the minister understands. The minister can limit my use, but if I still have a volumetric licence that gives me 100, can I still even trade that in South Australia? I have a licence that says I have 100; here is 40, so I sell it to you, minister, in this year, and then the minister places restrictions on me as to the way in which I can use it. But the minister has legitimately bought the water from me. He is now a new user, and he will receive a share of the water, so he will be giving me 80 per cent of what I bought off him. I am just saying what the problems could be.

**The Hon. J.D. HILL:** I understand the issue, and I am not sure that I can fully give a legal answer. I suppose the circumstances that we are talking about are a short-term problem, which is a 12-month restriction. We are talking in particular, I guess, in relation to the River Murray, where trading of water is the easiest. If we put on a restriction that says you would only use 80 per cent of your previous year's use (or whatever year's use), and you have already traded some of that to someone else, or the unused portion to someone else, what is actually caught? I guess we would have to work it through.

The overall picture is that we have to reduce water by 20 per cent. Who shares the burden of that portion that has been sold? I think it would depend a little on when it was sold, under what conditions and what the expectations were. There always will be hardship provisions, or ways of not being unfair on people who made a decision in good faith and who then are relying on that decision to do something. For example, even though we are saying that water users would have to reduce by a certain amount, if someone had just gone through and planted a whole lot of crops but did not use any water last year, we will not say that they cannot water their plants this year, because it would be unfair and there would be a great loss. There are always ways of smoothing these things through. There is no doubt that there are lots of issues that we have to address. We, as a state, have little experience in doing this, because we have been protected for so long from drought—at least, in the River Murray area—because of the guaranteed supply.

**Mr BRINDAL:** I will perhaps talk to the minister afterwards. I just conclude in deference to the Minister for Social Justice, who does not realise that this is probably the only thing that we should ever be debating in this chamber for the next 10 years. The only point I leave the minister with is this. I make the point not so much because of people having hardship or because these things need to be sorted out: I

accept that. What worries me is that there does not, through this intention to do good, come an ability for avaricious people to undermine what this parliament seeks to do; that someone who is avaricious can play the law in a certain way and say, 'I've got this water. I'll sell it. Blow what the minister says', and, basically, there is nothing that can undermine the minister's good intention. I am not saying that there is; I am just pleading with the minister between the houses to at all times guard against the speculators and the people who see this as a money making proposition, not a serious environmental and economic problem.

**The ACTING CHAIRMAN:** I point out to members that, on the paper 144(3), the amendments that were passed, there was a typographical error with the words 'and substitute' at the bottom of the second last page.

Clause as amended passed.

Clauses 5 to 7 passed.

Clause 8.

**Mr WILLIAMS:** I guess this is probably a statement as much as a question to the minister. I understand there has been general agreement that this clause should remain as is. Might I say that, as a matter of principle, I do not like the idea of this parliament's giving ministers powers that are exercisable by a notice published in the *Gazette*. As a matter of principle, I think that the parliament's giving ministers power to exercise control over the people of South Australia should be disallowable instruments, at the very least.

At one stage, the Liberal Party was proposing to put amendments to this clause which were very similar to the amendments to clause 4, which affects section 17A of the Water Resources Act. I understand that these powers have been in the legislation for a very long time and, as such, I will not push the matter. But I just want to make the point that, as a matter of principle, I think this is bad legislation.

**The Hon. J.D. HILL:** This is not my legislation, of course: I am seeking to amend on behalf of my colleague. These are powers that existed in that act. We were attempting originally to have parallel powers in the Water Resources Act. We have conceded the point there. This is a narrower class of people—SA Water customers. I guess that there is a different set of relationships between SA Water and its customers than there is between the minister of state and other water users. I guess that at some stage this can be reviewed by the appropriate minister.

Clause passed.

Remaining clauses (9 and 10), schedule and title passed.

Bill reported with amendments.

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

That this bill be now read a third time.

I thank members for their contributions to this debate. I recognise that this bill has been taken through in a rapid way. It would be always better, I guess, to have more time for consideration of legislation. I thank the house for allowing the government to put this bill through in just a couple of days. I think the amendments have improved the bill, and I am happy to wear them.

Finally, in addition to thanking all members, I thank Richard Dennis of parliamentary counsel, who has worked very hard on this; and my departmental supporters, Stevie Austin from the Department of Water, Land and Biodiversity and Roger Perry from SA Water, as well as other officers who have worked on this.

**Mr BRINDAL (Unley):** I will not detain the house. I wish to congratulate the minister and thank him for allowing the opposition, the member for Chaffey and all members of this house to contribute to what is a better bill. I also thank the Minister for Social Justice for referring to me as 'Julius' throughout this debate.

**The Hon. S.W. Key:** Sumner Miller!

**Mr BRINDAL:** She is now saying 'Sumner Miller'. She said 'Caesar' before, but I am far too modest to accept such high accolades from the minister. I congratulate the government on getting this measure through, and I hope that it contributes to the better management of water in this state for many years to come.

Bill read a third time and passed.

## RADIOACTIVE WASTE

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

That this house calls on the federal Leader of the Opposition to explain why the federal Labor Party supported both a commonwealth Public Works Committee recommendation and a separate Select Committee recommendation to establish a national repository for radioactive waste, which included possible South Australian sites.

I move this motion because the current federal Leader of the Opposition, Mr Crean, gave me the pleasure of visiting my electorate some weeks ago and said during a media interview—and, indeed, during conversations with me in front of the media—that the federal Labor Party would have a policy that would not put the low level radioactive waste repository in South Australia. That surprised me—in one sense it surprised me, because I was aware that the federal Labor Party had supported both a commonwealth parliamentary select committee recommendation and a commonwealth government Public Works Committee recommendation about the establishment of a low level radioactive waste repository, knowing full well that it included South Australian sites.

It would appear to me that if the federal opposition Labor Party was genuine about its belief in not having the repository in South Australia, it would have sought to amend the recommendation at that time to exclude South Australian sites. But, it appears that during this select committee process Labor Party members did not go down the path of trying to exclude the South Australian sites. In fact, they supported the select committee recommendation, which included South Australian sites, as I understand it.

Also, in relation to the Public Works Committee report, the Labor Party had an opportunity to express opposition and of course did not take that opportunity at that time. So, I guess one could excuse me for being a touch cynical when Simon Crean rolls up to my electorate and says, 'Don't worry, South Australia won't have the low level repository: it is the federal Labor Government that wants that', when of course it was Mr Crean who started the whole process; it was Crean who wrote to the then Labor government here in 1992 saying there was a pressing urgent need; it was Crean who sent out all the discussion papers about establishing a low level repository; it was the federal Labor government which sent out discussion papers which mentioned eight sites, five of which were either totally or partially in South Australia; it was the federal Labor Party that supported a select committee recommendation that a low level waste repository be established, and only in South Australian sites; it was the federal Labor Party that supported a select committee recommendation that a low level waste repository be established knowing that five out of the eight sites were either

partially or all in South Australia; and it was the federal Labor Party that established the group of scientists to do an eight-year search to establish Australia's safest place, and they have decided on three sites at Woomera as being the preferred sites, and now the federal government has signed off on one of those.

So, one can excuse me for being a touch cynical when, at the end of the process there is some opposition to the establishment of a low level repository, Mr Crean and his party, having been involved in the process for 10 years, suddenly says, 'I do not support its being in South Australia.' So then the obvious question is: 'Mr Crean, which state do you support its being in?' and Mr Crean says that we should start the consultation all over again and go back to the position where eight sites were under consideration! Then the question is: 'Of those eight sites, won't five still be partially or totally in South Australia?' and the answer to that question is: yes. So the question is: 'Is Mr Crean seriously talking about consulting on only three sites and, if he is doing that, why did he not put out a discussion paper when he was minister offering only those three sites?'

I therefore put to the house that it is obvious that the federal Labor Party always had the view that there was not a problem establishing the low level waste repository in Australia's safest place, wherever that might be. Five of the eight sites were partially or totally in South Australia. They knew that at the time they established the process; they knew that at the time they set up the panel of scientists to work out Australia's safest place; they knew that at the time when the select committee reported, and they supported the select committee; and they knew that at the time that the Public Works Committee reported, and they supported its report. I put to the house that it should support this motion to ask Mr Crean to explain why the federal Labor Party has adopted that position over the years, because I think it will expose the fact that Mr Crean has, in my view, been somewhat hypocritical on this issue.

**Mrs GERAGHTY** secured the adjournment of the debate.

## VOLUNTEERS

**Mr BROKENSHIRE (Mawson):** I move:

That this house congratulates and thanks all volunteers in South Australia for another year of superb commitment to the local community.

It gives me a great deal of pleasure to move this motion. As I have said on numerous occasions (but I think it needs to be reinforced), without the volunteers, particularly in a state such as South Australia, we simply would not have the state that we all love and enjoy. In fact, in our community of approximately 1.5 million people, we have a known 465 000 volunteers, and I suggest that the figure could be slightly higher than that.

I was privileged to be minister for volunteers when we were in government, and I know that that count did not include the people who simply look after their elderly neighbour every day by ringing that person or knocking on their door and visiting them to ensure that they are all right. So, I suggest that we have probably more than that number. That number, of course, represents close to 30 per cent, or thereabouts, of South Australians who volunteer.

It is important that we have a national week of recognition for volunteers. It is also important, of course, that we have our own special volunteers day in South Australia, which was

an initiative of the Liberal government—as was, indeed, the Liberal government's setting up of an office for volunteers and a minister for volunteers. I believe that we were the first government in Australia, and possibly the first government in other countries, to appoint a minister for volunteers.

What I like so much about the volunteering portfolio is that it is absolutely bipartisan—for example, I now work with the Premier, who also is now Minister for Volunteers—and that is what it should be about. As I have often said, volunteering is above party politics, and we have a responsibility in this parliament to ensure that, unlike some of the things I have seen going on, particularly in the recent council elections where some members opposite put enormous effort into getting card-carrying members of the Labor Party into local government, party politics do not become involved with volunteering. That is certainly one thing we do not want. I am sure that will not happen because of the bipartisanship associated with volunteering in the parliament. I want to talk about the range of volunteers that we have.

*Members interjecting:*

**Mr BROKENSHIRE:** I trust that the interjections from members opposite are supporting my motion, and that members opposite will speak favourably to this motion when they get their chance. Emergency services is a very special part of volunteering, because those volunteers are there 24 hours a day, 365 days a year, to protect the life and property of South Australians, right across the whole state, from the South-East, across the Nullarbor Plains, right up into the Outback of South Australia. Volunteers include those women known as the Lavender Ladies, who go into the hospitals to support the patients, particularly those from country areas or those who do not receive visitors, and to ensure that they are looked after and cared for and have someone to talk to.

There is the St John Ambulance, and even SAAS has a number of volunteers—people who are volunteers in the same traditional sense as those involved with St John's Ambulance when it was the primary ambulance service in South Australia. Of course, there are the volunteers who work with Meals on Wheels or church groups and in our schools. It is amazing to witness the number of parents in my electorate who volunteer to work in the schools on a regular basis with LAP programs, assisting students with learning difficulties who require one-on-one support in the areas of literacy and numeracy to achieve their full potential. So, volunteers are in the schools and school canteens, on the sport fields, in the churches, the RSL, Legacy—and the list goes on.

Another group in my electorate for which I have immense admiration is the Friends of the Onkaparinga National Park, which is part of the Friends of National Parks organisation in South Australia. It is amazing to look at their schedule, because almost every week they have two or three working bees removing bone seed, olives and pest plants, ensuring that there is no land degradation in the parks and that there is adequate fencing. They perform tasks that some would say should be performed by Nationals Parks and Wildlife people but, of course, there is not sufficient resource in National Parks and Wildlife for that work to go on without the assistance of those volunteers. The Fleurieu Volunteer Centre, the Noarlunga Community Information Centre and the Fleurieu Volunteers Transport Service are other excellent examples of volunteering in my electorate. Of course, I also acknowledge that it is repeated right across the state.

I regularly attend sports events with my family. Saturday is a great day to get out into your community and watch your

children and, in my case, my wife is actively involved in sport. When you go to these events, you usually do not think of the impossibility of their occurring without the commitment of volunteers, right from the president of sporting clubs through to the people running the canteen who are preparing and ordering food for literally the whole week prior to the next home game. The umpires at netball matches, the runners who run water out to the football teams, and the coaches are all volunteers. I think that it is time that we reflect on an annual basis on what those volunteers do for us. We tend to take them for granted, because they have been doing the job for so long, and we must ensure that this attitude does not prevail.

We also need to ensure that volunteers are adequately resourced. The volunteer protection legislation introduced by the Liberal government a couple of years ago has proved to be an excellent piece of legislation in terms of supporting volunteers. Of course, a compact is currently being further developed by the current government, and I commend the government for its efforts in that regard. That compact was actually initiated when we were in office, although it has since been branded with a different name. However, the structure of the compact is primarily exactly as it was when the initiative was put forward two or three years ago.

It was interesting talking to volunteers after the Volunteers Day ceremony at the Festival Theatre, which was a very enjoyable morning. One volunteer said to me, 'Whilst we are pleased to see bipartisanship regarding volunteer support in South Australia today, we want you to ensure that legislation and initiatives like the compact do not allow the government or parliament to introduce overriding structures that could work against what volunteers have traditionally done themselves.' In other words, he was saying that he does not want to see the independence of volunteering taken away from them, and I also do not want to see words such as 'partnership' used in a situation where, if something is not right with an area, the government of the day can say, 'We did this in a partnership arrangement, so we're not actually responsible for this.' He said, 'Be careful with those sorts of things, and be vigilant about the way in which legislation and policy is developed to allow us to retain our independence, but we're happy for them to support and underpin volunteer organisations.'

One thing that does concern me—and I want this to be taken in the right sense—is that South Australia is an ageing population, and more and more we are seeing a situation where we need to entice younger people to come into different areas of volunteering. The Active8 initiative, started through the office of the Minister for Volunteers and was something we discussed around the cabinet table, is a program that has become very successful. In fact, it is over-subscribed. I think that those sorts of programs are the way forward for encouraging younger people to go into volunteering.

There are programs involving CFS and SES cadets, and I would like to see further development in the area of SES cadets. The Police Rangers program is one I proudly supported as police minister (and still support as the shadow minister) and, in my opinion, it could be expanded. The training corps and army cadets offer opportunities for people to upgrade their skill base, gain empathy and utilise opportunities to interrelate with their peers, as well as enabling them to network and achieve personal development. I think we are fostering very well the opportunities for these people to become lifelong volunteers.

One thing I would like to see happen in organisations—it does not happen enough, and it needs to be an initiative of that particular organisation—is recognition given for people who are actually committed on an ongoing basis to volunteering and supporting the organisation with which they are involved. When attending functions as shadow minister, I never cease to be amazed at the number of people I meet who have been volunteers for 40 or 50 years.

In fact, for almost a lifetime they have been involved with that one organisation as a volunteer. Interestingly enough, not only have some of them been involved for 40 or 50 years with one organisation but you find that they are also members of three or four other organisations. They love it, and they put that passion, commitment and love back into that organisation. Let us work on encouraging our younger people to be a part of that. I know that now there are opportunities for part of the SACE curriculum to include a certain number of hours of volunteer work.

Last year my daughter did the International Baccalaureate, and I know that, no matter how well she did academically, she would not have received her International Baccalaureate had she not undertaken a designated number of volunteer hours. I commend the initiatives within the International Baccalaureate. I also commend those sectors of the SACE course where volunteering is taken into account. I would like to see, in the public and private schools, a requirement whereby, to get through years 11 and 12, a student must commit something like 50 or 100 hours to volunteering over a two-year period.

It is good for the heart and the soul and it is also good for the South Australian community; and, importantly, I am confident that it will allow volunteering to continue at the strength that it is today. As those volunteers who have been committed for so long reach an age where they may no longer be able to do the same amount of volunteer hours as they presently do, other people will come in and support their organisations and, in time, eventually support those who have been volunteering for such a long period of their life.

I would say that, at the moment, volunteer support is in good shape in the state. It is something the parliament needs to keep an eye on, though, in order to ensure that that continues into the future. I believe the parliament should show leadership in terms of fostering the ongoing numbers of volunteers and, hopefully, a growth in those numbers. The families and communities of volunteers I see who are getting so much out of the area in which they live are often the families and communities whose parents, grandparents and children were, in one way or another, involved in volunteering. I can see that if your family are volunteers you will nurture that through your children and they will automatically become volunteers for South Australia.

I am sure that all members will support this motion. I commend the motion to the house and, again, I have great pleasure in publicly thanking all the volunteers in South Australia.

**Ms RANKINE** secured the adjournment of the debate.

**The ACTING SPEAKER (Ms Thompson):** Is the member for Mawson aware of the standing order relating to the use of telephones in this chamber?

**Mr BROKENSHIRE:** Yes, I am, Madam Acting Speaker.

**The ACTING SPEAKER:** Will the honourable member remember to act on it?

**Mr BROKENSHIRE:** I will, and I hope that all members therefore do.

### GAMING MACHINES (ROOSTERS CLUB INCORPORATED LICENCE) AMENDMENT BILL

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

No.1. Page 3, line 3 (clause)—Leave out ‘Roosters Club Incorporated Licence’ and insert ‘Validation of Licences’.

No.2. Page 3—After line 8 insert new clause as follows:  
Amendment of section 15—Eligibility criteria

2A. Section 15(1)(c)—after subparagraph (ii) insert:

or

(iii) the holder of the licence also held a gaming machine licence on 22 June 1994;

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

That standing and sessional orders be so far suspended as to enable the amendments to be taken into consideration forthwith.

**The ACTING SPEAKER (Ms Thompson):** I have counted the house and, as an absolute majority of the whole number of members of the house is not present, ring the bells.

*An absolute majority of the whole number of members being present:*

Motion carried.

Consideration in Committee.

**The Hon. J.W. WEATHERILL:** I move:

That the Legislative Council’s amendments be disagreed to.

Members of the committee would no doubt be aware that this bill was promoted to the house on an urgent basis. It was promoted urgently to deal with an urgent situation, that is, saving the Roosters Football Club. Government business was devoted to that proposition in order to ensure its speedy passage. It was not the government’s intention to allow this bill to become a vehicle for dealing with any particular anomalies which may have occurred to members in relation to gaming machine legislation, especially in circumstances where an extant inquiry into these matters was being undertaken by the Independent Gambling Authority. What we have are those members opposite, at least their counterparts in the upper house, behaving in a way which is effectively holding the Roosters Club hostage.

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** That is the essence of this matter. We understand there was broad agreement to the proposition. I understood by the public comments of those who are responsible for what passes for a party opposite that there would be support for this proposition. Instead, the contributions from those opposite have included most vociferously in the upper house the suggestion that we should send in the police to deal with the Roosters Club. Some support! Send in the police to deal with the Roosters football club. That is the proposition of those opposite.

Then a series of amendments was proposed dealing with a range of anomalies. I make no comment on the merit or otherwise of those amendments except to say that they were advanced in the context of an extant review by the Independent Gambling Authority, which has been asked to look at these very matters. It would be improper to pre-empt that inquiry and make our own decisions about those matters before having the benefit of the views of the Independent Gambling Authority, which will consider these matters in

their context. That is an orderly way in which to deal with these matters.

The approach that has been taken by those opposite simply jeopardises the Roosters football club. Members opposite have a bit of a choice. Do they want to save the Roosters or do they want them to go under? That is the stark choice that those opposite are confronted with. The government supports the Roosters football club. It wants to save it. Those opposite and their counterparts upstairs are prepared to allow it to languish and close.

**Mr BROKENSHIRE:** In response to this amendment and also in response to what the minister has just said, first and foremost it is extremely important to get the facts right in this chamber. It is important to note that all the measures in the bill to support the Roosters Club have been passed. Every single aspect that was put up by the government to support the Roosters Club was passed. That needs to be put on the table without any misunderstanding. It has all passed.

However, there is a question that the government has to answer. First, I will give a brief background as to why this amendment was put. It will take a few minutes but it is fair that the parliament hears me out on this. In brief, Mr Karagiannis has operated a function centre in the Renaissance Centre in Rundle Mall. It is an unusual situation, as is the situation with the Roosters. Both the Roosters and this gentleman have the same, most unusual, situation. Mr Karagiannis has an unusual liquor licence called a special circumstances licence and, since 1994, has had a gaming machine licence. It is exactly as unusual as the circumstances with the Roosters Club. It is an anomaly like the Roosters Club.

The lease on the premises has expired, and the Karagiannis family want to sell the business with the gaming machine licence intact. Owing to an anomaly in the legislation, which arose when the gaming machines legislation was amended, the Karagiannis family stands to lose the benefit of the licence and their business, which was the same argument with the Roosters, which we acknowledged and accepted. We accepted that the Roosters Club would lose its business if we did not support the bill, which we supported. Unless this amendment is passed, clearly that would be the case.

This is a unique licence. The Licensing Court judge has acknowledged the unique situation and the judge expressed great sympathy for the Karagiannis family, saying:

I can only suggest an approach to the legislature.

After the judge looked at everything, the only approach left was to come to the parliament. The amendment was supported by a majority of members in the upper house. I understand that the government was approached by the Karagiannis family some weeks ago but refused to intervene, from advice given to me. The government said the Karagiannis family should make a submission to the IGA in the hope that the IGA would make an amendment to preserve their rights. Before we consider this in committee, I have a question of the minister: why has the government refused to acknowledge the special circumstances of the Renaissance Centre?

**The Hon. J.W. WEATHERILL:** We have not. In fact, I met yesterday with representatives from the Renaissance Centre and assured them, as I had in an earlier piece of correspondence, that it was a matter that was properly to be raised before the Independent Gambling Authority. If I recall, I think that I have sent my own correspondence to the Independent Gambling Authority on this matter. This is one of what could be a whole range of anomalies that will be

sought to be agitated before the Independent Gambling Authority. To pick one out and deal with it piecemeal is inappropriate, so that is why we seek to have all these matters agitated before the Independent Gambling Authority.

I make no comment upon the merits of their proposition. They have raised certain arguments. As I understand it, their circumstances are that they are not operating a poker machine venue at the moment. They have a licence that is surrendered, but they hold it. On 6 June they appear before the Liquor and Gambling Commissioner once again, and no doubt they will seek a further extension of that capacity to hold the surrendered licence until they can have their matters agitated before the Independent Gambling Authority, and any recommendations the Independent Gambling Authority makes about what should be the fate of their licence will be dealt with in the context of its overall report.

One proposition that is being agitated before the Independent Gambling Authority is that there be no cap or ceiling. If that were the case, the notion of their being unable to transfer would fall away, because it would be a question of making another application for a licence. The inherent value in these licences, which is created by the cap, would disappear. A whole range of considerations may or may not flow from the Independent Gambling Authority's report. To intervene to try to look after one business or another in this debate is not an appropriate approach ahead of a report that is already considering these matters. That is the essence of our response.

**Mr BROKENSHIRE:** I have one more question to the minister and, in asking the question, I must preface it by saying that our chamber needs to know, and it should be noted in the *Hansard*, that the amendments in another place were to preserve existing rights. They were not to create new rights. It would not mean that there would be one more poker machine licence in South Australia as a result of this. I also heard the minister say that one of the potential recommendations of the Independent Gambling Authority's review may be that there will be no cap. As shadow minister for gambling, I am not going to pre-empt what an IGA report, which has already been extended, might have in it. Based on what the minister said, why has Labor refused to assist small business in preserving its right?

**The Hon. J.W. WEATHERILL:** There are two answers to the proposition about the focus on businesses. It seems to be lost on members opposite, but the whole burden and purpose of this legislation is about the licensing of gaming machines: it is not about conferring monopoly rights or matters of competition. The legislation in its terms specifically precludes the Liquor and Gambling Commissioner from considering the effect that these decisions to grant or not grant a licence have on competitors. It may have an incidental effect to confer an economic benefit, but the legislation directs one away from considering those matters. When you put on a cap and it creates an economic rent by doing that, it is real and we would expect that it would tend to attract people's attention, but it is not the essence of the legislation. Any restrictions on licences are about harm minimisation measures. It is not proper to give the weight members opposite are giving to these considerations. That is the first part of the proposition.

Secondly, preserving existing rights is not an entirely accurate way of describing what the Legislative Council has done—it has conferred a right. The status quo is that, for whatever reason, this licence is incapable of being transferred. Whether that was an unintended consequence of the previous parliament or something that was intended in

relation to special circumstances licences will be a matter that the Independent Gambling Authority may consider, but certainly the Legislative Council has conferred a right. If one considers the situation before the freeze, this licence did not have an economic value to trade; there was no point in trading it, and you could simply have sought to obtain a licence in another appropriate location because there was no cap.

It was meant to be a temporary freeze, but the parliament in intervening has essentially created this economic value, which we are now being asked to assist somebody to realise. There may be good reasons why we do that, but it is a fairly extraordinary thing to tack on to a government bill that was put in place to save a community club, and that is the essence of our objection.

**Mr BRINDAL:** I was minded and spoke in support of the North Adelaide Football Club and continue to do so. I am absolutely appalled, on behalf of the House of Assembly, at the statements the minister has made to this house. These matters should be referred to Mr Speaker, because the minister all but tried to coerce the vote of members in this place and basically he works from the erroneous assumption that the executive government is automatically right and what the executive government wants is what this parliament will deliver. The other place can speak for itself but, when any member of the executive government brings a bill into this chamber, they clearly open the bill for the discussion of this chamber and it is the right of any member in this house to move any amendment to any bill under consideration. That any minister would stand here before his colleagues and his peers and say the executive government did not want this to happen and therefore the executive government will label the opposition with penalising the North Adelaide Football Club is arrant nonsense. It is a subversion of our rights as members of parliament.

*The Hon. J.W. Weatherill interjecting:*

**Mr BRINDAL:** I hope you are listening, Madam Acting Chair, because Mr Speaker might be interested in this: the minister continues his arrogance by yelling across the chamber 'On your heads!' The upper house has a right to move amendments—

*Members interjecting:*

**Mr BRINDAL:** Yes, but the minister does not have the right to threaten us. He can allow—

**Ms Breuer:** You closed the football club.

**Mr BRINDAL:** Excuse me! I spoke in favour of the football club and continue to speak in favour of it, but I do not speak in favour of bending over and taking whatever the executive government wants to give this parliament, and that is about what it amounts to. I have never seen such arrogance—it is a disgrace. The members upstairs are entitled to do what they did. They have done it and it should be dealt with on its merits and not with some weak, wishy-washy 'We're in charge and you'll do what we tell you' attitude. If that is what he wants, be King Charles, dismiss the parliament and operate as bloody potentates for the next four years. That is the way you are going and how you are acting and my support for your measure is limited by your intelligence.

**Mr RAU:** I hope to be a bit calmer than the member for Unley. This is a relatively simple matter. A bill was put up in this house by the minister, the effect of which would be to prevent the immediate and complete termination of the North Adelaide Football Club. We were asked to vote: it was basically a referendum on the North Adelaide Football Club—'Do you want them to disappear down the plughole

tomorrow or do you want to give them a chance over the next 12 months to work out their lives?' was the question. To the credit of the people in this chamber, a majority said 'Yes, we do want to support them'. We did not divide on it, so I do not know which, if any, members of this chamber would not have supported them.

It then goes to another place. It is important to remember that before it left this chamber nobody, including the member for Mawson for whom I have great respect, raised the question of tacking on a completely separate, different matter.

*Mr Brindal interjecting:*

**The ACTING CHAIRMAN (Ms Thompson):** Order!

**Mr RAU:** I do not recall an amendment being moved in this place and rightly so. The matter then went up as a clean crisp issue of whether we are supporting North Adelaide—yes or no. It goes to the other place and, instead of the other place saying yes or no to the clean crisp issue, it attempted to add on a whole bunch of other things so that it looked like one of those cakes with nuts, bananas and things hanging off it. We all know that the other place has the power to initiate legislation, and so it should. At any stage, quite properly, it was perfectly within its capacity to introduce a bill to address this matter specifically. I know that one of the honourable members in the other place was particularly interested in this issue. He could have raised the matter as a private member's bill, as I understand that it is a conscience matter. This issue could have been dealt with in the other place and transmitted to this house for us to debate this problem discretely.

However, instead, virtually without notice (as far as I understand it, and I am not the minister) the minister requires a completely different bill in the upper house. Let us make no mistake about what is being done. It is like a scene from *Blazing Saddles*, where the poor sheriff puts the gun to his own head: the North Adelaide Football Club is being taken hostage. It is being shuffled back to this house and told, 'If anything happens here, the hostage gets it.' That is what is happening.

Let us be reasonable about this. I do not know the rights and wrongs of the other matter that is being introduced here by the other place. I have no opinion on the measure one way or the other, because I do not know the facts. It might be an excellent case that has great merit, but I do not know. I would greatly appreciate the opportunity of its being introduced in this house as a discrete matter, as could have been done at any stage by members in the other place, so that we could have an informed debate. I would be very interested to find out what the situation is at the Renaissance Centre. I know that people in the centre have had an interest in these machines for some time.

My point is this. We have a simple bill. There is no need for it to be taken hostage. The minister is proposing that the bill be separated out, as was originally intended by this chamber, and be dealt with by itself. I think that is the way to go. If members in the other place wish to raise the matter dealt with in this amendment, I encourage honourable members to do so, but as a discrete matter.

**Mrs MAYWALD:** With respect to the minister's remarks about conferring a right, he has said that this provision introduced by the other place would be conferring a right. Are we not conferring a right on the Roosters Club? For whatever reason, it has slipped through the gap, so we are conferring a right that, otherwise, it would not have by legislation.

In relation to how long this licence has been operational or non-operational, is it a current business operating at the moment? If not, how long has it not been operating?

**The Hon. J.W. WEATHERILL:** The point I made about this conferring a right was that the amendment that came from the other place conferred a right. It was made in response to a point made by the member for Mawson about the fact that we are simply seeking to protect existing rights. I do not resile from the fact that we are also conferring a right on the Roosters Club. However, I understand that the club has not been physically operating machines in this venue since about April this year.

**Mrs MAYWALD:** Is the club not operating machines at these premises at the moment because of licensing issues, or because of a business decision of the organisation?

**The Hon. J.W. WEATHERILL:** I understand that the premises within which the restaurant holds the lease (or whatever arrangements are in place) are being used for another purpose, so it can no longer operate in that venue.

**Mrs MAYWALD:** So, that means that this situation is not of their own making. The club would still be continuing that business had its lease arrangements not changed?

**The Hon. J.W. WEATHERILL:** I think it is a business issue. Presumably, the restaurant had a landlord with whom it had a lease arrangement and, for whatever reason, the landlord now seeks to resume those premises and use them for another purpose. Whatever happened in relation to that matter had nothing to do with the gaming machine legislation. This situation has not arisen as a result of the restaurant's actions. I presume it would have wanted to continue to operate at that venue if it could, but I do not know that.

**The ACTING CHAIRMAN:** The member for Chaffey has asked three questions.

**Mrs MAYWALD:** I have a supplementary question to clarify that last answer.

**The ACTING CHAIRMAN:** As clarification.

**Mrs MAYWALD:** Has the club's existing right to operate that licence been impeded by forces outside its control?

**The Hon. J.W. WEATHERILL:** I do not know what the business arrangements were with the landlord. I presume that the club would have wanted to continue if it could, but I do not know that.

**Mr WILLIAMS:** Once again, we see the abuse of this parliament by this government. The minister came to this place on government business during private members' time, was abusive and inflammatory towards the opposition and made statements that did his cause no good at all, and interjections—

**The ACTING CHAIRMAN:** Order! The member for MacKillop will discuss the topic of the amendment.

**Mr WILLIAMS:** I am definitely discussing the topic of the amendment, Madam Acting Chairman. The minister should have requested this house to accede to the wishes of the government. I suggest that the minister did his cause no good by acting as he did—for example, saying that members of the other place were suggesting that he send the police in to close down the Roosters Club.

If the minister wants to tell the house that he is not interested in the rule of law in South Australia, he should be honest about it and tell the house what he does think. Under the law as it stands, the Roosters Club is in a little trouble and we, as a parliament, are trying to sort that out. I suggest to the minister that he has not helped the Roosters' case one iota, and it ill behoves him to suggest that this is a problem for the opposition.

The minister, in my opinion, has failed to distinguish the difference between the effect on the Roosters Club and the effect on the operators in the Renaissance Centre. The

minister has failed to draw a distinction in my mind as to why I should support his proposition. He has failed to convince me that this whole matter has not been handled very poorly. He stands here and says, 'We cannot make policy or decisions on the run; we cannot make policy and legislation to suit one particular person or one operation,' yet that is what this is all about.

It was only a short time ago that the minister came in here and sought the permission of this parliament to extend the freeze on the cap on poker machines to allow the IGA to proceed with its review. If, during the time he administered this portfolio, the minister had told the IGA that it had to get on with its work, we would not have this mess that we have today. It is the minister's failure to administer his portfolio in an effective manner that has caused this whole mess. I realise the necessity to get on with this matter, and I understand that the member for Mitchell wants to contribute to this debate, so I will draw to a close. But I can assure the minister that I am not very happy with his arrogance and his attitude.

**The Hon. J.W. WEATHERILL:** I could not discern a question in that contribution, but I might take this opportunity to clarify something. I mentioned previously that the licence was surrendered; in fact, it is suspended. The proposition being considered by the Liquor and Gambling Commissioner is whether or not it should be surrendered. But presently it remains suspended. So, it is incapable of being traded, but they have something at the moment.

Progress reported; committee to sit again.

#### SITTINGS AND BUSINESS

**The Hon. J.W. WEATHERILL (Minister for Gambling):** I move:

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

**Mr HANNA (Mitchell):** Madam Acting Speaker, I wish to speak against that. I have made very firm commitments to be with people between 1 and 2 p.m. today. It is important, particularly because it is budget day—

**The ACTING CHAIRMAN (Ms Thompson):** I point out to the member for Mitchell that this is a procedural motion, which is not capable of debate.

The committee divided on the motion:

AYES (38)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Caica, P.	Ciccarello, V.
Conlon, P. F.	Evans, I. F.
Geraghty, R. K.	Goldsworthy, R. M.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L. J.	Hill, J. D.
Kerin, R. G.	Key, S. W.
Kotz, D. C.	Koutsantonis, T.
Lomax-Smith, J. D.	Maywald, K. A.
McEwen, R. J.	t.) Meier, E. J.
O'Brien, M. F.	Penfold, E. M.
Rankine, J. M.	Rann, M. D.
Rau, J. R.	Scalzi, G.
Snelling, J. J.	Stevens, L.
Such, R. B.	Thompson, M. G.
Venning, I. H.	Weatherill, J. W. (teller)
White, P. L.	Wright, M. J.

NOES (7)

Brindal, M. K.	Chapman, V. A.
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NOES (cont.)

Hanna, K. (teller)	Matthew, W. A.
McFetridge, D.	Redmond, I. M.
Williams, M. R.	

Majority of 31 for the ayes.

Motion thus carried.

#### GAMING MACHINES (ROOSTERS CLUB INCORPORATED LICENCE) AMENDMENT BILL

In committee (resumed on motion).

**Mr BRINDAL:** So that the Labor backbench is fully informed—and this is the last contribution I wish to make—a lot of this is hinged on the government's unexpectedly having to deal with North Adelaide Football Club, therefore having unexpectedly to introduce legislation, not being aware (or 'opportunistically' I think was the word used by the minister) of this situation. I want to draw to the attention of the Labor backbench a letter dated 10 April from Senator Nick Bolkus to the Hon. Jay Weatherill MP, Minister for Urban Development and Planning.

In that letter, the Hon. Nick Bolkus raises this specific matter with the minister. So, the minister has been aware of this specific matter since at least 10 April. I will quote for the government backbench one paragraph of that letter, and I am quite prepared to make both letters, with permission, freely available to the entire government backbench so that they realise how much the executive government did know before they put us all in this position.

I hope the member for Colton will listen to this, because it is important. That paragraph from a government minister to a senator states:

I am not inclined to consider any amendments to licensing and associated transfer provisions of the Gaming Machines Act prior to the outcome of the Authority's review.

Indeed, the member for MacKillop said that he came in here and asked for an extension of that authority.

So, having written to Senator Bolkus, and having been made aware of a particular plight, the minister writes back and says, 'Well, we've got a review on, so we will do nothing.' But then, within days, the North Adelaide Football Club has a particular problem and 'do nothing' is not an option. So, this is absolutely and clearly a case of one rule when it comes to ordinary business people in this state and another rule when it comes to a community club in a Labor electorate. A member of the upper house, regardless of party, exercised their legitimate right to seek justice for one group in a manner that exactly replicates the way justice is being obtained for another group, albeit as a temporary measure.

So, the minister knew, the minister chose to ignore and the minister chose to interfere in the case of a community club and ignore the identical circumstance for an individual person. In the upper house that right was exercised to say, 'If you are going to protect one, protect both these cases.' That is legitimate and the government should not be saying, 'If this amendment—

*The Hon. P.F. Conlon interjecting:*

**Mr BRINDAL:** No, but what the government—

*The Hon. P.F. Conlon interjecting:*

**Mr BRINDAL:** What the minister has said, for the benefit of the leader of government business, is that it is the government's position that you would rather abandon the entire legislation than take the amendment proposed. The minister has put that as the government position, and he has even said,



for the benefit of the minister, that he will put this back on the heads of the Liberal Party if, in fact, the whole legislation is not accepted. I put to the manager of government business that the government has an alternative, and the alternative is, quite simply, to accept the amendment.

The amendment is not unfair. It treats a business no differently from the North Adelaide Football Club. The world will not come to an end. Nothing will change. So, if the government chooses to abandon this bill because of an amendment it is the government that abandons North Adelaide: it is not the opposition, and a lot of people out there will be saying that very loudly.

**Ms CHAPMAN:** We debated during the week the issue of special circumstances to relieve apparently onerous financial circumstances the Roosters Club would face in the event that it was not rescued by this parliament. At that time it was made abundantly clear to the government that it had an alternative course (which it could have taken), namely, financially supporting the club pending, ultimately, its acting out to relocate its operations. It elected not to take that option. It elected to take a legislative course through this chamber.

The government was given clear notice that it would attract other probably meritorious and non-meritorious applications for special consideration and relief by this parliament following an adverse determination by a judge or an inequitable consideration by existing law. Exactly this sort of situation has been highlighted by the Hon. Julian Stefani in another place in bringing this particular set of circumstances to that chamber and, accordingly, predictably, ensuring relief by the parliament. The merits of the case I will not traverse. On the face of the material presented in the other place there is a good case for special consideration.

Again, of course, we are faced, in a very short circumstance, with making a determination on that and considering whether we delay other legislation because of it. In considering the specific example that is the basis of the amendment from the other place, I intend to ask the minister about the situation involving the application for further relief, at least on an interim basis, and I will do so when I eventually have the attention of the minister, who seems to be at a complete loss as to whether or not this is an important consideration. If the Karagiannis family's application on 6 June to keep the situation regarding its licence alive is not successful (notwithstanding the impecunious state which they say they might suffer until the Independent Gambling Authority's review is completed), will the government support the introduction of a bill to protect their interests?

**Mr HANNA:** Madam Acting Chairman, I draw your attention to the state of the committee.

*A quorum having been formed:*

**The Hon. J.W. WEATHERILL:** This is a very hypothetical question, of course. The Liquor and Gambling Commissioner in exercising his discretion will, no doubt, be particularly impressed by the fact that this matter will be agitated before the Independent Gambling Authority. So, it would be a weighty consideration for him as to whether he would continue to allow the licence to be suspended. However, there is a broader point. The whole point about suggesting that we should not deal with it at this time is because it is a piecemeal part of a much larger issue. We wanted to have the benefit of the Independent Gambling Authority's views on all of these matters. There is a whole range of potential conclusions that the Independent Gambling Authority could reach, which may be pre-empted by our promoting legislation in relation to this matter now.

*Ms Chapman interjecting:*

**The Hon. J.W. WEATHERILL:** No, that is not correct. The suggested amendment does more than that. It confers a right which can be enjoyed immediately in a way which would decidedly pre-empt all of the issues that would be considered by the Independent Gambling Authority. This needs to be contrasted with the situation involving the Roosters Club, which merely stays the effect of what is to happen to it for a period of 12 months.

This situation, potentially, would give the right for this licence to be traded within that period, and then there would be no further issues. So, in the language of the law, it would provide final relief, whereas in respect of the Roosters we are essentially staying the operation of the effect of the Supreme Court decision in a legislative way.

**Mr HANNA:** In order to draw out the essence of the principle that is involved here, I think it is worth going back to the lobbying of the minister on this issue and the stand that he has taken in correspondence. First, let me say how disappointed I was with the remarks of the minister when he opened the debate. We are dealing with a proposition that originated in the Legislative Council, which would have the effect of keeping alive the business viability of a particular family business. That was proposed in the context of legislation to keep alive the business viability of a particular football club.

So, the essence of the debate today is about whether that principle is the same in both cases or whether there is some essential point of difference between the two cases, because what is good enough for the goose should be good enough for the gander. I was particularly disappointed in the minister's initial remarks on this proposition coming from the Legislative Council, because normally in his dealings in and outside the house he is of a genial disposition and adopts a conciliatory tone, but today the gloves came off and he showed how ruthlessly political he can be. In political terms he sank the boot into the opposition for having the temerity to want to save a family business, which was not on the government's agenda. I am really disappointed that the minister chose to go down the route of personal attack rather than dealing with the principle. So, I feel I must make those personal remarks, which I am reluctant to make, but I do not think that issue should go unobserved or unremarked in this debate.

I refer to the letter dated 10 April 2003 from Senator the Hon. Nick Bolkus to the Minister for Gambling. He writes:

Dear Minister

I write in respect to the application by Frank Karagiannis to transfer his licences to Mr Luke Salagaras. I believe my office has raised this matter with yours. You will know that Mr Justice Kelly, on 2 November 2002, sitting as the Licensing Court, had the following to say about the transfer:

It will be of public benefit. There will be much wider selection of meals. There will be nightly meals. There will be an ability to drink at a very pleasant bar in very pleasant circumstances. There will continue to be an ability to gamble for those who choose it. There will be an ability to book functions and so on. The site is very well positioned and in the centre of the city. I accept Mr Salagaras's evidence as to the lack of similar facilities in his immediate area. On the simple basis of public interest my discretion is to move towards the grant of the removal.

After that quote the letter continues:

You will also know that on the 28 March 2003, Justice Kelly had the following to say about legal impediments to such transfer:

9.1. The present situation is unique in that this is the only Gaming Licence granted which did not emanate from a Hotel Licence or a Club Licence;

[In] 9.2 [of the judgment] His Honour said:

I reach this decision reluctantly mainly because of Mr Karagiannis, whose licence will shortly become valueless. Unless I am wrong I think his licence was forgotten in the course of amendments to the gambling legislation. It is the only licence of its type with poker machines and yet it is the only licence that seems to be deleteriously affected by the present legislation. He has worked in that building for over 20 years and it seems that the business he has built up is worthless to him. If I could I would grant this application. . . With all these things in mind I can only suggest an approach to the legislature. Other than that I cannot see how he can effectively sell his business to Salagaras or anyone else.

The letter continues:

I believe you are considering whether there is any ministerial discretion which may be exercisable to overcome such unexpected circumstances. In the event that there is not, I ask that you consider special legislation, as recommended by Mr Salagaras' solicitors, Wallman & Partners. Such legislation can be treated as 'non controversial' and I believe it would be possible for Mr Karagiannis to organise opposition support in advance of the legislation being introduced to parliament.

I await your response  
Yours sincerely—

And that is signed by the senator. A couple of points arise out of that letter. One of the most important ones is that this problem is unique, because of the type of licence that was gained by the Karagiannis business. It was legitimately gained in terms of the legislation at the time, and the appropriate licence was duly granted by the Licensing Commissioner and the Gaming Commissioner. So, that business has been continuing in good faith for a number of years at a well known city site, the Renaissance Centre. Apart from having been to a couple of functions there myself, I can certainly indicate that I have no interest whatsoever with respect to the particular business or the particular site.

The other issue that arises out of Senator Bolkus' letter is that the problem faced by the Karagiannis business today is essentially created by the parliament and the legislation that has evolved, in a staggered way, through the last 10 years or so. What they have sought to do in good faith within the legal framework with duly obtained licences is now being frustrated by an unintended consequence of the legislation of parliament. His Honour Judge Kelly suggests that the parliament may have overlooked this licence when other amendments were being made. Obviously, those other amendments were being made in respect of hotel licences, because all of us have come to think of pokie venues—that is, gaming or gambling machine venues—as hotels, and just about every hotel is one these days. So, it was the view of the court that parliament had slipped up—parliament had overlooked—and the question then arises: what is the solution to that? In the words of Judge Kelly, the court itself suggested that the solution lay with the parliament. There is a fundamental problem with waiting for the Independent Gambling Authority to deal with the matter, and I endorse the remarks of the Minister for Correctional Services yesterday when he referred to an extension of time being required—or at least an application being required—to put the matter before the Independent Gambling Authority. In other words, there is no certainty for these people unless we provide it in the parliament today.

I will now turn to the minister's reply to that submission from Senator the Hon. Nick Bolkus. The minister wrote back in a letter dated 12 May 2003, as follows:

Dear Senator,  
Thank you for your—

And I do not read anything into the fact that it is written 'Dear Senator' without any personal remark attached (even though I know that the minister and the senator have enjoyed a long association). The letter states:

Dear Senator,

Thank you for your letter of 10 April 2003 regarding the Gaming Machine Licence held by the Renaissance Tower.

As you are aware, Mr Salagaras, Mr Karagiannis and their lawyer Mr Hoban have been in contact with myself and my office on this matter.

Firstly I advise that there is no power of Ministerial Direction that I can exercise on this issue and the changes requested by the parties would need to be made through legislative amendment. As I have indicated to Mr Hoban, while I appreciate that there are unique circumstances with respect to this licence, the freeze on gaming machine licensing and ability to transfer gaming machines between venues is currently subject to an inquiry of the South Australian Independent Gambling Authority.

I am not inclined to consider any amendments to licensing and associated transfer provisions of the Gaming Machines Act prior to the outcome of the Authority's review. I have written to the Authority raising this matter and have asked that they consider this issue in their inquiry. The Authority is expected to complete its inquiry in September 2003.

Thank you for providing your views on this matter. I enclose copies of my correspondence with Mr Hoban for your information.

Yours sincerely,

And it was signed by the minister. I will add a couple of brief points about that. First, I do not have copies of the correspondence between the minister and the lawyer concerned. A couple of very important points arise out of the minister's letter. The minister suggests that this business can wait until after September 2003 to have some certainty about its future. That seems extremely unfair given the fact, as I have said, that these people had a lawful business, duly licensed, and they were enjoying that business until the rug was pulled from under them, effectively, by their landlord. Since then, they have taken every reasonable step, as far as my advice is concerned, to remedy the matter and that is why we have ended up here.

The other fundamental point (and this is what will be the basis of my question to the minister) is that the minister said he would not consider legislative amendment to remedy the problem before the review. Yet, when a well-known Adelaide football club (it happens to be the Roosters; I do not care which one it was) lobbies the minister and other members of parliament, the minister listens and the cabinet endorses the minister's position. The minister comes into this parliament with legislation directed at resolving their problem.

The fundamental question is: what is the difference in principle between the dilemma of the Roosters Club and the dilemma of this business? To sum it up, they both had legitimate businesses (and if there is any doubt about that argument, if anything, the Karagiannis business had even more legitimacy), and as a result of unintended consequences of legislation they have both found themselves about to be turned out, effectively losing their business. What is the difference in principle of the two cases?

**The Hon. J.W. WEATHERILL:** There is a fundamental difference. The operation of the Roosters Club was terminated by operation of law, in a particular interpretation which the club argues was not known at the time the club made its relevant decisions and which was confirmed by two state agencies, both the Liquor and Gambling Commissioner and the Licensing Court. With the Renaissance Centre, the exigencies of commercial ebb and flow of people needing leases and not needing leases had the effect of ceasing the business's capacity to operate.

Let me clarify one point. It would have been my preference to allow the Roosters' situation to be dealt with through the Independent Gambling Authority. However, the exigencies of time meant that was not possible. It was my preference that all these issues be dealt with that way. Indeed, the balance of the issues of principle, about how clubs should transfer and how the Roosters may transfer from one to the other in the future, has been left for the Independent Gambling Authority.

That is why the protection that we have given the Roosters Club has been extended to 31 May 2004, precisely the same date as the extension of the freeze, so those two things will line up. Any legislative change that may fall out of the Independent Gambling Authority's report and the government's response to it can come into operation either on or at that time so there is some coherent policy response. That is the essence of the matter.

What we are trying to do to assist the Roosters is not a happy situation. We would have preferred not to be put in this position. We were faced with a very stark choice about a club going under or not. That was the stark choice we faced.

**Mr Hanna:** It is a business going under or not.

**The Hon. J.W. WEATHERILL:** No, it is not a business going under. It is a business that wants the right to be able to trade its licence and, as I understand the situation, sell it. They are not suggesting that they want to continue to operate. They are not operating at the moment and they say they want to sell this licence. That is as it has been explained to me. They may change their mind and want to operate at different premises, but it is not an equivalent situation.

Similarly, the question of urgency is a different matter. It is more likely than not that, when they appear before the Liquor and Gambling Commissioner and say that the Independent Gambling Authority is considering this matter, and ask for the Commissioner to consider exercising his discretion to extend it for a further period. The Commissioner will regard that as a good argument. But even if they do not, the Renaissance Centre (or the interests behind it) will still have the opportunity to agitate their grievance before the Independent Gambling Authority, and have whatever injustice they feel is done to them remedied by the legislative response to the Independent Gambling Authority's report.

**Dr McFETRIDGE:** Will the minister explain clearly to me and to the people of South Australia why he is able to blindly follow public opinion on this without considering the full ethical and moral ramifications of what he is doing? I have spoken in this house on two occasions on gaming machines. On one occasion I was opposed to the ban on the transfer of poker machine licences; and the other day I spoke in favour of removing the cap on poker machines. I am not in favour of promoting gambling. In fact, if I had been in this place when the legislation about poker machines was introduced, I would have voted against it. It was the Labor government that brought in poker machines, but we cannot unscramble the egg. We cannot knockdown the Wine Centre, Hindmarsh Stadium, or the other things for which the government criticises the Liberals. In the same way, we cannot undo the mess that was created as a result of the State Bank.

They are past; we have to move on. We have to learn from the past and look to the future, and that is what we have to do here. We cannot just keep picking out little bits and doing patch ups by introducing messy legislation. I want to know how the minister can say that it is okay for the Roosters, but it is not okay for the Renaissance Centre or the chap who

wanted to transfer his licence from Whyalla to Virginia because he could not trade at Whyalla. The minister has to fix it up. He cannot wait until September 2003 and, in the meantime, make these other people suffer. He cannot leave it that long. The Independent Gambling Authority has to come down with some opinions now and not keep us waiting. The minister has to give us an answer about which way he will go with regard to the businesses in South Australia that are heavily reliant—and I say that reluctantly—on the income from gaming machines.

The last thing that I or any member on this side of the house wants to see is the North Adelaide Football Club go under. We will be supporting the future of the North Adelaide Football Club, but, at the same time, will the minister explain why we have to keep knocking back other legitimate businesses? The legislation was enacted. It is quite legal to have poker machines, but if you want to sell them, transfer them, or buy some more, you cannot do it. Let us sort that out. I know that the Independent Gambling Authority will give us an answer by September, but, in the meantime, people are suffering. I certainly do not want the North Adelaide Football Club to suffer, but at the same time the Renaissance Centre and other people should not be suffering.

**The Hon. J.W. WEATHERILL:** The intention of the government was to save the Roosters Club: it was not to give others an opportunity to solve every grievance that exists in relation to this legislation. There are many of them and to open them now would be like opening Pandora's box.

Progress reported; committee to sit again.

#### SITTINGS AND BUSINESS

##### **The Hon. P.F. CONLON (Minister for Infrastructure):**

I move:

That the time allotted for the consideration of the amendments of the Legislative Council to the Gaming Machines (Roosters Club Incorporated Licence) Amendment Bill be until 1.45 p.m. today.

The house divided on the motion:

AYES (40)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Caica, P.
Chapman, V. A.	Ciccarello, V.
Conlon, P. F.	Evans, I. F.
Foley, K. O.	Geraghty, R. K.
Goldsworthy, R. M.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L. J.
Hill, J. D.	Kerin, R. G.
Key, S. W.	Kotz, D. C.
Koutsantonis, T.	Lomax-Smith, J. D.
Maywald, K.A.	McEwen, R. J.
Meier, E. J.	O'Brien, M. F.
Penfold, E. M.	Rankine, J. M.
Rann, M. D.	Rau, J. R.
Scalzi, G.	Snelling, J. J.
Stevens, L.	Such, R. B.
Thompson, M. G.	Weatherill, J. N. (teller)
White, P. L.	Wright, M. J.

NOES (6)

Hanna, K. (teller)	Matthew, W. A.
McFetridge, D.	Redmond, I.M.
Venning, I.H.	Williams, M.R.

Majority of 34 for the ayes.

Motion thus carried.

### GAMING MACHINES (ROOSTERS CLUB INCORPORATED LICENCE) AMENDMENT BILL

In committee (resumed on motion).

**The ACTING CHAIRMAN (Ms Thompson):** The time for consideration of the question having expired, I put the question: that the amendments made by the Legislative Council to the Gaming Machines (Roosters Club Incorporated Licence) Amendment Bill be disagreed to.

The committee divided on the question:

AYES (28)

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

NOES (15)

Brindal, M. K.	Brown, D. C.
Buckby, M. R.	Evans, I. F.
Goldsworthy, R. M.	Hanna, K.T.(teller)
Kotz, D. C.	Lewis, I.P.
Matthew, W. A.	Maywald, K.A.
McFetridge, D.	Penfold, E. M.
Scalzi, G.	Venning, I. H.
Williams, M. R.	

Majority of 13 for the ayes.

Motion thus carried.

*[Sitting suspended from 1.55 to 2.15 p.m.]*

### WATERWORKS (SAVE THE RIVER MURRAY LEVY) AMENDMENT BILL

Her Excellency the Governor, by message, recommended to the house the appropriation of such amounts of money as may be required for the purposes mentioned in the bill.

#### GOVERNMENT COMPACT

In reply to **Mr BROKENSHERE** (Estimates Committee B)(31 July 2002).

**The Hon. T.G. ROBERTS:** I advise the following:

No initiatives have been allocated to the Department for Correctional Services.

#### SITTINGS AND BUSINESS

**The SPEAKER:** I direct honourable members' attention to the *Notice Paper*, Orders of the Day No. 3, to be found on page 6 of *Notice Paper* No. 74, in which the member for MacKillop has moved the proposition that a bill for payroll tax exemptions be debated. As much as it is my—

*An honourable member interjecting:*

**The SPEAKER:** Order! As much as it is my responsibility for the misunderstanding as any other honourable member, it is, nonetheless, in the domain of all honourable members to draw attention to any matter that they consider may be at

odds with the standing orders. I am sure that all honourable members understand that. However, standing order 232 (old standing order 286), on first blush and reading, would give people reading it, whether honourable members or otherwise, a mistaken impression. Allow me to quote:

Money Bills to be introduced by Minister (286)

A Bill which imposes a tax, rate, duty or impost or authorises the borrowing or expenditure of money (including expenditure out of money to be provided subsequently by Parliament) is introduced by a Minister.

In the circumstances, members would expect that it is to be interpreted, literally, in the manner in which it is read. Therein causes us the woe we must now face, although in no great awesome significant consequence. It was not something to which my attention had been drawn that where an honourable member sought to reduce the level of an impost or tax it was out of order.

However, upon more careful reflection and examination of the historical record to discover why it is that South Australia in the House of Assembly has a standing order at variance with most other parliaments that derive their procedures from Westminster, I discovered that on 13 October 1976 this very matter came to the attention of the house and the Speaker of the day (Hon. Ted Connelly), after deliberating upon the notice of motion which had been given by the late Hon. David Tonkin (and it is to be found in the votes and proceedings), gave this ruling:

Since the Legal Practitioners Bill, introduced by the Hon. member the Leader of the Opposition, was last before the House I have closely examined with Standing Orders and the Constitution Act as to whether or not it is capable of being introduced by a private member. Standing Order 286—

which is the old standing order honourable members will recall that I quoted—

provides, in effect, that money Bills shall be introduced only by a Minister of the Crown, thus enshrining the ancient Parliamentary principle that the financial initiative rests with the Crown.

The Crown's advocate in this instance, of course, because the people are sovereign (that is the Crown), is the government. The government has the confidence of the house. The explanation in the record outlines how that comes about. Because of the ambiguity in our standing orders, and for no other reason, the member for MacKillop has an item on the *Notice Paper* which I now direct be removed.

#### DISTINGUISHED VISITORS

**The SPEAKER:** It is with great pleasure today that I direct honourable members' attention to the presence in the gallery of a distinguished delegation from the Islamic Republic of Iran. They are all members of the Majlis, which is the Iranian parliament. Honourable members may be interested to know that, in that parliament, at present the government is of a party which, in literal translation, means 'the cooperation party', and it is there in substantial majority.

Honourable members, I am sure, will be even more interested to know, if they do not already know, that in the Iranian parliament (the house of government) are included members who represent significant religious and ethnic minorities as a direct and deliberate inclusion in consequence of the provisions in their constitution—something which honourable members realise is currently under discussion in the wider community in South Australia.

May I introduce this delegation for the benefit of honourable members and acknowledge that the leader of the delegation is Dr Jafar Kambouzia, who is himself a graduate

of the University of Adelaide and did his doctoral thesis at the Waite Institute. Accompanying him are Mr Mohammad Kiafar, Mr Anoushirvan Mohseni Bandpai, Mr Hassan Ali Ghasemzadeh, Mr Morris Mo'tamed, and Mr Mohsen Nariman, and Mr Alireza Moslemzadeh. Mr Eshagh Alhabib, the Iranian Charge D'affairs accompanying them from the Iranian Embassy in Canberra is himself a very distinguished citizen in the diplomatic delegation.

I am sure that it is the wish of all honourable members that the delegation should take greetings and best wishes from this parliament back to the Majles in Iran and give to that parliament, the Majles, and the people of Iran our continuing wish for goodwill, cooperation and collaboration. In any other way we can assist we shall to advance the mutual benefits of both of our societies.

**Honourable members:** Hear, hear!

### GAS PRICES

**The Hon. P.F. CONLON (Minister for Energy):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. P.F. CONLON:** The Gas Act 1997 provides that the Pricing Regulator may, from time to time, fix a maximum price, or a range of maximum prices, for the sale of gas to prescribed customers.

In its recent submission for increases in retail gas tariffs, Origin Energy sought an overall revenue increase of 8.09 per cent, based on increases in underlying costs and Origin's estimate of a commercial return. Origin also requested the ability to restructure tariffs to reduce cross subsidies between residential and small business customers. Origin advised that without changes in tariffs they would revert to a negative net margin as they have faced in the past. I have not allowed the retailer such a large overall increase, which would have resulted in—on Origin's advice—an increase to residential customers of 12.65 per cent.

While I can appreciate the need for a profit margin, the approved tariff changes are based on a margin and an operating cost component that are consistent with industry benchmarks, and there has been a partial removal of the cross subsidy. The partial removal of the cross subsidy is unavoidable in the light of a move to full retail competition next year.

Taking proper account of the interests of participants in the gas supply industry, and the interests of consumers of gas, I have as the pricing regulator approved an overall gas tariff increase of 3.46 per cent, which is made up of a 5.6 per cent maximum increase for residential customers and a 5.7 per cent tariff decrease for small business customers effective 1 July 2003. It is sufficient to say that Origin is not as happy with it as I am.

### STANDING ORDERS SUSPENSION

**The Hon. P.F. CONLON (Minister for Infrastructure):** I move:

That standing orders be so far suspended as to provide for the period for questions without notice be 45 minutes and that the house shall not note grievances today.

Motion carried.

## QUESTION TIME

### SEXUAL OFFENCES

**Mrs REDMOND (Heysen):** My question is directed to the Attorney-General. Given the government's recent allocation for \$6 million for rehabilitation, particularly for sex offenders, does the Attorney-General dispute or accept the validity of the findings cited in the Layton report of the research conducted by W.L. Marshall in 1993, which found that, over a five-year period, 60 per cent of untreated offenders reoffend but only 15 per cent of treated offenders reoffend?

**The Hon. M.J. ATKINSON (Attorney-General):** Different academic studies into the efficacy of sex offender treatment say different things.

### NETBALL AUSTRALIA

**Mr O'BRIEN (Napier):** My question is directed to the Premier. What is the government's response to Netball Australia's decision—

*The Hon. P.F. Conlon interjecting:*

**The SPEAKER:** Order! The Minister for Infrastructure will enable me, and probably for his own benefit himself, to hear the question from the member for Napier so that I can then understand the relevance of the answer, which I know the Premier will give. The member for Napier.

**Mr O'BRIEN:** Thank you, Mr Speaker. What is the government's response to Netball Australia's decision this week to ban Natalie Avellino from playing with the Adelaide Thunderbirds in the Commonwealth Bank's Trophy Competition?

**An honourable member:** A rip snorter!

**Mr O'BRIEN:** It's a ripper.

**The SPEAKER:** Order! The question is out of order. The member for Morphett.

### CORONER'S OFFICE

**Dr McFETRIDGE (Morphett):** Will the Attorney-General explain to the house why the state Coroner's Office has an unacceptable backlog of up to 22 weeks to process Coroner's reports and death certificates? A constituent of mine recently died from a fall and, 22 weeks later, the family still does not have a Coroner's report or the original death certificate. This means that the family cannot finalise any arrangements, including the sale of their mother's property.

**The Hon. M.J. ATKINSON (Attorney-General):** These delays have come to my notice. The question is a pertinent one, and I thank the member for Morphett for asking. I will get the honourable member a considered reply.

### DRIVER ACCREDITATION

**Mr MEIER (Goyder):** My question is directed to the Minister for Transport. What action has been taken since my earlier question in this house on Wednesday 30 April regarding the problems bus drivers are encountering in getting police checks for bus driver accreditation? I have been contacted by a constituent who organises drivers for transporting Northern Yorke Peninsula Health Service Day Centre patients. Following earlier problems I highlighted in this house, my constituent instructed her drivers to make sure they

applied for their police checks as soon as they received their application for accreditation.

One driver received her application on 6 May this year and applied for a police check on 7 May. On Monday this week she contacted the police to see whether the police check had progressed. She was told 'no', and was advised that it would still be another three to four weeks before it was completed. Her licence expires next Tuesday 3 June. So, for a couple of weeks she will be out of work, the bus company will be short of a driver and patients will probably be left stranded.

**The Hon. M.J. WRIGHT (Minister for Transport):** The member for Goyder is right. He has asked this question before and, to the best of my memory, what transpired beyond that is that the issue in respect of that individual was solved at the time. I see that the member for Goyder is nodding his head, so at least we have agreement on that. What might be worthwhile noting is that, if the member has an issue like this (and I thought I made this offer to him before, but if I did not I apologise), he should bring it to my attention immediately. There is no need to raise it here—

*Members interjecting:*

**The Hon. M.J. WRIGHT:** It was solved. On a previous occasion when he raised this with me, I undertook to ask my departmental officers to investigate it as a matter of urgency, and it was solved straightaway. It is disappointing if it has happened again to another person, but the same offer stands. Please give me the details and we will sort it through as quickly as possible.

#### NETBALL AUSTRALIA

**Mr O'BRIEN (Napier):** Has the Premier complained to Netball Australia about its decision this week to ban Natalie Avellino from playing with the Adelaide Thunderbirds in the Commonwealth Bank Trophy Competition?

**The SPEAKER:** Before the minister answers, whilst it is not clear to me under which of the Premier's portfolio responsibilities he may have done so, at least he is accountable to the house for apparently having done so—

*Members interjecting:*

**The SPEAKER:** Is there someone else who thinks themselves more worthy of the office of the chair? I invite them while the chair is addressing the chamber to listen: they may learn something. I invite the Premier, who apparently has had some communication with Netball Australia, to provide the house with the information relevant to the circumstances as he sees fit.

**The Hon. M.D. RANN (Premier):** Thank you, sir. Once again, an appalling lack of judgment and petty politicking by Netball Australia has put a black mark on the game and, once again, South Australia, traditionally the strongest netball-playing state, is on the receiving end of crazy decision making by Netball Australia. This decision is the fourth instance that I can recall in which South Australian netball has been discriminated against. First, there was the banning of Trudy Gardner from playing in the early days of her pregnancy; secondly, axing the Adelaide Ravens of which I was a proud patron (and some have described me as their principal motivational coach); thirdly, the banning of Jacqui Delaney from playing with the Thunderbirds because of her move to Sydney; and now the banning of Natalie Avellino, a world-class player, much loved and respected in this state. It is against standing orders to point out anyone who might be sitting in the gallery.

I am told that Natalie Avellino moved back to Adelaide on 8 April and she lived here once before during the 1990s when she played for Garville for some five years. I am told that she is on the South Australian electoral roll and that she spends five nights a week here and travels to Sydney for business. I am advised that Netball Australia, headed by Pam Smith as Chief Executive, has deemed that Natalie is somehow ineligible to play for the Thunderbirds because she was not a resident of South Australia before 7 April. Just to reprise that, I am told that she moved here on 8 April but has been banned from playing netball for the Thunderbirds because she did not move here prior to 7 April. This dispute is apparently about one day. It is as petty as that.

**Honourable members:** Bring in a bill!

**The Hon. M.D. RANN:** A special bill. I'm getting some good ideas.

**The DEPUTY SPEAKER:** Order! The Premier will resume his seat. We will have order! The member for Waite might be playing for the Thunderbirds if he is not careful, because he will not be in this chamber.

**The Hon. M.D. RANN:** I am told that the member for Waite had a distinguished sporting career in the armed forces, but I did not realise it was in netball. However, we can work on that. I do not know of other sporting codes that have a residency criterion just like this—it is totally stupid. Yet this decision affects not only the credibility of the sport in this state but also the sport as a whole. It not only denies a great player the opportunity to play out her career on positive terms but also denies spectators the opportunity of watching such an exciting and creative player who will only increase the intensity and standard of the competition.

I know Natalie well and know that she is devastated by this decision. Pam Smith and Netball Australia have made a series of decisions which in my view have made netball look unprofessional, petty and backward looking in terms of its national administration. In South Australia, we have dedicated people, as we did with the Ravens and as we have with the Thunderbirds. People like Rod Hook, Marg Angove, Pat Mickin and others over the years have done such great work here. In my view this is about envy on the part of the eastern states. We saw the Ravens duded when I got this bizarre letter from Pam Smith and when I fought for our state in that regard.

There was a rumour going around the other night at the Australia/South Africa game, which the Leader of the Opposition, the member for Norwood and I attended—maybe other members were there also, I am not sure. I did not get the opportunity to meet with Pam Smith; she did not present herself to me at the function afterwards where we were honouring Catherine Harby-Williams and unveiling the board of honour for captains. I am not sure what that was all about, but I understand the rumour was circulating that Pam Smith was after an international position in netball, running world netball. Maybe I need to pick up the phone and be a referee for her to my friends in New Zealand, Britain and elsewhere.

This sport, which is the most widely played in this country and is so important for the fitness and self-esteem of girls, women and some men, deserves much better than the way it is run by Netball Australia. Our netball stars from South Australia who have dominated the international competition over the years are paid a pittance for their dedication to the sport, to their teams and country. Let us compare the paltry and embarrassing payments our international netball stars are paid in comparison with male athletes. It is a disgrace. I

would hope that Netball Australia was out there pushing vigorously for the sport to be—

**Ms CHAPMAN:** On a point of order, sir, I appreciate that the Premier has answered the question in respect of responding to the correspondence, but to now go into the comparison of men's rates of income relative to netball is really straying from the substance of this issue. I ask for your ruling, sir.

**The DEPUTY SPEAKER:** I uphold the point of order. I ask the Premier to come back to the question, as he is getting off side with the chair, and I think he understands that language.

**The Hon. M.D. RANN:** On the question of Natalie Avellino, I should have hoped that Netball Australia would be out there pushing vigorously for the sport to be professional and run professionally with high profile sponsors and increasing players' rights and payments, yet it spends time and money on petty war-making to the detriment of an Australian icon like Natalie Avellino. Netball Australia is responsible for organising sponsorship for the national teams. I am also told that the clubs themselves are not allowed to do this, yet I am also told that after round one only one of the eight teams have sponsors. I find that simply unbelievable if it is true. So now apparently lawyers will be getting involved, just as they did with Trudy Gardner, which caused the sport great embarrassment nationally and probably internationally.

Once again, there will be a legal row, wasting time, effort and money over a petty row. Whilst I am not a lawyer (which may surprise some people because of some of my pronouncements), my family has hundreds of years' association with the law, one way or another. I am sure that the constitutional aspects of restraint of trade will prevail. I urge Netball Australia to show some leadership, to lift itself above petty politicking and to allow Natalie Avellino to play for the Adelaide Thunderbirds. I hope that we have the support of every member of this house.

#### RAILWAYS, BELAIR STATION

**Mr HAMILTON-SMITH (Waite):** My question is directed to the Minister for Transport. Will the government guarantee that the recently destroyed Belair railway station will be rebuilt to its original heritage design? The Belair railway station building was recently burnt to the ground in mysterious circumstances. Community volunteers and friends of the station and of the Belair line have expressed concern that the replacement building should reflect the character of the original locally significant heritage building and that funds should be provided to ensure that is so.

**The Hon. M.J. WRIGHT (Minister for Transport):** TransAdelaide is awaiting a report from Heritage SA, which will give its view about the restorability of the building and which is expected shortly. The ARTC equipment is still operational, and a temporary shelter has been put around it. TransAdelaide has discussed this matter with the Friends of Belair Station, who are participants in its Adopt-a-Station program. TransAdelaide will keep them advised of developments from Heritage SA, and at present it is investigating constructing an ATCO hut to use as the drivers' common room until matters are resolved.

#### NETBALL SA

**The Hon. I.F. EVANS (Davenport):** Given the Premier's previous answer calling on Netball Australia to increase player payments to netball players, will the state government

commit to wiping out Netball SA's debt on its stadium so that the money paid in debt repayments can go to South Australian players?

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. M.D. RANN (Premier):** A wonderful question! On the day of the budget, when we are putting money into hospitals, schools and law and order, the opposition is back on stadia again: that is its priority! This is the team whose proudest achievement was the money it spent on the Hindmarsh stadium and the wine centre. The opposition has its priorities—stadia; I have mine—hospitals and schools.

*Members interjecting:*

**The SPEAKER:** Order! The budget will come.

#### ADELAIDE AQUATIC CENTRE

**The Hon. D.C. KOTZ (Newland):** Will the Minister for Recreation, Sport and Racing advise the house, now that the agreement between the state government and the Adelaide City Council relating to the aquatic centre has been signed, what benefits will apply via this agreement to the Coalition of Swimming Sports, which is a beneficiary of this agreement? The Coalition of Swimming Sports has raised concerns with me, including the following:

... the cloak of secrecy that has been thrown over the agreement in relation to fees to be applied to aquatic sporting bodies by the Adelaide City Council.

An e-mail to the minister (still unanswered) stated:

Surely, as beneficiaries of expenditure of public funds, the coalition should be privy to the guidelines used to establish rates we are to pay the Adelaide City Council. We are not seeking access to the legal terms and conditions, simply the fees schedule. In fact, we would argue that an agreement of this type, between state and local government, should be open to public scrutiny.

The e-mail concludes:

What does it contain that demands such secrecy?

**The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing):** An officer of the Adelaide City Council has written to me in relation to the Adelaide Aquatic Centre agreement between the state government and the Adelaide City Council. I have asked the Office of Recreation and Sport to explore the issues raised by the Adelaide City Council. I do not disagree with the tenor of the member for Newland's question, but the Adelaide City Council has, as I said, written to me in regard to that agreement. We are seeking advice about it. I share the member's views and, once that advice has been received, I hope that I can reach an agreement with the Adelaide City Council that those details can be released.

#### WIND POWER

**Mrs PENFOLD (Flinders):** Will the Minister for Energy advise the house if he has read or been briefed, in writing or orally, on the report by Deloitte Touche Tohmatsu, 'Wind generation developments on the Eyre Peninsula—Economic Impact Analysis'? This report outlines, in scenario five, a total economic impact of local manufacturing activity during the construction phase of \$4.72 billion to this state. It is dated December 2002, but has not yet been publicly released by the government and is apparently being ignored.

**The Hon. P.F. CONLON (Minister for Energy):** I have read a great deal on wind farms, both on Eyre Peninsula and elsewhere. I will not risk my memory. I will bring back a detailed report to the member. This is something that may

have escaped the member for Flinders, who is a great supporter of wind farms in her own electorate, but I think she will have to realise that the previous government privatised the electricity industry. Over and over the member for Flinders has asked this government to go out and invest the money to overcome the shortcomings in a privatised industry. If that is what the member for Flinders wanted, she should have had the courage to oppose the privatisation of electricity.

*Members interjecting:*

**The SPEAKER:** Order!

### PAROLE BOARD

**Mr HANNA (Mitchell):** My question is directed to the Premier.

*Members interjecting:*

**The SPEAKER:** Order! The member for Bright and the minister will cease quarrelling.

**Mr HANNA:** Were the Premier's comments yesterday—

*The Hon. W.A. Matthew interjecting:*

**The SPEAKER:** Order! I warn the member for Bright for the second time. May I crave the indulgence of the member for Mitchell to begin again.

**Mr HANNA:** Thank you, Mr Speaker. Were the Premier's comments yesterday just more rhetoric beating up on the Parole Board, or does he propose to pressure the Parole Board? Yesterday in an interview, the Premier stated:

I am going to put the wood, however, on the Correctional Services Department and on the Parole Board to make sure that these rehab programs work, because if they don't work I'll cancel them.

**The Hon. M.D. RANN (Premier):** I am delighted at the honourable member's question. I have just been handed this note from my office, which says:

Subject: Frances Nelson QC called and left the following message for the Premier, 'I said thanks'.

### TREE CONTROLS

**Mr BRINDAL (Unley):** My question is directed to the Minister for Urban—

*The Hon. P.F. Conlon interjecting:*

**The SPEAKER:** Order! I warn the Minister for Infrastructure for the second time.

**Mr BRINDAL:** My question is directed to the Minister for Urban Development and Planning.

*An honourable member interjecting:*

**Mr BRINDAL:** It certainly is. Will the minister advise the house how a gum tree that has a trunk larger than 2 metres in circumference can be transplanted, what the rate of survival for such an operation will be and how much gross state product is likely to be involved in the new interstate trade, since these trees cannot legally now be sourced in South Australia? Yesterday in a ministerial statement regarding the Liberal Party initiative which sought protection of significant trees introduced, the Minister for Planning said that the government was considering introducing what he called tree replacement penalties, and I quote what he said yesterday:

Any significant tree that is removed illegally will have to be replaced with a similar mature tree in the same place.

Significant trees are usually large mature trees, many species of which the arborists at the Waite Institute and the Botanic Gardens both inform me cannot be transplanted live. Labor replacement strategies therefore will lead to the death of two

and not one of the very trees that the Liberals sought to protect.

**The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning):** I thank the honourable member for his question. Obviously, he seeks to ridicule a sensible proposition which seeks to address a serious issue. Members opposite would be aware that when they promoted legislation to protect significant trees one of the difficulties that emerged was that, unfortunately, a number of developers would carry out their development operations which had the 'accidental' effect of causing the tree to die.

One of the most significant sets of submissions that complained about this legislation that was heard by Commissioner Hutchings on his review was the absence of the present regime of penalties in providing a sufficient deterrent for that sort of activity. There is obviously a monetary penalty, but often councils were reluctant to prosecute those offences because the penalties awarded by the Environment and Resources Development Court were quite low and did not provide a sufficient monetary penalty to deter the activities.

So, there is a range of matters being considered. One is the extent of the penalties, and the other more interesting proposition put by Commissioner Hutchings—and supported by a large number of people who made submissions in the matter—was to incorporate as a penalty for an offence of this sort the replacement of a tree. It is obviously not exactly the same sort of tree, but—

*Mr Brindal interjecting:*

**The Hon. J.W. WEATHERILL:** If you read it, it talks about a similar tree, not a sapling. It is basically a tree which is a relatively mature one, not a sapling, so that people in cars do not accidentally reverse over the sapling. It is to take away the incentive for the developer to accidentally damage the tree because it removes the advantage that the developer gains by taking action of this sort. The honourable member has had a great deal of fun ridiculing this proposition. When the matter finally is reduced to legislation, it will provide a sensible means of putting a mature tree in the position that exists. It will not be a 20-foot gum tree: that is an absurd proposition, and the member knows it. He does not make a sensible contribution to the debate.

*Mr Brindal interjecting:*

**The SPEAKER:** Order! The honourable member for Unley will come to order.

### UPPER SOUTH-EAST IRRIGATORS

**Mr WILLIAMS (MacKillop):** My question is directed to the Minister for Environment and Conservation. Will the minister advise the house if he is prepared to negotiate a fair and equitable outcome for irrigators in the Upper South-East who have been asked to pay almost double fees for water licences issued after the irrigation season? Farmers in the Tintinara-Coonalpyn proscribed wells area have been waiting since the 1999 moratorium on water-taking for the security of water licences. In March this year licences were issued for these farmers, and they are now being asked to pay a full year's levy for licences issued only after the completion of the irrigation season. Additionally, these licences are expressed in volumetric terms, unlike most licences in the South-East. This effectively imposes a levy rate of about \$14 per hectare per annum on these licence holders, as opposed to approximately \$9 per hectare per annum for virtually all other irrigators in the South-East. According to this week's



*Border Chronicle*, these irrigators 'believe they are being treated harshly compared to other irrigators in the region'.

**The Hon. J.D. HILL (Minister for Environment and Conservation):** I guess that if it is in the *Border Chronicle* it has to be true; it is an excellent newspaper operating in the South-East.

*An honourable member interjecting:*

**The Hon. J.D. HILL:** No; he said the *Border Chronicle*. I know which paper he was referring to.

*An honourable member interjecting:*

**The Hon. J.D. HILL:** Ro Ross always does a good job in the *Border Chronicle*. I assume that the irrigators referred to by the member have been using water over the course of the past—

*Mr Williams interjecting:*

**The Hon. J.D. HILL:** I do not know the details of the question, but I am certainly prepared to have a close look at it. The member probably realises that we have to strike a levy and raise levies to do the jobs that people require us to do. That is a process we have been going through right across the state. I know that people do not like paying for things they use—

*Mr Williams interjecting:*

**The Hon. J.D. HILL:** I will have a look at the detail and get back to him.

#### ABORIGINES, EMPLOYMENT

**Ms BREUER (Giles):** My question is directed to the Minister for Employment, Training and Further Education. What new initiatives is the government putting in place to create sustainable employment for Aboriginal people?

**The Hon. J.D. LOMAX-SMITH (Minister for Employment, Training and Further Education):** I thank the member for Giles for her question, because I know that she is keenly interested in opportunities for indigenous people in her electorate. Through the Office of Employment we have formed a partnership between the Department of Environment and Heritage and the commonwealth Department of Employment and Workplace Relations to employ five young Aboriginal people in a land and biodiversity management program.

This is a combined initiative of the state public sector Aboriginal recruitment and career development strategy and the government apprenticeship scheme. It will address the low representation of indigenous people in this area of expertise and employment, and has seen the commitment of \$179 000 to the program over four years. Five apprentices will be employed through the Office of Employment, and these will be hosted by the Department of Environment and Heritage in Ceduna, Balcanoona, Innes National Park, Berri and the Coorong National Park.

The participants will gain a level 3 certificate in conservation and land management over the four year period. On the successful completion of their contracts of training, these apprentices will be permanently appointed to an Aboriginal community range of positions within the Department of Environment and Heritage.

#### FORESTRY FIRE TRUCKS

**Mr BROKENSHIRE (Mawson):** My question is directed to the Minister for Emergency Services. Given the government's statements that Forestry SA's first attack trucks are necessary to keep paid forestry officers safe, will the

government be upgrading CFS trucks that could be involved in forestry fires to keep volunteer firefighters safe, or does the government have another plan, such as keeping CFS fire trucks as second attack vehicles and, therefore, out of the forests? In a recent news release, the government stated:

It means Forestry SA firefighting crews, who are also CFS crews, will now be able to safely access a fire, enabling quicker suppression of forest fires. They are designed to protect crews caught in extreme situations and, importantly, enable them to reach safety.

I have also received a briefing which states:

For occupational health and safety issues, it is possible to have a retrofit cost for existing CFS fire trucks, which would include windows in fire proof, internal metal skins, protection of all fuel breaks, air, electrical lines, water sprays over tyres and cabins and crew havens at a cost of approximately \$30 000 to \$50 000 per truck.

**The Hon. P.F. CONLON (Minister for Emergency Services):** The first thing I would say in regard to the member's question is that, if he does have a briefing, I would like him to table it so that we could all enjoy the benefit of it.

**Mr Brokenshire:** It is a briefing from person to person.

**The Hon. P.F. CONLON:** So, it is not one of our briefings, it is one that he has made up for himself! It is not necessary to table that; I do not think we want to read it. I make this point to the member for Mawson. When it comes to the design of Country Fire Service appliances, I rely on the advice of the experts in the Country Fire Service. It may have been that, when he was the minister (because he had been a volunteer), the honourable member thought he might dabble in the design himself, but I have thought it safer not to do that. I rely on the advice of my experts in the Country Fire Service. Our role is to resource the Country Fire Service in capital purchases, and that is an area where I would be more than happy to compare our efforts against those of the previous government because, as I have said before, and I will not labour the point, it was were spending \$2 million to \$3 million of its capital program. The money that should have been spent buying the CFS safer fire trucks was spent on recurrent expenditure as a result of the grotesque mismanagement of the previous government.

#### CONSTITUTIONAL CONVENTION

**Mr KOUTSANTONIS (West Torrens):** My question is directed to the Attorney-General. What progress has been made in the preparations for a Constitutional Convention?

**The Hon. M.J. ATKINSON (Attorney-General):** Much. On Monday 12 August 2002 cabinet approved an allocation of \$570 000 to hold a Constitutional Convention. A parliamentary steering committee, chaired by the Speaker, was established by cabinet to supervise the convention. After a decision at a meeting of the parliamentary steering committee in December 2002, cabinet also approved a process for the convention, which included engaging the public through the release of a discussion paper, a series of public meetings and conducting a two-day convention with 300 delegates chosen at random from the South Australian public.

**Mr Brindal:** That could be us?

**The Hon. M.J. ATKINSON:** Yes, dear boy; it includes you. The public includes you.

**The SPEAKER:** Order! Can I just disabuse the member for Unley and any other member in this chamber, that none will be members in that 300-strong delegation whilst I have breath in my body.

**The Hon. M.J. ATKINSON:** In April 2003, cabinet approved an additional \$140 000—and I hope the member for

Heysen is listening because of her interest in this—as the costs were expected to exceed the original estimate because the number of participants is now proposed to be 300, whereas the original model proposed between 100 and 200, and a public submissions component had been added. I am pleased to advise the house that a contract was signed with Issues Deliberation Australia earlier this week for the provision of all the services needed to run the convention in August 2003.

The convention will be a deliberative poll. The process starts with 1 100 South Australians chosen at random being invited to the convention and telephone polled on a series of parliamentary and constitutional issues. I think the point, sir, that you were trying to make is that if a member of parliament were to be chosen among those 1 100 it would be incumbent on that member to decline the offer, but that is a matter for individual members. Those 1 100 people would be telephone polled on a series of parliamentary and constitutional issues. Experience of some 24 deliberative polls worldwide indicates that, of the 1 100, some 300 will accept and participate in the convention.

Also, 100 reserve delegates will be chosen at the same time as the 1 100. If there are fewer than 300 acceptances, additional delegates will be invited from that reserved component to ensure the numbers. At the convention delegates will work in small, professionally facilitated groups to consider the five questions covered in the discussion paper. They will also participate in a series of plenary sessions where they will be able to put questions to experts on constitutional and parliamentary matters. At the end of the convention they will again be polled and these results will be analysed, compared with the first poll and included in the final report. Both the content of the survey instrument used in the poll and the agenda for the convention will be crafted with the input of the parliamentary standing committee on which the Liberal Party is amply represented.

On a final note, I draw the attention of members who may not be aware of it to the essay competition that is being run with the support of the *Advertiser* for school-aged children on constitutional and parliamentary change. It is an excellent opportunity for all members to encourage interest and debate on these matters in local schools.

*Ms Chapman interjecting:*

**The Hon. M.J. ATKINSON:** I notice the member for Bragg indicating that she would like to be involved in that. Details have been advertised in the local press and can also be found on the web site:

[www.constitutionalconvention.sa.gov.au](http://www.constitutionalconvention.sa.gov.au).

### COLD BURNING PROGRAM

**Mr GOLDSWORTHY (Kavel):** Can the Minister for Emergency Services outline to the house the detail of the program in place for cold burning in parks and other government owned land, particularly in the Adelaide Hills?

*An honourable member interjecting:*

**The Hon. P.F. CONLON (Minister for Emergency Services):** It is a good question and, just like the previous question on the design of fire trucks, I also leave the design of cold burning programs to people with far more expertise than I have.

*Mr Brokenshire interjecting:*

**The Hon. P.F. CONLON:** The member for Mawson said that I say that about everything. I don't.

**Mr Brokenshire:** No, I said that you are an expert about everything.

**The Hon. P.F. CONLON:** I have not said that either, but I do think I have one advantage over the member for Mawson, and that is that I know the difference between a capital budget and a recurrent expenditure budget. I know that: I have got that down pat. However, it is a serious question. It is a matter that I would have thought people on that side of the house accept as something to which I have been committed, and I have made many public comments in support of it. I will treat this question seriously, and I will ask the Country Fire Service, which works in conjunction with Environment and Heritage on this, to give the honourable member as much detail as the seriousness of the question deserves.

### INDIGENOUS LANGUAGES

**Ms THOMPSON (Reynell):** My question is to the Minister for Education and Children's Services. What is the government doing to ensure that indigenous languages prosper in South Australian culture?

**The Hon. P.L. WHITE (Minister for Education and Children's Services):** I would like to tell the house about the output of a new endeavour in the Department of Education and Children's Services, and that is a project called the Australian Indigenous Languages Project. This is a world-first project that will allow South Australians to improve their understanding of indigenous languages. Linguists estimate that, when Europeans arrived in South Australia, there were over 50 Aboriginal languages. Nearly all have now disappeared, leaving us with a handful that are currently in use. So, it is fitting that, during Reconciliation Week, this government demonstrates its intention to ensure that the remaining languages in this state survive.

The Australian Indigenous Languages Project will deliver, in partnership with communities, a process for language maintenance and revival. It offers a transparent planning, programming and assessment tool for teachers that will ensure the delivery of a quality program. This initiative is the first to use a continual system of assessing student progression through the scheme and will track their development. Students, who will study this program via the South Australian Curriculum Standards and Accountability Framework (SACSA), will learn the rich cultural inheritance of South Australia and its people.

Its benefits are not merely restricted to developing and understanding indigenous languages. It will provide also a foundation for learning about the diverse cultures and history of this state. All South Australians will benefit from this state government move to ensure that indigenous languages survive for future generations of South Australians.

### ILLEGAL IMMIGRANTS' ACCOMMODATION

**The Hon. G.M. GUNN (Stuart):** Will the Minister for Urban Development and Planning give the house an assurance that the normal planning process will take place at Port Augusta West in relation to proposals by the commonwealth Department of Immigration to establish residence for the families of illegal immigrants housed at Baxter? Concerned residents have brought to my attention that they are of the view that the Department of Immigration may set out to circumvent state planning laws to establish these new facilities, contrary to the wishes of the residents in those

areas. Further, I point out to the house the views of those communities some years ago when the state government attempted to put a bail house on the west side of Port Augusta and hundreds of residents strongly objected to that proposition. If the proposals go forward, the same course of action will follow.

**The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning):** I thank the honourable member for his question. I am not quite certain what normal planning processes he suggests may be overridden by an attempt by the federal government to house former asylum seekers in residential property. If the suggestion is that asylum seekers will be housed in housing stock that is in an area already zoned residential, then I do not see how that would be interfered with. If, however, the suggestion is that some commonwealth property will be acquired and that the commonwealth government will thereby use its powers under commonwealth places enabling legislation to override state planning laws, we have a bit of experience with that, such as with the Adelaide Airport, where it seems routinely to ignore our planning laws. We had experience with it with a nuclear waste dump, where it has ignored our local planning laws. If that is the case, certain commonwealth powers allow the possibility of overriding state planning laws. I will investigate that matter and bring back a considered answer, but the extent to which the federal government can routinely ride roughshod over our state planning laws is of concern. I will bring back an answer to the house.

#### REPLY TO QUESTION

**Mr BROKENSHIRE:** I rise on a point of order. Would you, sir, investigate the Minister for Aboriginal Affairs' response to me? I ask whether there has been a breach of ministerial responsibility based on the fact that I have received a one line response to a question that I put to him on 31 July last year—11 months after I asked the question.

**The SPEAKER:** The member for Mawson is under a misapprehension of the role of the Speaker. The minister has responded to the member for Mawson. 'What you see is what you get' is the simple way of summarising it from every viewpoint. If the honourable member has a grievance, which he nonetheless wishes the chair to address, it is more than appropriate for him to write to the chair expressing that grievance, and the chair will deal with it through the process of the usual lines of communication with the President, as the representative of the other place, to determine whether the grievance can be resolved, thereby avoiding a quarrel. The course of action the member pursues then is very much in his hands, but it is not appropriate for the chair to make some pronouncement about such matters here.

Before proceeding to the next item of business, members have properly drawn my attention to the explanation I gave for removing Order of the Day; Other Business No.3 from the *Notice Paper*, the bill of which the member for MacKillop had given notice. By way of explanation, can I say that, whereas our standing order appears to allow for a reduction, or an elimination, of government charges that are levied on behalf of the people via the government's delegated authority, a better expression of the intention is to be found in standing order 293 of the House of Representatives, as follows:

A proposal for the imposition, or for the increase, or alleviation, of a tax or duty, or for the alteration of the incidence of such a charge, shall not be made, except by a minister. No member, other than a minister, may move an amendment to increase, or extend the

incidence of, the charge defined in that proposal unless the charge so increased or the incidence of the charge so extended shall not exceed that already existing by virtue of any act of the parliament.

That is a much better statement to which I believe the Standing Orders Committee should direct its attention, with a view to recommending to the house that it might alter it. However, it is within the province of any individual member to bring a motion that would change the wording of our present standing order 232 to be more akin to 293 of the standing orders of the House of Representatives, if that was in the member's mind to do so.

In making the apology to the member for MacKillop, I have sympathy for his intentions, since it seems to me that, in the substantive part of the measure, when a government begins to tax its own agencies it is pretty much like tribal chiefs attempting to survive by eating their own children.

*Members interjecting:*

**The SPEAKER:** Order! The honourable Treasurer.

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#### BUDGET PAPERS

**The Hon. K.O. FOLEY (Treasurer):** I am highly offended at the suggestion that I get some pleasure out of taxing a government department.

I lay on the table the following budget papers: Budget at a Glance 2003-04; Budget Paper No. 1; Budget Speech 2003-04; Budget Paper No. 2; Budget Statement 2003-04; Budget Paper No. 3; Portfolio Statements 2003-04, Volumes 1, 2 and 3; Budget Paper No. 4; Capital Investment Statement 2003-04; Budget Paper No. 5; Regional Statement 2003-04; Budget Paper No. 6; and I move:

That the portfolio statements, the budget statement and the capital investment statement be published.

Motion carried.

#### APPROPRIATION BILL 2003

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

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

That this bill be now read a second time.

Mr Speaker, I present this, my second Budget, against the backdrop of a South Australian economy at the crossroads. There is a clear choice before us. It's the same choice that confronted delegates at the Economic Growth Summit. We can make the necessary changes now. . . We can make the changes that will lead to a successful, progressive future; a place where our children and their children can achieve their potential. Or we can go on as we have for too long in South Australia, putting short term fixes before long-term strategy. . . while year by year we slip further into decline.

Mr Speaker, this Government chooses the longer, harder road. This Government shares the goals of Robert Champion de Crespigny and the Economic Development Board. This Government shares the aspirations of the 280 South Australians who sat in this chamber just six weeks ago and dreamed of a dynamic, growing South Australia. This Government will do its part to make those dreams a reality.

Mr Speaker, this Budget is an investment in the State's future. This Budget is prudent and responsible. This Budget will encourage business and investment. This Budget builds on our infrastructure. It cuts Government waste. It allows us to lower our debt. And it protects us should hard times return. But Mr Speaker, this Budget does not just prepare for tomorrow. This Budget provides for today.

It commits extra funds to health; to education; to law and order. It provides better services for our children, for the disabled and for the homeless. And this Budget takes up one of our greatest challenges: to save the River Murray.

Yes, that is right Mr Speaker, we've had enough words, now it's time for action. Mr Speaker, this Budget reflects our confidence in South Australia's future. But it also recognises the realities of the local, national and global economies. And there are real reasons for concern. The international economy remains weak and uncertain.

Our business and trade have been—and continue to be—severely affected by an extended downturn in world economic conditions. This uncertainty has been compounded by terrorism, war and SARS. The volatility of the stock market and oil prices, the strength of the Australian dollar against the currencies of our major trading partners—these are other factors which impact adversely on our State.

The State's housing boom is predicted to end in the forthcoming financial year, with a 21% decline forecast in new home construction. Employment growth is also forecast to ease and despite welcome rain in some areas the outlook for our farmers remains uncertain, especially given the need for water restrictions. These and other indicators demand that we make provision for the future.

Mr Speaker, this Budget has a small accrual deficit of \$20 million in 2003-04 and a cash surplus of \$83 million, and then delivers growing accrual surpluses from 2004-05. In 2006-07 the surplus is forecast to be \$133 million. This year is particularly significant because this is the year in which the Budget bottom line can no longer be supported by large dividend distributions from the South Australian Government Financing Authority and South Australian Asset Management Corporation (known as the 'Bad Bank'). These surpluses total \$299 million over the forward estimates. In cash terms the surpluses over the forward estimates total \$659 million.

This strong Budget position has been achieved by sound financial management of a growing economy. But Mr Speaker, surpluses are not an end in themselves. Surpluses protect us from the hard times; they are like money in the bank. Long-term stability for the State, not short-term popularity—that's the kind of responsible Government I believe South Australians want.

Revenue gains made in 2002-03 as a result of a buoyant economy will allow us to repay debt. This is debt repayment through fiscal strength—not fire sales. Mr Speaker, the South Australian economy continued to experience solid economic growth during the first half of 2002-03. This flowed through to strong employment growth. Dwelling investment, supported by low interest rates and consumer spending saw the State Final Demand grow by 7.8% during the 2002 calendar year.

The property boom has increased property tax receipts by \$117 million. Treasury is now forecasting an accrual surplus for 2002-03 of \$312 million. But as I've already said, it would be foolish to assume these conditions won't change. The advice from independent forecasters and from our own Treasury is that a slow down in economic activity, and therefore revenue, is likely.....and there may be other problems we can't foresee. That is why it is so important at

this time to deliver Budget surpluses. It would be irresponsible to squander the fruits of a growing economy.

Too often in the past, Governments have resorted to borrowings because they have not had the will to make the necessary choices for our future. As the Economic Development Board has said, there may well be circumstances in the future where extra borrowing is justified. The job now though, is to build a solid financial base where those decisions can be taken from a position of strength not weakness.

Mr Speaker, I have already made mention of the Government's commitment to the broad aims of the Economic Development Board and the bulk of the recommendations contained within its recently published Economic Framework. It is designed to achieve the sort of future we all desire. The framework challenges the Government to act quickly. We will be responding formally to the Board's framework in the near future, but action to address key recommendations has already begun. We are changing the structure of executive government to aid implementation of the framework. This Budget backs up those changes with targeted initiatives across portfolios.

Mr Speaker:

- We will adopt the recommendation of the Economic Development Board and create a \$10 million venture capital fund, administered by a new Venture Capital Board. This Board's goal will be to attract private venture capital to South Australia.
- The defence industry is an important and growing part of this State's economy. Rationalisation of naval shipbuilding by the Commonwealth could mean billions of dollars in contracts and hundreds of jobs. Nearly \$3.5 million is being set aside to fund the work of the Defence Industry Advisory Board in its attempts to secure this and other defence work for South Australia.
- More than \$1.25 million will help regional employers to attract skilled migrants to boost their work force.
- South Australia's position at the forefront of research, innovation and learning will be supported in 2003-04 by the development of high performance computing facilities at a cost of \$3.1 million.
- We will also create the Premier's Research and Innovation Fund to support new bids for science projects and to leverage Commonwealth and industry funding. The Research and Innovation fund will receive \$4 million.
- Science, Technology and Innovation together with Bio Innovation SA will be boosted with \$7 million.
- The Office of Economic Development has been allocated \$8.4 million to coordinate a Broadband Telecommunications Task Force and infrastructure fund to ensure South Australian industry has access to these vital advances in technology.
- The importance of population growth has been recognised through the investment of \$4 million on strategies to attract business and skilled migrants.
- Transport infrastructure will be improved through a program to replace our ageing Glenelg trams with state-of-the-art rolling stock. We'll also replace the track to provide a modern, light rail system to serve commuters through the 21st Century.
- And this Budget will also provide the necessary funding to build two new bridges over the Port River to provide the most efficient transport infrastructure for the Port of Adelaide. A new government enterprise, Infrastructure SA, will own and operate the bridges with a capital cost expected to be \$131.3 million.

- Film production will be supported by an extra half a million dollars per year.

Mr Speaker, through these initiatives we are taking bold steps towards creating sustainable economic growth in South Australia—a State with a viable, diverse and dynamic economy. But it won't be possible without our ongoing commitment to education in all its forms.

The Government will provide \$8 million to employ counsellors in schools as part of our Child Protection Strategy. We will spend \$4.5 million to build new houses for teachers in regional areas. We will also provide nearly \$1.4 million to improve access to pre school for high needs children, and \$600 000 over two years to restore early childhood infrastructure in high need communities. Very high achievers will also benefit from the reinstatement of the gifted students program at three schools.

Programs to increase retention rates will receive an extra \$800 000 over two years. An additional \$2 million will be spent on urgent school maintenance.

Mr Speaker, this is in addition to the \$60 million in Labor's first Budget, which put more teachers in schools and reduced Reception to Year 2 class sizes to among the lowest in the nation.

But in this Budget, we turn our attention to fixing the further education system in the State. Sadly, we inherited a TAFE system in tatters. The chronic physical and financial condition of our TAFE institutes is addressed in this budget through a rescue package totalling nearly \$40 million. An additional \$12 million has been provided as part of this package to return our TAFE institutes to a sound financial position after the neglect of the past.

In response to the Kirby Report into the governance and management of the TAFE system, an additional \$4 million will be provided for the improved governance and financial management of institutes.

TAFE infrastructure and equipment will benefit from the injection of nearly \$17 million to fund essential maintenance and equipment replacement.

Mr Speaker, this is a Budget that fosters social inclusion with a program of measures, carefully aimed at improving the wellbeing of all South Australians. Costs and demand in the health sector continue to grow. This growth results in continuing pressures for additional funding. We will not ignore these pressures but we will make sure that money goes where it does most good and cut areas of waste or low priority. This Budget features \$192 million in extra spending over the next four years on the health system and social inclusion initiatives. New initiatives include:

- \$30 million extra for intensive care services over the next four years. This will enable the commissioning of 13 new ICU beds—five each at the Royal Adelaide and Lyell McEwin and three at the Flinders Medical Centre
- \$26.8 million extra for nursing over the next four years. This money recognises the need and costs of extra nurses in the public hospital system
- an extra \$16.3 million over three years to maintain and replace biomedical equipment in our hospitals, taking the total biomedical budget provision to \$47.1 million
- \$9.6 million extra over four years for new and safer blood products and to comply with new national standards
- \$5.2 million extra over four years for kidney dialysis services to meet ongoing demand
- \$2 million extra for the Murray Bridge hospital re-development

- \$2 million over two years for work at the Queen Elizabeth Hospital to sustain the main hospital building during the reconstruction process

Mr Speaker, almost \$21 million has been provided for disability services as extra State contributions under the Commonwealth–State–Territory Disability Agreement. In mental health, a variety of institutional, community and workforce reforms will benefit from an extra \$4 million.

This Budget also contains money for the acceleration of a major program of de-institutionalisation for residents of the Strathmont Centre. The project will cost \$18.4 million and commence in 2003-04. It involves the acquisition of a number of group homes and a significant redevelopment of the existing Strathmont site. In addition, \$11.3 million will be put into services for the intellectually disabled to support the de-institutionalisation process.

Mr Speaker, the Government has been presented with clear evidence that too many of our children are not receiving the care and protection they deserve. This is unacceptable. \$16.6 million will be spent on Alternative Care to ensure increased services for children and young people with high support needs. In fact \$58.6 million will be spent in response to the Layton Inquiry, of which \$42.6 million is new money. For example, \$12 million will fund child protection activities aimed at early intervention and prevention.

Mr Speaker, the crisis afflicting the Anangu Pitjantjatjara people requires a whole of government approach. The findings of the Coroner's inquiry last year including senseless death, petrol sniffing and domestic violence shocked us all. The Government has responded in this Budget by providing nearly \$12 million, including:

- \$7 million for health services
- \$1 million for policing
- \$800 000 will ensure the safety of electrical services.
- \$2 million to provide housing for teachers
- and \$1.2 million for a Department of Human Services regional office and respite centre.

Mr Speaker, this Government recognises that South Australians are deeply concerned about law and order. This Budget provides extra money for police, anti-terrorism, Justice and Corrections. The police call centre will have its hours of operation extended to 24 hours a day, seven days a week. \$13.7 million will be spent on the new Computer Aided Dispatch system that replaces and unifies emergency dispatch systems for police, fire and ambulance. We will provide significantly more resources to ensure we catch criminals:

- \$5.7 million for DNA testing
- \$2 million for Livescan, new fingerprint scanning technology which enhances the identification of offenders at crime scenes
- \$1.3 million for South Australia's contribution to the National Criminal Database.

New police stations will be built at Port Lincoln, Victor Harbor and Gawler in addition to the new station at Mount Barker announced in the last Budget as part of a \$31 million package of police and courts facilities. These facilities will be built under the Government's Public Private Partnerships program. The police aircraft fleet will be updated by the replacement of one aircraft at a cost of \$2.7 million.

We are allocating \$3.6 million for handgun buyback as part of a national program to take the guns out of our society. In the face of the ongoing threat of terrorism we will spend an extra \$4.2 million for counter-terrorism and State disaster response, including the purchase of a mobile command

centre, bomb suits, bomb robot, training facilities and technical equipment.

We are also creating a new Protective Security Branch responsible for security intelligence and emergency and event management. In addition, there will be a Chemical, Biological and Radiological Unit within the Metropolitan Fire Service, established at a cost of nearly one million dollars.

In Justice, extra funding is being provided to the Office of the Director for Public Prosecutions to handle additional caseloads. Additional Court diversion programs are to be provided in metropolitan and regional areas at a cost of \$1.4 million over four years.

For the very first time, South Australia will introduce a comprehensive \$6 million sex offenders rehabilitation program that spans our prison system and re-entry into the community. Mr Speaker, this is the right thing to do. Not only is this government tough on crime, it is smart on crime.

Additional funding for the operation of our prisons will total nearly \$21 million. I can announce today that we will build a new \$32 million women's prison and a \$46 million youth detention centre, with operation under a Public Private Partnership arrangement scheduled to commence in 2006-07. I can assure the House that, despite some suggestions to the contrary; these two facilities will be entirely separate even if they are geographically adjacent. Inmates at the women's prison will not come into contact with those in the youth detention centre. Allocations for the operating costs of both these facilities have been included in the forward estimates.

Mr Speaker, environmental sustainability must underpin everything we do. Particularly when it comes to water. This Budget provides \$8 million for stormwater management in Adelaide, reversing a decision of the previous Liberal government to cut this program. 'Sustainable Adelaide' initiatives also include the planting of one million trees to generate urban forests. Other 'Green City' initiatives will be coordinated across agencies, costing \$4.2 million.

In recognition of the demand, for sustainable alternative energy sources, the Government will provide an additional \$3.3 million to the solar hot water rebate scheme. The Environment Protection Authority will receive an extra \$10 million.

The essential task of fire management throughout the State's parks and nature reserves will benefit from an additional \$10 million. Mr Speaker, extra spending on fire management benefits all South Australians, just as extra spending on health, education and law and order benefits all South Australians. But there are specific initiatives for our regional communities within this Budget.

As I have already mentioned, we are having new police stations built at Port Lincoln, Victor Harbor, Gawler and Mount Barker...and new houses for teachers will be built or purchased in Port Augusta, Murray Bridge, Port Lincoln, Berri, Whyalla, Port Pirie, Mount Gambier, Coober Pedy, Oak Valley, Amata and Fregon. Other projects benefiting regional South Australia include:

- an extra \$6.9 million of road funding for the State's Black Spot Program.
- \$6 million, for the Smart Road Safety Program, creating a new program, to fund a series of safety driven investments such as the use of intelligent transport systems, contemporary safety signage, TruckScan and the installation of audio tactile line markers
- \$1.7 million for the Shoulder Sealing Program. Shoulder sealing is proven as the single most effective safety intervention.

Both local government and regional South Australia will gain from the transport budget. South Australia's poor performance with road safety is largely occurring in regional areas where drivers are five times more likely to be killed than their city counterparts.

As a result, this year's concentration of road safety expenditure in regional areas reflects the need to reverse this trend. All shoulder sealing works, a significant majority of the State's Black Spot Program and more than 50% of the funding for the Smart Road Safety Program will be allocated to regional South Australia.

We are also spending more than \$6 million to accelerate the introduction of the National Livestock Identification Scheme into South Australia. There'll be extra funds for fisheries compliance officers, new money to help regional areas attract migrants, new money for the arts and tourism.

But Mr Speaker, the biggest initiative relates to a problem that affects all South Australians, either directly or indirectly. I'm talking about the River Murray. The River Murray is the lifeblood of this State, providing water for our homes, industry and farms. The River Murray is dying. The issues surrounding the River Murray are not simply environmental in nature; they cut to the core of the economic and social well-being of the State. Solving the problems will take time, significant resources, and the collective political will of the Commonwealth and the States.

Mr Speaker, South Australia must set the example. This Government is committed to saving the Murray and is prepared to take the tough decisions. A multi-million dollar package of new spending will change the way we manage and treat this vital resource. This money will enable South Australia to pay for its share of the cost of restoring water to the River Murray. The State Government wants to see 500 gegalitres returned to the river as environmental flows in the next five years, as a vital first step to restoring the health of the river.

Being able to put money on the table strengthens South Australia's argument in favour of increased environmental flows. Lobbying of the Commonwealth and the other Murray-Darling Basin states will continue in support of a total commitment of at least 1500 gegalitres of extra water for the river over the next 10-15 years. The State Government will spend about \$10 million a year on specific initiatives such as:

- implementing the water allocation plan
- Scientific research and information
- environmental flows and wetland management
- water quality improvement
- conserving the River Murray's ecology
- upgrading the river's waste disposal stations and drainage disposal system
- increased funding for Murray Darling Commission programs such as keeping the Murray mouth open and Salt Interception Schemes.

Another \$10 million will be set aside for South Australia's contribution to an across-the-Basin initiative to provide water for increased environmental flows.

Mr Speaker, these vital new initiatives must go on year after year after year. This is additional to the millions of dollars already being spent to save the river. Action now will benefit the State for generations to come. This program is critical and needs extra resources. Mr Speaker, that is why a River Murray Levy is being introduced in this Budget. All funds raised from the levy will be used specifically to help save the River Murray. It will be charged at a flat rate to SA

Water customers and be collected with SA Water bills from 1 October 2003. The flat rate levy will be:

- \$30 for residential customers
- \$135 for non-residential users including commercial customers.

Mr Speaker, the levy will not apply to pensioners and people who receive concessions from SA Water. Levy amounts will be indexed annually to keep pace with inflation. The money raised from the levy will be put into a Save the Murray Fund set up under legislation. It cannot be used for any other purpose. It is a dedicated fund for a dedicated purpose. Your \$30 levy will put more water and cleaner water back into the Murray.

Mr Speaker, we have reviewed the effectiveness of other revenue raising measures and will increase compliance by targeting those who put an unfair burden on other South Australians by not paying their tax. We expect these measures to increase revenue by \$10 million a year.

The Budget also includes an increase in fees and charges of 3.9%, according to the formula introduced by the former Liberal Government. In terms of Federal funding, South Australia will receive \$4.8 billion from the Commonwealth in 2003-04. Just over \$3 billion of this comes in the form of general-purpose grants.

Mr Speaker, taxpayers expect us to cut wasteful or low priority spending. We have made cuts totalling \$94.5 million in 2003-04. Honourable members will have an unprecedented opportunity to analyse these cuts in this year's Budget papers. But let me give you some examples:

In line with the recommendations of the Economic Development Board and groups like Business SA, we are slashing the Industry Investment Attraction Fund by \$31.1 million.

The Department of Administrative and Information Services has revised the costs of implementing the Government Radio Network and saved taxpayers more than \$24 million.

The Department of Transport is reforming some of their functions and corporate services and will save more than \$22 million. Those are just a few examples. We have made difficult choices, but they put us in a position to deliver the services that South Australians need.

Mr Speaker, as usual, I must place on the record my gratitude to my Ministerial colleagues, their Chief Executives and their staff for their contribution to the Budget task. My thanks also go to the Under Treasurer and the Department of Treasury and Finance....and to my personal staff for their efforts.

Mr Speaker, this Budget reflects the ambitions of the people of South Australia. It caters for immediate needs while building towards a stronger, more secure future. The ten thousand people who contributed to the Economic Framework, the 280 who were at the Economic Summit....they gave us a clear signal about the direction they wanted us to take. They want an economic plan for growth based on investment, innovation and partnership between all sectors of the community. Investment in services, investment in infrastructure; investment in the future. But most of all, investment in the people of South Australia.

This Budget is the second instalment, in our commitment to get the Government back in the black. It is the next step in providing better health care, better schools and safer streets. This Budget provides for today and prepares for tomorrow. I commend this Budget to the House.

Explanation of Clauses

*Clause 1: Short title*

This clause is formal.

*Clause 2: Commencement*

This clause provides for the Bill to operate retrospectively to 1 July 2003. Until the Bill is passed, expenditure is financed from appropriation authority provided by the *Supply Act*.

*Clause 3: Interpretation*

This clause provides relevant definitions.

*Clause 4: Issue and application of money*

This clause provides for the issue and application of the sums shown in the schedule to the Bill. Subsection (2) makes it clear that the appropriation authority provided by the *Supply Act* is superseded by this Bill.

*Clause 5: Application of money if functions or duties of agency are transferred*

This clause is designed to ensure that where Parliament has appropriated funds to an agency to enable it to carry out particular functions or duties and those functions or duties become the responsibility of another agency, the funds may be used by the responsible agency in accordance with Parliament's original intentions without further appropriation.

*Clause 6: Expenditure from Hospitals Fund*

This clause provides authority for the Treasurer to issue and apply money from the Hospitals Fund for the provision of facilities in public hospitals.

*Clause 7: Additional appropriation under other Acts*

This clause makes it clear that appropriation authority provided by this Bill is additional to authority provided in other Acts of Parliament, except, of course, in the *Supply Act*.

*Clause 8: Overdraft limit*

This sets a limit of \$50 million on the amount which the Government may borrow by way of overdraft.

**The Hon. DEAN BROWN** secured the adjournment of the debate.

#### **WATERWORKS (SAVE THE RIVER MURRAY LEVY) AMENDMENT BILL**

**The Hon. K.O. FOLEY (Deputy Premier)** obtained leave and introduced a bill for an act to amend the Waterworks Act 1932. Read a first time.

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

That this bill be now read a second time.

The health of the River Murray is essential to Adelaide's domestic water supply and to the rural sectors reliant on water from the Murray. There is now unequivocal scientific evidence that the environmental health of the Lower Murray, below Wentworth, is in serious decline. The arrest of this decline, and an improvement in the health of the River Murray, is a high priority of the South Australian government. Restoring the River Murray to health will involve major expenditure commitments, including increasing South Australia's contribution to the Murray-Darling Basin Commission, implementation of the River Murray water allocation plan and improving environmental flows.

The Waterworks (Save the River Murray Levy) Amendment Bill 2003 provides for the introduction of a Save the River Murray levy to assist in funding these initiatives. This levy will be charged at a flat rate of \$30 for residential customers and \$135—

*The Hon. D.C. Kotz interjecting:*

**The Hon. K.O. FOLEY:** Well, oppose it if you don't like it.

*The Hon. D.C. Kotz interjecting:*

**The Hon. K.O. FOLEY:** Well, oppose it if you don't like it. The levy will be charged at a flat rate of \$30 for residential

customers and \$135 for non-residential customers and will be collected with SA Water bills from 1 October 2003. Country lands customers on properties of less than 10 hectares will be entitled to the residential rate of \$30—8¢ a day. Levy amounts will be indexed annually to movements in the Adelaide consumer price index (CPI). Pensioners who are eligible for a concession on SA Water rates and charges will be exempt from the levy. The South Australian Housing Trust will also be excluded from the application of the levy.

The Save the River Murray Levy is expected to raise \$20 million in a full year. The bill also establishes a Save the River Murray Fund, which will receive the proceeds of the levy for expenditure on programs to improve and promote the environmental health of the River Murray or ensure the adequacy, security and quality of the state's water supply from the River Murray. The introduction of a broad-based charge on the community to assist in achieving the long-term security and quality of South Australia's water supply is considered appropriate and in the state's interests. I commend the bill to the house and I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

#### Explanation of Clauses

##### *Clause 1: Short title*

This clause is formal.

##### *Clause 2: Commencement*

This clause provides that the measure will come into operation on 1 October 2003.

##### *Clause 3: Amendment provisions*

This clause is formal.

##### *Clause 4: Amendment of section 65B—Composition of rates*

Section 65B of the *Waterworks Act 1932* is amended by the insertion into subsection (1) of a new paragraph. This amendment has the effect of introducing the Save the River Murray levy as a component of rates.

##### *Clause 5: Insertion of section 65CA*

This clause inserts a new section.

##### *65CA. Save the River Murray levy*

Subsection (1) of section 65CA establishes two levy rates. For category 1 land (residential land or any other land declared by notice to be category 1 land) the levy is \$30 (indexed). For category 2 land, which is any other land, the levy is \$135 (indexed).

A proportionate amount of the levy is payable for each quarter. Under subsection (3), the amount of the levy is to be adjusted (to the nearest 20 cents) for each financial year commencing after section 65CA comes into operation by multi-

plying the relevant amount by a multiplier obtained by dividing the Consumer Price Index (All Groups Index for Adelaide) for the March quarter in the calendar year in which the relevant financial year commences by the Consumer Price Index (All Groups Index for Adelaide) for the March quarter 2003.

Under subsection (4), the Minister may declare specified non-residential land or a particular class of non-residential land to be category 1 land. The effect of a declaration is that the levy payable under subsection (1) in relation to the specified land or class of land so declared is the lower rate. The Minister may also exclude specified land or land of a specified class from the application of the levy, or vary or revoke a previous notice under the subsection. The powers conferred by subsection (4) are to be exercised by the Minister by notice in the *Gazette*. However, in the case of a declaration or exclusion related to specified land, the exercise may be by notice or by instrument in writing.

A declaration or exclusion takes effect from the commencement of a particular financial year or a particular quarter. Where the declaration or exclusion is made by notice in the *Gazette*, the notice must be published before the date on which it is to take effect.

A person entitled to a remission of rates under the *Rates and Land Tax Act 1986* is exempt from the Save the River Murray levy.

##### *Clause 6: Amendment of section 86A—Liability for rates in strata scheme*

This clause contains a consequential amendment. Where land is divided by a strata plan under the *Community Titles Act 1996* or the *Strata Titles Act 1988*, the owner of each lot or unit is liable for the Save the River Murray levy in respect of the lot or unit.

##### *Clause 7: Insertion of Part 6*

This clause inserts Part 6, which contains section 100. This section establishes the Save the River Murray Fund. The Fund is to be held by the Minister to whom the administration of the *Murray-Darling Basin Act 1993* is committed. The component of rates attributable to the Save the River Murray levy is to be paid into the Consolidated Account and from the Consolidated Account into the Fund. Money paid into the Fund is to be applied by the Minister to the provision of programs and measures to improve and promote the environmental health of the River Murray or ensure the adequacy, security and quality of the State's supply of water from the River Murray. The Fund will also be applied by the Minister towards payment of the State's contributions to the Murray-Darling Basin Commission.

**The Hon. DEAN BROWN** secured the adjournment of the debate.

#### ADJOURNMENT

At 4.02 p.m. the house adjourned until Monday 2 June at 2 p.m.



## HOUSE OF ASSEMBLY

## QUESTIONS ON NOTICE

Monday, 12 May 2003

## ENVIRONMENT PROTECTION AGENCY

126. **Mr KOUTSANTONIS:** What are the details of the complaints to the Environment Protection Agency from local residents near the Hensley and Castalloy foundries respectively?

**The Hon. J.D. HILL:** The following table reflects the numbers of complaints, found in the EPA database, by residents near the Hensley and Castalloy foundries. Most of the complaints relate to both noise and odour emission.

Hensley	Number of complaints	Number of persons complaining	Castalloy	Number of complaints	Number of persons complaining
			1995	14	11
			1996	31	22
1997	6	6	1997	20	15
1998	19	12	1998	16	12
1999	36	16	1999	78	32
2000	279	65	2000	143	44
2001	700	123	2001	271	93
2002	672	78	2002	320	94
2003	45	10	2003	39	20

## NETWORKS FOR YOU PROGRAM

136. **Mr VENNING:** How much was spent on establishing the Networks for You program, is it still operational, how much was directed to and what criteria was used by local libraries to manage the program, and how was the project's progress monitored?

**The Hon. J.D. LOMAX-SMITH:** The NetWorks For You project is jointly funded by the state and commonwealth governments to provide internet facilitation and awareness in regional South Australia.

A model for a pilot for the current NetWorks For You project was developed during 1999, and a bid for funding was lodged with NetWorking the Nation as part of the Commonwealth Department of Communications Information Technology and the Arts. Net-working the Nation subsequently approved funding totalling \$324 500 and the state government allocated funds totalling \$1 663 000 to enable the pilot to proceed.

Total expenditure on the pilot project that was completed by April 2001 was \$1 275 628.

Following the successful completion of the pilot project, a bid for funds to undertake stage 2 of the project based on the pilot was lodged with NetWorking the Nation. Approval was given in February 2001 to provide funds totalling \$3.8 million over a period of 2 years up to 30 June 2003. The project is currently funded up to end December 2003.

The NetWorks For You project has not provided any funding to local libraries to manage the program. NetWorks For You has provided support to rural South Australian libraries since February 2000 through the delivery of internet awareness presentations to their communities. NetWorks For You trainees have also provided through rural libraries and other rural community centres one-on-one training sessions to interested members of the community on basic internet and email practices.

Progress of the NetWorks For You project is monitored through a variety of processes:

1. The project framework is based on approved Departmental project management methodologies.
2. The provision of regular reporting to NetWorking the Nation against agreed key performance indicators and agreed schedule of progress.
3. The provision of regular reporting to NetWorking the Nation on financial acquittals.
4. The Auditor General of South Australia has completed an audit of the NetWorks For You pilot, and it is a requirement of

Networking the Nation that an audit be undertaken upon completion of the current project.

5. Statistics obtained quarterly from Morgan Asteroid data for Individual Participation in the Information Economy.

6. Internal reporting and monitoring processes eg statistics kept by staff on number of people attending presentations and one-on-one sessions held, the number of rural events where NetWorks For You has had a presence. In addition, people attending awareness and one-on-one sessions are requested to complete a customer satisfaction survey.

7. Standard Departmental monthly reporting on receipts and expenditure.

## GOAT FARMING

138. **The Hon. G.M. GUNN:** Does the government support goat farming, particularly for export purposes?

**The Hon. J.D. LOMAX-SMITH:** The Minister for Agriculture, Food and Fisheries has provided the following information:

The government is a supporter of goat farming within South Australia, as it is a supporter of many primary industries. As the member would be aware, this government is also committed to the development of the food export sector. The Food South Australia program builds on the Food for the Future program of the previous government and has as its target a significant expansion in food export revenue for this state in order to achieve the food plan target of \$15 billion by 2010.

The goat industry is one of the smaller livestock industries in South Australia. It is made up of dairy, mohair, cashmere segments as well as the meat segment. Collectively the entire industry contributed \$5.3 million to the gross state food revenue of \$9.8 billion in 2001-02. The bulk of this revenue is generated through the export of processed goat meat, the live export of goats (principally as breeding stock) and the domestic consumption of goat meat.

Unlike many of the larger livestock industries, certain types of goats have real potential to escape from farming land and inflict significant damage on surrounding vegetation. This government is working with industry and environmental groups to develop a risk assessment procedure that will enable expansion in the goat industry whilst maintaining the quality of the state's vegetation resources.

Beyond this point, market forces must play a major role. Currently wool prices are healthy and sheep meat returns are very strong. This is tending to encourage those primary producers interested in developing their livestock enterprises to consider sheep ahead of goats.

Currently the majority of South Australia's export goat meat is harvested from feral populations in the pastoral regions rather than being farmed. This harvesting has been part of an ongoing eradication program in the region. The Pastoral Management Branch of the Department of Water, Land and Biodiversity Conservation has recently commenced a trial to examine the impact of goat farming in the rangelands. To date the farming of goats on pastoral leases has not been allowed due to the potential for environmental degradation. Results from this trial, which are expected after two years, will be useful in developing future policy on this issue. The fact that widespread farming of goats does not occur on adjacent perpetual lease and freehold property is a reflection of the market forces discussed earlier.

The South Australian government does support the farming of goats for both the domestic and export markets. It strives to provide this support without confounding market signals and with due regard to the natural resource base in which goats are farmed.

#### INSURANCE, PUBLIC LIABILITY

##### 141. Mr SCALZI:

1. What would be the cost of extending the new public liability coverage to families participating in overseas student programs, how many programs would be involved and does this cost estimate include retrospective claims?

2. Does the department intend informing families participating in the Homestay program of their position regarding public liability coverage?

##### The Hon. P.L. WHITE:

1. A letter was sent from the Director, Marketing and International Education Services to all Homestay parents of international students studying in DECS schools on 2 April 2003 informing them that the Minister for Education and Children's Services had arranged, and will pay for, a policy with a reliable insurer to rectify the legal liability situation in respect of all Homestay providers in both government and private schools. The Minister wrote to the Association of Independent Schools of SA and the Catholic Education Office informing them of the arrangements on 25 March 2003.

2. The cost of extending the new public liability coverage to Homestay families participating in overseas students programs is \$6.11 per student. Homestay families providing accommodation and support to overseas students attending public schools, TAFE Institutes and private schools will be covered under the new policy.

3. My department advises that there is no record of a public liability claim having been made against a Homestay host family in the past. International Education has provided the names of the Homestay to the insurer as has the Catholic Education Office and the Independent Schools.

**Monday, 26 May 2003**

#### FLEET SA

131. Mr KOUTSANTONIS: What would be the initial cost and ongoing savings of converting all Fleet SA vehicles to LPG?

**The Hon. J.D. HILL:** The Hon. J. Weatherill, Minister for Administrative Services, has advised that:

1. There are approximately 7200 vehicles in the government vehicle fleet. Not all of these vehicles are suitable for conversion to LPG due to technical and operational issues such as:

- Vehicles operating in remote locations where LPG infrastructure is limited
- Impact on carrying capacity and functionality of some vehicles
- Diesel vehicles cannot be converted
- Manufacturers not offering and supporting LPG on all model vehicles

Assuming all vehicles could be converted, the initial cost (based on an average cost of \$2 000 per vehicle) would be \$14.4 million. In the main, vehicles are changed over every 2 years.

Potentially the average fuel cost savings for SA Government LPG vehicles is approximately \$550 per year per vehicle, based on a 95 per cent LPG utilisation, 40 cent minimum price differential between Unleaded and LPG fuel (and the vehicle travelling an average 40 000 kilometres in two (2) years before disposal). This equates to \$3.96 million per annum or \$7.92 million over the 2-year life of a vehicle.

This leaves a cost differential of \$3.23 million (or \$6.46 million over a 2 year period).

Some of the cost may be recovered when a vehicle is sold. This usually occurs when such vehicles are in short supply where buyers are willing to pay a premium for an LPG vehicle. Research by manufacturers has indicated that should the number of LPG vehicles exceed 10 per cent, the resale values in general will not continue to be favourable.

Therefore once this level of conversion is exceeded, resale values would decline. The level of such a decline would be relative to the number of vehicles exceeding demand (which is currently 10 per cent of the Government fleet). With new technology petrol engines being developed, which improve fuel efficiency, the demand for LPG vehicles could further decline. Assuming a further 10 per cent decline in overall residual values due to lack of demand for LPG vehicles would result in an additional cost of approximately \$7 million per annum over and above the \$3.23 million per annum cost differential as stated above.

A decision to convert the entire fleet, or as many vehicles as possible, to LPG, would result in a flooding of the market with LPG vehicles which would have significant financial ramifications for all fleet managers, public and private sector. Therefore any across the board introduction of LPG in such a large fleet must be carefully considered.

In balancing environmental issues with the cost to government, the government has targeted 25 per cent alternate fuel vehicles by 2005, which achieves responsible environmental management, and ensures that the technology is going out into the general market place, without skewing the market place and placing a financial burden on government and the private sector.