HOUSE OF ASSEMBLY

Monday 14 July 2003

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

HOSPITALS, McLAREN VALE

A petition signed by 291 residents of South Australia, requesting the house to urge the Minister for Health to provide ongoing funding, on a three year basis, to the Southern Districts War Memorial Hospital at McLaren Vale to maintain and increase health services at the hospital, was presented by the Hon. Dean Brown.

Petition received.

PORT AUGUSTA HOUSING PROJECT

A petition signed by 214 residents of South Australia, requesting the house to uphold the provisions of the Port Augusta (City) Development Plan as they relate to a proposal by the Department of Immigration, Multicultural and Indigenous Affairs to establish a Residential Housing Project on Section 143, Hundred of Copley, (Slade Road, Port Augusta West), was presented by the Hon. G.M. Gunn.

Petition received.

ADELAIDE INTERNATIONAL HORSE TRAILS

A petition signed by 113 residents of South Australia, requesting the house to urge the Minister for Tourism to reconsider the decision to significantly reduce funding for the Adelaide International Horse Trials or request the Government to provide sufficient alternative funding to enable the trials to take place in November 2003 in the East Parklands in the City of Adelaide, was presented by Mr Hamilton-Smith.

Petition received.

QUESTIONS ON NOTICE

The SPEAKER: I direct that written answers to the following questions on the *Notice Paper*, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 137, 146 and 152.

NURIOOTPA LAND

In reply to **Mr VENNING** (27 May).

The Hon. L. STEVENS: The land set aside for the Barossa Hospital is comprised of 3.065 ha and was formally known as Reusch Park. The land is located at allotment 101, Milway Avenue and Schraedel Street, Nuriootpa. The land is held by the South Australian Housing Trust for the Department of Human Services and is not for sale.

Allotment 102, Schraedel Street, Nuriootpa, comprising 7.342ha was sold by the South Australian Housing Trust in 1989. A Barossa Council representative advises that a development application for a retirement village has been lodged by Awahoa Pty Ltd and is waiting planning approval by the Barossa Council.

The sale of allotment 102 occurred in 1989, prior to the previous government's notification to hold allotment 101 for the development of a new Barossa Hospital.

The South Australian Housing Trust received a letter of offer to purchase allotment 101, Milway Avenue and Schraedel Street, Nuriootpa on 14 May 2003. On 23 May 2003, the South Australian Housing Trust responded advising the site was not available for sale.

COLD BURNING PROGRAM

In reply to **Mr GOLDSWORTHY** (29 May).

The Hon. P.F. CONLON: On 23 May the Premier announced a $10 million increase in the Department for Environment and Heritage (DEH) Budget over the next four years. This increase will enable DEH to plan and implement fire management programs in parks across the state through partnerships developed with the Country Fire Service and local communities and to ensure the protection of life and property and the maintenance of biodiversity values.

DEH will recruit key staff to improve the agency's capacity to plan and implement sustainable fire management programs and develop strong links with the district bushfire planning process. This partnership will identify areas for fuel reduction strategies and upgrading of the fire trail networks in parks and reserves and increase the capacity to implement on ground prevention, protection and suppression works in strategic locations.

Training and equipping of staff will be enhanced to improve the capacity within DEH to safely deliver on ground fuel reduction programs and effectively suppress bushfires. Coordination of research and monitoring will be improved through recruitment of specialist staff and use of information learned through recent fires in the eastern states and Canberra and input into the Bushfire CRC.

DEH fire management programs will be implemented in close consultation with the CFS to ensure that the staff and volunteers within CFS are able to assist in the planning and implementation of on ground activities and share in the knowledge developed through a proactive fuel reduction program.

PITJANTJATJARA LANDS

In reply to **Mr BROKENSHIRE** (5 June).

The Hon. K.O. FOLEY: SAPOL has been provided with an additional $250 000 in 2003-04 ($1 million over four years) to increase the police presence on the Anangu Pitjantjatjara lands (AP lands) by supplementing the Marla patrols with additional personnel.

Operation Safelands II was suspended in May 2003 because there was a requirement to review the method of operation relative to the Police Award. This review is currently being undertaken and is scheduled for completion by the end of June 2003. As of 6 June 2003, there are no vacancies at Marla.

WATER CATCHMENT BOARDS

In reply to **Hon. I.F. EVANS** (30 April).

The Hon. K.O. FOLEY: Generally speaking, an employer is liable to register with RevenueSA for pay-roll tax purposes where the amount of any wages paid or payable throughout Australia exceeds the full South Australian deduction entitlement or threshold available (currently $504 000 per annum) to the employer and the employer pays wages in South Australia.

Wages include any amount paid or payable by way of remuneration to a person holding office under the crown in right of the state of South Australia or in the service of the crown in the right of the state of South Australia.

The crown in the right of South Australia is considered a single employer and as a matter of administrative efficiency each government department and statutory authority is required to register with RevenueSA as an employer and pay pay-roll tax, if liable. The Department of Treasury and Finance claims a single deduction entitlement or threshold for all government departments and statutory authorities.

The issue as to whether wages and other payments made by catchment water management boards ('the boards') are liable to pay-roll tax came under the scrutiny of RevenueSA following an inquiry made on 21 June 2002 by the Department of Water, Land & Biodiversity Conservation.

The Department of Water, Land & Biodiversity Conservation raised this issue in the context of seeking a refund of pay-roll tax relating to the Eyre Peninsula Catchment Water Management Board, as the department had been paying wages on behalf of the board, which the department included in its pay-roll tax returns.

RevenueSA advises that catchment water management board's are an instrumentality of the crown. As previously stated, any amount paid or payable by way of remuneration to a person holding office under the crown in the right of South Australia or in the service of the crown in the right of the state of South Australia falls within the definition of wages in section 3 of the act. Similarly, such

amounts paid or payable by any of the seven catchment water management boards is liable to pay-roll tax.

I am advised by RevenueSA that the Department of Water, Land & Biodiversity Conservation accepts RevenueSA's view that the boards are liable to register and pay pay-roll tax.

RevenueSA advised that the River Murray Catchment Water Management Board is the only board registered for pay-roll tax purposes. Furthermore, while the Department of Water, Land & Biodiversity Conservation continues to pay pay-roll tax for the Arid Areas Catchment Water Management Board (as the department manages all of this board's accounts and administrative responsibilities), the department has ceased paying pay-roll tax for the Eyre Peninsular Catchment Water Management Board in the month of February 2002, when this board assumed control of their accounts. The Department of Water, Land & Biodiversity Conservation has not paid any pay-roll tax obligations in the past for the remaining catchment water management boards.

I am advised that RevenueSA is only seeking to bring the boards into full compliance prospectively, from 1 July 2003.

RevenueSA advises me that on 28 March 2003, a meeting took place between representatives of RevenueSA, the Department of Water, Land & Biodiversity Conservation and the boards. During the meeting RevenueSA advised of the boards' obligations under the act to register and pay pay-roll tax. I am further advised that RevenueSA subsequently wrote to each of the boards confirming this advice.

While catchment water management boards have an obligation to register and pay pay-roll tax under the act, I am aware of the special purpose and nature of these bodies, and the valuable work that they undertake.

Accordingly, an adjustment will be made to the Department for Water, Land & Biodiversity Conservation's 2003-04 budget to assist catchment water management boards in meeting their increased obligations. This adjustment will assist catchment water management boards until the government's Natural Resource (Integrated Management) Bill 2003 is introduced later this year.

With this arrangement in place, there should be no additional requirement for catchment water management boards to adjust levies or current program levels in order to meet their payroll tax obligation.

DONATIONS, POLITICAL

In reply to **Hon. R.G. KERIN** (26 June).

The Hon. J.W. WEATHERILL: I have not been involved in accepting donations under the guise of raffle tickets sales in breach of the SA Lotteries Act. I am not aware of, nor have I received legal advice from the ALP secretariat on this matter.

In reply to **Hon. R.G. KERIN** (25 June).

The Hon. J.W. WEATHERILL: I am unaware of any instance of non-compliance with the Australian Electoral Commission. If the Opposition has information regarding this matter, I encourage them to forward that information to the relevant authority.

PAPER TABLED

The following paper was laid on the table:

By the Speaker—

City of Onkaparinga—Report 2001-2002—Pursuant to Section 131 of the Local Government Act 1999.

ATTORNEY-GENERAL

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

Leave granted.

The Hon. M.D. RANN: I wish to address matters concerning Mr Randall Ashbourne and the former attorney-general. The Acting Premier advised the house on 26 June 2003 that certain issues were raised late last year about which the government had intended to seek further advice with a view to providing the house with further information. Over the ensuing weekend, the Acting Premier sought advice and consulted the Crown Solicitor. As a result, the Crown Solicitor advised that the matter should be referred to the Commissioner of Police. The Crown Solicitor also advised that it would be inappropriate to release any of Mr McCann's report while a police investigation was proceeding. Accordingly, the matter was referred to the police by my government on 30 June 2003 and is currently the subject of a police inquiry by the Anti-Corruption Branch of South Australia Police.

When I returned from overseas on 5 July 2003, I made a public statement in relation to those issues, and I now wish to inform the house of developments. On 20 November 2002 the Deputy Premier and I were informed for the first time of a matter concerning alleged conduct involving a member of my staff (Mr Randall Ashbourne) and the then attorney-general (the member for Croydon) and a former member of parliament. Since these questions were first raised, the former member of parliament has been publicly identified as Mr Ralph Clarke. I believe that no-one in this house (or in this parliament) would wish to prejudice a police investigation now proceeding. Accordingly, I am constrained about what I may say about the matter pending the outcome of police inquiries.

Members interjecting:

The Hon. M.D. RANN: I hope you are not suggesting that people should interfere in police inquiries. That might have been the way of the former government, but it is certainly not mine. However, I believe it is important that I give as much information as possible to the house.

Concerns were expressed that Mr Ashbourne may have offered government board positions to Mr Clarke in exchange for settling a legal action involving Mr Clarke and the member for Croydon. Mr Ashbourne, of course, was not in a position to offer any board appointment to anyone. At no stage has cabinet contemplated, considered or discussed any board appointment for Mr Clarke; neither would I or my cabinet agree to offer anyone else a board position in exchange for the settlement of a court case.I can say with absolute certainty that I was not aware of any such approach by Mr Ashbourne to Mr Clarke (if it was made), nor would I or cabinet have agreed to such an approach being made to settle a court case.

Mr Williams interjecting:

The SPEAKER: Order! The member for MacKillop will cease interjecting. Leave has been granted.

The Hon. M.D. RANN: When I heard of the matter, the Deputy Premier and I immediately called the then attorney-general and Mr Ashbourne to my office together with members of my senior staff. Later, the Minister for Government Enterprises, Energy, Police and Emergency Services and another senior member of my staff were informed of the allegations. I then decided to seek advice as to the appropriate course of conduct. At that time the Solicitor-General, Mr Brad Selway QC, who would normally be consulted on matters of this kind, had just left to take up an appointment as a Federal Court judge. We had no Solicitor-General to whom to turn for advice. Instead, I sought advice from Mr Warren McCann, Chief Executive Officer of the Department of the Premier and Cabinet—the state's most senior public servant. It is important to note that the Crown Solicitor, as the government's lawyer, could have had a conflict of interest in investigating this matter because of his officer relationship to the Attorney-General.

I formally requested Mr McCann to undertake an immediate and preliminary investigation into the matter. I have complete confidence in the integrity of Mr McCann— an extremely experienced public servant appointed by the

previous Liberal government. Mr McCann was asked to inquire as to whether or not there had been any improper conduct or breach of the ministerial code of conduct or standards of honesty and accountability. Mr McCann was not instructed as to who should be interviewed or the approach that should be taken. I instructed Mr McCann that, if his preliminary investigation determined that any further inquiry was warranted, I would then consider whether or not it would be appropriate for the Attorney-General and Mr Ashbourne to stand aside pending the result of that further inquiry.

In the preparation of his report, Mr McCann sought legal advice from Mr Ron Beazley, the former Victorian Government Solicitor to both the Kennett and Bracks governments.

An honourable member interjecting:

The Hon. M.D. RANN: And Kernot. Mr Beazley, a Special Counsel, was Chairman of the Research Ethics Committee for the Department of Justice in Victoria and is a former Chairman of the Government Practice Committee of the International Bar Association, and he has been involved in numerous investigations and significant inquiries. Mr Beazley sought advice from a Victorian Queen's Counsel and member of the Victorian Bar.

Mr McCann reported to me on 2 December 2002. His report concluded that there were no reasonable grounds for believing that the Attorney-General's conduct was improper or that he breached the ministerial code of conduct. Mr McCann also concluded that there were no reasonable grounds for believing that Mr Ashbourne breached the code of conduct for South Australian public sector employees. Notwithstanding that finding, there were aspects of Mr Ashbourne's conduct which resulted in my issuing him a formal reprimand and warning about future conduct.

Significantly, Mr McCann also concluded that a further investigation was unwarranted. At no stage, as part of the McCann report, did I receive advice that the matter should be referred to the police. The Auditor-General did not suggest that course of action, nor did the legal counsel used by Mr McCann. If such advice had been given, I would have sent the matter directly to the Commissioner of Police without hesitation. Mr McCann advised, as part of his report, that, because of the potential for causing harm to people who had not had the opportunity to respond to things attributed to them by others, he did not believe it was appropriate to publicly release the report. Of course, tabling the report in parliament would have attracted privilege, but could not deal with considerations of fairness raised by Mr McCann. It could have damaged the reputation of innocent people. However, I was keen to go even further.

Members interjecting:

The Hon. M.D. RANN: Hang on, just listen, and we can talk about houses in North Adelaide and things, but let me go onto this. I was keen to go even further. I wanted to provide a copy of Mr McCann's report to the Auditor-General. I was most concerned to ensure that the Auditor-General, the state's independent watchdog, who reports directly to this parliament, was aware of the investigation and had the opportunity to examine the report. I wanted him to be fully informed about the matter and the handling of the issue. I was determined to ensure that the matter was handled properly. In accordance with my decision that the Auditor-General be informed, he was briefed by Mr McCann, and then on 4 December 2002 Mr McCann's report was provided to the Auditor-General of South Australia. The Auditor-General responded on 20 December 2002, and in his response said:

> I have reviewed the material made available to me with respect to the abovementioned matter enclosed with your letter of 4 December 2002. In my opinion, the action that you have taken with respect to this matter is appropriate to address all of the issues that have arisen.

That was the letter from the Auditor-General. Plainly, the government took all steps it could be reasonably expected to have taken to deal with the issue. The government initiated the investigation itself and it did so swiftly.

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order! The minister's help I am sure he believes is useful, but the Premier does not need it, I reassure him of that.

The Hon. M.D. RANN: At all times, I acted on advice and on my own initiative directed that the matter be drawn to the attention of the Auditor-General. At the earliest opportunity, I involved Mr McCann, the most senior public servant in the state, a man respected for his integrity, a man appointed by the previous Liberal government and a man who has served both Liberal and Labor premiers. I know that the Leader of the Opposition holds Mr McCann in the highest regard. Mr McCann sought legal advice from Mr Beazley—

The Hon. W.A. Matthew interjecting:

The SPEAKER: Order! I warn the member for Bright.

The Hon. M.D. RANN: —a special counsel, pre-eminent in the field of state governance. Mr McCann's report concluded that no further investigation was warranted. Mr McCann's report was subjected to independent scrutiny by the Auditor-General of our state. My determination to have this matter properly dealt with and subjecting the results of the inquiry to independent scrutiny is in stark contrast to the track record of the previous Liberal government. However, we do not intend to stop here. Once the police inquiries are completed, the government will establish an independent review, the outcome of which will be tabled in parliament. Until the police inquiry is completed and its findings are known, we cannot determine the nature or scope of the review. It would not be appropriate to do so while police inquiries are under way.

Ms Chapman interjecting:

The Hon. M.D. RANN: I would be very careful if I were the member for Bragg. To formulate terms of reference now may be seen to be pre-emptive of any findings by the police. I want to reiterate that no decision was ever made by cabinet to appoint Mr Clarke to a government board. Such a suggestion was never considered by my cabinet. I look forward to the completion of the police inquiry. If, as a result of these further inquiries, anyone needs to be disciplined or dismissed, that will happen. If any changes in process need to be made, that, too, will happen. If any apologies are required, they will be given.

GUERIN, Mr B.

The Hon. K.O. FOLEY (Deputy Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.O. FOLEY: Today I will give notice of a bill to deal with the employment conditions of Mr Bruce Guerin. This bill is unprecedented in South Australian history and it will prevent Mr Guerin from claiming $1.15 million against the taxpayers of South Australia. Mr Guerin was head of the Department of Premier and Cabinet from April 1983 until I believe the early 1990s. I am advised that at the time Mr Guerin was engaged—

Mr BRINDAL: Mr Speaker, I rise on a point of order. I understand leave was given to make a ministerial statement, but the first thing the Deputy Premier said was that he intends to introduce a bill into this house and he proceeded to speak on the bill he will introduce to this house. It may not be on the *Notice Paper*, but is that not pre-empting debate on a bill that will be coming before this house?

The SPEAKER: There is no point of order. No notice has been given to the house at this point.

The Hon. K.O. FOLEY: I am advised that at the time Mr Guerin was engaged all chief executive officers had tenure and were entitled to their salary until they retired at age 65. When the legislation was changed in 1985, transitional provisions preserved their rights to remuneration. This was the policy of the day. Over a period of time, people whose rights were preserved by those transitional provisions left the Public Service. Despite Mr Guerin's ceasing as Chief Executive Officer in 1992, and his acting in various roles in government, because of public sector legislation and the arrangements by the former Labor government, he is entitled, on an ongoing basis, to be remunerated at the rate of that of the current head of the Department of Premier and Cabinet.

An honourable member interjecting:

The Hon. K.O. FOLEY: Exactly. After taking various roles—

The Hon. W.A. Matthew: You wouldn't support legislative change.

The SPEAKER: The member for Bright knows that he is already sitting on a skateboard downhill out the door.

The Hon. K.O. FOLEY: After taking various roles, including a role at Flinders University, for which the former Labor government was publicly criticised, Mr Guerin is currently in the unattached unit of the Public Service. Since 1998, Mr Guerin has maintained a claim for back pay for the amount that he would have received had he continued as chief executive of the Department of Premier and Cabinet. Mr Guerin currently receives a salary of $130 739. His total remuneration package is $172 315. The current package received by the Chief Executive Officer of the Department of Premier and Cabinet is $292 172. As at 12 March 2003, Mr Guerin claimed to be owed $1 145 601.75 in back pay, inclusive of interest.

I am sure that I can count on the support of the opposition, which was correct in criticising these arrangements and expressing the view that something needed to be done to resolve this issue. Upon coming to office in 1993, former Premier Brown requested a comprehensive review of the Guerin contract. In March 1994, in a statement to parliament, then Premier Brown criticised the former Labor government for the Guerin contract and noted that the appointment of Mr Guerin to a position at Flinders University would cost taxpayers $1 million over the following five years. Former Premier Brown stated:

> This is the price taxpayers must meet because the former government was unwilling to confront difficult decisions about Mr Guerin's future in the public sector.

The *Advertiser* of 24 July 1998 reported that the Deputy Leader, when premier, had described the contract in 1994 as 'the worst I have seen written against the interests of the public of South Australia'.

On 26 September 1995, the member for Finniss spoke in parliament on the subject of Mr David Blaikie, the former chief executive and chair of the Health Commission who was dismissed by the former Liberal government and awarded over $500 000 in compensation by the Supreme Court. The Deputy Leader said of the former Liberal government:

> This government takes the hard decisions and, if we think someone is unsuitable as a CEO, we will terminate that person's contract. I did this immediately after the election and I will do so again whenever I think it appropriate.

On 10 November—the member for Bright might be interested in this—the *Advertiser* reported that the former Labor shadow attorney-general had said Labor would be prepared to introduce legislation to prevent any further payment to Professor Guerin. The same newspaper report recorded that the current Leader of the Opposition (Mr Kerin), when premier, said that he was 'less than impressed by the situation' with Mr Guerin and it was 'one of the contracts the previous government left behind and we have to sort it out'.

The former government did not sort it out. This government does not have access to former government cabinet submissions but can see the gaps left in files where the submissions occurred. There seems to have been at least three submissions on the issue, yet the matter remained unresolved. The former Liberal government put this issue into the too-hard basket and there it remained for eight years.

By way of stark contrast, the Rann Labor government has acted swiftly to resolve this issue. In 2002—

Mr Brindal interjecting:

The SPEAKER: I warn the member for Unley.

The Hon. K.O. FOLEY: Listen. I know you are embarrassed because you did not have the courage to do this.

The SPEAKER: The Deputy Premier has leave to make a statement, not to engage in debate or repartee across the chamber.

The Hon. K.O. FOLEY: In 2002 the Premier directed that the arrangement under which Mr Guerin worked for Flinders University be brought to an end as soon as possible and that Mr Guerin be returned to the unattached list of the state Public Service. On a number of occasions the government has informed Mr Guerin that it would not pay the full amount of $1.15 million that Mr Guerin was demanding. The government also told Mr Guerin that it would consider the introduction of special legislation with retrospective effect to limit any right to recover the alleged underpayment. However, the government would not seek to introduce that legislation if Mr Guerin was prepared to accept a reasonable settlement of this claim. Mr Guerin continued to maintain his claim for back pay based on the amount being paid to the Chief Executive of the Department of the Premier and Cabinet, despite not filling that role since 1992.

The government's offer to settle for a lower sum has been rejected by Mr Guerin. I am advised that, despite expressing a willingness to negotiate, Mr Guerin's solicitors have declined to put a counter offer. A payment to Mr Guerin of this magnitude required to secure a settlement is not acceptable to the government, nor to the community. Mr Guerin has been aware for approximately 12 months that the government may introduce special legislation if he does not agree to the government's settlement offer. Mr Guerin has not been willing to settle. Accordingly, the government now moves to introduce special legislation.

There is an urgency to this bill, as Mr Guerin has told the government he would pursue other avenues—presumably legal action—if the government did not settle the claim by early July. The bill to be introduced extinguishes Mr Guerin's legal right to arrears of salary based on that of the head of the Department of the Premier and Cabinet and also his right to any increases in his current remuneration. The bill will not

affect Mr Guerin's right to accrued leave or payment in lieu if he resigns. However, it will fix the basis upon which those payments are calculated at his current salary. The bill will also preserve Mr Guerin's entitlement to be treated in the same way as ordinary public sector executives who receive only general increases during the relevant period.

Mr Guerin will remain employed in the Public Service and continue to receive a six figure salary. Members have a choice in relation to this legislation: whether they want $1.15 million paid in relation to arrangements that have met widespread criticism—and correctly so—from the opposition when in government, or whether they want that money to be spent on critical and crucial government services. For us—this government—the choice is simple. The matter has remained unresolved for nearly 10 years but regardless of where fault lies we are acting now and making the tough decisions in the best interests of the wider community. I look forward to the support of all members of the house.

GLENELG NORTH FLOODING

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

Leave granted.

The Hon. P.F. CONLON: I rise to provide the house with information regarding the government's response to the flooding which occurred at Glenelg soon after midnight on Friday 27 June 2003. The apparent cause of this incident was the failure of the barrage gates to open, causing stormwater to back up through the local stormwater system, causing flood conditions in nearby streets and the inundation of a considerable number of residential properties. A 24-hour hotline was set up immediately by Family and Youth Services to provide affected families requiring assistance with emergency accommodation, food, clothing, emergency financial aid and help with cleaning up the affected houses. Access to general information as well as the various services can still be gained on this hotline.

A government investigations officer from the Attorney-General's department commenced interviews with persons involved on the day of the incident. GHT Melbourne was engaged on Monday 30 June 2003 to undertake a technical investigation and complete a review of the control system to identify the cause of failure and any other inherent problems. The time taken to complete the investigations will be dependent upon the cooperation of Baulderstone Hornibrook and its subcontractors. Once the investigations have been completed, the Crown Solicitor will assess the legal implications.

Depending on the outcome of this investigation, further action and requirements for the ongoing operation of the system will be determined. On Thursday 3 July 2003, the government announced a compensation scheme immediately to compensate affected residents. The South Australian president of the Australasian Institute of Chartered Loss Adjusters has been engaged to assemble a team of recognised, independent assessment professionals to determine the amount of loss for each affected resident, and compensation amounts determined, together with loss adjusters' fees, will then be paid by SACOR.

Recovery will then be sought as appropriate from third parties considered to have liability for the incident or liability for payment of compensation. Minister Hill explained the offers of compensation to a meeting attended by approximately 110 affected residents on Thursday 3 July 2003. At that meeting, residents were provided with an application for compensation and advice that, upon completion and return to SACOR, a loss adjuster would contact them by Monday 7 July, or within 48 hours of receipt. A number of applications have also been completed over the phone.

At this time 93 applications have been received. The first assessment reports will be received by SACOR in the next few days. I would like to take this opportunity to remark upon the dignity and courage of the householders of Glenelg who have in very trying circumstances banded together to support each other. I would also like to mention the courtesy they have offered towards the government officers who have been trying to manage this difficult situation. I understand from the officials and files that the residents have been grateful for the work done for them and have expressed this often and without condition. I think it is important to acknowledge this, as most of us can only imagine the distress and heartbreak caused by losing many personal possessions and continuing to deal with the aftermath of this incident.

I would also like to thank the members of the public service who have been of such great assistance to the government. I would like especially to mention the staff of Family and Youth Services, who have dealt with the community of Glenelg so well, and the staff of the Office of Infrastructure and Development, SACOR, Treasury, the Department of Water, Land and Biodiversity Conservation and the Crown Solicitor's Office. Their willingness to deal with this matter with speed and commitment for the public benefit was a credit to the public sector of this state.

Lastly, but certainly not least importantly, I would like to thank the members of the Police and Emergency Services who were the first on the scene as usual and spent many hours ensuring that individuals were safe and addressing the matters of public safety and community comfort. Once again, the police, MFS and SES worked together for the community benefit. I should make special mention of the volunteers of the State Emergency Service, many of whom were down at the scene all night and still managed to greet me quite cheerfully when I arrived there at about 8 am. I can assure the house that the government will continue to work for the benefit of Glenelg residents as well as ensuring that those responsible share the responsibility not only for compensation of the residents, but for ensuring that this does not occur again.

OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION COMMITTEE

Mr CAICA (Colton): I bring up the third report of the committee entitled 'Referral of the Statutes Amendment (Workcover Governance Reform) Bill to the Occupational Safety, Rehabilitation and Compensation Committee'.

Report received and ordered to be published.

Mr CAICA: I bring up the Annual Report 2002-03 of the committee.

Report received and ordered to be published.

QUESTION TIME

ATTORNEY-GENERAL

The Hon. R.G. KERIN (Leader of the Opposition): Prior to the Deputy Premier's raising the issue with the Premier late last year, was the Premier aware of any discus-

sions between his senior staffer, Randall Ashbourne, and Ralph Clarke on issues which were later to be the subject of the McCann inquiry?

The Hon. M.D. RANN (Premier): I have already answered that question in my ministerial statement.

Members interjecting:

The Hon. M.D. RANN: Yes, I have. Honestly, the—

The SPEAKER: Order!

The Hon. M.D. RANN: I have already answered that question. The first knowledge that I had of the allegation that there had been board positions offered (which were not in Mr Ashbourne's power to offer, anyway) came when the Deputy Premier came into my room concerning that matter.

INSURANCE, PUBLIC LIABILITY

Mr O'BRIEN (Napier): My question is directed to the Minister for Tourism. What is the government doing to assist historic rail and tram organisations during the public liability insurance crisis?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I thank the member for Napier for his interest in the historic railways and tram associations in South Australia. The government has enacted a new tourism development fund which will assist these organisations in their ongoing difficulties with obtaining public liability insurance during the ongoing insurance crisis. A special grant of $125 000 has been made available to assist these historic railways and trams, to put them back on the rails and to prevent their closing across our state.

Following the enactment of several acts to reduce liability, to cut the risks for insurance companies and to provide some certainty to the sector, we had hoped that the insurers would be able to come to the party to offer lower premiums. We regret that that was not the case, and there have still been 20 per cent increases this year, after serious rises over the past two or three years. Those increases, of course, are no reflection on the safety of South Australian railways and trams, which have very good safety records. Decisions about insurance are made offshore in other places, without full knowledge of our circumstances.

The eligible organisations will receive funds, provided that the money we provide is matched by other organisations, such as local government or other stakeholders. In particular, it will require that business plans be developed to look at ways to develop ongoing viability over the coming years. Certainly, there is a balance between the costs of running these railways, paying insurance premiums and, in addition, the ticket prices that are charged. We would like to ensure that there is ongoing viability.

Indeed, in addition, we have set up a working group that will meet in August of this year, and we particularly want CHRTSA (Council of Historic Railways and Tramways of South Australia) to work with local government, Treasury and SAICORP in an endeavour to broker a negotiated settlement that will be viable in the out years. We would not like to reach this position again next year, and it will require ongoing work to see whether it is possible to form a consortium of those railways to obtain a better insurance premium.

The law reforms that have been undertaken, both at commonwealth and state levels, were designed to bring this crisis to a resolution. However, clearly, the impact from the insurance companies has not been what we would have hoped. We will continue to work with CHRTSA and the historic railways and tram organisations to find an ongoing viable solution for the coming years.

ATTORNEY-GENERAL

The Hon. R.G. KERIN (Leader of the Opposition): My question is again directed to the Premier. Has the Premier now been informed of the issues discussed by his senior staffer, Mr Randall Ashbourne, and the former attorney-general on the three occasions on which they met before Randall Ashbourne approached Ralph Clarke?

The Hon. M.D. RANN (Premier): I have seen the McCann report, which I then referred to the Auditor-General for his information. If the Leader of the Opposition has any additional information, he should go to the police Anti-Corruption Branch and—

Members interjecting:

The Hon. M.D. RANN: I can give him the phone number: 131-444. The fact is that I have given evidence and information to the police inquiry, which is still proceeding. It would be wrong—in fact, improper and maybe unlawful—to in any way fetter those inquiries.

SCHOOLS, CURRICULA

Ms CICCARELLO (Norwood): My question is to the Minister for Education and Children's Services. What is the government doing to establish consistent curriculum outcomes with other states?

The Hon. P.L. WHITE (Minister for Education and Children's Services): For the last 12 months, state and territory governments have been doing a considerable amount of work on a joint collaboration project to map curriculum outcomes and approaches across state boundaries and identify areas of both commonality and difference. I am pleased to advise the house that, as a result of last week's Perth meeting of MCEETYA (the Ministerial Council of Education, Employment, Training and Youth Affairs), state and territory education ministers have announced that they will deliver nationally consistent curriculum outcomes in several areas of schooling.

This is a national project to deliver consistent outcomes, and the areas that will be tackled first are: English, maths, science and civics and citizenship. This is an historic agreement which will give Australian parents who move between state boundaries greater confidence in the fact that what is being taught at their child's new school is similar to what they learnt at their old one. Starting with the English curriculum, there will be a set of statements of learning for each of the curriculum domains. These will help to achieve high standards of knowledge, skills and understanding, as stated in the Adelaide Declaration on the National Goals of Schooling in the 21st century. This is not about replacing SACSA (South Australian Curriculum Standards and Accountability) framework, nor does it impinge on the new curriculum materials for maths and English that have been introduced into South Australian primary schools this year.

The statements of learning represent a level of skill that is reasonable and challenging—and, indeed, appropriate—for the majority of young Australians. They will outline a sequence of learning within each of the subject domains showing progression in expected learning across individual learning years. This is the next step in a project which state and territory ministers have been working on for the last 12 months.

Ms Chapman interjecting:

The Hon. P.L. WHITE: Well, we welcome the belated coming into the fold of the federal education minister, Brendan Nelson, who has come on board and now supports the state and territory ministers in this project. This is an ambitious project, but it will be achieved through collaboration. However, the move towards nationally consistent curriculum outcomes is not about stifling teacher innovation or creating one uniform system which would see all students studying in exactly the same way from exactly the same textbook. The proposal leaves the systems, sectors and schools with the flexibility and autonomy to integrate these statements into their own curriculum in a manner which suits the diversity of their own students' needs and types of schools across the country. This is about acknowledging that there are common things all children should know and be able to do at critical junctures in their schooling.

ATTORNEY-GENERAL

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Premier. For what did the Premier's senior staffer Randall Ashbourne receive 'a stern letter of reprimand late last year'; and will the Premier table the letter of reprimand?

The Hon. M.D. RANN (Premier): The reprimand letter, along with other material referred to and the McCann report, has been given to the police anti-corruption inquiry. At the completion of their inquiries, in which I have no intention in any way to interfere—because that would be improper—it will be handed over to the next inquiry.

Let us go through the process here. We had an inquiry by Mr McCann, who sought the advice of the former equivalent Crown Solicitor of Victoria, plus an independent QC, Mr James Judd. All that material was sent to the Auditor-General; and I have already read out what the Auditor-General had to say about that. I ask members to compare that with the actions of the former government when it came to these inquiries. Can you imagine the former government initiating inquiries? Can you imagine the former government handing over material to the Auditor-General? Can you imagine the former government in any way initiating a police inquiry? Can you imagine the former government, of its own volition, asking for an inquiry into the inquiries into the inquiries?

Members interjecting:

The Hon. M.D. RANN: Mr Ashbourne was reprimanded for acting without authority. That letter has been given to the police.

WATER RESTRICTIONS

Ms RANKINE (Wright): My question is to the Minister for Administrative Services. What steps has the government undertaken to assist and advise industry and peak bodies on the current water restrictions?

The Hon. J.W. WEATHERILL (Minister for Administrative Services): This is an important question because the impact of water restrictions on a number of different industry sectors has been an issue that the government has been working through with a range of peak bodies, including the Pool and Spa Association, the Nursery and Garden Industry Association, the South Australian Farmers Federation and the Local Government Association. SA Water is assisting us in working, together with those organisations, to resolve issues around the effect of the restrictions on those industries. Last week, SA Water visited over 70 nurseries and garden centres to answer questions of operators, and SA Water will provide further information to the Nursery and Garden Industry Association via the South Australian water community education program, which also will be useful for customers. That information will assist those organisations in their relationship with their customers. It will also encourage people to look at innovative ways in which they can grapple with the restrictions, such as buying drought tolerant plants, and so on.

Aside from the concerns of the Nursery and Garden Industry Association, the Turf Growers Association is negotiating with SA Water to engage in modifications to the processing of the water restrictions, which will assist them in educating the public about water efficient practices. As members would be aware, turf growers are selling new lawns, in some circumstances, to householders. It is important that the water restrictions are not breached, but we can organise for permits to be granted in certain circumstances. Along with both the Nursery and Garden Industry Association and the Turf Growers Association, if we can—

Mr Brokenshire interjecting:

The SPEAKER: The member for Mawson will cease conversation with strangers in the galleries.

The Hon. J.W. WEATHERILL: If we can meet the spirit and intent of the water restrictions, then there can be some modification of their strict letter through the granting of a permit. While we have been greatly assisted by the role that the industry associations have played in providing a focal point for information for their members, we are obviously dedicated to making these water restrictions work. We have been heartened by the way in which members of the public and industry associations have been approaching us with endeavours to ensure that they are successful. People are not trying to resist the water restrictions or complain about them: they are constructively working with government. This is a tremendous community effort to deal with what is a serious crisis.

ATTORNEY-GENERAL

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Premier. Did the former attorney-general discuss with the Premier, or his staff, the possibility of his resigning late last year as attorney-general?

The Hon. M.D. RANN (Premier): Can I just say that the former attorney-general has already told this parliament and this house that he did not offer to resign.

The Hon. R.G. Kerin interjecting:

The Hon. M.D. RANN: The question was asked, if I am aware of that. That matter has already been dealt with. As I have pointed out, what I said to Mr McCann was that I wanted a preliminary and urgent inquiry, albeit one that involved Mr Ron Beazley, the former Crown Solicitor of Victoria, and James Judd to determine—

The Hon. P.F. Conlon interjecting:

The SPEAKER: The minister will come to order!

The Hon. M.D. RANN: —whether there needed to be a further inquiry in which I would then take advice on whether or not the attorney-general should then stand aside. The fact is that this has been dealt with quite differently from inquiries of the former government. I have all the details of those—

The Hon. W.A. Matthew interjecting:

The Hon. M.D. RANN: Let us look at the litany of inquiries by the former Liberal government, inquiries about issues, which on many occasions the government was accused of attempting to sweep under the carpet. From my recollection, there were seven inquiries looking specifically into the behaviour of four ministers in the former Liberal government. There were two inquiries into Dale Baker: one Anti-Corruption Branch inquiry, from memory; and an inquiry by Mr Tim Anderson QC into an allegation of conflict of interest involving land that one of his companies wanted to purchase that was also being looked at by his department when he was the minister for agriculture. There were two inquiries into John Olsen concerning whether or not he offered a side deal to Motorola for the government radio network contract in order to secure another deal with them in South Australia.

The SPEAKER: Order! I ask the Premier to resume his seat and point out to him that the question was explicitly about whether or not the attorney-general offered his resignation. I think the Premier has answered that.

WIND POWER

Mr SNELLING (Playford): My question is to the Minister for Infrastructure. Was the recent trade mission to the European wind energy conference a success?

The Hon. M.R. Buckby interjecting:

The Hon. P.F. CONLON (Minister for Infrastructure): The member for Light has made a witticism—well done! The conference was indeed a success. I travelled with a number of local manufacturing companies' representatives from regional development boards and those involved in transmission line upgrades. A number of these companies made very positive contacts, and the networks that have been established will be extremely useful in development of the wind industry in South Australia and in the development of local industry. The government's approach to this trade mission was that, while it was led by a government minister, we allowed the business people to do their business. I had a number of very important meetings with regulators, policy makers and government officials from the wind industry in Europe.

It may be known to members of this house that, of course, the wind industry in Europe is extremely developed, whereas it can certainly be said that in Australia we are very much in our infancy. There are a number of reasons for that. Of course, we do enjoy the cheapest fuels in the world for the creation of electricity, and that will always be a bar to the major entry of renewables, being more expensive until technology changes. It was very interesting to deal with policy makers and regulators and to see the issues that had been dealt with in Europe, for instance, Spain (which has a very high entry of wind energy). It was interesting to see the issues that had been faced and to see how those issues, by and large, are the very same ones we see affecting the development of wind energy in Australia.

The Hon. Dean Brown interjecting:

The Hon. P.F. CONLON: The member for Finniss says it is a big issue in his area. It is true that some people in the electorate of the member for Finniss do not like wind energy and it is true that a lot of them do like it. I am told that opposition is growing by the day. I know the matter to which the member for Finniss alludes, and it is sad that there is opposition to wind farms in South Australia.

It was very interesting to visit Pamplona and the surrounding hills. Of course, famously, they had the running of the bulls in Pamplona this week, but I was not there for that, much to the chagrin of some of my cabinet colleagues. In the hills around Pamplona are 300 wind turbines: they have overcome the fears that the member for Finniss talks about. It was interesting to visit one of the parks (as they call them) which had 200 wind turbines as well as a beautifully restored 400-year old windmill used by the locals for grinding flour. Of course, such is the world that we live in that the 400-year old windmill is preserved under heritage orders but people complain about the new ones going up. Nearby in Pamplona, also, is an ancient Roman aqueduct that I imagine would have been built 1600 to 1700 years ago, and it is, of course, protected. But I observed at the time that if the Romans had to face the sorts of objections we face in building wind farms they would never have obtained building approval for their aqueduct because it would have been too unsightly. Of course, it is now a matter of history and a matter of enormous pride to the people of Navarra.

Windmills leave no long-term damage like a mine or a quarry. If you get fed up with them you take them away and you would not know they had been there. The amenity is entirely a subjective matter. What you do not see when you see a windmill is the hundreds of millions of tonnes of carbon that is not going into the atmosphere, and I think the concerns of the member for Finniss need to be balanced against those issues.

I find myself diverted by the member for Finniss and I return to the major point that I need to make to the house. The one issue that came up over and over at the largest wind energy conference in the world was the concern of people in Europe and the United States at the decision of the commonwealth to review the MRET scheme in Australia. It is, of course, the MRET scheme that allowed the entry of wind energy into South Australia in particular, but also into Australia. Late last year I warned the federal Minister for Energy that, as a result of the Warwick Parer review into energy reform and the recommendation of that review for the abolition of MRETS, there is a need for the commonwealth to make a clear statement in support or it would create nervousness in the industry. I defended the commonwealth at the conference, but I stress that it is necessary for the commonwealth to come out in support of the MRET scheme if we are to develop the wind energy industry in Australia. That is something that I know is supported by the shadow spokesperson and, I believe, the opposition.

I stress that recently we have made recommendations to the commonwealth review to increase the MRETS target—that is, the percentage of renewable energy. We hope, at the very least, that the commonwealth will soon make statements in support of it. Many foreign observers now look at Australia as a new market as the rate of uptake in Europe must slow because of the very high development. I cannot stress enough the concern they have voiced at the commonwealth's lukewarm attitude to the MRET scheme. So, I urge all members in this house to join with us in encouraging the commonwealth to be more positive about the entrance of renewable energy.

ATTORNEY-GENERAL

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Premier. Why did the Premier not refer the McCann report to the Crown Solicitor late last year, yet the Deputy Premier referred it to the Crown solicitor during the Premier's recent absence overseas?

The Hon. M.D. RANN (Premier): The clear advice I received was that the appropriate course of action—

Members interjecting:

The Hon. M.D. RANN: No; I believed that as the senior public servant in the state Mr McCann was the most appropriate person to conduct the inquiry, using legal advice that was totally independent of the former Attorney-General. The Crown Solicitor has an officer relationship directly to the Attorney-General, so it seemed to me that it was most appropriate to do things independently; to ask Mr McCann to conduct the preliminary inquiry; and to seek legal counsel from a former Crown Solicitor of Victoria plus a QC in another state so that there could be not even a suggestion by members opposite that the inquiry was in some way tainted because of a direct relationship with the Attorney-General. So, I acted totally properly and then, unlike my predecessors in government, handed over the material to the Auditor-General, who said that I had dealt with the matter appropriately. What happened is that, while I was overseas, matters were raised here, and the Minister for Police appropriately sought information in relation to the release of the documents concerned, and at that stage the Crown Solicitor advised that the matter should be handed over to the police. That was done immediately, with none of the cover-ups of the past.

Members interjecting:

The Hon. M.D. RANN: There is so much stuff about what happened before. We all know what happened with Motorola, Dale Baker, the member for Coles, the Tim Anderson inquiry and the Cramond inquiry; I have pages and pages about all those things. Of my own volition, I handed over the material to the Auditor-General of this state, whose powers are independent of government. That was the most appropriate thing. We remember the times when he was frustrated in his inquiries by the previous government and when he had to march down here and seek protection from members opposite. This was completely different: it was an inquiry seeking independent advice from interstate, not advisers to the then attorney-general, and it was then handed it over to the Auditor-General. That is the difference between us.

The Hon. R.G. KERIN: As a supplementary question, if the Premier quotes the officer relationship as the reason, why last year did he not refer the matter to the Solicitor-General? Why did the Deputy Premier a couple of weeks ago refer it to the Crown Solicitor, who immediately said it should go off to the Anti-Corruption Branch?

The Hon. K.O. FOLEY (Deputy Premier): It would be correct to ask me that question, not the Premier. Quite appropriately upon the question being raised in the house, I said publicly that I would take that question on notice—from memory, that was my response—and seek further advice. I did that; I sought advice, and that advice included discussions with the Crown Solicitor, and the Crown Solicitor provided that information.

Members interjecting:

The Hon. K.O. FOLEY: As I said—

Members interjecting:

The Hon. K.O. FOLEY: Do you want to hear the answer or do you want to interject?

The SPEAKER: I assure the Deputy Premier that I do, and the geese on my left will find themselves on a chopping block if they do not let me.

The Hon. K.O. FOLEY: Thank you, sir, and I apologise. The appropriate course of action as the Acting Premier was to do exactly what I said to the house: that I would take that question on notice and, from memory, I used words to the effect that I would seek advice as to the appropriateness of releasing information. Upon seeking advice on the appropriateness of releasing that information, I had to receive some legal advice on whether or not to release the information—not about the inquiry, but on the release of the information. It was during that process of seeking a range of advice as to what could and should be made public that the Crown Solicitor provided me with advice that it should be referred to the Anti-Corruption Branch, and we did that without hesitation.

QUEEN'S THEATRE

Mr RAU (Enfield): My question is directed to the Minister Assisting the Premier in the Arts. Is the minister aware of speculation about the Queen's Theatre, and will he rule out the sale of the government-owned theatre that was built in 1840, just four years after European settlement?

The Hon. I.F. EVANS: On a point of order, sir, the minister was asked this question during estimates committees and ruled out the sale of this building and others.

The SPEAKER: The answer is on the record.

ATTORNEY-GENERAL

The Hon. R.G. KERIN (Leader of the Opposition): My question is again to the Premier. Did the Auditor-General recommend that the substance of the McCann report not be made public, and did the Premier receive verbal advice from the Auditor-General as a result of the Auditor-General's receiving the McCann report?

The Hon. M.D. RANN (Premier): I have already answered that question and indeed have read out (I believe it has already been made public) the Auditor-General's letter. So, the difference is that I did not at any stage speak to Mr Ron Beazley, because I thought it was improper to do so, or to Mr Judd, because it was improper to do so. Nor have I spoken since the ACB inquiry to either the former attorney-general or Mr Ashbourne.

The key point of the matter is whether I received verbal advice. I received advice as to the release of the report—and I have already said that in my ministerial statement—in relation to whether that would be unfair in terms of natural justice to people who were innocent. All that material, including Mr McCann's report, was sent to the Auditor-General of the state, who could have advised that it be handed immediately over to the police. If he had done so, I would have done that immediately. He could have advised any course of action. What he did, as the independent umpire, was ensure that we acted most appropriately.

TRANSPORT, ENVIRONMENTALLY FRIENDLY

Mrs GERAGHTY (Torrens): My question is to the Minister for Transport. Will the minister say what the government is doing to make sure that our city's public transport system is more environmentally friendly?

The Hon. M.J. WRIGHT (Minister for Transport): Each year our public transport system emits about 85 000 tonnes of greenhouse gases. With this in mind, the Passenger Transport Board has developed a number of initiatives to support the government's focus on environmental sustainability and promote the environmental benefits of public

transport as well as balance emissions from the fleet. One such initiative is the contribution to tree planting and revegetation programs along Adelaide's public transport corridors, urban spaces and arterial roads which will result in around 100 000 trees being added to our landscape. These plantings help balance the carbon emissions from the public transport fleet and meet good environmental design standards. They will also help our city become a public transport carbon-neutral city.

The Passenger Transport Board also partners with other agencies in revegetation schemes, supporting sustainable Adelaide initiatives. The use of environmentally friendly fuels is also being expanded with more than a quarter of the Adelaide metropolitan bus fleet now powered by compressed natural gas, with a further 128 new buses powered by compressed natural gas to be added to the fleet during the next five years. The onroad evaluation of B20 biodiesel fuel is now complete with findings demonstrating that buses using biodiesel fuel emitted fewer greenhouse gases, while vehicle performance was not adversely affected. The public transport system itself also reduces pollution by having fewer private cars on our roads: one full bus means approximately 40 fewer cars on the road.

ATTORNEY-GENERAL

The Hon. R.G. KERIN (Leader of the Opposition): My question is again to the Premier. Given the claims of the Premier and the Deputy Premier that the initial inquiry was comprehensive, can the Premier explain to the house how they were satisfied with the McCann report whilst knowing that Ralph Clarke had not been interviewed?

An honourable member interjecting:

The SPEAKER: The honourable member for Mawson is now on the back of the skateboard, on which the member for Bright sits, facing downhill towards the doors, exiting the chamber. My grip on the string is weakening.

The Hon. M.D. RANN (Premier): Once again, in my view it would have been totally improper for me to direct any inquiry about whom they should or should not interview because, quite frankly, what would happen—

Members interjecting:

The Hon. M.D. RANN: So, the honourable member is suggesting that members opposite, when they were government, should have rung the police and said who they should and should not interview. Of course, at the end of the inquiry (which, I should say, involved the former Victorian crown solicitor, Mr James Judd QC), was then handed over to the Auditor-General of the state, who said he believed that the matter had been dealt with most appropriately.

Perhaps those are the different standards of the past, when perhaps there was interference by the previous government in inquiries. That will not be so in our case. That is why I believe that it would be most improper for me to direct anybody in terms of the nature and extent of inquiries once they have been set up.

An honourable member interjecting:

The SPEAKER: The member for Newland is in the way of that skateboard.

The Hon. R.G. KERIN: Will the Premier direct all ministerial staff members to answer all questions asked by the Anti-Corruption Branch?

The Hon. M.D. RANN: I have already said publicly on several occasions that I expect everyone to cooperate with the Anti-Corruption Branch's inquiry. However, if the honourable member is suggesting that I should speak individually to people who may be the subject of those inquiries, he will pop up to his feet tomorrow and say, 'Did you try to influence or pervert the course of justice? Did you try to suborn a witness?' That is why I have not spoken to Mr Ashbourne or, indeed, to Mr Clarke, or to the member for Croydon.

DOCTORS, COUNTRY

Ms BREUER (Giles): My question is to the Minister for Health. What action has been taken by the South Australian government to assist doctors working in rural areas to meet medical indemnity insurance commitments during 2003-04? Has the federal government given a commitment to assist doctors with insurance tail cover after retirement?

The Hon. L. STEVENS (Minister for Health): I thank the honourable member for this very important question. I also acknowledge the representations made by the member for Stuart on behalf of people in his community who are affected by this matter. Medical indemnity continues to be an issue for country doctors—

Members interjecting:

The Hon. L. STEVENS: I do thank him for that—including concerns about tail cover, particularly for those doctors delivering obstetric services to private patients.

On 27 June this year, I wrote to the federal health minister, Senator Kay Patterson, seeking advice on the federal government's plans to address the tail cover issue that were announced by the Prime Minister at the time of the federal budget. On 30 June 2003, Senator Patterson replied that the federal government is committed to ensuring that practitioners have access to arrangements that ensure that they do not have to pay material premiums after they retire. The federal minister has given the following commitment:

> A longer-term approach to secure appropriate ongoing retirement cover will be in place by 1 July 2004.

That is positive news for our rural doctors. The federal minister also advised me that, in relation to the 'blue sky' issue, the federal government will assume liability for 100 per cent of damages payable against a doctor that exceed a specified level of cover provided by that doctor's indemnity cover. The threshold will be $20 million and will apply to claims notified under contracts of insurance from 1 July 2003. A threshold of $15 million will also apply for medical indemnity cover that has been provided exclusively by way of contract since 1 January 2003.

At the state level, the Department of Human Services and the Medical Defence Association of South Australia wrote to all rural doctors on 23 June 2003, informing them of how indemnity arrangements for 2003-04 could be finalised. Arrangements to apply to rural doctors who meet guidelines under the rural health enhancement package include three options for arranging public cover with the Department of Human Services and private cover with MDASA. In addition, grants ranging from $2 900 for a resident GP obstetrician to $7 000 for a resident surgeon are available for 2003-04, in addition to any commonwealth grants for which a doctor may also be eligible.

In May 2003, the state government consulted with rural doctors, through their representative organisations, on an alternative indemnity scheme through SAICORP, to deal with

the tail cover for all private inpatient and accident and emergency activity. This proposal was not taken up by doctors, following the announcement by the Prime Minister on 23 May 2003 that the federal government was considering a longer-term approach to secure appropriate and ongoing retirement cover to be in place by 1 July 2004.

The state government will now continue to work with rural doctors on potential new models that link with arrangements introduced by the federal government when they finally become public.

ATTORNEY-GENERAL

The Hon. R.G. KERIN (Leader of the Opposition): Will the Premier ensure that the person appointed to conduct the government's proposed inquiry will have the same powers as the Clayton inquiry?

The Hon. M.D. RANN (Premier): Currently, we are waiting for the report—

Members interjecting:

The Hon. M.D. RANN: I can expect the eructations and guffaws of members opposite. However, a police inquiry is currently under way by the police Anti-Corruption Branch, so it would be totally inappropriate, during that inquiry, to outline the terms of reference for the next inquiry. Otherwise, we are talking about inquiries into inquiries into inquires. I can assure members opposite that it will be an eminent person with all the powers necessary to do the job.

CARERS, FAMILY

Ms BEDFORD (Florey): What steps has the Minister for Social Justice taken to remain informed about issues relating to people in family caring roles?

The Hon. S.W. KEY (Minister for Social Justice): The government has been involved in a number of initiatives with regard to caring. First, I acknowledge and put on record the representations to me from the Carers Association of South Australia, as well as a number of other organisations, including the South Australian Council of Social Service, and a number of individual carers. It has been made very obvious to me that there are real issues for people who have taken on a caring role, either through their commitment or their love and affection for family and friends.

It has also been of concern to me that a number of young people in our community, particularly under the age of 16, have taken on a full-time caring role for someone in their family. It is estimated that approximately 3 000 young people (and these are the ones we know) under the age of 16 are major carers in their household or family. As I said, the Carers Association and the Council of Social Services have been particularly good at bringing forward issues about caring which their members have raised with them. I have also been involved in a number of Carers Association fora—as have the member for Morphett, the member for Colton and other members of this house—in different regions. The Carers Association has not only raised specific issues on behalf of its members but has also extended its important representation through ambassadors for different cultural groups in our community, such as indigenous and multicultural communities. Programs have been put in place to make sure that the support that is available through the community and the community services portfolio (at both a federal and a state level) is available to people who perform the very important role of carer.

I was pleased last week to be present at the first meeting of the Ministerial Advisory Committee on Carers and Caring. I thought it particularly important to meet the representatives who put themselves forward through a registration of interest because they wanted to advise the Rann government on carers' issues. As a result, we have quite a large committee, but we are trying to cover as many different aspects of caring as possible. For instance, we have a carer representative who is responsible for a child with an intellectual disability; others who have responsibility for their spouse, who may have a problem with mobility or a physical disability; and carers who are responsible for people who have dementia and other mental and intellectual disabilities.

We have also tried to make sure that the ministerial advisory committee reflects different groups in our community, particularly multicultural and indigenous groups. I am pleased to say that the chair of the committee is Mr Brian Butler who, as members of this chamber would know, has distinguished himself in the past as a representative of Aboriginal people. He has also been an ATSIC commissioner and he carries out many other duties for the community, including (on behalf of the Council of the Ageing) his role in the Advocacy Service where he has agreed to make sure that there is a link between that service and Aboriginal people. In the time that he has left over, Mr Butler has agreed to be the chair of the Ministerial Advisory Committee on Carers and Caring. Following the first meeting last week, I am looking forward to getting some very direct advice from my committee and also to seeing this committee work in harmony with existing groups such as the Carers Association and the Council for Social Services.

ATTORNEY-GENERAL

The Hon. R.G. KERIN (Leader of the Opposition): Will the Premier make a commitment to the house that the opposition and the Independents will be consulted on the terms of reference of the government's proposed inquiry?

The Hon. M.D. RANN (Premier): When the police ACB inquiry is completed, it will then be appropriate to look at the proposed terms of reference of any inquiry into an inquiry into the inquiry. Obviously, I will seek legal advice on the nature and extent of those terms of reference. We have had the Cramond inquiry and the Clayton inquiry. I remember that John Olsen totally rejected the findings of the Clayton inquiry. He did not accept that he had given misleading, inaccurate and dishonest evidence on 21 occasions in respect of dealings between the South Australian government and Motorola. Of course, Dale Baker did not accept the findings of the Anderson inquiry. Apparently, he believed it was all about revenge politics. He said that he thought that the member for Finniss had been keeping—

Mr BRINDAL: I rise on a point of order, Mr Speaker. I ask you to rule on a matter of relevance. A specific question has been asked, but the Premier is straying—as you indicated in a previous ruling today.

The SPEAKER: Order! I point out to the member for Unley that the question that has been asked begs the question of precedent upon which the Premier would act should he choose to do so. Whilst it might appear to the member for Unley that I should rule out of order the matter now being canvassed in the answer I cannot (and will not) do so for the simple reason that the legitimacy of the response at this point is within what standing orders would expect of us. The Premier has not attempted to debate his response. I point out

to the house that, should he do so, that will be the end of the matter. The Premier.

The Hon. M.D. RANN: Thank you, sir. I am trying to show the clear difference between us in government and the other side in government.

An honourable member interjecting:

The Hon. M.D. RANN: I offered the material to the Auditor-General, the independent umpire. I did not try to prevent, block or in any way impede a further Auditor-General's inquiry—if that is what he wants—and I did not try to denigrate the people conducting the inquiries. That is the difference. The Olsen government appointed inquiries, but when they did not get the results they wanted they then denigrated those inquiries. Remember what Dale Baker said: he believed the member for Finniss had been keeping a dirt file on him; and, whilst Graham Ingerson had the good grace to accept the findings of the Privileges Committee, he did not accept the findings in the Auditor-General's report into the Hindmarsh Soccer Stadium.

The Hon. D.C. KOTZ: I rise on a point of order, Mr Speaker. The Premier is debating the answer to the question instead of talking about Rann's corruption inquiry.

The SPEAKER: Order! I am quite sure that the member for Newland is sincere in stating that she considers that to be so, but she is not the Speaker. The Premier will not canvass reasons. The house is already aware of those matters and does not need to be reminded in detail of what the Premier contemplates might have been the motives for them.

The Hon. M.D. RANN: I am trying to show the difference between us and them. We handed the matter over to the Auditor-General and the police.

An honourable member interjecting:

The Hon. M.D. RANN: You say that's a cover-up. All you ever did was avoid scrutiny and, when you got findings that you did not want, we had the member for Morialta attacking the Auditor-General after his findings on the Hindmarsh Soccer Stadium affair. She went so far as to say that the Auditor's report was either incompetent nonsense or a political vendetta or, at worst, both. In government, that side of politics fought off inquiries until they were forced into them; this side of politics initiates inquiries.

The Hon. D.C. KOTZ: I rise on a point of order, Mr Speaker.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Premier will resume his seat. The member for Newland.

The Hon. D.C. KOTZ: I ask you, sir, to rule on whether the Premier is debating the answer to a very specific question.

The SPEAKER: Order! I think the Premier has made the point he sought to make on the basis of the precedent on which he has relied in determining the manner in which he has conducted himself in dealing with the substantive matter of the inquiry. To give reasons is unnecessary. Unless the Premier has further information—and I cannot imagine what that would be—it is probably better that we move on.

RADIOACTIVE WASTE

The Hon. I.F. EVANS (Davenport): Why did the Minister for Environment and Conservation advise the estimates committee on 23 June 2003 that he 'would like to advise the EPA has completed the physical audit of radioactive materials in South Australia,' when he wrote to the Hon. Terry Cameron two days later, on 25 June 2003, saying 'that the Environment Protection Agency (EPA) has nearly completed the audit of radioactive material, including waste stored in South Australia'?

The Hon. J.D. HILL (Minister for Environment and Conservation): I am not surprised that the member for Davenport has asked this question today. The Hon. Terry Cameron and I had a conversation about this issue last week. During estimates, I was asked about the audit of radioactive material held in South Australia. I advised the estimates committee that the physical audit of that material had been completed, but other processes had not yet been completed. Those processes, I guess, included analysis, making recommendations, writing up the report, checking the report, and so on. I did not go through the detail, but they are the processes, I imagine, that would be part of the overall audit process.

In my letter to the Hon. Terry Cameron, I referred to the audit in a general sense and said that the audit had not been completed. I went on in the letter to say that 'the report had yet to be written up'. I do not think there is anything inconsistent in the two statements I made, because I made it plain in the estimates committee that the physical audit, that is, going out and checking individual sites, had been completed, but other matters which form part of the audit had not yet been completed.

HOMELESSNESS

Ms THOMPSON (Reynell): My question is to the Minister for Social Justice. What has the government done in the past year to provide practical responses for people who are homeless?

The Hon. S.W. KEY (Minister for Social Justice): I acknowledge the member for Reynell's work in the area of housing and homelessness. I will report on the many things that are happening through our government with regard to the specific issue of homelessness, particularly in the context of the Social Inclusion Initiative's homelessness reference and the State Housing Plan, both of which will be the subject of detailed discussion later this year. The intention is that the government and the broader community will be better able to respond to the various aspects of homelessness that are found in the South Australian community. One indication of the seriousness of this situation is provided through the consolidated waiting lists of the state's three social housing programs. The South Australian Housing Trust, the South Australian Community Housing Authority and the Aboriginal Housing Authority respectively show 892, 1 221 and 194 category one people on a waiting list. These people have been assessed as needing most urgent housing.

Unfortunately, all this is sobering in the context of the Commonwealth-State-Territories Housing Agreement, and the inadequate funding that will be made available through the housing agreement. I will refer to some of the achievements of the past 12 months, as well as indicating the dimensions of the crisis responses being made through the programs. These points are probably not normally brought to the attention of the house. First, the Commonwealth-State Crisis Accommodation Program provides funds for not-for-profit agencies to build, renovate and purchase housing for emergency and transitional use. A priority of the Labor government has been to spend CAP funds in a more timely and strategic way than was achieved by the previous government, including acquitting unspent funds accumulated from earlier years. It is hard to understand how substantial

capital funds directed to homelessness could not have been spent, but this appears to have been the case.

In 2002-03, an estimated $13.9 million was spent on CAP projects including the renovation of St Vincent de Paul men's night shelter in Whitmore Square at a cost of $3.1 million; $1.1 million for the construction of a new development for Nunga Mi-Minar Shelter to assist homeless Aboriginal women and children; and $1.3 million for a supported residential facility at Victor Harbor. Some $144 000 was spent on 11 minor maintenance projects. Some $5.2 million has been committed to three major CAP projects: $820 000 for alterations to Salvation Army premises in the City of Adelaide for use as a stabilisation facility; $3.4 million for a 40-bed Anglicare frail aged facility in Brompton; and $1 million for the last three SAAP exit point pilot project properties.

Another $1.9 million has been approved for two new major projects: $700 00 for a 10-bedroom night shelter for homeless men in Port Pirie in partnership with Port Pirie Central Mission; and $1.2 million for Aboriginal housing to build six two-bedroom townhouses in Adelaide to support Aboriginal women and children. Some 16 projects are expected to be completed in 2003-04 at a cost of about $2.9 million, while four feasibility studies may commence in Adelaide and country areas. Priorities are to build facilities that assist homeless families, single adults and young people in the city and for specific services in the Riverland and Eyre Peninsula.

Mr Brindal interjecting:

The Hon. S.W. KEY: The member for Unley may not see this as being important, but I tell him that we have a real issue about homelessness in this state, and our government is trying to do something about that. I think he needs to look at the record of the past before he is too critical. I also raise the issue of services that are needed to accommodate people in hotels and motels. This is a short-term crisis response for homeless women and children who are unable to access other housing, including shelters and other supported accommodation programs. Aid is provided by the trust, and after hours by Family and Youth Services through the crisis response and child abuse service. Both the trust and FAYS are concerned about the increasing costs of staffing associated with the growth in demand for this sort of assistance. To April 2003, the Housing Trust provided 1 212 instances of hotel-motel assistance at a cost of $263 126. Of these, 54 per cent were for women and children escaping domestic violence. FAYS provided 617 instances of assistance to those escaping domestic violence, totalling $62 351.

I have mentioned in this house that work is being done to look at the very urgent situation with regard to boarding houses and supported residential facilities. Also, it is worth noting that the Housing Trust has provided $75 000 in maintenance funds in 2002-03 for improvements, particularly in occupational health and safety at Afton House, the largest boarding house in Adelaide. Its refurbishment and redevelopment will cost an estimated $4 million. An initial $200 000 has been allocated from the trust's 2003-04 maintenance capital budget to this work. I reiterate that the work that is being done in the homelessness area is quite challenging, and we are doing our very best to ensure that we maximise the number of people who are provided with shelter, so that we can provide a bed to anyone who needs it in South Australia.

GRIEVANCE DEBATE

GOVERNMENT, ACCOUNTABILITY

The Hon. R.G. KERIN (Leader of the Opposition): What we saw today was very much a government in cover-up mode: a government that has been hiding the events of late last year; a government that is not willing to answer simple questions; and a government that called out the right answer to most questions as to why certain actions are now occurring because they were caught out. We would not have had the actions of the last couple of weeks if this opposition had not raised questions in this house. We have seen an attorney-general resign and a senior ministerial staffer set aside, and that has happened only because we raised the issues in this place. They have been caught out, and suddenly, because the issue became public, the rules are different. We have a most serious question mark over the conduct of the government—

Mr KOUTSANTONIS: Mr Speaker, I rise on a point of order. The member for Bright is making actions as if he was cutting my throat.

The SPEAKER: I am not sure what it was the member for West Torrens wanted used. There is no point of order.

The Hon. R.G. KERIN: I think the member just needs a hair cut! We have a most serious question mark over the conduct of the government which has become public only because we asked questions. The issues remained silent for seven months, and even then the Premier hid for 2½ weeks and made no attempt to explain his actions or those of his colleagues and staff. This raises serious questions regarding the handling of the matter late last year and subsequently. We have not been shown the McCann report, nor have we been told anything about its contents. We know that it did not cover bases. In fact, we know that key witnesses were not even spoken to. Nothing has been released and the number of questions increase as the cover-up continues.

The integrity of the first report and its process are under question. We have heard the Deputy Premier say, 'There were certain issues late last year. . . and I wish to stress resolved.' We have heard the Premier say, 'All I can tell you is that the Attorney-General of South Australia was totally cleared,' yet the former attorney-general has said, 'I think some bases were not covered and they now need to be covered.' Further, the former attorney-general said, 'I think that now it has been thought about more, we need to cover more bases; we need an investigation of a higher standard.' Contrast that with what the Premier has said again in this house today and what the Premier has said about the process and all the reviews into reviews. The former attorney-general has stated (and these are his words), 'I think that now it has been thought about more, we need to cover more bases; we need an investigation of a higher standard.' Take that and compare it with what the Premier said.

We now know that, despite being supposedly told that nothing wrong had been done, the Premier reprimanded one of his major staff members. Why was this done if nothing was wrong? We cannot find out the answer. We also know that, after we raised the issue in the parliament, the Deputy Premier finally showed the McCann report to the Crown Solicitor, who had previously been kept in the dark. His immediate reaction was to send the information to the police Anti-Corruption Branch. Whilst we welcome this move, the ACB investigation in no way removes the need for a high level, independent investigation into a whole range of issues

of probity, propriety and process, ministerial code of conduct and whether this government has any interest in being open and accountable. The Premier's claim that no inquiry can be set up whilst the ACB has not reported is a desperate attempt to get through this week without an inquiry being set up. We reject this and want an independent inquiry set up before parliament rises this Thursday.

The opposition has four issues in relation to setting up the inquiry. Firstly, the inquiry must be totally independent; secondly, the powers must be equivalent to the Clayton inquiry; thirdly, the terms of reference need to be broad enough to search for the answers to the many unanswered questions; and, fourthly, it must be put in place this week. Obviously we have not been told anywhere near enough about the first inquiry. Why, if we listen to the reassurances of the Premier and the Deputy Premier, did we then see a senior staffer severely reprimanded; and, even more importantly, why after seven months did the Attorney-General resign?

REAL ESTATE INDUSTRY

Mr RAU (Enfield): Today I want to speak about another matter which is of great importance to the community in South Australia, that is, real estate. Members might be aware that last year in this parliament I raised some issues about the real estate industry, and I also initiated an inquiry of my own in relation to the practices in the real estate industry. That report was handed to the former attorney in December of last year, and I am delighted to say that he took up the matter very quickly and appointed a working party, including representatives of the Real Estate Institute, me, and representatives of the Office of Consumer and Business Affairs to run through that report and see what agreement, if any, could be reached in relation to the matters contained therein. That committee of inquiry has been working continuously since the beginning of this year. I have good news to report to the parliament: that is, I expect that the current Attorney will be in receipt of a report from that committee by the end of this month.

All the members who have participated in that committee deserve the greatest of congratulations for their efforts. They put in a lot of time, and genuine efforts have been made to resolve issues. I will not attempt in any way to pre-empt the nature of the committee's report because I think it is only appropriate that we wait until it is published. However, I can say that I expect there will be good news for people who want to see the real estate industry in this state improve its standards and professionalism. That is really by way of background.

The other matter that I would also like to put into context is the fact that a residential tenancies review is occurring. I have indicated to the former attorney that I would be very keen to assist in relation to that review because residential tenancies, and in particular those involving the Housing Trust, are a matter of great importance to people living in my electorate.

The former attorney indicated to me that he was happy enough for me to assist in that matter, and I hope that his successor for the time being is equally content for me to be involved. Having had some involvement—it would appear through accident more than anything else—in real estate related matters, I have started to receive complaints from members of the public about strata and community title legislation and the way in which some operators it would appear are not doing the right thing. In particular, complaints have been raised with me about what amounts to oppression of minority stakeholders in community or strata title units. An example might be where you have four units of equal shareholding and an individual gains control of three of them and then uses that control to oppress the final holder of the unit, perhaps to drive them out of the property altogether so that the holder of the other three units can secure the whole of the property. Obviously it is more valuable as a whole property than one that is subdivided.

That is but one of the many issues that has been drawn to my attention in relation to strata and community titles. Today I advise the house—and in particular I direct these remarks to any other members of the house who have an interest in this matter—that I now intend to conduct an inquiry into strata and community titles. If anyone in this chamber (or anyone who is intrepid enough to search out this *Hansard* and read it) wishes to advise me of any matters that have come to their attention relating to strata and community titles, I would be very interested to hear from them. It is about time the community titles legislation, which is relatively new, was reviewed. I will in the not too distant future place an advertisement in the paper inviting members of the public to make any contributions they might wish on this important subject.

As I said, strata and community titles are a completely separate issue, with separate problems, but it does concern me that members of the public are perhaps being abused either by strata managers, on the one hand, or, on the other, individuals who are manipulating the law so as to oppress minority strata holders in the way in which they enjoy their properties. I look forward to support in this endeavour.

GLENELG NORTH FLOODING

Dr McFETRIDGE (Morphett): As everybody in this place would know, on the night of Thursday 26 June catastrophic flooding occurred at Glenelg North. The consequences may not be obvious as one drives around MacFarlane and Tod Streets, Glenelg, but certainly many people's lives have been irreversibly changed, and I do not exaggerate in saying that. I put on record my heartfelt thanks and the thanks of the residents of Glenelg North to the staff of the SES, the MFS, the police, the Salvation Army and FAYS at Marion. I also acknowledge the many members of the media who were at Glenelg showing the people of South Australia what was happening and raising the issue and helping me to put pressure on the government to do what it did, which was to step up, take charge and show some leadership, which was a good thing to see.

About 200 homes were flooded that night, and the way the events unfolded is still being investigated. My understanding (and it is only an understanding at this stage because nothing has been proven, and I await the full report of the investigations) is that the heavy rain event was a one in 10-year event in the catchment which includes Sturt Creek, Brownhill Creek and the airport drain. A huge volume of water with tonnes of debris was sent into the Barcoo basin. If it had not been for the Barcoo Outlet and the fact that it worked as well as it is designed to work, this flooding could have been far worse. The Barcoo Outlet let a lot of the stormwater out to sea and, once the Barcoo weir gates had opened, the level in the Patawalonga Lake did not rise as quickly as it might have. Unfortunately, rubbish that comes down with the stormwater from the upper catchments blocked the inlet to the Barcoo so the water levels rose rapidly in the Patawalonga Lake itself.

What is supposed to happen is that the barrage gates at the Holdfast Shores southern end of the lake should open automatically, but the computer control system did not work. In the event of this sort of failure there is supposed to be a back-up alarm system, but the alarm system did not work, either. It is my understanding that the operators were contacted eventually by police or the Metropolitan Fire Service, and by the time one of their officials had arrived there was severe flooding around the MacFarlane and Tod Street area of Glenelg North and also a little flooding on the western side by the dive shop on the peninsula part of Glenelg North.

The few minutes of flooding—and it was really only about 20 minutes by the time the floodwaters started to drop once the gates were opened—was enough to cause tremendous damage to homes. I know that some people will have their homes demolished. In some of the older homes the floors are wrecked and the walls are cracking. It seems incredible that this could happen in such a short time.

Imagine if this government does not pay attention to the potential for flooding in the West Torrens and Glenelg North areas. There is a huge area that requires intensive investigation. The Patawalonga Catchment Management Board has put out a flood management plan and advised that a one in 20-year flood event in that area would cause approximately $150 million in damage. I would have thought it would be more than that. I urge this government to take on the challenge of rehabilitating the flood plain and ensuring that the lives of local residents are not put in peril. It is important that we do not keep procrastinating over this. Those areas are flood plains and we cannot change that, but we need to look forward, learn from the past and move on to the future. It will take a lot of money to upgrade this infrastructure. However, a lot of money is being spent on compensating the people at Glenelg North who were the victims of the flooding.

In conclusion, I thank my office staff who have worked tirelessly. Kate, Heidi and Kerri have worked very hard fielding telephone calls and passing information to FAYS and the various officers.

Time expired.

VIETNAMESE CHRISTIAN COMMUNITY

Mr SNELLING (Playford): I rise to pay tribute to three outstanding advocates, carers, supporters and guardians of the Vietnamese community: Father Augustin Thu, Sister Elizabeth Nghia and Father Joseph Minh Uoc. These three people have been heavily involved in the Vietnamese Christian community at Our Lady of the Boat People at Pooraka in my electorate and have recently announced that they will be moving to different areas. I attended a dinner on Saturday 28 June to give thanks for the lives and work of these three outstanding people. In every community there are some people who stand out for their devotion to that community and its needs, and for their compassion. They answer a call that not many are able to hear, and embark on a lifetime of healing, comforting, educating and ministering. Father Augustin, Father Joseph and Sister Elizabeth survived the same harsh and terrifying journey to freedom as did many of the people they have served so well. This flight from the terror of communist Vietnam only steeled their determination to do their duty as they saw it for their fellow refugees.

Sister Elizabeth was already a member of the Order of the Holy Cross when she set out aboard a fragile boat with 32 other people and provision for only five days. Drifting the high seas without fuel for power and without food or water for another five days, they were rescued by a ship that took them to Japan, where Sister Elizabeth was granted entry to Australia as a refugee in 1976. Less than two years after her arrival in Australia, having joined the Holy Order of the Sisters of Mercy, she threw herself into work, looking after the needs of other Indo-Chinese refugees. Sister Elizabeth has always given her attention to children, having cared for them at an orphanage in Saigon, and she quickly undertook work in children's needs here, founding the Lac-Long Vietnamese Ethnic School. For her services to refugee welfare, Sister Elizabeth was awarded the Medal of the Order of Australia in 1984.

Father Augustin Thu has also been a long-serving spiritual servant to his Vietnamese Christian flock. A refugee in his own country while still a seminary student, he persisted with his studies in South Vietnam, then in the Philippines and France. Still in France by 1975, he found he would not be able to return home and in 1979 was called upon to minister to the Catholic Vietnamese refugees who had resettled in South Australia. He took up this chaplaincy from 1979 until 1992, joining the Society of Jesus, and in 1994 he went to the United States to complete a masters degree in pastoral studies. He was reappointed chaplain to the Vietnamese Christian community of South Australia upon his return in 1997.

Father Augustin is also a founder of the Vietnamese Christian Community Centre and has been a tireless spiritual and vocational guide for the Vietnamese Christian community in South Australia and has inspired many young Vietnamese men and women to embrace a life of faith and to take up vocations in the church and in orders. He has been particularly active in educational and cultural matters and believes strongly in the maintenance of language and culture. He established the Dac Lo Vietnamese Ethnic School in 1980. Father Augustin will take leave until the end of 2003 and I am told he will move to Melbourne where he will continue to minister to other Vietnamese communities.

The third person, Father Joseph Minh Uoc, has been a devoted and hard-working assistant chaplain to Father Augustin. Father Joseph also fled to freedom in a boat, first to Malaysia and then to Australia, arriving in 1980. He took up studies in South Australia and entered the Society of Jesus in 1989. After his ordination he was appointed assistant to Father Augustin and provided support for Father Augustin's ministry and programs, discharging the chaplain's duties while Father Augustin was in the United States. Father Joseph has also taken study leave to begin a doctoral thesis in the United States.

In conclusion, on behalf of the people in my electorate and those members of the Vietnamese Christian community who live in my electorate, I offer my thanks for the tremendous work of those three outstanding people, and I wish them well in their future work.

SCHOOLS, PETERBOROUGH

The Hon. G.M. GUNN (Stuart): Today I raise the issue of the undue and unfortunate delays in the relocation of the preschool at Peterborough. This project was announced in the last Liberal government budget and was due to commence during the life of that budget. However, when the new government came to office, for some reason best known to itself, it deferred that project, as it did a number of other projects in my electorate. Whether it was from a fit of spite

or whether it was for some other reason I am yet to get a correct answer. However, the community at Peterborough are now the victims of these unnecessary and unfortunate delays.

The history of this project is that the current preschool was established on the oval site on the main road through Peterborough—a very busy thoroughfare and a most inappropriate spot for a preschool. After proper consideration and discussion with the education department, the community determined that the primary school site was the ideal location for the preschool. Substantial buildings were available which were not being utilised but which needed considerable renovation to bring them up to the appropriate standard.

After this long delay, the Peterborough community kindergarten group received on 13 June 2003 a letter from the Department of Education and Children's Services, stating:

> Accordingly, your. . . preschool has been allocated funds within the following categories: capital works, $445 000.

That is excellent. However, because of the delays, when the tenders came in the cost of relocation had gone far and above that. The kindergarten community wants to know when this building will be completed and when the students will move into it. There are a number of issues in relation to the suitability of the existing site, but I will not go into those. I will say, however, that this unnecessary delay has increased the costs. I call on the Minister for Education and Children's Services to get on with the project. I understand that, because of what has taken place, difficulties are being experienced obtaining the services of contractors. It is a sorry and unnecessary saga which needs to be rectified as quickly as possible.

Anyone who knows anything about this issue would agree that there is only one place to have the preschool, and that is on the site of the primary school. It is ideal and it is not on a major thoroughfare. The building will be far more suitable when it has been renovated, and all the necessary requirements will be dealt with. The winners will be the education system, and there will be an improvement in the education facilities for the children of Peterborough. I call on the minister to proceed with this matter as soon as possible. How much longer will the delays take place? We do not want to see this delayed for another six, 12 or 18 months. The community has sought this relocation for a long time and were pleased when it was part of the last Liberal budget. However, they are now very disappointed that nothing has happened.

The next matter I want to raise briefly today are the ongoing difficulties faced by people who operate the steam tourist trains. I had a discussion this morning with the Mayor of the Flinders Ranges Council in relation to the commitment which the government is seeking from them. He advised me that the Flinders Ranges Council has no money available to put into this important project. I think we all agree that the Pichi Richi rail train is a very important part of the public tourist infrastructure in the northern part of South Australia. It is a very significant feature of it, and it is important that we get the trains operating again. This is a prime tourist area, where people come to ride on the train. It is very important—

The SPEAKER: Order! The honourable member's time has expired.

The Hon. G.M. GUNN: That's unfortunate.

JUSTICE PROCESS

Mr CAICA (Colton): It is unfortunate, but the honourable member will get another chance. I wish to tell a tale about two different individuals, two different paths and two different ideas of justice. It is also a story that has two distinct and contrary political and judicial centres of gravity which have seen for one defendant an unfair process and the distinct possibility of an unjust judgment. It is the story of two Australian citizens where we see the rightful application of process and justice for one but the avoidance of due legal process and justice for the other.

In discussing the plight of the latter individual, I want to point out that there has been a deliberate intention by the Howard federal government to avoid its responsibility to an Australian citizen, or at least to acquiesce in its responsibility, in order to further interests that our nation shares with a powerful ally. In this respect, I refer to the case of David Hicks who, as we all know, is currently being held at the US army base at Guantanamo Bay. Why should we be angry about what has happened to David Hicks? He has not, as noted by a philosopher at the Australian Catholic University, even been accorded the rights accorded to Adolf Eichmann. He has been denied due process, denied consular access, denied access to family and lawyers and, until recently, detained without the glimmer of a charge.

And what has the Howard government done? Has it jumped up and down with rage? Will it ensure that, now that Mr Hicks is to be charged, he will be guaranteed a fair trial? When Hicks was held without charge, the federal Attorney-General, Daryl Williams, talked of what he and Alexander Downer understood or discussed—note, not having intervened—over some 18 months. Now that Hicks has been or is about to be charged, the Attorney-General will try to 'ensure' that normal criminal processes will be guaranteed, but when the Attorney-General is reported as saying that he 'understands' that Hicks 'may' (that is right: 'may') be able to retain an Australian lawyer and that Australia 'has made very plain to the US government that it does not support the death penalty', one is hardly brimming with confidence that due process will prevail.

In fact, the many press articles now coming to the fore, for example, the *Age* press article and the comments made by Hicks's Adelaide based lawyer as reported in the *Advertiser*, clearly determine that justice will not be done as we know it. Even if Hicks is found not guilty, he can be held in detention, presumably because the US fails to recognise his rights under the Geneva Convention. Up to the present, it has been clear that the federal government will do little else but continue to act as the sucking leveret to the US interests, especially given that, according to John Hewson in an article in the *Bulletin*, Howard's manipulation of public opinion 'runs on prejudice, not policy'.

Contrast this case of political expediency with the process and justice accorded to the second Australian I mentioned in my introduction, Dr Peter Hollingworth, of whom Mr Howard said:

> Like any other Australian citizen, Peter Hollingworth is entitled to the presumption of innocence. He is also entitled to a fair go.

Mr Howard also said:

> You have to follow a proper process, you have to accord justice to people.

This would mean, extending the quote, a fair go to Dr Hollingworth. Mr Howard is dead right, whereas Hicks could be plain dead. Just to show that members of the present government have, or should I say 'had', exercised some consistency, we can look to the case of James Peng, an Australian citizen arrested in China in 1993. In opposition, the shadow foreign

minister, Alexander Downer, nearly fell off his bike in apoplexy in demanding that this was a test case for the federal Labor government. In 1996, Howard spoke fulsomely in parliament for the need to support the Universal Declaration of Human Rights, and in 1998 he earnestly told parliament that rights under the declaration were those 'that all individuals should have as a birth right'.

In finishing this discussion on the comparison between the justice meted out to Dr Hollingworth and David Hicks, I want briefly to address two criticisms. This is not about comparing apples with apples, nor am I denying the centrality of the US alliance to Australia. A fair go for all means just that—regardless of position or prejudice. David Hicks deserves a fair go.

CHICKEN MEAT INDUSTRY BILL

Received from the Legislative Council and read a first time.

RIVER MURRAY 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 1 (Long Title)—Leave out "the Parliamentary Remuneration Act 1990,".

No. 2. Page 14, line 8 (clause 9)—Leave out "to approve, or".

No. 3. Page 15, line 18 (clause 9)—Leave out "in" and insert:

when

No. 4. Page 19 (clause 14)—After line 21 insert the following:

(10) An authorised officer must, before exercising powers under this section in relation to a person, insofar as is reasonably practicable, provide to the person a copy of an information sheet that sets out information about the source and extent of the authorised officer's powers under this section, and about the action that may be taken against the person if he or she fails to comply with a requirement or direction of an authorised officer under this section.

(11) For the purposes of subsection (10), an information sheet is a document approved by the Minister for the purposes of that subsection.

No. 5. Page 22, line 31 (clause 18)—Leave out "must" and insert:

should take reasonable steps to

No. 6. Page 29, line 2 (clause 22)—After "assessing" insert:

applications for

No. 7. Page 29, line 5 (clause 22)—After "assessing" insert:

applications for

No. 8. Page 35 (clause 26)—After line 33 insert the following:

(4a) If an emergency protection order is issued orally, the authorised officer who issued it must confirm it in writing at the earliest opportunity by written notice given to the person to whom it applies.

No. 9. Page 49, clause 5 (Schedule)—After line 27 insert:

(ca) by inserting after paragraph *(f)* of section 24(1) the following paragraph:

(fa) where the purpose of the amendment is to promote the objects of the *River Murray Act 2002* or the *Objectives for a Healthy River Murray* under that Act within the Murray-Darling Basin—by the Minister; or

No. 10. Page 49, lines 28 to 33, clause 5 (Schedule)—Leave out paragraph *(d)* and insert:

(d) by inserting after subsection (2) of section 24 the following subsection:

(3) The Minister must, in relation to the preparation of an amendment by a council or the Minister under subsection (1) that relates to a Development Plan or Development Plans that relate (wholly or in part) to any part of the Murray-Darling Basin, consult with the Minister for the River Murray.;

No. 11. Page 49, lines 34 to 38, and page 50, lines 1 to 21, clause 5 (Schedule)—Leave out paragraphs *(e)* to *(l)*.

No. 12. Page 53, lines 7 to 9, clause 7 (Schedule)—Leave out paragraph *(b)* (and the word "and" immediately preceding that paragraph).

No. 13. Page 53, lines 20 to 22, clause 7 (Schedule)—Leave out paragraph *(b)* (and the word "and" immediately preceding that paragraph).

No. 14. Page 53, lines 31 to 33, clause 7 (Schedule)—Leave out paragraph *(b)* (and the word "and" immediately preceding that paragraph).

No. 15. Page 53, lines 35 to 38, clause 7 (Schedule)—Leave out subsection (3b).

No. 16. Page 64, line 5, clause 17 (Schedule)—Leave out paragraph *(i)* and insert:

(i) the River Murray Parliamentary Committee;;

No. 17. Page 64, line 7, clause 17 (Schedule)—Leave out heading and insert:

Part 5D—River Murray Parliamentary Committee

No. 18. Page 64, line 10, clause 17 (Schedule)—Leave out "*Natural Resources Committee*" and insert:

River Murray Parliamentary Committee

No. 19. Page 64, clause 17 (Schedule)—After line 15 insert the following:

(2a) The members of the Committee are not entitled to remuneration for their work as members of the Committee.

No. 20. Page 64, lines 24 to 37, and page 65, lines 1 to 4, clause 17 (Schedule)—Leave out paragraphs *(a)* and *(b)* and insert:

(a) to take an interest in and keep under review the protection, improvement and enhancement of the River Murray; and

(b) to consider the extent to which the *Objectives for a Healthy River Murray* are being achieved under the *River Murray Act 2002*; and

(ba) to consider and report on each review of the *River Murray Act 2002* undertaken under section 11 of that Act; and

(bb) to consider the interaction between the *River Murray Act 2002* and other Acts and, in particular, to consider the report in each annual report under that Act on the referral of matters under related operational Acts to the Minister under that Act; and

(bc) at the end of the second year of operation of the *River Murray Act 2002*, to inquire into and report on—

(i) the operation of subsection (5) of section 22 of that Act, insofar as it has applied with respect to any Plan Amendment Report under the *Development Act 1993* referred to the Governor under that subsection; and

(ii) the operation of section 24(3) of the *Development Act 1993*; and

No. 21. Page 65, lines 7 to 11, clause 17 (Schedule)—Leave out subsection (2).

No. 22. Page 65, lines 12 to 16, clause 18 (Schedule)—Leave out this clause.

No. 23. Page 78, line 40 (Schedule)—Leave out "this clause" and insert:

subclause (2)

No. 24. Page 78 (Schedule)—After line 42 insert the following:

(4) The first review required by section 11 must be undertaken by the end of the 2004-05 financial year and the outcome of that review must be reported on as part of the minister's annual report to Parliament for that financial year.

NURSES (NURSES BOARD VACANCIES) AMENDMENT BILL

The Legislative Council agreed to the Bill without any amendment.

PRINTING COMMITTEE

The Legislative Council appointed the Hon. J.M.A. Lensink to fill the vacancy on the committee caused by the resignation of the Hon. Diana Laidlaw.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The Legislative Council appointed the Hon. D.W. Ridgway to fill the vacancy on the committee caused by the resignation of the Hon. Diana Laidlaw.

SOCIAL DEVELOPMENT COMMITTEE

The Legislative Council appointed the Hon. J.M.A. Lensink to fill the vacancy on the committee caused by the resignation of the Hon. D.W. Ridgway.

STATUTES AMENDMENT (NOTIFICATION OF SUPERANNUATION ENTITLEMENTS) BILL

The Legislative Council agreed to the bill without any amendment.

SUMMARY PROCEDURE (CLASSIFICATION OF OFFENCES) AMENDMENT BILL (No. 2)

Received from the Legislative Council and read a first time.

CORONERS 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 16, lines 12 and 13 (clause 25)—Delete subclause (4) and substitute:

(4) The Court must, as soon as practicable after the completion of the inquest, forward a copy of its findings and recommendations (if any)—

(a) to the Attorney-General; and

(b) in the case of an inquest into a death in custody, to—

(i) any other Minister (whether in this jurisdiction or some other jurisdiction) responsible for the administration of the Act or law under which the deceased was being detained, apprehended or held at the relevant time; and

(ii) each person who appeared personally or by counsel at the inquest; and

(iii) any other person who, in the opinion of the Court, has a sufficient interest in the matter.

(5) If the findings on an inquest into a death in custody include recommendations made by the Court, the Attorney-General must, within 6 months after receiving a copy of the findings and recommendations—

(a) cause a report to be laid before each House of Parliament giving details of any action taken or proposed to be taken by any Minister or other agency or instrumentality of the Crown in consequence of those recommendations; and

(b) forward a copy of the report to the Court.

No. 2. Page 21—After line 11 insert new clause as follows:

Annual report

38A. (1) The State Coroner must, on or before 31 October in each year, make a report to the Attorney-General on the administration of the Coroner's Court and the provision of coronial services under this Act during the previous financial year.

(2) The report must include all recommendations made by the Coroner's Court under section 25 during that financial year.

(3) The Attorney-General must, within 12 sitting days after receiving a report under this section, cause copies of the report to be laid before both Houses of Parliament.

SELECT COMMITTEE ON GENETICALLY MODIFIED ORGANISMS

The Hon. K.O. FOLEY (Deputy Premier): I move:

That the committee have leave to sit during the sittings of the house this week.

Motion carried.

INDUSTRIAL RELATIONS COMMISSION OF SOUTH AUSTRALIA

The Hon. K.O. FOLEY (Deputy Premier): I move:

That pursuant to sections 30 and 34 of the Industrial Relations Act 1934 the nominee of this house to the panel to consult with the minister about appointments to the Industrial Relations Commission of South Australia be the member for Davenport.

Motion carried.

The Hon. K.O. FOLEY: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

SELECT COMMITTEE ON THE CEMETERY PROVISIONS OF THE LOCAL GOVERNMENT ACT

The Hon. K.O. FOLEY (Deputy Premier): I move:

That the committee have the power to continue its sittings during the recess and that the time for bringing up the report be extended until the first day of the next session.

Motion carried.

SELECT COMMITTEE ON GENETICALLY MODIFIED ORGANISMS

The Hon. K.O. FOLEY (Deputy Premier): I move:

That the time for bringing up the report of the select committee be extended until Thursday 17 July.

Motion carried.

STAMP DUTIES (RENTAL AND MORTGAGE DUTY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 June. Page 3555.)

The Hon. I.F. EVANS (Davenport): This bill comes before the house mainly because the industry was smart enough to work out a way around the government's last budget measure, in which it made amendments last year in relation to the rental business and conveyancing rates. Last year, a bill was before the house that passed both houses successfully. As it turns out, the industry was smart enough to work a way around the government's law so that the government did not collect enough revenue from last year's law. So, the way that we fix that is to introduce a law this year to ensure that in future years the government collects the budgeted amount in forward estimates.

The opposition will not oppose the bill, given that it is a budget measure and that there is a longstanding tradition in relation to those matters. However, we will raise a few points, even though this is a relatively simple bill. We were briefed on this measure only early this morning, and I thank the Treasurer and his officers for that briefing.

As I understand it (and I think I am right), the revenue that was to be collected this year is less than it could be because

the industry has discovered a legal mechanism called a 'chattel mortgage'. A 'chattel mortgage', as I understand it, is a mortgage on a moveable asset, unlike a mortgage on fixed property such as a house or business premises. Some businesses have been smart enough to take up the concept of a chattel mortgage: in other words, a mortgage on movable property, a simple example of which might be a car or a truck. Under the law that was passed last year, the duty payable on a chattel mortgage is significantly less than the amended fees. So, the industry got around the government's proposed increase in duties last year by taking up with enthusiasm a little legal instrument called a chattel mortgage. We are debating this bill today not because there is anything illegal about a chattel mortgage but for no reason other than the fact that the government is not collecting enough money.

During the 2002 debate, we were told that we needed to change the duties payable on rental businesses and conveyancing rates because there was some inconsistency—that some equipment and commercial hire purchases were not being caught under the duty arrangements. The argument put to the house at that stage—members who are right up with duties and conveyancing rates might like to look at last year's *Hansard*—was that there should be consistency. There was no real argument about whether or not the government was collecting enough revenue; it was admitted during the second reading explanation that there would be a revenue effect which had been budgeted for, and there was a forward estimates calculation as well. The reason for the 2002 bill was to bring consistency to hire purchase agreements covered by this duty.

We are debating this bill today not because an inconsistency exists—that was remedied by last year's law—but because the government has not collected enough money. The parliament was smart enough to work out that there was an inconsistency and get rid of it but, now that that consistency has been eroded and the government is not collecting enough money, we now have to change this aspect of the rental mortgage duty arrangements for no real reason other than that the government is not collecting enough money. What we are really saying is that the government messed up last time because, despite all its advice, it was not able to work out that the commercial result (what I put to the parliament last year) was that businesses would go for the cheapest form of mortgage arrangement to avoid paying a higher duty than it needed to. That is a legal arrangement.

The business community discovered something called a chattel mortgage which they could use to reduce the duty payable. Good on them! Why would a business want to pay more duty than it legally must? It is not the industry's fault that the government did not cover all those angles. So, I draw to the attention of the house the inconsistency in the government's argument for why we have to have this bill—and, indeed, last year's bill. Last year, the government adopted this high moral ground about trying to bring some consistency between these duties and other duties in the hire purchase industry. This year, those inconsistencies have been covered, but we now find that we suddenly have to change it all again, not because there is anything inconsistent in the industry but because business (to its credit) has found a cheaper way of doing it through a chattel mortgage. The duties payable are not necessarily as high as the government would like, so the poor old business community will cop it again, and there will be yet another increase in duties.

I am advised that the government has consulted extensively on this bill. However, the people with whom it did not consult are the very people who will have to pay the levy. The government consulted with the financial industry (which, I guess, deals with the administration of the levy), but it did not go to people such as the Property Council, which represents the very group that will pay the levy when they mortgage their commercial premises. So, the consultation was not with those who pay the levy but with those who, to a large degree, are at the other end of this duty issue. The commercial property sector, which will now have to pay an increased levy on their property mortgages, was not consulted.

The groups that were consulted are the Australian Finance Conference and the Australian Equipment Lessors Association. Of course, one would assume that the members of the Australian Equipment Lessors Association will charge the duty as part of their hire purchase arrangements and pass it on to their customers. So, I make the point that it is the customers in this relationship who have not been consulted, as I understand it.

I should make clear to the house that it is my understanding that there is no change in this bill in the duty arrangements for residential properties which are to be used by their owners as their main residence. However, I think there will be a change to the duty payable on residential property which is an investment. If it is your home and you live in it, the new duty arrangements in this bill do not apply; so, I make that clear to the house.

In his secondary explanation, the Treasurer makes it clear that there was a tax induced shift in the financing arrangements from commercial hire purchase to chattel rental and that mortgage and duty rates would therefore be amended. So, in this bill we find a range of duties that will be amended to make sure that the Treasurer (through the budget) gets the money that he is expected to get in his forward estimates.

As I understand it, stamp duty on commercial hire purchase and other finance arrangements for terms of not less than nine months will be cut from 1.8 per cent to .75 per cent, and standard rentals will continue to be taxed at the rate of 1.8 per cent, whilst at the same time the rate of duty applied to mortgages (except those solely related to the purchase or construction of a home for owner occupation) will increase from 35¢ per $100 to 45¢ per $100 and residential mortgages for owner occupation will continue to attract a duty of 35¢ per $100.

So, I make the point to the development industry and the property industry that they will be paying not 35¢ in $100 but something like 45¢ in $100. That is about a 30 to 33 per cent increase in duty per $100 for people involved in property mortgages. The reduction in rental duty for commercial hire purchase from 1.8 per cent to .75 per cent will bring South Australia into line with New South Wales, Victoria, the ACT and Western Australia. The question must be asked: if that is a valid reason for voting for the bill today, why did not the government make it .75 per cent instead of 1.8 per cent last year? One assumes that the government's officers would have advised the government last year that what they were bringing in would not bring South Australia into line with the other states. The government put up as a reason this year uniformity with other states when it had that opportunity last year but did not take it up.

The government argues that broadening the base combined with a rate reduction for commercial hire purchase is also consistent with industry representations in regard to this area. I do not want to repeat a lot of last year's second reading speech, but I notice that in that speech the minister said:

The industry has also lobbied for a rate reduction in conjunction with base broadening. The state's finances do not permit a rate reduction, but the government will provide a more limited tax relief.

Last year, the government was saying, 'The industry has lobbied us. They wanted a rate reduction, but the budget is so bad we can't afford it.' This year, when the government is trying to fix an error, lo and behold, the same industry has lobbied the same minister and the same government officers but now, in order to try to smooth over the corrections in the matter, the government has agreed to lobbying from the industry. I say, 'Good on the industry for taking the opportunity to win their argument on the back of the government's error.' I do not criticise the industry for that, but I make the observation.

If one compares last year's second reading speech, for the purposes of making these changes originally in last year's budget, with the second reading speech this year—and I have had only a couple of hours to do this because we were briefed this morning, and I am sure a more detailed examination in the upper house will follow—the reasons for the various changes are not consistent. Last time we were saying that the rates had to be brought in because we needed consistency. We ignored the industry representations and we did not bother to line ourselves up with the other states. This year we say that we will listen to the industry and we will line ourselves up with the other states. There seem to be different reasons for the stamp duty changes.

I make the point that it does not involve owner occupied premises. The government said that the net full year revenue impact of the original rental duty measure that was introduced in the 2002-03 budget was around $7.5 million, compared with a net revenue impact of $4.5 million from the amended rental and mortgage duty measures introduced in the 2003-04 budget, resulting, therefore, in a full year loss of some $3 million. These changes are proposed to take effect from 1 July 2003.

I do not want to delay the Treasurer unduly on this debate. I know it is minor in the scheme of debates that come to this place, but I want to raise some questions with the Treasurer. He may wish to take the questions on notice or answer them during the committee stage. I do not have any amendments, but I do have some questions the Treasurer might want to clarify in relation to this matter. The definition of home mortgage would need to be looked at. As I understand the second reading speech, it precludes a home mortgage loan being used for purposes that are not associated with a home and the use of the home as a principal place of residence. If that is the case then it is not a home mortgage. I am wondering what happens when one uses a home mortgage to fund a business. Under which rate does it then fall? For instance, it might be your owner occupied house that you are using to mortgage for investment or business purposes. Does it then come under the business rate or the owner occupied rate? There is a 30 per cent difference in those figures.

I also ask about the loan associated with it, not being the purchase of the home and/or the building, or making additions and improving the residence, that is, the use of a mortgage for payment of stamp duty, the LTO fees and conveyancing charges. In relation to the section of the mortgage that relates to those issues, what duty is payable? Does using the mortgage for payment of these items mean that the mortgage is no longer a home mortgage? Does it therefore attract a higher duty? We seek clarification on those points.

A number of financial products now combine personal and business loans under a home loan arrangement. This product is of considerable benefit to those in the community who are less affluent or who have difficulty in managing their finances. Do the amendments severely inhibit the use of such products and the resulting benefit to the borrowers who may be struggling with their finances? A threshold, below which these provisions do not apply, is suggested. In other words, are we catching people with the higher duty that we do not mean to catch? In relation to the rate increase from 35¢ to 45¢ per $100, I understand that the higher rate in other states is 40¢ per $100. Will the Treasurer explain why the government has gone to 45¢, not 40¢ per $100. Transitional provisions have now been placed in the bill. I do not think they were in the bill when it was originally tabled. As I understand the briefing this morning, transitional issues were inserted.

The Hon. K.O. Foley: I'll come back to that.

The Hon. I.F. EVANS: They are some of the issues that will need to be clarified. We want to see some examples of how the shift from commercial hire purchase agreements to chattel mortgages has been achieved. Will the Treasurer give examples of how that works? What is the extent of the problem? I have no idea of the dollar value or the number or percentage of transactions that are involved. What dollar values are involved in the reassessable amounts? Which of the two arrangements is easier to undertake? Is it easier to undertake a chattel mortgage, rather than the other legal instrument? I am interested to get some idea on that matter.

Another concern is the issue of asset mix and the stamp duty apportionment on the asset mix. I think that some accounting organisations raised some concerns about this issue. If I am running a business with, say, $100 000 worth of assets under mortgage in South Australia and $100 000 worth of assets under mortgage in Victoria, I am assessed and pay the stamp duty based on the asset mix applying in each state. If I then purchase an extra $100 000 of assets in South Australia via a mortgage, and this takes effect under the new higher rate of 0.45 per cent, then the stamp duty assessment will be based not on the new purchase of $100 000 but on what would have applied, that is, what needs to be collected from the starting position at year dot, so the old purchases are taken into account. I understand that you then pay the higher duty on the full $200 000 of the South Australian mortgage, not just the extra $100 000. Some people in the business community have raised that issue to see whether that understanding is correct. I may not be correct, but that understanding has been put to me; that is, a business which has $100 000 in each state ramps up the mortgage in South Australia and then gets the higher duty in South Australia, not just the new part of the mortgage in South Australia. I do not want to go into a long committee session. If the Treasurer can clarify many of those matters, we can then look at whether or not we need to go into committee

The Hon. K.O. FOLEY (Treasurer): Does anyone else want to speak on chattel mortgages?

Mrs Redmond interjecting:

The Hon. K.O. FOLEY: You probably could, actually, and you should probably know more about it than both the shadow minister and me. That was a compliment, too, because we know a lot, as we showed with our contribution on public liability.

In relation to the member's first question about the definition of a home mortgage, I am advised that it depends upon the purpose for which the original mortgage was

written. If it was a home mortgage, and you then wanted to use that as a line of credit to fund your business activities, there would be no additional duties up to the original amount of the mortgage that was taken out initially. If you had a home equity loan of up to $200 000, you had repaid $50 000 and you wanted to redraw $50 000 for investment purposes, there would be no duty up to the ceiling of $200 000.

In relation to the second question, I am advised that the use of funds associated with the home purchase such as land titles fees, etc., would incur 0.35 per cent duty. The member's next question, in part, is linked to the first question, that is, the use of the home mortgage for other purposes. Obviously, as I said before, up until a ceiling there would not be a duty, but if you took your mortgage down the road to another financier and refinanced it, or if you had your home revalued, your ability to take further equity out of your home above your original mortgage would be subject to duty.

The Hon. I.F. Evans interjecting:

The Hon. K.O. FOLEY: If you are using the mortgage for business activities.

The Hon. I.F. Evans interjecting:

The Hon. K.O. FOLEY: Sorry, yes, my apologies if I did not clarify that—for other purposes, for business or investment purposes. The fact that we are now higher than other states is a reflection on this government's decision (with the support of the parliament) to raise a particular level of revenue that necessitates such a level. As we know, when we compare some of our duties to other states and rates we see that for some we are higher, for some we are lower and for some we are in the middle. We are at the higher end with this one. Transitional provisions were not included in the original bill that was put out for consultation but was subsequently put into the bill which is now before members.

The advice I am given again is that it is very difficult, if not impossible, for us to give specific examples to identify the problem, except to say that the original measures in last year's budget have not resulted in the increased revenue we expected. There has been a strong shift—and clearly that is why we are taking the measures we are—but it is difficult for me to give the honourable member examples of what they may have been. However, as the honourable member eloquently put in his second reading contribution, the market was able to identify another method extremely quickly.

In terms of ease of use, I am advised that the rental transaction is preferred to the mortgage as it is a much easier method, and for credit reasons the provider does not lose title for the piece of equipment in question. It is much easier.

The issue of interstate assets and the mix is not relevant to this bill. Obviously that is picked up in other pieces of legislation. These amendments do not deal with the broader issue of how one applies stamp duties across jurisdictions or how they interrelate. I hope that goes some way to answering the very good questions from the honourable member. I thank the member for his contribution. It was a good second reading contribution, obviously peppered with political exaggerations and political observations (and that is not to be criticised; that is what one does in opposition), but it was a good demonstration of the fact that the shadow minister has a good understanding of chattel issues and rental duties—as I said, up there with his understanding of public liability insurance.

The member for Heysen looks upon both of us thinking why she is sitting on the back bench when the member for Davenport is on the front bench and why am I sitting on the front bench. All I can say to the member for Heysen is that many members of this house ponder about that. Maybe it is because the member for Davenport and I arrived in 1993 and we have had a bit of time. Clearly, it was a constructive contribution from the honourable member and a good debate. I thank members for their support for this bill.

Bill read a second time and taken through its remaining stages.

CODE OF CONDUCT

Adjourned debate on motion of Hon. M.D. Rann:

That it is the opinion of this house that a joint committee be appointed to inquire into and report no later than 1 October 2003, upon the adoption of a code of conduct for all members of parliament, and in doing so consider:

(a) a code of conduct for all members of parliament, addressing—

(i) the integrity of parliament;
(ii) the primacy of the public interest over the furthering of private interests;
(iii) disclosure of interest;
(iv) conflict of interest;
(v) independence of action (including bribery, gifts and personal benefits, sponsored travel/accommodation, paid advocacy);
(vi) use of entitlements and public resources;
(vii) honesty to parliament and the public;
(viii) proper relations with ministers and the Public Service;
(ix) confidentiality of information;
(x) appropriate use of information and inside information;
(xi) government contracts; and
(xii) duties as a member of parliament;

(b) a procedure for enforcement of the code by parliament that ensures effective investigation and adjudication of complaints, is impartially administered and protects members who are the subject of an allegation in a similar way to a court or professional disciplinary body;

(c) an appropriate method by which parliament should adopt a code (for example, by legislation, resolution, standing order or any other method), taking into consideration how best to engender knowledge and understanding of it by the public as well as by members;

(d) the relationship between the code and statutory requirements for disclosure of members' financial interests; and

(e) an introductory and continuing ethical and constitutional education program for members, having regard to—

(i) the discussion paper and draft code of conduct for members of parliament prepared by the Legislative Review Committee in 1996;
(ii) standards of conduct required of public servants by the Public Sector Management Act 1995;
(iii) the way other jurisdictions (including the United Kingdom and Canada) have developed codes of conduct and draft codes of conduct for members of parliament, enforcement procedures, advisory services for members, introductory and continuing legal education programs and informing the public about the code and its enforcement; and
(iv) written submissions from members of the public and from persons with expertise in the areas under report:

and in the event of a joint committee being appointed, that the House of Assembly be represented on the committee by three members, of whom two shall form a quorum of assembly members necessary to be present at all sittings of the committee; and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

(Continued from 20 February. Page 2386.)

Mrs REDMOND (Heysen): It is my pleasure indeed not only to be the lead speaker on behalf of the opposition but also to support this motion. It has been clear to me certainly since before I came into this place and even more since I came into this place that, at times, the public perception of the honesty and integrity of members of this house is sometimes less than what we might hope it to be.

Indeed, in opening my comments I refer to a speech given by the Rt Hon. Sir Robert Gordon Menzies when he spoke for the last time to the federal parliament on 10 December 1965 and said—

The Hon. K.O. Foley interjecting:

Mrs REDMOND: He was not talking about codes of conduct in particular but he said:

> I say this as a great respecter of parliament and of the parliamentary institution—that the standard of the parliament and the standing of the parliament both depend far more than some people think on the attitude of the members of parliament. . . A good parliament cannot exist without good members.

It seems to me, in considering this motion, that it is only reasonable that members of parliament, as well as ministers, are bound to the highest standards. I note that, when speaking in support of the motion, the Premier went to some lengths to describe how high those standards are for ministers after the introduction of the new code on 1 July last year. In fact, he said in his speech that the state government believes that if it sets the highest standards and, importantly, meets them, it will contribute to renewed public confidence. So, the two elements (both that we set high standards and, indeed, ensure that they are met) I think are very important.

As I said, ministers and our senior public servants are bound to high standards. In fact, as members would be aware, currently before the upper house is the Statutes Amendment (Honesty and Accountability in Government) Bill which applies to not only senior public servants but also contractors performing government work and senior executives of public corporations (who must disclose in writing their pecuniary interests and the interests of associates). It even goes so far as to capture members of boards such as advisory boards, senior officials and all public sector employees. So, given that this house has already considered and decided to approve this motion and it is expected that the parliament as a whole will approve the introduction of standards of highest accountability for ministers, senior public servants, members of boards and basically everyone in public life, it seems to me that it is appropriate that we seek to uphold the highest standards.

The Premier has sought to address this by having this matter referred to a joint committee, and it seems to me that that is appropriate. One of the essential elements of the motion is that there should be a joint committee comprised of three members of each house to inquire into whether a code should be adopted. I note that codes exist in other places. In particular, the United Kingdom set up a committee on standards of public life which applies to all levels of government, including local government, boards and public authorities and so on. Queensland has its own code for all MPs, and I think both Western Australia and the ACT are currently considering codes. So, I think it is appropriate for us to move towards a code.

Of course, the second proposed element in the motion of the Premier is that, importantly, the committee must address how best to put into place such a code of conduct—whether it should be simply by promulgating a code of conduct, whether it is done by legislation, whether it should be part of standing orders or whether it is done in some other way. I commend the Premier for ensuring that we consider how best to make this a standard with which we are bound to comply. Of course, the next element of the motion is that there must be a procedure for enforcement. I will turn to the proposal in the motion which states specifically:

> (b) a procedure for enforcement of the code by parliament that ensures effective investigation and adjudication of complaints, is impartially administered and protects members who are the subject of an allegation in a similar way to a court or professional disciplinary body;

In my view, that is an important part of this motion. Clearly, there is no point having a code of conduct unless we are able to enforce it. But, as well, we need to consider the position of those who may be accused of breaching a code of conduct and to ensure that, with the highest standards of behaviour, we ensure the highest standards of natural justice for those who can be confronted with such an allegation.

In my previous professional life of a solicitor I was subject to a disciplinary conduct body which could gather information; receive, investigate and make findings on complaints; and, if necessary, take a matter to a disciplinary tribunal or court (if the matter was serious enough) in order to enforce the appropriate code of conduct for members of the legal profession (solicitors and barristers). During my last couple of years in practice, I had the unfortunate experience of dealing with a complaint which was subsequently found to be completely without foundation, but I know from that experience how stressful and difficult it is to deal with a complaint even when you know that you have done nothing wrong. It is also very time-consuming and takes a lot from your ability to conduct your affairs. So, I am pleased that the Premier will move a motion to amend the original motion (I take it the Minister for Emergency Services is here to undertake that task) to include provision for specifying vexatious and frivolous complaints, because they can be quite difficult to deal with and it is unfair for members to have to put up with that sort of thing.

Importantly, the motion seeks to have the joint committee address a code of conduct which deals with the primacy of public over private interests and the disclosure of interest and conflict of interest. As a practitioner of law, I am surprised how often issues of conflict of interest can arise that simply are not recognised by the participants in an event, and it saddens me.

The Hon. P.F. Conlon interjecting:

Mrs REDMOND: Yes, the minister opposite says 'inadvertently', and no doubt there are circumstances in which these matters arise through inadvertence. They can arise simply by people not applying their minds to the situation and to the various hats they may be wearing. So, it is important, in my view, that the code of conduct that we are considering takes into account the need for disclosure of interest and conflict of interest.

One of the next important things that it deals with is the possibility of appropriate education of members. It seems to me only fair, if people are bound to a particular code of conduct, that people are taught exactly what that code of conduct entails. Certainly (and I am sure it is still the case) when I went through law school you could not qualify and be admitted to practice without having studied ethics and appropriate rules of conduct. It was a standard part of the course and, indeed, the only part of the course that was compulsory in terms of subjects undertaken.

The Hon. G.M. Gunn: You would always abide by those rules, of course.

Mrs REDMOND: The member for Stuart interrupts and says in a somewhat sarcastic tone that we always abide by them, and I would be the first to concede that there have been occasions when we have not. The difference is that the legal profession has the mechanics in place to deal with problem solicitors who do not obey the code of ethics.

There is also provision in the motion to consider the relationship between this proposed code and the existing disclosure provisions and, again, I see that as entirely appropriate for a joint committee to look at because, clearly, we are all already bound by the disclosure provisions—we have to fill out an annual return. I think it would be useful for us to understand the relationship between that and the nature of the responsibility placed on us to comply with the highest behaviour standards.

I think a suggestion was made by the Premier, although it may have been him mentioning the Deputy Premier, that there be an ethics adviser. He mentioned in his speech on this motion that the New South Wales parliament has appointed a parliamentary ethics adviser to advise members on request. He suggests that perhaps the Clerk of the parliament could fulfil that role. I certainly believe that it is appropriate that there be some impartial person. It clearly has to be a person with a good knowledge of the parliament and the potential areas of conflict and ethical obligation. It is also useful that the motion proposes that there be ongoing education over these issues. I see that as essential. I must say I was surprised when I came into this place and attended a members' introductory day to find that what they wanted was my bank account and tax file number details and that they did not give me an introduction to what my ethical obligations might be as a member of parliament and some of the pitfalls to watch out for.

That said, I support the motion. I note that there has been a bit of correspondence and negotiation over some proposals. I will speak briefly as to where the motion that I understand we will be agreeing to differs from the one that was before us originally. First, I understand that this is the result of a suggestion from our side that has been taken up by the Premier and then adjusted slightly. I understand that, instead of paragraph (b) as it stands at the moment, which provides a procedure for enforcement of the code by parliament, etc., as I read out, it will provide for a procedure for enforcement of the code by parliament that ensures recognition of the responsibility of each house of parliament for its own affairs and of the supremacy of the institution of parliament in the Westminster system. I think that is the way it will be amended. It ensures that effective investigation and adjudication of complaints is impartially administered and protects members who are the subject of an allegation, and we have added the words 'including trivial and vexatious complaints' in a similar way to a court or professional disciplinary body. I am more than happy to support those changes to the original motion.

The next proposed amendment is to include after paragraph (d), which provides for the relationship between the code and statutory requirements for disclosure of members' financial interests, a new paragraph (da), which will provide 'whether a code of conduct should be adopted for officers of the parliament', and then it will go on to paragraph (e). That is so this committee can consider, given that the committee reaches a conclusion and we end up with a code for MPs, whether we would then have a code for ministers, all MPs, senior public servants, contractors, members of the Public Service and so on, but not necessarily one for the officers of the parliament. It is perhaps appropriate to at least consider that. My own preliminary view is that perhaps that would need to be a separate code rather than the one specifically embracing MPs, but it seems to me appropriate for this joint committee to at least consider that.

The committee that is to be set up proposes that there be three members from each house, and again I think that is appropriate, because it is appropriate for us to consider all members of parliament as having to meet the same standards. I do not think it would be appropriate for us to be in a situation where one house has a different set of standards from the other. That being the case, it is therefore only appropriate that the members of both houses have some input into the committee which is seeking to decide these matters.

With those few words, I do not think I need to spend further time of the house provided for this very important matter. I understand that a number of other speakers wish to follow me, but the essence of the opposition's position is that we concur in the establishment of this joint committee and look forward to its early report. I note that the motion refers to its reporting to parliament by 1 October and, given the previous work which has been done in these areas with previous parliaments, it is probably an achievable date. I would certainly like to see it happen by then but, given that we are in our last week before we resume in September, I have my doubts about whether that will happen. I am nevertheless hopeful that we would see something before the house for its consideration before the end of this calendar year.

The Hon. P.F. CONLON (Minister for Infrastructure): As foreshadowed by the member for Heysen, I move an amendment to the motion before the house. I have it in printed form and I will hand it up in a second. I move:

Leave out the words—

'and report no later than 1 October 2003, upon'

In paragraph (b)—

After 'ensures' insert—

'recognition of the responsibility of each House of Parliament for its own affairs and the supremacy of the institution of Parliament in the Westminster system,'

After 'allegation' insert—

'(including trivial and vexatious complaints)'

After paragraph (d) insert—

'(da) whether a code of conduct should be adopted for officers of the parliament and'

The motion would then read:

That it is the opinion of this House, a Joint Committee be appointed to inquire into the adoption of a Code of Conduct for all Members of Parliament, and in doing so consider—

(a) a Code of Conduct for all Members of Parliament, addressing—

(i) the integrity of Parliament;
(ii) the primacy of the public interest over the furthering of private interests;
(iii) disclosure of interest;
(iv) conflict of interest;
(v) independence of action (including bribery, gifts and personal benefits, sponsored travel/accommodation, paid advocacy);
(vi) use of entitlements and public resources;
(vii) honesty to Parliament and the public;
(viii) proper relations with Ministers and the public service;
(ix) confidentiality of information;
(x) appropriate use of information and inside information;
(xi) Government contracts; and
(xii) duties as a Member of Parliament;

(b) a procedure for enforcement of the Code by Parliament that ensures recognition of the responsibility of each house of parliament for its own affairs and the supremacy of the institution of parliament in the Westminster system, effective investigation and adjudication of complaints, is impartially administered and protects members who are the subject of an allegation including trivial and vexatious complaints a similar way to a court or professional disciplinary body;

(c) an appropriate method by which Parliament should adopt a Code (e.g. by legislation, resolution, Standing Orders or any

other method), taking into consideration how best to engender knowledge and understanding of it by the public as well as by Members;

(d) the relationship between the Code and statutory requirements for disclosure of Members' financial interests;

(da) whether a code of conduct should be adopted for offices of the parliament; and

(e) an introductory and continuing ethical and constitutional education program for Members, having regard to—

(i) the discussion paper and draft Code of Conduct for Members of Parliament prepared by the Legislative Review Committee in 1996;

(ii) standards of conduct required of public servants by the Public Sector Management Act 1995;

(iii) the way other jurisdictions (including the UK and Canada) have developed codes of conduct and draft codes of conduct for Members of Parliament, enforcement procedures, advisory services for Members, introductory and continuing legal education programs and informing the public about the code and its enforcement; and

(iv) written submissions from members of the public and from persons with expertise in the areas under report:

and, in the event of a Joint Committee being appointed, that the House of Assembly be represented on the Committee by three Members, of whom two shall form a quorum of Assembly Members necessary to be present at all sittings of the Committee; and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

The SPEAKER: Is there any debate on the amendment?

The Hon. G.M. GUNN (Stuart): I wish to speak to the motion.

The SPEAKER: Honourable members realise then that they may address both the amendment as well as the motion and speak in favour of either in the course of making their remarks.

The Hon. G.M. GUNN: This is an important issue which the parliament should rightly spend some of its time debating. The conduct of members of parliament has long been a matter of public debate and controversy. One of the things that our system of parliamentary democracy allows is free, open and vigorous public debate. And long may it take place. However, there ought to be some rules and codes in place to ensure that people are not character assassinated, are not unduly targeted with scurrilous and untruthful material and that members of parliament are not engaged in activities which are other than honourable.

I think one or two issues need to be carefully considered. We have to make sure that, whatever steps we take, it does not deter good, capable people from making themselves available to stand as parliamentary candidates. That is very important. I heard Sir Charles Court, former premier of Western Australia, once indicate that we need to be very careful that we do not fill the parliament up with failures. So, we need people that are experienced in a wide background of professions in the parliament, so that they can make constructive, informed comment and representation in relation to matters before the parliament in government policy.

This code of conduct which is going to be examined by the joint parliamentary committee is all inclusive. It talks about the integrity of parliament. I think we all believe that this institution needs to be protected and enhanced, and we should be very careful before we take any steps to alter its function.

As to 'the primacy of public interest over the furthering of private interest', of course we have to ensure that our duty is to put the welfare of the people of this state first. However, it is very important that this parliament has people who are still involved in a range of various private activities so that they have knowledge and experience of how the laws, regulations and decisions of this parliament and government will affect ordinary people.

One of the great problems that faces the community is that, in many ways, governments act and operate at the behest of and for and on behalf of the bureaucracy, which often wants to make life easier for itself at the expense of the general public. We all know that that is a most dangerous and unwise course of action. I am most concerned to ensure that the parliamentary process and the rules and conditions that apply to members of parliament also apply to those who have the most influence on ministers, that is, members of the bureaucracy.

We must be ever vigilant to ensure that the advice that is given to government is in the long-term best interests of the people of South Australia and, therefore, it is absolutely essential that they (whether they be members of the legal, medical, or other professions) still have a hands-on role in relation to how the decisions of this parliament will affect the average citizen. If we do not ensure this, we will continue to create havoc and make life very difficult (as we do today) for people who only want to get on with their life and do good things for the people of South Australia. I hope that these sorts of proposals are put to the parliament with the best will in the world and are not purely a grandstanding effort to try to make out that we will solve problems that do not really exist.

I am interested that the government has brought this proposal to the parliament with great gusto. Recently, we saw an example of duping the voters, and I am sorry that the member for West Torrens is leaving the chamber, because he was the architect of that duping. On 13 March, Rex Jory wrote, in an article headed 'Politicians must pay for duping voters':

> This week, for example, the *Advertiser* received a letter to the editor from Port Lincoln businessman, Hagan Stehr, praising Attorney-General Michael Atkinson. Unfortunately, the letter inadvertently included a note sent to Mr Stehr by the Labor member for West Torrens, Tom Koutsantonis, asking Mr Stehr to transfer the accompanying draft letter praising Atkinson to his letterhead and send it to the *Advertiser* with the view of having it published.

That was Tom the Tactician! That is duping. Will that sort of activity be outlawed by this code of conduct? We are entitled to know.

Mr Koutsantonis: What about shopping at Harrods on parliamentary travel?

The Hon. G.M. GUNN: I have never actually bought anything at Harrods, so I do not know where the honourable member—

Mr Koutsantonis interjecting:

The Hon. G.M. GUNN: I walked into the place. Do not worry, member for West Torrens! I am coming to parliamentary travel and one or two other activities in which your mate Farrell was involved. I am coming to him! I have 16 minutes yet! I am pleased that the member is here.

Will that sort of activity be outlawed? The house and the people are entitled to know. This article also talks about an unfortunate activity involving Mr Crean, when a Labor person was planted in the crowd to make the right comments. I thought it was most appropriate to bring this to the attention of the house on this occasion. The motion also states:

(iii) disclosure of interest;

(iv) conflict of interest;

(v) independence of action (including bribery, gifts and personal benefits, sponsored travel/accommodation, paid advocacy;

(vi) use of entitlements and public resources;
(vii) honesty to parliament and the public. . .

I want to know which Labor member of parliament went to the Parliamentary Library and sought information about my parliamentary superannuation. Which member was it? If honesty is a criterion of the government, it must come clean and tell this house and the people of South Australia. Was it the member for Croydon acting on behalf of Mr Farrell? It was Mr Farrell who funded the 2000 election campaign in the electorate of Stuart. Was it the former attorney? We are entitled to know. The member went to the Parliamentary Librarian—

Mr Koutsantonis: Aren't people entitled to know your superannuation details? It's not your money: it's public money.

The Hon. G.M. GUNN: I take it that the member who is now interjecting supports the misuse of information and using the Parliamentary Library for political purposes to provide inaccurate, misleading and scurrilous material about members. That is what the honourable member is supporting. I think the minister should speak to him and tell him not to interject again. We know that the honourable member got himself into trouble on the radio not so long ago. I ask the honourable member: if this government wants a code of conduct, to whom will it apply? Will it apply in a fair and equitable fashion?

Mr Koutsantonis interjecting:

The Hon. G.M. GUNN: Read it back to me whenever you want! I have been in this place longer than the honourable member will be. Like all of us, I have plenty of faults, but people have never been able to question my honesty or integrity. Whatever I say I do, and I do not go back on my word. I am not interested in silly shenanigans. When I first came into parliament I was given very good advice by Des Corcoran, who said, 'Whenever you are dealing with a minister, always give them honest information; never go back on your word; and never breach a confidence.' That was very good advice. I appreciated it at the time, and I have always adopted it. If you doubt me, I cite my dealings with the Minister for Health over the past weeks over a very important and sensitive issue as an example, when my sole purpose was to solve a problem for my constituents.

However, I say to the honourable member that I do not mind being criticised in the heat of an election campaign for what I have or have not done, nor do I mind being criticised about what I stand for. However, I am personally affronted by having false, inaccurate material circulated about me but, more importantly, by people implying that I was paid for something to which I was not entitled and that I was going to dip my hand into the public exchequer and receive payments to which I was not entitled. That was the purpose of this scurrilous document that I have in my hand.

If the Premier is fair dinkum and believes in honesty in government and in being frank with the people of South Australia, he should tell us the name of the member of parliament who, prior to the state election, went to the Parliamentary Library and asked them to produce this material, which implied that I was entitled to a bogus figure of $1 337 971. This document also mentions the 'patient taxpayer'. In order to make this document appear accurate, it states, 'Source: Parliamentary Library of South Australia', and that it was authorised by I. Hunter, 11 South Terrace, and printed—

Mr Koutsantonis interjecting:

The Hon. G.M. GUNN: We all know that the process of going to court is long and expensive. If the member does not believe me, he should consider what happened to Sam Bass and whether he thinks that was right, fair, just and equitable. That matter should be addressed by this parliament. It was a most scurrilous campaign organised by that scoundrel Peter Duncan, who has defrauded the people of South Australia, including my long-suffering taxpayers. However, we will have plenty more to say about that issue before it is finished.

I want to know from the Premier whether he is prepared to tell the people of South Australia who was the architect, because we are dealing with a course of action which this house will adopt to put in place a set of conditions and requirements for members of parliament. I sincerely hope that they will be applied fairly and across the board, because this superannuation exercise is an absolute disgrace. Those responsible for it are not fit to hold public office, because they did not know in which parliamentary scheme I was involved as well as a lot of other information. They did not have the actuarial ability to carry out a proper assessment. The whole purpose of this document was to try to show me in a bad light.

An honourable member: Good!

The Hon. G.M. GUNN: The honourable member thinks that's good, does he? They rewarded the person who was going to be the beneficiary of this scurrilous document. They gave him a paid taxpayer's job in Port Augusta. We will have more to say about that. Talk about a code of conduct! Those sorts of decisions ought to be subject to this code of conduct. If you are a failed ALP candidate, as long as you are prepared to negotiate in a scurrilous campaign against your opponents, you will be rewarded. But they went further than that.

This is the second occasion on which they personally targeted me. They trotted out a few of their functionaries up there, such as Gavin Keneally, to write scurrilous letters about me. They ought to know better! Someone who would be given the honour and privilege of holding high office in this parliament ought to know better than to write inaccurate and untrue letters to the editor about me. If we are going to be frank and honest about this matter, we need to know exactly where we stand.

They attacked me on one occasion because I travelled overseas. I make no apology for travelling overseas. I believe members of parliament are not properly carrying out their duties if they do not go overseas. The Premier and the Minister for Tourism have just been overseas, and I do not have any objection; I think it is in the public interest that they go. If members want to play this game selectively, some of them might find that all their travel details will be all around their electorates. If they want to play this silly game, we can put 150 questions on notice and waste a lot of public servants' time about exactly how many taxis the minister used overseas, but I think that would be a childish and juvenile course of action. However, unless we are given the assurance that commonsense will apply, the game is on!

I make no apology for raising these issues in this debate, because I was targeted. They put out a little document saying, 'Missing you' with a photograph of, I think, the Coldstream guards in front of Buckingham Palace, and then gave an estimation of how many trips I had taken since 1995. It says that last year Graham Gunn spent $13 000 on overseas trips. I am entitled to spend that, the same as any other member, and I make no apology for it. If Mr Farrell wants to spend his money on getting his little functionaries writing these sorts of things, all right, we know the ground rules (and make no

mistake; I do not make idle threats in this place). We will go after these people.

Mr Koutsantonis: Oh no! Stop, please!

The Hon. G.M. GUNN: The honourable member distinguished himself recently. I suggest that he take a little counsel from some of his colleagues. If he thinks it is funny to engage in this sort of activity at the expense of mature, proper, political debate, fine. The people of South Australia expect the people who offer themselves for public office to debate the issues, not the personalities. We know this was born in the UK. You only have to read the Blair autobiography to know the steps they are going to take; the same manual is being used around the world. The social democrats, as they like to call themselves, are all using the same document. I have made sure that this material has been circulated around Australia and to our friends overseas so that they are fully aware of the sort of activities that these people get up to. I am pleased to say that they take note of these things.

This debate is essential if we are going to treat one another with courtesy and respect and have mature, effective and reasoned public discussion in debate in this parliament. The silliest and worst thing you can have is members of parliament suing one another. That is a silly course of action—something which should never take place. However, in robust debate members should be careful of what they say, and they should ensure that they give an accurate and fair assessment of a situation.

In the last state election campaign, in my electorate my opponents never talked about the issues. They never told the people that they were going to whack up rents on perpetual leases or destroy the roads system in the north of South Australia—

Mr Koutsantonis: You're a sore loser. You won! Move on!

The Hon. G.M. GUNN: Yes, and I'll win again if I want to.

Mr Koutsantonis: Move on!

The Hon. G.M. GUNN: The honourable member clearly misses the point. I was successful—

Mr Koutsantonis interjecting:

The Hon. G.M. GUNN: All right then. I was successful because I think I am well experienced; I had a good team of people; and we just got over the line. I also had to put up with that other scoundrel, Mr Moore. On the ABC on, I think, 30 June, he said:

> I have many letters and replies to the new ALP State Government. I did a deal with Trades Hall to put Peter Lewis as Speaker and throw Liberals out. The new ALP Government is supposed to get our mine going. . . the Liberal Party when they were in Government—that's Mr Kerin—did not transfer the mining leases. . . from BHP to us. . . we're in the High Court of Australia now. . .

That is another example of a character with the most dubious background racing around the country—someone was supplying him with money; we should know whom—putting up posters, character assassinating me, and directing his preferences against me. We are entitled in these sorts of debates to know the background of these people, what their motives are and where their funds come from, because that character spent a huge amount of money. He made all sorts of allegations that a deal was done by the Labor Party to get his mine in the national park at Balcanoona going.

I raise these issues because other people, if they are targeted, will not be as lucky as I was to survive. That is why I raise them. Therefore, I call on the Premier to raise the political landscape by putting in place sensible criteria so that these personal character assassinations do not continue. The Parliamentary Librarian should be thoroughly ashamed of himself for his involvement. If it continues, in my view we should get a new Parliamentary Librarian. I support the motion.

Mr MEIER (Goyder): Since coming into this parliament over 20 years ago, I have seen more and more examples of what I regard as common conventions being codified, regulated or stipulated in legislation. I believe this is another example. Anyone looking at this could not take objection to a code of conduct for all members of parliament, addressing such things as the 'integrity of parliament'. I hope every member would uphold the integrity of parliament. Surely, that is a basic pre-condition if you are elected. It also provides:

> (ii) the primacy of public interest over the furthering of private interests;
> (iii) disclosure of interest;
> (iv) conflict of interest;
> (v) independence of action;
> (vi) use of entitlements and public resources. . .

Again, I hope that all those things have been accepted as the appropriate code of conduct for all members of parliament: it should be, and I believe it should continue to be. The Premier, in particular, decided during the election campaign—and maybe before—that he could win some votes if he said, 'I'll bring an appropriate code into parliament.' It was as though it was something new. It has been there for hundreds of years, and it exists in every parliament in the commonwealth—and perhaps beyond. I would rather see this code of conduct attack the real conduct that the public sees on the television night after night in many cases—not quite so much from this parliament, but certainly from the federal parliament—where one side is bickering with the other and one member makes threats against another. No wonder they say, 'Well, heaven help us with the members we have in parliament. The behaviour is disgraceful.' I have heard it so often and I dare say, Mr Speaker, you have heard it, and I give you full credit for endeavouring, in your own way, to bring a certain code of conduct into this place that is befitting of the institution. But you are dealing with individual members and members who do not adhere to standing orders.

So far as I am concerned, this is just window-dressing. If we were really serious about a code of conduct, we would address the code of conduct in here. Let us stop threats made across the chamber. As far as I am concerned, the members in question should not only be thrown out of the house but also have their pay suspended in the first instance and, if they continue, they should be suspended from the parliament. We could get tough. That would be a proper code of conduct, rather than this window-dressing to which I have just referred. One thing that has disappointed me in all the years I have been here is that this parliament is in many ways a stage and it is unreal. It took me years to get used to it and I am not sure whether I am yet used to it. Some things said in here are unrealistic and they are said to capture a headline, yet outside this chamber in the corridor, or sometimes even in here after the exchange of verbal abuse, a member will go over to the member who is being attacked and say, 'Sorry about that. I hope you didn't mind it, but I didn't have a choice.'

I remember when a minister was deposed as a result of an orchestrated attack over many weeks and, possibly, many months. I will never forget when a senior member of the then opposition walked over to the minister, who had lost not only

his salary and car but also his status. I know that he was very upset. The senior member of the opposition walked over and said, 'Sorry about that, but I hope we are still good buddies.' I cannot stand that sort of behaviour, which I hope that this code of conduct will address. Maybe the integrity of parliament will be addressed by this code of conduct; I will wait and see, but I doubt that it will be. When I have raised this matter in other quarters, the answer has been, 'John, you have to address that through standing orders. This is not the place to address it.' Well, I think standing orders have been tested and tried all over the world. Mr Speaker, I know that you would be the first to advocate that our standing orders should be changed in many ways to improve them enormously, but it would probably not overcome the problem in its entirety. If we want a real code of conduct, let us consider the behaviour of members in this house.

I also want to address the issue of nepotism. I do not think that is addressed anywhere here. It seems to me that, if we are going to try to instil codes of behaviour, why not go the whole way? Why should the issue of nepotism, giving favour to either relatives or members of the family, not be outlawed in this code of conduct? The argument could be: why should it be outlawed? That is another argument in itself. There are so many other things addressed here, so let us make a code of conduct that ensures that everyone who comes in here will turn out to be perfect. They will be close to angels! They will be near enough to being the perfect human being, once they have to adhere to this code of conduct. I am saying this in a facetious way to some extent—and I make no apology for that. However, I am disappointed that our society has had to go down the track of codifying so much.

While it has nothing to do with the substance of this debate, I give the following analogy. When I was aged 16 I took my driving test in the western suburbs. The test included driving down Jetty Road, Glenelg. In those days the police administered the test, and the policeman said to me, 'The speed limit down Jetty Road is 35 miles per hour. You are not doing 35 miles per hour. Why not?' I said, 'Well, officer, one has to adjust one's speed to the particular conditions. Obviously, it would be totally unsafe and irresponsible of me to be travelling at 35 miles an hour down here'. I think I would have been doing nearer five miles per hour. He said, 'Very good; don't forget that.' Since those times not only have we introduced speed limits to restrict drivers on the open road, but also there has been a complete revamp of it. I am extremely worried when I drive these days that I am not watching the road as I should be: I am watching for signs to see whether I am in a 50, 60, 80, 90, 100 or 110 km/h zone. I believe that a certain number of accidents are caused because people are not watching the road but, rather, watching the speed sign.

I use that example to say that people in this parliament, if they wanted to get someone, would be watching for this code of conduct. If they find one slip-up, they will say, 'I reckon we have him [or her] under a certain code. They're gone!' That will be the finish of it. Surely, we should get back to commonsense where we have accepted codes and conventions that apply to parliament and to people who become members of parliament. While I do not have a choice but to support this set-up, I believe that it is a political manoeuvre to try to show the public that the code of conduct of parliamentarians is being addressed, when I question whether it will have much influence at all.

Mr KOUTSANTONIS (West Torrens): We have just heard members wax lyrical about high ethical standards in parliament and about the legacy the member for Stuart wants to leave for generations to come. I quickly did a little research, because I remember the high standard set by the former speaker. I do not want to reflect on former rulings of this house—because that would be entirely inappropriate—but Dean Brown, the Premier of South Australia in 1995, said:

> The Leader of the Opposition—
>
> the now Premier—
>
> lacks the courage or commitment to do so. Listen to him. Look at him: he is like a squealing little rat. He is sitting there like a squealing little rat.

The then premier then goes on attacking the then leader of the opposition, but unfortunately, on my reading, the comments were not made to be withdrawn. There are always examples of people having a selective memory about what we say about each other. The member for Stuart says that his superannuation is no-one else's business. I have a different point of view. His superannuation is people's business. Our salaries, our wages and everything we do in this place is the people's business. I would say that members must be aware—and the High Court has even ruled—that freedom of speech in political debate is implied.

I would argue that we have gone further than any other government in Australia in terms of codes of conduct for members of parliament and ministers. I think it is a bit rich that the member for Stuart comes in here and attacks the Labor Party. If the member for Stuart believes that he has set a higher standard, then I would ask him to look back on his ruling when he did not force the then premier to take back the words he used about the then leader of the opposition, Mike Rann. He has set a precedent in this chamber and, indeed, in other parliaments, that the phrase 'squealing little rat' is parliamentary language. I do not believe that it is parliamentary language and I do not believe that you believe that either, sir. It is indeed unparliamentary language. In his speech he talked about how members of parliament should not sue each other and that we should raise the standard higher.

I think the member for Stuart should read *Hansard* and refresh his memory of the time when he was Speaker of this house. He waxed lyrical about an election campaign that, in the end, he won. He won the election. We are not talking about a disgruntled member of parliament who lost the seat: we are talking about someone who has been victorious and they still go on about it—

Mr Snelling: They have nothing else to talk about.

Mr KOUTSANTONIS: Indeed, nothing else to talk about. This parliament—

Mr BRINDAL: Mr Speaker, I rise on a point of order. I seek your guidance, sir. It appears to me that the member for West Torrens is reflecting on Mr Speaker in a previous parliament, albeit he is talking currently about the member for Stuart. I ask whether it is orderly either in this parliament or any parliament to reflect on previous rulings of a Speaker of this house other than by substantive motion.

The SPEAKER: The member for West Torrens is responding to the remarks that were made by the member for Stuart in his contribution on this very topic. I think it is not appropriate for him to go much further down that path in making a personal attack, but it is entirely appropriate for him to comment about things that he sees as being appropriate to this debate, double standards, or whatever.

Mr KOUTSANTONIS: Thank you, sir. I do not wish to continue much longer because I want to move on. I do not want to talk about past battles or victories, I want to talk about the current motion. I believe that a joint committee on a code of conduct for members of parliament is a good idea, and I believe that it is needed. As the member for Heysen said in her remarks, when I first came to this place I was asked to give my tax file number and my banking details. I was given a brief tour of the library and my office, and that was pretty much it. I was not told what was or what was not appropriate. I was not given a run down on appropriate behaviour for members of parliament. I just assumed that you would go about your business as any decent person would in trying to do the best they could, and if you slip up, you slip up.

Obviously being members of parliament, sometimes things we say carry a bit more weight and we have to be careful. We do set examples for people in the community. Often people in the community accuse us of having double standards whether it be in relation to our superannuation, our salary, the way our salaries are indexed or the way our salaries grow. The very least we could do is look at a code of conduct for members of parliament. It was indeed a key election promise from the Premier. I have heard members opposite attacking the Labor Party for going about a robust election campaign and for telling what we believe to be the truth.

If members opposite feel that they have somehow been defamed, I remind them that election campaign materials do not have privilege: they can sue, they can go to court. It was not anonymous. Indeed, it had the name 'I. Hunter, 11 South Terrace Adelaide' on it. No-one was trying to disguise where it was from, unlike some members opposite who might have sent things out anonymously during the election campaign. We on this side do not do that and that is why we want a code of conduct for members of parliament to ensure that practices of the past are just that, practices of the past.

Mr SCALZI (Hartley): I will be brief. I, too, support this motion and believe that it is appropriate that there is a committee to look at a code of conduct for members of parliament. Following on from the comments of the member for West Torrens about the member for Stuart, I do not believe that, if one wins an election, somehow they should not take up their concerns and bring it to the attention of this house. It is true that elections are won and elections are lost and governments are formed. However, the truth and the integrity of parliament should not be a casualty. I believe, yes, have robust election campaigns but they must be done with a certain code of conduct, because, if we do not have honest and fair fought elections, then we will be the poorer for it. I know that when the Premier was leader of the opposition he made this an election platform. However, perhaps he should remind himself of the promise he made in my electorate the day before the election regarding Lochiel Park and its being 100 per cent open space.

Did he have the intention when in government to protect Lochiel Park 100 per cent? I asked him that question. After a year of moratorium, we are still waiting on the government's decision. As the then leader of the opposition, he knew only too well the impact such a comment would have in the most marginal seat, saying that, if they won government, the then candidate on becoming a member would chair a committee to ensure that the area was looked at properly. They won government, but their candidate did not win. However, as the local member I have not been consulted on what to do about that 100 per cent commitment. We need to have properly run and accountable election campaigns.

I agree with the member for Stuart, that is, everyone is entitled to know how much members of parliament earn, but it is absolutely wrong to use that type of material for short-term political gain and to get into government on misleading information which gives the impression that members of parliament are getting benefits to which they are not entitled. It is wrong and it should be addressed.

[Sitting suspended from 6 to 7.30 p.m.]

Mr BRINDAL (Unley): Like my colleagues on this side of the house, I support the establishment of a joint committee on a code of conduct for members of parliament. I fail to see how one could not support a motion which calls on some members of the House of Assembly to decide such matters. Indeed, in that particular, one could argue that it is really nothing more than a commonsense motion.

However, in contributing to this debate I feel it would be remiss of me not to say that I do not know what all this will achieve. You, Mr Speaker, have spent a long career trying to support many of the strong ideals for which this house and its tradition stand and trying to argue, often vainly, against some of the stupidity, nonsense and absolute rubbish that passes for parliamentary practice.

In theory, a code of conduct sounds very nice, but the first thing about having such a code, as you would know, sir, is that a code of conduct (in my opinion, and I hope in that of the committee) should not and cannot trespass on the ancient privileges of this house. The ancient privileges of this house, as I understand them, allow every member of this house to conduct themselves in a manner which will enhance this house and be to the greater benefit of the people of South Australia.

What worries me most about codes of conduct is that, in so far as they try to create a uniform standard for a member of parliament, they are perhaps anathema to the vibrancy and character of this institution. This institution has always been strengthened and in some ways has had its finest hour when people in this chamber (and in chambers around the world) have not been straight from a particular dye and conformed to all the dictates of the other members. It is often the rebels, the outspoken people and the miscreants who test the parliament and add to the democratic process. In so far as a code of conduct could be considered to be a formula devised by all members of the house to create clones of each other and to create ongoing uniformity, I think this chamber, and any parliamentary chamber, will be the loser.

The problem that we also have in having a code of conduct was once put to me by somebody whom I regard as a friend and somebody whom I certainly admire, and that is the previous member in this place and sometime premier, the Hon. Lynn Arnold MP. I remember that I had been in this place about seven years and I was having, as I have had recently, a 'bad hair' day. Lynn rang me—

Ms Thompson: And I try to look after you, Mark.

Mr BRINDAL: Yes, I know you do. The member is very kind but she keeps refusing to give me her hair colour, and I do not feel entirely looked after!

Ms Ciccarello: We have a special relationship.

Mr BRINDAL: The member for Norwood is talking about our special relationship. I wish she would not do it publicly, because my wife might read *Hansard* and I will be in more trouble! Lynn Arnold was then with World Vision,

as he is now. I had been to a function and congratulated him on something and he rang me. He asked how I was going, and I said, 'Not very well: I am a bit despondent,' and that was after seven years in this place. He said, 'Let an old member' (in terms of parliamentary years) 'tell a new member something.' He told me a story of after about seven years going through a period of despondency himself and wondering about parliament. He said that, like all of us, he had came in here bright-eyed and bushy-tailed and was going to change the world.

Mr Rau: Why did it take him so long?

Mr BRINDAL: The member for Enfield asks why it took him so long. He will have to wait until he has been here seven years, and then he might realise. Lynn said he had come in here bright-eyed and bushy-tailed, thinking that he could change the world, but after a few years he realised that was not possible. The institution has a process and a momentum of its own. You can have right and intellectual rigour on your side, but that does not necessarily mean you can convince members of your own party, let alone the other 46 members in this place, that you are right.

It is not universally the case that intellectual merit wins the day in this or any chamber. He said that therefore after seven years he was somewhat despondent. He realised he could not do what he had set out to do and he wondered then why he was here. I asked him what he did then, and he said, 'I worked through it.' He said he then realised that, despite its limitations, which he did not realise when he came here—no matter what the limitations were, he had been given a great privilege. That great privilege was to be in here and to be able to contribute. He realised that, even if it was not at the speed or exactly in the ways he wanted to, nevertheless he could make a difference. He said that when he had come to that realisation he enjoyed every single day he had in this place thenceforward because, realising and accepting its limitations, he could then go past that and take from this place the privilege and enjoyment of serving in this place.

The reason I say that is that this is a place for individuals; it is a place for contest and testing. It is a place for testing the patience of the Speaker, because I know that, while many things are disorderly, a chamber in which Mr Speaker had absolute sway and in which nobody interjected out of order might be fairly boring even to the Speaker. It is that character of this place that is important. What worries me and what I hope this committee deals with is that, if we are to have a code of conduct, it should not be such as to straitjacket everybody and make everybody in this place frightened of being who they should be, and that is the best and most natural person they can be to represent their electors.

Another thing that worries me is reading this. The words sound absolutely fine but, in light of the debates that we have had and the questions that were asked today, I wonder where they will take us. Under 38(d) one of the things asked to be examined is the relationship between the code and statutory requirements for disclosure of members' financial interests. This is one of the things that have long worried me. I am not a person here who has any interests much apart from my parliamentary salary, but there are successful business people here who have family interests and all sorts of other interests, and I wonder about the public's right to know as measured against a citizen's right, even though they are a member of this place, to have some interests which are not parliamentary interests and which do not conflict with their job but which nevertheless do not have to be for the prurient interest of every other South Australian. We are getting to the point in this place where you just about have to disclose the colour of the family underwear and it is all viewed as a matter of public interest. Because we offer ourselves for public office, it is almost as if everything we do is a matter for every other South Australian to be concerned about. I would contest that. I would say that, where it comes to the member for West Torrens, every South Australian has a right to be absolutely concerned about his performance in this place and anything he does privately that might point to hypocrisy or something wrong in this place—

Members interjecting:

Mr BRINDAL: That is the point. If it is not happening, anything else the member for West Torrens might do is his business; it is not in the public interest and it should not be put up to be.

Mr Koutsantonis interjecting:

Mr BRINDAL: I did not say that, the member for West Torrens being the legend he is, other members should not have a prurient interest in his private life; that is among members. It is called gossiping and is not the same thing.

This provides that the code of conduct for all members should address the integrity of parliament. By way of a rhetorical point in debate, I would say that I am not quite sure whether members of this house could draft a code of conduct to say something about the integrity of the parliament, because I would contend that the integrity of the parliament is a matter for the Speaker and the parliament itself every day of the week. You cannot codify the integrity of the parliament; the Speaker does that on a daily basis, when he makes rulings about matters of privilege, about how we should conduct ourselves, and about whether someone is breaching standing orders. I do not think that you can codify that and say that the integrity of parliament, under the code of conduct, means A, B or C, yet that is listed (I think wrongly) as (a)(i).

'Primacy of the public interest over the furthering of private interests' sounds fine, but what does it mean? What is the public interest? What are private interests? How do you define those two concepts? The reason for many of the questions of the Attorney-General today was to find out, on behalf of the opposition, whether, in fact, there has been a breach of the public interest over the furthering of private interest. This house has a right to explore, to question, to challenge, and to debate that issue on a daily basis. However, then codifying that and establishing a set of rules to say, 'This what it means,' is how we can get ourselves into trouble.

When the United States of America decided that it should start to codify freedom of religion (and you, sir, would know this, because it is quite famous), it did nothing but get itself into more and more trouble because, as soon as it tried to embody in words what freedom of religion meant, countless legal arguments and law suits ensued. In the end, some rulings of the Supreme Court of America, far from supporting freedom of religion except in its name, became quite oppressive and had quite a contra effect.

I wonder whether some of these laudable aims that this committee is to consider are not quite dangerous in that they will be either unnecessarily proscriptive or restrictive and will take members of parliament down avenues down which they should not be taken. What does 'honesty to parliament and the public' mean? Again, these are high-flying words which sound good, but who will sit in judgment on whether I or you, sir, have been honest to the public or, in fact, have been honest to the parliament? The parliament can sit in judgment on that as a matter of privilege, or motion. The parliament

and the public have every right to do so in relation to me, or you, sir, or the member for Heysen, or anyone else. The case can be presented and the merits argued, and they have a right to make a decision. How do you codify it? How do you say, 'This is what honesty to the parliament and honesty to the public means'?

'Proper relations with ministers and the public service' again will happen on a case-by-case and day-by-day basis. In many cases, it is absolutely obvious when a breach has occurred, because we all know instinctively. However, to actually define what it should be is a lot harder than to recognise when a breach has occurred. Often we can see the breach, we know it, and we instinctively understand it, because of matters of fairness and honesty, but to define what it is and when a breach does not occur is, I think, much more difficult than recognising commonsense and a breach when it occurs.

'Confidentiality of information' is a very interesting statement. I am minded that we have a Deputy Premier who, in the last parliament, did something that no other person in the parliament has ever done. The Industries Development Committee was a bipartisan committee of both major parties in this place that considered industrial incentives provided by the government to firms. Sir Thomas Playford established this committee, and I think that you have served on it, sir. In 40 or 50 years, nobody has ever breached the confidentiality of the committee. However, in the last parliament, the Treasurer and Deputy Premier, as a result of some goading, said, 'These are the firms, and this is how much they have.'

That was a breach of 40 or 50 years of tradition in this place. There was no censure and nothing was done—nor should there have been, because the member must answer to his electors and to himself. I think if he chose to breach the tradition, that is a choice he made. Now, as one of the terms of reference, we are being asked to look at the confidentiality of information and the appropriate use of inside information. Does that mean that, in this parliament, the Deputy Premier would have no right to do it, and somehow we would throw him out of this place or censure him? What would we do? He did it, he is a member of this place and he has a right to freedom of speech, which is the most ancient of privileges we have. What are we going to do? Say it is not in the code of conduct, sit in judgment on him and throw him out?

Importantly, what is the executive government going to do when it gets a minister who might be in breach of part of the code of conduct? I would hate to suggest that it would try to cover it up and, because he was a minister, two standards of rules would apply. It would be dreadful to suggest that ministers and the executive are not subject to the same standards of rules that apply to the Speaker, the government backbench and the frontbench or backbench of the opposition. Whatever code of conduct we have should be equally applicable to every member of this house. I suspect that, if we come up with a code of conduct, that code will be rigidly quoted when in comes to opposition members or backbench members, and not quite so rigidly quoted when it comes to members of the executive government.

There will be a million excuses why the public servants did not advise them properly, why the Premier of the day can have a senior officer in the office right next door to him who apparently does not talk to him and give him information, and we must accept that, because, if the Premier says that and tells the house that, in the want of any knowledge to the contrary, we must all accept that everyone in this place tells the truth. I expect that two standards would apply to this code of conduct: one for those in power, with the numbers sitting behind them to enforce the fact that they are the honest ones; and a different standard for those who happen to be sitting opposite and do not have the numbers to be able to do it.

In conclusion, I would say to members sitting opposite, especially those on the back bench, that they need to watch this carefully, because many of the members sitting opposite will be here a lot longer than you and I, sir, and will perhaps get a turn to sit on this side of the house, as well as on that side. I have learned from experience of sitting over there that we did not do some things when we were in government that we should have done for the good of this place.

Ms Thompson: We know.

Mr BRINDAL: Wait a minute. This is an admission that we neglected some things that we should have done for the good of this place when we were in government because it was not quite the right time and we were going to be there long enough to fix the wrongs. In the end, we were not, and we neglected to do those things and they remain undone. It is very easy for a government and its backbench to be conned by the executive government into thinking, 'We should do these things, but let's do them later.' I promise members opposite that, before the later comes, they will be on this side and they, like me, will regret that they did not do them. If there is a time for doing something and fixing it, it is not next week, it is now.

The message I would like to leave with the government is that, while I support this motion, I believe that members of the government backbench should be scrutinising this carefully and, in the privacy of their caucus, they should be talking about it. This might come back to bite them, just as equally it could come back to bite the opposition. You do not make poor decisions in this place just because you are in government and you can. You try to make the best decisions you can in this place, and if they do not stand up to the best interests of the opposition now, they will not stand up to your best interests sooner or later.

In supporting this motion, I hope that the thinking members opposite—and I know that there are a lot of them; perhaps more on the back bench than on the front bench, in my humble opinion—will examine this in their caucus and say—

Ms Bedford: Flattery will get you everywhere.

Mr BRINDAL: I am waiting for that member to introduce the bill that I am hoping she will introduce—another good social justice measure to ram through this house.

Ms Bedford: Why don't you do it?

Mr BRINDAL: No, the member for Heysen and I are in awe of the honourable member's ability to ram through these socially reforming measures.

Ms Bedford: I couldn't have done it without you.

Mr BRINDAL: We will be there to support you.

Mr RAU (Enfield): I will be very brief in relation to this matter.

Mr Brindal: Don't be too brief.

Mr RAU: No, I will not be too brief, but I know the member for Fisher has some useful comments to make shortly. First, I would like to say that, obviously, I support the idea of having a committee to inquire into these matters. I think it is good for us to look at questions of codes of conduct and the behaviour of members of parliament generally, but I think it is important that we remember that the code of conduct that is being examined here will apply to all of us in this chamber, all 47 of us, not just those who sit on one side

or the other or those who happen to be members of the executive government; it will apply to us in our capacity as ordinary members of this parliament elected by our constituents to represent them in this place—nothing more, nothing less.

In my view, it should be seen as a code for legislators and, because it is a code for legislators and representatives, as far as I am concerned, it should not include requirements which have application to ministers or members of the executive arm of government simply because it appears to be convenient to add them in. I do not mind what the executive arm of government decides to require of itself in terms of a code of conduct. That is its business, not mine; I am not a member of that particular group. However, I am a member of the broader group (which includes those people as well), and it seems to me that our requirements as legislators should, logically, be somewhat less than theirs and they should be more flexible.

I would like to recount my experience before coming into this place, which seems to be a long time ago. I found myself scratching my head when the member for Unley spoke of seven years and how, at that point, one is confronted with a degree of despondency. I wonder how I am going to make the five years between now and then, but that is another story. The point I want to make is that in my previous role I had cause to consider, amongst other things, the legislation which pours out of this place—and which has poured out of this place for many years—and it was often the case that overly prescriptive provisions in bills lead to more trouble than they are worth. In many instances, you are far better off having a general provision which states the philosophy, the principle and the intent that the maker of the provision is seeking to achieve, and (in the case of legislation) leave it to the courts to fill in the gaps, because the number of possibilities, permutations, combinations and circumstances are completely unforeseeable by those who prepare these codes.

The last thing you need is the dead hand of a solid, completely impervious code landing on top of every member of this parliament, a sudden death provision if someone happens to slip up in a particular circumstance, never mind why, how or how serious that was. It seems to me that whilst the idea of having a code of conduct is excellent in the broad, at the end of the day, commonsense has to be brought to bear on this, and the more prescriptive the code becomes the less chance there is of commonsense intervening.

I strongly urge that when this process starts winding its way through this parliament—and I hope it is not sped up for the sake of completing it rather than giving it the time it needs to be done properly—

Mr Brindal: Like five years.

Mr RAU: I agree. Five years would be a good time frame. I would just be hitting my period of great disillusionment at that stage. In any event, we should take the time, however long that may be, to get this thing right. We should not err on the side of having a prescriptive regime that boxes people in with a group of completely blind requirements—blind, that is, to the circumstances in which they live; blind as to the circumstances in which they interact with other people; and blind as to their role as legislators and members of this parliament.

At the end of the day, if we have a general proposition upon which we all agree, we are the masters of our own destiny in terms of whether that has application to a particular member in particular circumstances. If it does become a case where the member for Unley, for example, is accused of something outrageous, I, of course, would defend him immediately.

Mr Brindal: As you often do.

Mr RAU: And I often do. But if he were to be unfairly accused of something, surely we should have a general proposition that the accusation against the member for Unley is not that he has offended clause 6(3)(a) but that he has been a naughty person in the conduct of his affairs as a member of this place, or some other equally general proposition, and, then, surely there can be a committee of this chamber appointed to consider whether or not he has conducted himself in a way that falls foul of that general standard. That is the sort of flexibility and commonsense I would like to see emerge from this process, but, of course, I am probably getting way ahead of where we are now.

At the moment, I am simply endorsing the idea that there should be a committee to look into this. I am simply expressing my hope that, in the process of looking into this, the committee keeps front and centre, at all times, the notion of commonsense, because there is nowhere near enough of it. In fact, I often wonder why it is called 'commonsense' when it is such an uncommon commodity. Commonsense—what an uncommon commodity it is. In fact, if we applied commonsense to all we did, what a marvellous improvement there would be. I am sure members of the public would find us rising in their esteem, the parliament a place resounding with commonsense. What a marvellous thought! I am so carried away with that I am unable to continue, as a matter of commonsense, because I have nothing further useful to say.

Dr McFETRIDGE (Morphett): The need for a code of conduct is exemplified in a comment made to me when I was doorknocking. People knew that I was coming into this parliament for the first time, and that I was leaving my veterinary profession to do so. One lady said to me, 'You should be fine; you're going from one lot of mongrels to the next.' I think that says it all, when it comes to the electors' attitude towards members of parliament.

When I bring school groups in here, I emphasise to them that the lower house has a tradition of robust and vigorous debate. I explain to them about the blood line and the sword line, and I explain the traditions and protocols in this place. I try to emphasise the fact that the theatre they see on the news at night, and sometimes on the ABC from federal parliament, is theatre.

The conduct of members of parliament should be open to public scrutiny. As the member for West Torrens said, we are paid out of the public purse, so we should be accountable. It is a sad case that parliamentarians are not held in higher respect by the vast majority of the public. When I came into this place, I was given a very short introduction and orientation course about some of the protocols in here, some of the ways in which I should be conducting myself, some of the rules and regulations and a very brief introduction to the standing orders. I hope that is all that was necessary.

I would like to think that, as a reasonably intelligent person who has come in here with the best of intent and, as the member for Unley said, 'bright eyed and bushy tailed' (which I think I was when I came in here), I still have a very positive attitude in here. I am the eternal optimist: I am a realist but also a pragmatist.

Members interjecting:

Dr McFETRIDGE: I hope I never lose enthusiasm for this place; I hope I am never taken too seriously in here when I make a witty interjection; and I hope I am never upset by

the witty interjections of both my colleagues and members opposite. Certainly, I think without exception, no-one in this house is a mean, uncaring, nasty person—and I do not think I am being overly generous here. Members come in here with the best intent. However, familiarity sometimes does breed not contempt but, rather, possibly some diversion from the rules of good manners and good conduct in this place.

Certainly, I would support a code of conduct. I am more than happy for members of parliament to disclose their conflicts of interest. If I have any conflicts of interest as a result of my few business dealings, it is in the public's interest to know that I am acting impartially or, better still, standing aside from any dealings involving those conflicts. As I am only a humble veterinarian with few business interests, that does not happen often. But some members of this house have significant business interests and significant financial investments. While I think they should be bound to disclose them to the parliament, they should be able to disclose them with a degree of confidentiality. I do not think everyone outside has to know every detail about our private life where it does not conflict with our conduct as a member of parliament. Just because they vote for us does not mean they have to get in bed with us. They do not need to know that my family has some shares in a company or some other business.

The media is very unfair as a result of the demands they put on members of parliament. Sometimes they stalk members of parliament who go overseas. If a member happens to be in a shop in London in one of the brief moments they have spare during an overseas trip, and someone has said, 'Watch out for him, he's over there,' and they happen to spot you or, worse still, stalk you, that is deplorable. As we have heard a number of times in this place, if we do not go on overseas trips or around the state or around our electorate to engage with constituents, industry and the rest of the world, how the heck can we come back here and say, 'This is a way of doing something and we could be doing it better than we are doing it here now'? It is not the right of every Tom, Dick or Harry to say, 'You must sit here in this place and you must debate every day.'

I personally think that parliamentary time is a valuable part of my parliamentary experience, but it is only a small part of it. I can be out in the electorate serving my constituents—those who voted for me—but at the same time I should be travelling around and looking at the broader world. I am spending public money out there, so even those who did not vote for me can find out what I am doing. I am proud to say that should I travel at parliamentary expense I would be happy to have reports tabled. I will be more than happy to have my itinerary scrutinised, because I have nothing of which to be ashamed as a member of parliament. I conduct myself with the utmost honesty and rigour. I do not think I am exaggerating when I say that most members of parliament—in fact, the vast majority of members; I have heard of some exceptions, but I find those stories hard to believe—conduct themselves in that same way.

Certainly, the invective that is thrown around this chamber during question time, and some of the more terse interjections, could be seen to be more damaging than some of the slings and arrows we have to suffer in parliament. That is part of the rigour. I hope that no-one in this place is subjected to vilification and victimisation by members of this parliament, their staffers, the party apparatchiks, the media or the public. It is a very important role, as a member of parliament, 24 hours a day, seven days a week. I am working far more hours than I was in my previous profession, and I would not swap this position for all the money in the world. I think that we are in a very privileged position. My colleagues, I hope, appreciate my input into this place. I do not mind being scrutinised.

I think that a code of conduct is something we really do need to have in here. However, as the member for Enfield has said, let us not burden ourselves; let us not drag ourselves down. Let us raise the standards in this place so that, whenever school children come in here, their first impressions are not that we are a bunch of mongrels, and that, when we go out into the public, we are not battling all the time to convince people that we are trying to achieve some genuine and significant change. Let us advance this state so that it remains the great state that it is.

The Hon. R.B. SUCH (Fisher): Obviously, members of parliament should conduct themselves at the highest standard in regard to all aspects of their behaviour, both public and private. In that respect, I support any measure that reinforces that level of behaviour; that high standard. I have some concerns about the methodology that is contained in this proposal, although, at the end of the day, I am likely to support it. I share some of the concerns that the member for Enfield expressed in his contribution. So, I am in two minds. It is a little like motherhood, in a sense: you cannot come out and oppose it, although we know that, even in respect of motherhood, some mothers are better than other mothers.

I think it is sad that we have reached a point where some people feel that we need such a specific code of conduct. I am not sure that that is justified in terms of the behaviour of members, either now or in the past. I think that, if one looks at the history of this parliament, one will see that there have been very few scoundrels. Most people (in fact, I would say almost all MPs, although there are one or two exceptions, if one goes back through the history) have conducted themselves at the very highest level. I am not talking here about the banter within the chamber—the theatre, the antics that we get up to in here in terms of word play: I am talking about integrity, behaviour, honesty and all those sorts of things.

I think that, in a sense, we do ourselves a disservice by implying, or suggesting, that we are a bunch of rogues, because that reinforces a misconception in the public arena that that is what we are. It annoys me when people have a cheap shot in the media, always at MPs, suggesting that MPs—state, federal, or whatever—are a bunch of scoundrels, a bunch of rogues, because it is just not true. I would agree with the member for Morphett and others that people come in here with the best of intentions, and most of them stick to those intentions. We all try to do what we believe is best for the community and best for our state, and I see very few people who ever deviate from that.

I think that parliament itself is the watchdog of our behaviour, and that is why I think that the reform of parliamentary practices and procedures is so important. If we have a rigorous and vigorous parliamentary practice, with appropriate procedures, I think that is the ideal mechanism to keep each of us on our toes. The media also puts us under a lot of scrutiny—and that is good; that is welcome. At the end of the day, the public—the voters—surely are the ones who judge whether or not we deserve to be in here. They can get rid of us, either individually or collectively, if they do not agree with our behaviour—our performance—and that really should be the ultimate test in terms of whether or not we are abiding

by the wishes and the standards that the public would expect of us.

You, sir, speaking as the member for Enfield, highlighted the dangers of specifying all aspects of behaviour (or trying to) because there will come a time when, it will turn out, some particular aspect has been omitted and then we will be accused of having a loophole or some excuse for not performing at the highest level of terms of standard of behaviour. I think there is a danger in trying to spell out every little possibility to cover all eventualities in the future.

I agree that it would be better to have a committee process which has some flexibility in terms of being able to look at issues rather than trying to spell out in some codified way every single aspect of behaviour in which a member of parliament could be involved. I am not sure whether what will be specified here is a minimum standard of behaviour, or whether it will encourage members of parliament to aspire and to operate at the highest possible level of behaviour.

I raise the point of how this will be enforced, because, at the end of the day, you can have every code, every statement of principle, mission statement, or whatever you like but, unless it is enforced, it is not worth much at all. I raise the point of how in practice it will be enforced. I raise concerns about the time frame for this committee to report by 1 October this year. I am an optimist by nature, but I think you would have to be a super optimist to believe that a joint committee could report on all these aspects by 1 October this year and do justice to the matters before it.

Mrs Redmond interjecting:

The Hon. R.B. SUCH: I do not believe that would have been possible. However, I am assured in the amendment which the member for Heysen has pointed out to me and which I now find hidden away that that time frame has been changed, and I welcome that. I did suggest some time ago that on the day on which members are sworn in they should state an oath which would represent a commitment to operating at the highest standards of behaviour. I still think that is a way to go.

I am not opposed to this committee looking in great detail at what is before us, but I think it will be a challenge for them and it will be a challenge in terms of enforcing it down the track. I trust that we do not create something about which we or future MPs will come to have second thoughts because it is so restricting and so confining; and that MPs in the future will be so homogenised and pasteurised that they will be colourless and unable to do their job with any sort of commitment or vigour because they will be so scared of offending against some particular section of some aspect of the code of conduct that they will take the easy way out and basically do little or nothing.

I support this motion in a conditional way, having reservations about what we are letting ourselves in for. I trust that the committee will come up with, as you pointed out, Mr Acting Speaker, commonsense approaches, even though we know that commonsense is not all that common. I trust that the members on this committee will look at these provisions and report in a way which is meaningful and sensible so that it will assist members to ensure that their behaviour is at the highest level. However, as I said at the start, I have not seen any real evidence that we needed or do need such a prescriptive code of conduct.

Mr WILLIAMS (MacKillop): This is a very strange motion and the contributions of members have been even stranger. Let me say from the outset that I do not support this piece of nonsense. I have sat here and I have sat in my office and listened to member after member stand up and say, 'I support this,' and then spend the next 15, 20 minutes—

Mr Goldsworthy: Bagging it.

Mr WILLIAMS: —bagging it, as the member for Kavel has said. The member for Fisher just said that this is a little like motherhood. Let me suggest that this is nothing like motherhood. Motherhood is a very worthy institution, and I support it fully. I cannot support this sort of nonsense, and I find it unbelievable that member after member will stand up here and support it because it is nothing more than nonsense. By and large, as a group in the community we are seen in the very dimmest light—somewhere below journalists and used-car salesmen, and that is—

Mrs Redmond interjecting:

Mr WILLIAMS: Yes, lawyers are down there with us. We are seen in a very dim light, and why are we seen in such a dim light? Because we continue to carry on with this sort of arrant nonsense. We continue to stand in here and talk about the need for some overarching code of conduct because we are all such terrible people. Every time we carry on like this we are confirming what half the people in the community think about us. I am not with the rest of the chamber. Every four years I am quite willing to stand in front of about 22 000 people in the electoral district of MacKillop and put up my hand and say, 'I am willing to represent you for another four years. This is my record. This is what I want to continue to do. This is the program I want to help bring about for your benefit. You be the judge.'

I do not think that some trumped-up committee of this house could be a better judge. In my case—or in the case of any other honourable member—I fail to see the relevance or necessity for this piece of nonsense, yet member after member trots in here meekly, because they are so scared of what someone might write about them in the newspaper. They are petrified about what some trumped-up journalist might say about them in the newspaper.

An honourable member: Ooh!

Mr WILLIAMS: Ooh! I am frightened! But I do not care what they say. I will put my character, my behaviour and my honesty on the line against any journalist in this state, against any other person in this state, and I will do that in full openness and exposure to those 22 000 people I represent in this place. I know full well that in everything I do in this place I will be watched by the other 46 members. I know full well that hundreds of people back in my electorate would like to see me trip over because they do not all agree with everything I say and do. Every one of us shares that situation back in our electorates. A few people in our electorates would not mind seeing any of us trip over, and that is the best watchdog we can ever have. Why would we want a committee to look into something—

Mrs Redmond interjecting:

Mr WILLIAMS: I forgot: politics. That is why we are here. The Premier is frightened of those people in the media. He is absolutely scared of those people in the media. Media Mike has decided that it is in his best interests to have the media write nice things about him and how honest he is. Well, the last couple of weeks have put a little cloud over what this government is all about. There is a little cloud. He believed that he could win some kudos in the media by this piece of nonsense, and all he is doing is dragging the rest of us down into that gutter.

I repeat: I am not there with the rest of you. If the rest of you think you need to be down in that gutter, that is fine by

me. But let it be noted that I am not there. I am quite happy to stand on my integrity and be judged by those who put me in this place. The committee will not come to that conclusion, because the committee will be all about politics. The committee will be carefully crafted. And this is for the benefit of the member for Heysen: I know I should not be answering interjections, but the committee will be carefully crafted to carry forth this little piece of nonsense to try to squeeze out every bit of kudos in the media. When the Premier introduced this motion, he stated:

> It is proposed that the joint committee will also explore the value of an ongoing education program for members of parliament on ethical and constitutional matters.

What a sad day—

The Hon. W.A. Matthew: Who's going to run that?

Mr WILLIAMS: Yes, who is going to run that? It will not be the Premier. It will be a sad day when one of the 47 electoral districts in this state sends a member to represent them here and that member has to go through an educational program. Just imagine, in the forty-eighth parliament of this state when the government held 36 of the 47 seats, what sort of educational program might be set up under that scenario. What sort of nonsense are we getting into when we would have a situation in which we allowed a government (particularly a government with a vast majority) to have a committee administering a code of conduct?

I assume there will be a committee administering this code of conduct, because there is no point in having it otherwise. Who will administer it; what will be their role; how will they judge people; and what on earth will they do if they find that somebody has breached the code of conduct? What will happen then? Will the committee, formed from a government with a vast majority, have more say than the electorate that sent the member here? Is that what this is about—a government with a vast majority suddenly being able to disqualify members of the opposition because they breached something in the code of conduct? Will members no longer be responsible to their electorate? Will they suddenly be responsible under the code of conduct to some committee of this place that is administering it? I hope that does not come to pass.

Nobody is suggesting that our parliamentary system is perfect. I think it was probably Churchill who said that it is not a perfect system but it is the best one that we have come up with (or something along those lines). Nobody suggests it is a perfect system, but one of the great strengths of the parliamentary system that we are a part of in South Australia is that we represent people of all classes and creeds in society. That is one of the great strengths of this place. The member for Fisher talked about developing a homogenous set of parliamentarians. He said that, he recognised that, and he understands that; yet, he still meekly stood up and said that, by and large, he supports this measure. I totally agree with his comment that the last thing we need is 47 members who are identical. We need 47 members who are as different from each other as can be possibly achieved. That is why we are responsible to 47 different electorates, all containing different people, different businesses, different communities with different ideas and different aspirations. It is the bringing together that gives this parliament the strength to come up with laws that are, by and large, equitable for everybody represented in this parliament.

There are several ways that we govern ourselves but I think we have lost sight of where a lot of our law has been developed and resides, and that is in the common law. The common law has developed over many hundreds of years; it is the law of precedence and it is a growing and evolving law. As things change, our situation changes and new scenarios evolve and develop, the law evolves and develops with it—albeit slowly, and often we would lament that it happens too slowly. In those situations we codify the law and bring it into our statutes, as I believe we are wont to do at the moment, and already have done a little, with regard to indemnity insurance. We believe that the common law has not kept pace with the changes in society and we think we need to codify it.

I think it is nonsensical to believe that we need to codify the behaviour of members of parliament. What has changed so much over the past several thousands of years? Why all of a sudden today would we find ourselves in a situation where precedence does not have the strength to bind us to the right sort of behaviour or the behaviour that is expected of us? If you look at the desk there in front of the Clerks, you will see Erskine May, providing the rules and practices of the House of Representatives. In Erskine May resides hundreds of years of precedence about how members of parliament should behave themselves, and the Premier would have us believe that in five minutes a committee could throw all that away and come up with a set of rules which would do the job better. Again I think that is nonsensical. I do not think this is an area that should be codified; I think we should rely on precedence, commonsense and the fact that we are all looking at each other. Because of the adversarial nature of politics, we are all looking at each other, and we have all those people back in—

The Hon. K.O. Foley: A horrible sight!

Mr WILLIAMS: Yes, it might be a horrible sight in some instances; I take the point from the Deputy Premier. Back in our electorates, people are looking over our shoulder; in my case it might only be a few dozen, but in some members' case it is hundreds. This may be the case to a greater degree in a rural electorate like the one I represent, where I probably do not have the anonymity in my electorate that some members in a city enjoy—or probably the opposite of it. Certainly, a large number of people in my electorate know all of my business dealings and all the business dealings of my immediate and wider family. If I put one foot out of step it would be very quickly conveyed to those opposite here, who would see me undone. So, even if I did not have a strong set of ethical values of my own, that would also be cause enough for a member to toe the line, in my opinion.

Either the member for Fisher or the member for Enfield said that one of the problems with this is that, once we start to codify law, there are so many unforeseen scenarios and circumstances that we cannot possibly cover them all. That is the beauty of the common law, because it grows with the changes in society. So, as soon as we start to codify, I think we will run into great difficulties. That is why I have always been against Australia's adopting a bill of rights. I think it would be an absolute nonsense to have a bill of rights, for the very same reason; all of a sudden you introduce a heck of a lot more complications.

We are the best scrutineers of each other's behaviour on a continual basis, and we saw it today in question time when the opposition was probing the government about some things that happened, albeit seven months ago; albeit the Premier and his senior ministers honestly believed a month ago that they had got away with it, that they were home free and that nobody would ever discover the indiscretions of last year. How many times have we seen this happen? The Premier and

his senior ministers will realise that, the longer the time between when the indiscretions occur and when they are discovered, the worse the political fallout. I should have thought that would keep us honest.

A government such as that which is in power at the moment and which within weeks of coming to power developed such a sense of arrogance, will tend to do the sort of things that have happened in the last seven months. Arrogance breeds the ability in somebody to think they can get away with things. However, when the government and senior members of the government go home, put their head on their pillow, close their eyes and try to fall asleep, do they think to themselves, 'Why in the hell did we do that? Why didn't come clean way back then?' It is a salutary lesson for every member of this place. 'Oh, what a wicked web we weave, when we at first—

Ms Bedford: 'Oh, what a tangled web we weave when first we practise to deceive.'

Mr WILLIAMS: 'Oh, what a wicked web we weave when we first practise to deceive.' Thank you.

Ms Ciccarello: 'Oh, what a tangled web we weave.'

Mr WILLIAMS: I am delighted that at least two members of the back bench of the government understand not only the quote but also the principle behind it. I suggest that in caucus they deliver the message to their leadership group.

An honourable member: The quagmire.

Mr WILLIAMS: The quagmire! I reiterate that I think this is a piece of political nonsense. I feel ashamed that I am even involved in it, and I feel ashamed that this house is also involved. I would like to think that all of us are above this, and it disturbs me greatly that so many of us do not have the intestinal fortitude to stare the media in the eye (because that is what this motion is all about: member after member being concerned about what the media might say if they do not support this bit of nonsense) and say, 'We are above this.'

I believe that members from both sides who have come into this place have done so for the right reasons. I respect all members, as I think they have all have come here for the right reasons. If a member came here for the right reasons, representing about 22 000 people, do they need to buckle to this little bit of nonsense because they are scared of the media? I am not with most of the other members, because I do not agree with this measure. I think it demeans all of us.

Ms CICCARELLO (Norwood): I will be very—

The Hon. W.A. Matthew interjecting:

Ms CICCARELLO: Member for Bright, that was not a very bright comment!

Members interjecting:

The ACTING SPEAKER (Mr Goldsworthy): Order!

Ms CICCARELLO: I am a little disappointed, particularly with some of the member for MacKillop's comments about a code of conduct being a bit of political nonsense. I do not know what they have to be afraid of, and I do not know why we would place ourselves above any other professional occupation or body.

Before coming to this place, I spent many years in local government, where we had a code of conduct which was very prescriptive. Certainly in my council, one of the first things a newly elected member had was a briefing from a team of legal people to ensure that they understood that there were certain standards by which they needed to abide and which certainly included not having any conflicts of interest, or even perceived conflicts of interest.

The member for Heysen is not present in the chamber to verify it, but I understand that even the legal profession has a code of conduct, as does the medical profession: we have often heard of the Hippocratic oath. It was a bit of nonsense from members opposite to suggest that the only reason the Premier introduced this motion was that he is afraid of the media. Well, the media has a code of conduct, and it is very prescriptive. Why would the media not have a code of conduct? Journalists commit themselves to honesty, fairness, independence and respect for the rights of others. Their code goes on to list a whole series of very prescriptive clauses about how they should behave appropriately when carrying out their duties. It says that members shall deal fairly and honestly with employers, clients, and prospective clients, and members shall avoid conduct or practices likely to bring discredit upon themselves, the institution or other employers, and so it goes on.

I do not see why there is anything to be afraid of. We should be open and honest and do our job the best we can in the eyes of the people of South Australia. If we have nothing to hide, I do not see why we should be afraid of having a code of conduct—whether or not members opposite think it is too prescriptive—which ensures that we know what the appropriate standards are, so that there can be no question that members of parliament are above anybody else in the community.

The Hon. W.A. MATTHEW (Bright): I rise in this chamber to address yet another Mike Rann media stunt. In this case, the media stunt is in the form of a code of conduct, but it seems that the Premier forgot about it. It has been sitting on the backburner. I was in the chamber when the Premier gave his speech introducing this motion, because I took the adjournment on behalf of the opposition. I note with some surprise that it was 20 February this year when the Premier introduced this motion to the house; a motion of such import that it was needed to ensure that members of parliament behaved appropriately, but time and again the house rose early and went home, night after night, day in, day out, and did the Premier make any effort to bring this motion before the house? No, he did not.

I think it is appropriate during this debate to speculate on why, after all this time, it has been necessary for this motion to be brought forward now. It could be that it is to do with the time line stated in the motion. That time line is 1 October. I know that has been amended, but initially this committee was going to inquire and report no later than 1 October 2003. The fact that time has been marching on and that the time line has been getting alarmingly close is perhaps one reason for bringing this motion on tonight. However, I believe it is for other reasons. Some of my colleagues might call me a political cynic, but I believe that would be somewhat uncharitable—

An honourable member: It would be conduct unbecoming.

The Hon. W.A. MATTHEW: Indeed, it would be conduct unbecoming. I hope that most of my colleagues know me to be a very genuine and straightforward person who likes to call a spade a spade. I believe that this media stunt which the Premier forgot about is being revived now for no reason other than to try to show the public that, despite the problem the government has faced over the last three weeks, that is not really the way they behave, that really they are a straight, open, honest and accountable government. In his reasons for

bringing this motion before the house, the Premier says (in part):

> Before we formed government, this was a major plank in our commitment to South Australians for a more honest and accountable government. We have formulated a 10-point plan to improve honesty and accountability across government because we want to restore honesty and propriety to the processes of government in South Australia.

He states further:

> It is important for the actions of all members of parliament and not just ministers to be open to scrutiny.

Further, he says:

> The people of South Australia deserve the highest standards of accountability.

Indeed, the people of South Australia do deserve the highest standards of accountability, but that is not what we have seen in this state since this mob came to power. It disappoints me to have to say this, but a familiar stench is in the air. Members know that I served in this parliament during the time of the Bannon Labor government, during the time of the government that deviously, corruptly, involved itself in scandals that brought this state to its financial knees. That familiar stench, that foul stench of corruption, that is associated with Labor governments is in the air again. Is it any wonder that our colleagues in the upper house are referring to the latest debacle, as it is unfolding, as the Rann government corruption allegations.

Members interjecting:

The Hon. W.A. MATTHEW: That is what it has been referred to in the other house over the past week, and well may members opposite interject and squirm in their seat, because every one of them will be held accountable. As more of these things unfold, there will be many more opportunities to raise more issues that are occurring. I am sure that your letterbox, sir, like mine, is being jammed full by mail from the left and the right of the Labor Party as they tear themselves apart and send their continuous information flow to us about their internal problems and squabbles. I have always had a viewpoint on Labor Party unity and discipline. I have always believed that it was of a fairly high standard. In the past, certainly during my 13½ years in the parliament, the Labor Party, regardless of its internal problems, has usually been fairly disciplined, but I have never seen a Labor Party leak on its own as this one is now. Many of us on this side of the house are finding that, as the left undermines the right—

Ms Thompson interjecting:

The Hon. W.A. MATTHEW: The member from the left who is interjecting may well say that, and I have no knowledge of the origin of some of the material that is coming my way, but I can assure the honourable member that many members from her faction are eager to impart information, as indeed are members on the right. The Labor Party is starting to haemorrhage, and for very good reason, because the members of the Labor Party who have any decency about them must recognise that their government is not behaving in accordance with their own self-professed, acclaimed standard—the code of conduct—a code that they wish to set in concrete through the passage of this motion in this house. They are not performing with the standard of honesty, openness and accountability one would expect.

For seven months this government has swept an issue under the carpet. It lay hidden for seven months. I suspect that, to members on the backbench, it lay completely hidden, for, from looking at their faces as the saga started to unravel itself in the parliament, it was quite obvious that they are either good actors or they had absolutely no knowledge of the things that were unravelling in this place. I dare say that they still do not have the full facts. In fairness to many of them, their caucus room still has not been told what occurred. I can say one thing, sir. I knew who my ministerial staff met with and, if any of my staff had meetings with another minister and were discussing issues with another minister, I would know about it. I dare say that there is not a premier in this state who has not had knowledge of negotiations that were being undertaken by one of his staff with a minister—and with a former deputy leader of the Labor Party.

I would be absolutely staggered if the current Premier had no knowledge of what his staff member, Randall Ashbourne, was up to behind the scenes. I listened carefully to the Premier's answers today, and they were very carefully wordsmithed. I say to members of the Labor Party backbench: read between the lines.

Ms Bedford interjecting:

The Hon. W.A. MATTHEW: The member for Florey might think it is something to laugh about now, but she will not be smiling too broadly when she finds out just what some of her colleagues have been up to. Any questions she asks in caucus probably do not get answered, but this government is showing the same foul signs of Labor governments that have gone before, and it pains me to see yet again another Labor government deviously wielding its power over the people of South Australia, distorting, misrepresenting, misquoting, dishonestly—and I do not use that word lightly—manipulating the opinions through the media, dishonestly holding back information from the people of South Australia. I, for one, find that process totally repugnant. I am sure that South Australians, as they find out the full story, will indeed show their disdain of and contempt for this government and its processes.

Mr Speaker, one issue that I know is particularly dear to your heart is the issue of waste associated with nuclear medicine and with a whole range of fields taking advantage of the fabulous work that can be done within our community today through modern nuclear applications—and that, of course, is radioactive waste. We have seen a lot of things said in the media in relation to that, and I think it is this issue that highlights clearly the dishonesty of this government in dealing with the people of South Australia.

On the one hand, we have seen the Premier himself stand up in this chamber advocating the enlargement of Roxby Downs. He has advocated that the Olympic Dam venture ought to be more than doubled in size to become the largest uranium mine in the world. I actually agree with that; my colleagues on this side all agree with it. We all want to see Olympic Dam move strongly forward; we have always supported that venture. However, just reflect on this for a moment: the Premier, in saying that, at the same time is saying that he wants to stop the trucking of low level nuclear waste to a central repository; he is saying at the same time that he wants to prevent a low level repository from being put in South Australia.

Let us now examine the hypocrisy—the absolute stark hypocrisy—of these two things. Sir, as you and I well know, any mining process has waste products associated with it, and those waste products, or tailings, are stored in some way. In the case of uranium mining at Roxby, the tailings (the waste product from the mining operation) go into a tailings dam. Those tailings, by their very nature, have some suspended uranium product within them and, therefore, have a certain amount of radiation associated with them.

The process under which those tailings are stored has been subject to very intense scrutiny, through an environmental impact statement, which is publicly available. In fact, it is on the internet, on the Western Mining web site, if anyone wants to look at it. This mine, I stress, operates at world class standards, and what they are doing is absolutely correct and has been subject to the most stringent of standards. However, what if I were to put to members (I am sure, sir, you would understand this) that the radiation emissions from the tailings that come from Roxby Downs, at its present size, in just one day are greater than the emissions of the entire collective of waste that would go into a waste repository for a period of 50 years—one day's amount from the tailings at Roxby for a period of 50 years.

I will share the following information with members of the house. Essentially, over any one year, at its present size, at Olympic Dam the mining venture puts out seven million tonnes of material. The amount of material that goes into tailings is not the subject of a radiation emission measurement, as is the other types of waste we seek to have stored at a repository. However, the radiation emission readings of the material that goes into the tailings is such that they equate with low level waste. The simple question has to be asked: if, on the one hand, we have a Premier who is supporting the doubling of the Roxby Downs venture—and the opposition strongly supports that; we have a Premier who supports that—and the emissions of the waste that go into tailings are far greater than those that would be going into a low level repository, why the games over the low level repository? It is simple; it is about politics. And, by engaging in this type of political debate, the Premier and his government are being deceitful. They also bring forward motions, such as this motion about honesty, openness, accountability and integrity.

The Premier has indicated publicly, as have some of his ministers, that this government will do what is within its power to prevent low level waste being trucked along the streets and roads of South Australia. The reality is that we have two active uranium mine ventures in South Australia: the Western Mining operation at Roxby Downs and the very capable in situ leach mining operation at Beverley; and, hopefully, in the near future, a third at Honeymoon. Those ventures result in uranium product that is exported. The radiation emission of the product, which is exported, which goes to our ports and which is trucked on South Australian roads, is far greater (because of its very nature) than anything of a low level waste nature that will be on trucks coming to a central repository. Again, one has to ask the question: why would this government be carrying on in the way it is? Again, the answer is simple. It is about crass politics.

I believe it goes further than that. This government is not putting the energy, time, commitment and financial allocation into environmental issues that it should. Mr Speaker, you know, as well as I do, that a range of environmental issues across our state need the utmost of attention. Sir, I am aware that soil degradation is occurring in your electorate; there are problems through varieties of noxious weeds; and there is the death of the River Murray in its last gasp for breath.

There are things on which this government could and should be focusing more actively, but it is not. What is one great way of gathering up the environmental movement and distracting it? Well, this Premier has come up with what he believes, I am sure, is a master stroke. You create an issue about nuclear waste, as he is calling it. It is not nuclear waste but, rather, radioactive waste. But you create an issue about nuclear waste. Labor members are calling it nuclear waste to make it sound more insidious and terrifying and to whip up the hysteria. They even went so far as to whip up hysteria to the extent that people were marching on this place and, worse, police resources had to be diverted to quell the hysteria.

Here we are at a time when police resources are stretched to a maximum, and this government for reasons of political gain has mischievously and dishonestly manipulated people in our community to the extent that they become so concerned that police resources get wasted. Worse, sir, there were even some arrests as a result of this. But, no doubt, the arrests were conveniently expedient to satisfy this government's foul agenda.

I support openness, accountability and honesty in government, but what we are seeing through this hype that the government is putting before the parliament is something that results only in members of parliament being held in further disregard and contempt. It does no great service to the state to have some sort of drivel come before our house. Again, I point out that the Premier introduced this motion on 20 February this year. He had every opportunity to bring on this debate earlier but, no, the government would rather rise from the house and go home early than debate this motion. It is only because they are now facing some intense pressure over the honesty, the accountability and the openness of their government that we finish up with this motion before us tonight. I think it is a sad reflection on the parliamentary process for the parliament to be treated in this way.

I hope that, ultimately, enough members of this government start to realise that the direction on which they are embarking is entirely inappropriate and that they take control of the agenda through the caucus, for at this time the whole government agenda is being controlled by a small group of people who are clearly hoodwinking most of their colleagues. There is an old saying, 'You can fool some of the people some of the time, but you can't fool all the people all the time.'

Mrs MAYWALD (Chaffey): I rise—I think reluctantly—to support this motion, and I feel saddened that I am doing so. It is quite disturbing to me that we have reached a stage, in the public's perception, where politicians need to go down this path to try to re-establish some credibility within our community. But I am a realist: I hear what people are saying out there, and I see that they need to have more confidence in what we are doing and that they would feel more comfortable if they could see a code of conduct with which we were complying. All the points to be investigated by this proposed joint committee on a code of conduct are those to which we should all aspire, anyway.

What do we hope to achieve from it? I guess we will get a report to parliament. As we have seen from the contributions to the debate, there will be a lot of tit for tat politics about it. There is so much of a propensity to concentrate on all the negatives, and no-one is talking about some of the good things that we do as politicians. We do a lot of really good things. We are out there working with our communities, and we are working darned hard. Most of us in here who are local members are doing what we have been elected to do. Unfortunately, that is not the perception of the community, nor is it the perception that the media likes to portray of us. They like to find the point of difference that makes us stand apart, and make us look as though we are getting more than we deserve and that we all happen to have our snouts in the trough. Out there in our communities there is a sense of

apathy, cynicism and distrust. We have to find a way to try to connect with our communities and to regain some of the ground that we have lost over the years, for one reason or another, in respect of our standing within the community.

The public's perception of politicians is confirmed when they see snapshots of bad behaviour in this place, and it is beamed into every lounge room across the country at dinnertime. A code will not fix that. A code will not stop the bad behaviour during question time, and a code will not stop the grabs that the media will use to portray the activities that go on within this place.

I have a concern about the process of select committees. About three years ago, I moved a motion to establish a select committee into parliamentary practices and procedures, with the same intent, I guess, as this motion, which was to improve the public's perception and to improve the manner in which business was conducted in this place. We tabled a report on 25 July 2001, almost two years ago. So, what has happened? There has been absolutely no action to date. There has been all huff and puff. The report is there; the recommendations are there. What is not there is a commitment from anyone on either side of this house in relation to the major parties—the government or the opposition—to do anything about it. Neither party has formally responded to that committee report. The committee had, as one of its members, the then deputy premier, who then became premier. There has been no response. Some time ago (towards the middle of last year), I contacted the Leader of the Government in the house, and I wrote to the Leader of the Opposition in the House. I am still yet to receive a response from either of them about what recommendations they may or may not support.

Whilst I agree in principle that we need to raise the community's perception about parliamentarians (and having a code of conduct might work towards that, so that they may see in writing what it is that we aspire to do that we should already be doing), I have my doubts about any commitment within this house for anyone to do anything to change what currently goes on in this place. It is up to the members of this chamber—the members of the government and the opposition—to get together and do some meaningful work that they can both agree on to progress this debate and to raise the public's perception about us. It will not happen through committees. I have seen the results of those committees. I will give it another go this time. I will wait, and I will be very cynical, until I see some hard rubber on the ground and some acceptance from both sides, government and opposition, to implement any of the recommendations of this report.

Mrs GERAGHTY: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

Amendments carried; motion as amended carried.

CODE OF CONDUCT, SPEAKER'S COMMENTS

The SPEAKER: Before we move to the next item of business, as is my wont there are some views I would wish to put on the record in quite simple terms. It is in the nature of human society, it seems to me, that there are two groups of people into which we are capable of dividing ourselves: those of us who believe that the way we conduct our affairs and our relationship with each other need to be written down, and another group who have a more, if you please, religious view of society in which honourable people know what it is that should motivate their behaviour, regardless of their religious faith, if any; and I used the word 'religious' originally in the broadest possible context, and that writing it all down is not necessary and, indeed, it is undesirable, if for no other reason than that an attempt to write it all down is often made in a reactionary way to the circumstances of the moment pertaining in society at that time rather than circumstances which countenance all things that might arise or might have arisen in history to guide us such that at any time in the future, by simple reference to the guidelines so written, and therefore codified, we will be able immediately to solve the problem and find a solution to the dilemma—either or both—which confronts us.

I am instinctively a member of the latter group who believes that it is wiser for us to be driven by conventions and conduct which emerges from our belief in our abilities as individuals, and collectively, to make wise decisions that are based upon the best interests of our fellow citizens, rather than decisions that are based upon a requirement of a written code. That may be the ideal world and a romantic notion which I alone have about the nature of society, or which may be shared by others. Clearly, it is not shared by the majority of members in this place but, nonetheless, it is my view of society.

This debate, in my judgment, has been probably the most serious debate that this house has countenanced in the 23 years I have been here, since prior to this time we have relied upon conventions, traditions and behaviour more driven by our respect for what has gone before and what we consider to be ethical and moral than by what has been written. It is true that, in more recent time, I have heard too frequently the statement being made by people in positions of responsibility that if it does not say you cannot do it then it must mean you can. It is that very attitude that got the last Liberal government into such difficulty that it lost the faith and trust of the people in this state. It is that very attitude that has got leaders in this place into difficulty ever since I have been here, to such an extent that I have often wondered whether it was wise to attempt to codify things in a way which would proscribe what cannot be done and state what can and must be done.

In any event, to move on from those general observations, the select committee that was appointed by this house in the last parliament was appointed I think unwisely because it usurped the role which the Standing Orders Committee is established by this chamber to do. Nonetheless, that was a decision of the house at the time, and the member for Chaffey drew attention to the deliberations of that select committee two years ago in its interim report. It never finally reported to this chamber on its recommendations to resolve the dilemma confronting the chamber or members of it, each of us as individuals and all members of it collectively, as an abstraction from the community we are supposed to have been elected to represent. That report never came.

The interim report and its recommendations stood: no challenge was ever made to that; but no debate was ever attempted of that report in a way that tested the veracity of the opinions to determine the suitability of adopting the opinions contained in the recommendations and thereby change the practices of the chamber. It has exercised my mind, can I tell all members of that select committee, not the least of whom is the member for Chaffey, one of the most sincere people I have had the privilege of hearing since she has been here, but the very fact that that report was never tested in debate and that its recommendations were neither adopted nor rejected by this chamber, even though it has been up and available to each of us as 47 members—certainly 46—to move for its

adoption at any point on any one or all of those points, is significant, and there has been plenty of private members' time in which that could have been undertaken.

I am disappointed that no such attempt was made, and I am not in the least disappointed, then, that another attempt is now made through this motion to have those matters in some measure addressed where they affect the behaviour and the conduct of individual members. I restate and emphasise my view that, by codifying what can be done and what must not be done, we thereby assume and accept the dilemma that will ultimately confront either us or other members of this chamber down the track that, because it is not included in the codified statement of what cannot be done (even though it is equally not included in those things that ought to be done), it will be done because it is not excluded. That will then pose yet another dilemma for all of us and the way that the public perceives us.

And it brings me to my next point in making a contribution to this discussion, albeit after the vote, that is, that in no small measure we owe, for whatever credits or discredits and responsibility, the current dilemma that confronts us to the desire of the press, be it electronic or print media, to use the parliament and its proceedings to produce entertainment and to enhance ratings and the stature of the journalists who report it, rather than to provide information to the public. It is for the cause of advancing the interests of the arm of the media and the agency of the media that such reports are made, not to inform the public.

You only have to look at the particular attitude currently taken by the *Advertiser* to me to discover the truth of that statement, where there has been reckless, malicious and deliberate misreporting of the facts, even in the editorial statement, about what they claim to be a waste of taxpayers' money on the Constitutional Convention song competition, which contained in no instance any commitment of one dollar from taxpayers. That is conducted and provided at my personal expense, yet no attempt was made to consult me or to interview me about that matter before it was misreported in the columns and written up adversely in the editorial. Such is the nature of the media, which we do not and should not control.

But they, more than we, in my judgment, require ethics to guide them in the way in which they report the proceedings of this place in the public interest in order to ensure that the public does understand what we attempt to do and what we have properly and realistically said, rather than the way in which they would report it for their aggrandisement and their professional advancement as individuals and their commercial advancement as corporations. Sad, that, but nonetheless true. The news is seen more as entertainment than as a source of information, and that, where parliament is concerned, is an abuse of process and an abuse of democracy.

The integrity of parliament is challenged thereby more by that practice than by the collective malpractice, if it is to be the case, of all of us who are members of the parliament in my judgment. The ideas we express and the behaviour in which we engage is more inspired, encouraged and misreported to the point where the institution is brought into disrepute because we are so silly as to enable it to occur in that fashion. No matter what we may write as a code of conduct about the way in which we would seek to regulate our own behaviour, unless it is properly and honestly reported outside this place to the public and in the public interest in a better way than it has been any time in the past few decades, there will be no improvement in spite of our adoption of the code. We collectively need to take courage to castigate those members of the media who profess to be part of a profession yet who do nothing more than serve their self-interest rather than the public interest in the way they conduct themselves.

So, whilst I could I will not reflect upon those things that have been hurtful to me where they have not been based on fact but rather based on the gainsay of opportunism of those who have attacked me from time to time since I have been here. I could in particular draw attention to the events of April 1997 and to the two occasions upon which I was dismissed from this chamber, once without any natural justice, and I could also go into detail about the constant and malicious attacks that have been made on one side by members of the other in every and any instance, if only for the purpose of getting a headline.

However, it does not serve us well for any of us, least of all me, to do that. So I say to all honourable members, it disappoints me that we feel it necessary to attempt to write down what it is that we should not do and equally write down those things we say we should do by which we say we will be driven. We know that even the list before us, as long as it is, is not exhaustive. Situations will arise wherein we will regret it. We will then seek to further amend and add to it those things we can do and should do. So we know those other things we ought not to do or must not do, and leave it to the deliberations of the committee to take on board the remarks that have been made no more or less sincerely by every other member who has contributed opinion in the debate that has gone before the vote as the remarks which I have made quite sincerely in the belief and hope that still further measures, if we are to write down any in the code, will be contemplated. They will come back to us with an even greater list than the one we have.

The events of 1688 right through until the reforms of the Parliament of Westminster in 1832, and from there through our own parliament to the present time, ought to be things upon which the committee now to be established focuses its attention before it begins to react to the contemporary circumstances against which it will contemplate these recommendations and other ideas.

SITTINGS AND BUSINESS

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

That the time for moving the adjournment of the house be extended beyond 10 p.m.

Motion carried.

Mrs GERAGHTY: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

WATERWORKS (SAVE THE RIVER MURRAY LEVY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 May. Page 3266.)

Mr BRINDAL (Unley): This bill is introduced as a government measure as part of the Appropriation Bill and is therefore, I think, in this house considered to be a money bill with absolute implications for the government and for the opposition, were it minded to oppose this bill. So, let me say at the outset, the government will not be opposing this bill—

The Hon. K.O. Foley: You're the opposition, remember? We're the government!

Mr BRINDAL: Sorry, I had forgotten that. It is easy to forget—we are so used to telling members opposite what to do.

Mr Caica: They can't face reality.

Mr BRINDAL: We can face reality, but when you are faced with ministers opposite who so consistently make mistakes and, when you know what should be done, it is very difficult to actually remind yourself.

The health of the River Murray is essential, as the Deputy Premier said in his second reading speech, to Adelaide's domestic water supply and to rural sectors reliant on the River Murray. In fact, if anything, I think the deputy leader underestimated the significance of the River Murray to this nation. I do not know how many members were in this chamber contributing to the last debate, but *Four Corners* had a complete program tonight about the River Murray and its health and the problems confronting the River Murray—the complex problems of tradeability and problems about increased environmental flow. South Australia has been long aware (I think mainly because we are at the bottom end of the river) not only that the river was in crisis but also that the crisis was deepening and too little was being done too slowly to address the problems of the Murray-Darling system.

In fact, I think successive governments in this state have played constructive leads in the ministerial council of the Murray-Darling Basin, and deputy commissioners of various government departments have been instrumental in various works and committees of the Murray-Darling Basin on matters such as the cap; latterly, environmental flows; salinity controls; and such things. So, South Australia has played its part—and it has been a major part—in national awareness of the crisis facing the entire river system.

The fact that it featured in an entire program on *Four Corners* tonight with people such as Peter Cullen, Dr Mike Young and Dr Tim Flannery, all of whom are well known to all members of this house, says something about South Australia and its preparedness to make the issue a national one.

I think all members will be aware and will acknowledge that in the last parliament Premier John Olsen, in trying to wrestle with this problem, came to the conclusion that part of the solution in South Australia must lie in bringing water resources under one department. Traditionally in this state, until fairly recently, water resources belonged, in part, in the Department of Primary Industry (PIRSA); in part, in Mining where water was underground and considered a mineral; in part, in Environment and Conservation; and, also, in part in SA Water and the various departments of the water works. It was, therefore, fragmented across a number of government departments, all of which religiously guarded their silo and, therefore, in some cases, did not act in concert and, in not acting in concert, did not act in the best interests of water resources. Premier Olsen brought those factors together and, for the first time in over three decades, created a completely new ministry in South Australia, a ministry for water resources, and brought those departments together.

The Hon. K.O. Foley: Susan Lenehan was—

Mr BRINDAL: No, she wasn't. She was minister for environment and conservation, the same as minister Hill, but she did not have complete responsibility for water. I was the first minister in South Australia responsible solely for water resources. We had two years to establish the department, and I think it is true to say that we lost government before the job was finished as it should have been finished. I would still argue that parts of Primary Industries had not, in fact, handed over all the resources and expertise to the department of water resources that should have been handed over. There were ongoing issues over public works and catchment water management boards and a number of other issues that needed further resolution.

But, as I said, we lost government and a new department was formed—the Department of Water, Land and Biodiversity Conservation (DWLBC). I think some extra measure was taken (and I stand to be corrected if I am wrong) to bring into the department some of the resources that we had missed out on. So, while I do not necessarily think it is a good idea that water resources has been integrated into a larger department dominated, I would say, largely by conservation interests rather than just water interests, nevertheless I do acknowledge that probably some further work has been done on getting the whole of the interests of water together.

The Hon. J.D. Hill: I thought I should come and support him.

Mr BRINDAL: I think you should, because you know more about it than he does.

The Hon. K.O. Foley: He knows nothing about taxation.

Mr BRINDAL: Quite right. It is interesting; the minister for conservation interjects that the Treasurer knows much more about taxation than he does, and that brings us to an interesting proposition of this bill, because if we read the Treasurer's second reading speech we see that this bill is not about raising taxation: this bill is about saving the river, yet the interjection of the minister for conservation would suggest that it is in fact a taxation measure rather than a conservation measure.

The Hon. K.O. Foley: No; it is a taxation measure for which the funds will be applied to saving the Murray.

Mr BRINDAL: I am glad the Treasurer helps me; it is a taxation measure, the funds from which will be applied to save the Murray. Did I quote you accurately?

The Hon. K.O. Foley: Correct.

Mr BRINDAL: That is very good, because that is one of the things that—

The Hon. J.D. Hill: Will you support it or not?

Mr BRINDAL: We will support it but, like the curate's egg, we do not necessarily support it in its entirety or in some of its current forms.

The Hon. K.O. Foley: Oppose it then!

Mr BRINDAL: We will not oppose it.

The Hon. K.O. Foley: You can't have it both ways.

Mr BRINDAL: We can. You had it both ways more than once; in fact, I remember that when the Treasurer was in opposition on some bills he would have four points of view at any given time and then go and give the media a fifth point of view.

The Hon. K.O. Foley: Aren't you quitting because you don't like me?

The ACTING SPEAKER (Ms Rankine): The deputy leader will come to order.

Mr BRINDAL: No; I suggested that the Deputy Premier was arrogant, out of touch and treated this parliament with contempt; I never said I did not like him. There is an entire difference.

The ACTING SPEAKER: The member for Unley will come back to the substance of the debate and not respond to interjections.

Mr BRINDAL: That is true. Getting back to the bill, I think the major point of the bill is that before the election the now Premier, Mike Rann, clearly promised no more taxes and charges. It was an unequivocal, written in stone commitment. Because he was on the River Murray select committee, the shadow minister, now Premier, knew better than most the problems confronting the river at the time. Indeed, he developed a policy called drought proofing Adelaide, which shows he had a good knowledge, and I know from the select committee that he had a very good knowledge of the problems facing the river. Notwithstanding the leader's argument—I think put in good faith—that a Labor government would correct these problems, and his saying that, yes, we could implement these policies and correct these problems with no new taxes and charges, we now come in and, because there is a problem, which they knew about, we have to apply a new levy to correct a problem which they knew was there, and this clearly breaks an election promise.

The Deputy Premier said to me regarding whether or not we were supporting the bill that I cannot have it both ways. I would say that if I cannot have it both ways neither can your government. Neither can the Premier go before the people of South Australia and say, 'We know there are problems with the river; we know we have to drought proof Adelaide; we know we must have a water savings plan for Adelaide and do many things, and we can do all these things without increasing taxes and charges,' and then come in here and say, 'Oh, we have to increase taxes and charges.'

Last year, despite the crisis in the river, we did not need to reduce our out-take from the river. The minister contends that at entitlement flows we can withdraw the water we need; in fact, we did so. I acknowledge the minister's right: he is the minister and it is his call. However, I still believe—and believe to this day—that, tactically, politically it was not a good decision. Whilst New South Wales and Victoria were on water restrictions, any person from New South Wales or Victoria could drive from Adelaide Airport into the city and see the profligate use of water in the parklands and wonder why, when they were on water restrictions, Adelaide was blithely using water as if it were an unlimited commodity. What happened to the lower lakes last summer is a salutary lesson for us all.

The Minister for Environment and Conservation would say that, had water restrictions been operating, we would have made a difference of about a centimetre in the lakes and it would have evaporated in a week. That might be true—in fact, it probably is. The difference that we could have made last summer was not very significant. Nevertheless, it would have been, symbolically, a large difference and, even if it had contributed in only a small measure, it would have contributed in some measure. However, we did nothing.

This year, we find that we are not getting entitlement flows, so all of a sudden we have a crisis and we have to do something. My officers told me two or three years before this happened that, if we ever reached the point where we had only entitlement flows, we would be in real trouble. So, I knew last year, when we lost government, that we were in real trouble, because they had said to me that, at entitlement flows, South Australia would be in crisis. Presumably, they gave exactly the same loyal information to the minister, but nothing was done.

Now we are getting less than entitlement flows, and we have a major crisis. We have to do something, so we are introducing a bill. As I said, the opposition will not be opposing this bill, but it will be questioning it. Matters to be canvassed publicly by the opposition are these. It is clearly a broken promise and a reversal of an election commitment. It is clearly a new taxation measure, and that should not be forgotten by the people of South Australia.

Secondly, in its introduction, the bill has been handled almost as poorly as the crown lands matter. They came into this place and announced a quite simple levy: 30 per cent for every domestic user (with some exceptions) and $135 for every business user (with perhaps fewer exceptions). However, it turns out that some rural producers have 15 connections, and they will be paying 135 times 15, so we needed to correct that. At the committee stage of the bill, we will be testing exactly how it has been corrected. Colleagues, such as the member for Goyder, will explore this issue further, because they are much more expert at it than I. However, I understand that, if you have 15 connections, each connection has a leakage entitlement, in addition to a minimum flow entitlement. Is that right?

Mr Meier: That's right.

Mr BRINDAL: So, for each connection, you get two components that are valuable. If you aggregate all your connections, you get only one leakage allowance and only one minimum entitlement flow. That also ignores the fact that farmers, because they deal more in parcels of land than whole properties, are sometimes inclined to sell a couple of paddocks, or to sell part property and, therefore, water connections to parts that they sell are vitally important.

The government may think it can solve this by saying, 'Easy! If you don't want to pay about $2 000, we will just aggregate all your licence fees. You can aggregate under one licence and pay only $135.' In that case, there is a good chance that some farmers will be even worse off under the government's fix-up than they were under the original mess created by the government. The simplest way to fix this problem would be to say to producers, 'If you are a rural producer and we send you 15 bills, we will collect only one lot of $135.' 'We will send you 15 bills, but we will apply only one fee to your 15 bills and we will collect $135.' That would have been fair, but I do not think that is what the government is doing. We will test that and we will question that in the committee stage.

The Treasurer said that this is a levy to save the River Murray. We will also be strongly questioning that, and the opposition may well introduce amendments—and the member for Colton might be interested in this—because the minister's explanation of the bill states that, under clause 7, the funds will also be applied by the minister towards the payment of the state's contribution to the Murray-Darling Basin Commission. I will read it again, for all members in this place, especially government members, because I think that this place is about to be conned.

Members interjecting:

Mr BRINDAL: Are you ready, Frances? I am reading something to you. The fund will also be applied by the minister towards payment of the state's contribution to the Murray-Darling Basin Commission. We are going to collect $20 million from this levy. For the last 20 to 30 years—for how ever long—the state government has been paying the state's contribution to the Murray-Darling Basin Commission from the Treasury. That has come out of general revenue but now, suddenly, we are going to save the Murray, but we are not going to put all of that money towards saving the river. We are going to take the money to pay for the commission out of this levy.

Guess what? The money South Australia has to pay the commission this year is $19.6 million. If that clause is right, and that is what the Treasurer said, $19.6 million out of $20 million will go to pay for the Murray-Darling Basin Commission. It will not be taken out of general revenue: it will be taken out of this levy. There will be a whole $0.4 million left to save the River Murray. We will be questioning that and we will be changing that if we need to, because it is not acceptable.

The Hon. K.O. Foley: Calm down. It is not true; you are misleading the house.

Mr BRINDAL: I am not misleading the house. I am quoting from the minister: the fund will also be applied by the minister towards the payment of the state's contribution to the Murray-Darling Basin Commission. They are the minister's words, not mine. To the best of my knowledge, this year's contribution is $19.6 million. When the minister contributes to the committee, he would be well advised to be able to answer whether he is shuffling away the responsibility for getting $19.6 million out of general revenue and getting the people of South Australia to pick it up as a taxation measure. Rather than saving the River Murray, it will be a case of shifting the deckchairs on the *Titanic*, because the opposition is absolutely determined to get an answer on this and make sure that the people of South Australia know exactly what the answer is.

If the opposition agrees, I intend to introduce an amendment that limits the Treasurer's rights to do that. That money has always come out of general revenue, and it should continue to come out of general revenue and every cent of this levy should go for new initiatives on the River Murray. No money should be used to pay for things that already come from the Treasury.

When it comes to the application of the levy, I do not understand how a Labor caucus could introduce what is, in essence, both crude and very blunt. It does not treat people differently. There is no equity or no attempt at social justice. Mitsubishi Motors will pay $135. So will the local frock shop that might have one toilet and one basin. They will pay $135.

I think Michell's Wool used 8 per cent of the entire water supply for metropolitan Adelaide—a significant percentage. I am not sure whether they have yet gone off line because they have a new situation in place, but if they were still online they would pay $135 for using 8 per cent of metropolitan Adelaide's water. From the point of view of business, I cannot see how that is fair.

Already we have examples of profiteering in South Australia. I am told that one particular well-known pub known to the Labor Party has a sign stating—I might get it slightly wrong but basically it says—

Ms Bedford interjecting:

Mr BRINDAL: I'll have a look tomorrow. The sign says: owing to water restrictions in South Australia, it is not possible to purchase a glass of water without purchasing a bottle of wine; and if you do not want to purchase a bottle of wine, that is fine, you can buy a bottle of bottled water. I suggest—

The Hon. K.O. Foley: What does it mean?

Mr BRINDAL: It means that they will not even give you a glass of tap water unless you buy a bottle of wine. You are not even eligible for a glass of tap water unless you buy one bottle of wine.

Mr Caica: Is this a nightclub in Gouger Street?

Mr BRINDAL: No, it is a pub on King William Road.

Mr Caica: That's in your electorate.

Mr BRINDAL: No, it's before my electorate. The sign basically says that you cannot have a glass of water unless you pay for it. I wonder about some of those things.

The Hon. K.O. Foley interjecting:

Mr BRINDAL: But it also blames you. It blames us because it says 'because of water restrictions'. It does not say that we're too mean to give you one.

Ms Breuer interjecting:

The Hon. K.O. Foley: Two bob each way Brindal.

Mr BRINDAL: I have said to the government that we will not oppose this measure, but we are quite rightly—

Ms Breuer: You're just going to have a whinge about it.

Mr BRINDAL: No, we are quite rightly looking at all the things that you have basically stuffed up, things which you have done in good measure on this and just about everything else. Members on this side of the house are getting a bit sick of coming in here and having to correct the messes that you make. If it were not for the opposition, you would probably have been out of government 12 months ago, because we have to fix up everything you cannot do, and then you take credit for it. You have done that not once but repeatedly, and we are sick of it. So, we will come in here and tell you what you are doing wrong and leave you to work out the solutions.

I conclude by saying that it is worth remarking that the people who use 80 per cent of the water in South Australia will not have to pay anything towards the levy. Because they are not connected to SA Water, irrigators will pay nothing at all towards this levy. That is worth remarking on. This levy to save the River Murray is being collected from people who use less than one-fifth of it, and the people who use four-fifths of it, who depend on it for their livelihood and their income, and on whom the state depends for much of its economic prosperity, will not pay anything.

I note in one of the amendments that, no matter how much it owns, local councils will pay one amount of $135. I wish local councils would treat their ratepayers with the generosity, fairness and compassion that this government seems to want to accord to them. Councils do not seem to let any of their ratepayers off the hook on anything. I question why councils cannot pay slightly more than $135. Likewise, I question why this government exempts itself in the form of the Housing Trust. I know Housing Trust tenants are probably people who would normally be exempt, but it is not the Housing Trust tenants who bear the responsibility for this: it is the owners. I see nowhere in this bill that landlords who have tenants from low socioeconomic backgrounds will be able to apply for an exemption on the grounds that their tenants cannot afford it.

However, the government seems to think that it can, of its own volition, because it has this huge aggregation called the Housing Trust, exempt itself from payment. But why, if it is good enough for the ordinary people of South Australia to pay this levy? The biggest landlord in South Australia is the government and, if the government is serious about this, it should put in its own money, through the Housing Trust, and pay the levy for Housing Trust tenants. The government should contribute, in so far as it is a landlord, through its Housing Trust, to this levy, just like every other landlord in South Australia. How is it fair that the government applies one rule to the landlords, shop owners, property owners and householders of South Australia but exempts itself from the same rules? That is not fair; it is not socially just; and it is not a government that is, in fact, dinkum.

As I have said, those who use 80 per cent of the water will be paying nothing. I am not advocating in here that this year,

in particular, they should be paying anything, because they are taking savage water cuts and, in essence, some of them will be lucky to survive. I do not know whether members are aware that if you do not properly water an orange tree for one year, it is estimated that it will take that tree five to 10 years to recover its full crop-bearing potential. So, those orchardists who grow navel oranges and other citrus in the Riverland, faced with shortages of water this year, may not have crop damage this year only; they may suffer economic loss for the next five years or more because of the damage done to the trees this year.

Similarly, those who will bear most of the burden (and this house needs to contemplate this) are those who have done the right thing, not those who have done the wrong thing. Those people along the river who have been inefficient in their water use are being asked to make savings, and they may be able to make 20 per cent savings by becoming efficient. So, they will go from inefficiency to efficiency and, in the end, when the water comes back, when they are granted their water again, they will have a bonus of water they can then on-sell or with which to develop further crops.

The figure often quoted for efficiency in the use of water is 85 per cent. All members of this house need to understand that, given the saline nature of most of our topography, at 85 per cent efficiency, about 15 per cent of water is needed to flush below the root zone to flush out the salts. That means that at 85 per cent efficiency you are using that water as well as it can be used, because you need 15 per cent to go below the roots to flush away the salts. So, 85 per cent efficiency, if you like, is equivalent to 100 per cent efficiency. The only way to save water is by either reducing your acreage or cutting down on the water to the crops in a fashion that is detrimental or dangerous to the crops. So, in fact, what we are doing to the efficient irrigators on the river is penalising them. We will actually drive some of them broke, and we will actually cause absolute hardship not to the wasteful ones, but to those who have done the right thing and who have most benefited South Australia.

I am minded that, when I was minister, I went to look at this very large vineyard in the Riverland. It was a vast new development, and it was all computerised. The computer basically sensed when the grapevine started to become stressed; it sent a message to the computer, which sent a message along to the river and, one day later, the taps opened up and the water flowed out. It was all automatic. Essentially, the grapevines told the tap when to turn on and when to turn off. There were many hectares of vines. I said to these people, 'Where did you get the water?' They said, 'We had two or three old fruit blocks and we made those two or three old fruit blocks efficient and, in making them efficient, we saved water. We used the savings on water to build the new vineyard. In building the new vineyard, we have achieved huge efficiencies with our water and great increases in production for South Australia and the South Australian economy.' They have nowhere to go when it comes to saving water because they are using their water at maximum efficiency.

I will conclude with some words to the member for Florey, because the honourable member said, 'Where is the human component in all this?' I ask the member for Florey to consider that the human component is in people.

Members interjecting:

Mr BRINDAL: Well, the member for Florey is very good when it comes to social justice issues on groups that are disadvantaged in our society.

An honourable member: And environmental justice!

Mr BRINDAL: Yes, and environmental justice. We are talking about a river system that, rightly or wrongly, has been modified, but a river system that, nevertheless, produces 40 per cent of all the agricultural and horticultural product of this nation. We are talking about what goes on the counters in Florey, Unley and Colton and in every single electorate in South Australia, and the cost of those products. I do not know what the member for Florey considers to be social justice.

Ms Bedford interjecting:

Mr BRINDAL: No, you made the interjection. When the battlers in Florey are paying two or three times what they should be paying for their lettuces—because Woolworths and the other big companies can use water as an issue to ramp up prices even more than they should—when we are paying extortionate prices for our fruit and vegetables, then there is a social justice issue. When our exports have gone down because we are not producing wine and our whole economy is suffering, and we have not the money to address Aboriginal issues and gay rights issues—all sorts of issues that need the application of public funds—there is, indeed, a social justice issue. When people in the Riverland who were making money for this economy are going broke and, instead of being there producing food for the nation, need social welfare, there is a social justice issue.

This matter is not just about this parliament and it is not just about money being raised: it happens to be about social justice. A key to social justice is how these people are being asked to save water. It is not entirely part of this levy, but it is part of the whole package and, if this parliament is going to be fair by the levy to all the people of South Australia, it needs also to be fair to the irrigators. I do not think this government has yet got either of those things right. The Treasurer said, 'What are you going to do to fix it?' I say to the Treasurer, 'This is your measure. It is a broken promise. It is a failing of this government to deliver what it said it would deliver at the last election. We will not oppose it. We will tell you what is wrong with it. But, as far as fixing it, fix it yourself! You created this mess and you got the state into it: you get the state out of it.'

Mr HANNA (Mitchell): I rise to speak briefly to this bill, which concerns the so-called River Murray levy. It is a new tax. It is not a progressive tax. It is a flat tax in the way in which it is being implemented. I would be surprised if Treasury came up with this idea. I would be surprised if the Treasurer came up with this idea. It is a hypothecated tax. In my submission, generally it would be best to take in the money you need from general taxes and then pay out the money that should be spent on specific projects that warrant the expenditure.

I am suggesting that, in fact, it was not necessary for this levy to be introduced. I am suggesting that it is necessary to spend more money on the River Murray—and even more than the $20 million per year that is in this year's budget in terms of additional expenditure from the state. But this tax was not necessary. I believe that it is a political ploy: a means of imposing a new tax and softening the blow as much as possible by attaching to it a cause which no thinking South Australian can deny, that is, the cause of the River Murray, upon which the long-term (and perhaps even short-term) economic and social future of our state depends.

I am not particularly happy about the way in which the tax is implemented. I am not satisfied that it is justified in terms of being a hypothecated tax. What I am certain about is that

the river needs more than what this tax can provide. The river needs more than the additional expenditure promised in this year's budget. If it is not going to come from the state government—and from the state of South Australia, indeed—we had better hope that the federal government comes to our rescue.

Mrs REDMOND (Heysen): I wish to comment first on the comments of the member for Unley (which were not particularly relevant to the River Murray levy) when he talked about the farmers and the improvements in their use. I think that we have to be very careful, in dealing with issues concerning the Murray, that we do not do precisely what the member for Unley suggested we might accidentally slip into doing. I recently took a trip along the Murray and looked at various stakeholders and users of water from the Murray (in fact, I have done a grieve in this house about a property that we visited).

The level of improvement that some farmers have achieved in their use of the river is just extraordinary. In particular, I remember that there were farmers who had previously used 12.5 megalitres per hectare per year for their farming and, by the introduction of improved farming methods (including going to drip irrigation instead of flood irrigation, putting appropriate grasses between rows of vines and a number of other issues to do with watering, and so on), they had reduced that figure to 7.5 megalitres per hectare per year, which is a dramatic improvement. The difficulty is that, if we simply deal with water use and allocations, we risk damaging the people who have invested a huge amount of money to improve their farming practices to the best possible level and not hurting the people, as the member for Unley said, who have not in fact expended the money and improved their farming practices. But all that is just by the bye, and in response to the comments of the member for Unley.

In terms of this levy, like the previous speakers, I am concerned about the fact that it is a new tax or charge, and we were promised by the Premier, before the election, that there would be no new taxes and charges and no increased taxes and charges. Clearly, this is very much one of a series of broken promises by the Premier. But of more concern to me (and, in fact, it is pretty smart to introduce it at the moment) is that people in this state are very worried about the state of the river. They want to feel that they are doing something to improve the state of the river and, for many people, the easiest way to feel that they have helped is to put their hand in their pocket. So, there will probably not to be the outcry against this new tax that there otherwise would have been, and should have been, given the very specific promise that is being broken by its introduction.

I note a couple of comments in that regard. Firstly, as the member for Unley pointed out, it is not an equitable tax. It is simply not reasonable to impose the same levy on a little shop in Stirling (which has one tap to fill the kettle a couple of times a day and which maybe has a shared toilet out the back that is flushed a few times a day) as that being imposed on the big car manufacturing plants or any number of other factory type activities, yet those businesses under the terms of this legislation will still pay the same levy.

Of course, it is called a 'levy', but my concept of a levy is something which is imposed as a one-off to pay for something. There are two things to note about that. Firstly, the government has no specific idea as to what they will use this money for; and, secondly, they have put in a provision to index it, clearly indicating that they are intending this levy to be a permanent fixture, not just a one-off to pay for a particular project. It will be a permanent—

The Hon. K.O. Foley: I said that when I brought the budget down.

Mrs REDMOND: And it is in the bill that it will be there forever. The Treasurer acknowledges that this will be there forever, even though the government has no specific idea of what it will do with the money. Furthermore, they are taking the public's money but they are not putting in any money from Treasury. They are not taking money that they already have by way of other taxes—

The Hon. K.O. Foley interjecting:

Mrs REDMOND: Yes, you are taking it as an extra and, strangely enough, the amount you are taking as an extra, Treasurer, is exactly the same as the amount that SA Water will miss out on by way of revenue because of the water restrictions that are being imposed. It is a very clever tactic: impose the water restrictions, get everyone to reduce their consumption, but get them to pay the same amount as if they were not having any restriction on their usage. As I understand it, $20 million happens to be roughly the amount that the government will be short in terms of its revenue because of the restrictions that have been imposed. And what do you know?

The amount that we will raise from this levy will be roughly $20 million. In my view, it is not appropriate for a government to introduce legislation when it has promised not to. It is introducing a levy that will be there permanently and with no specific end in mind. The idea of a levy generally is to do something quite specific and, apart from the general idea of 'We will improve the Murray,' the government has not told us what it is planning to do with this money.

Mr Brindal: I don't think they know.

Mrs REDMOND: No, as I understand it, the government has not indicated that it has anything in particular in mind. It does not seem to understand that there are difficulties for individuals. Whilst $30 is not very much for an individual, as I understand how the system will work, there will be difficulties for property owners who have multiple connections. There is some difficulty in the way in which they are trying to target this whole thing. The Treasurer keeps suggesting that we move an amendment to this legislation, but it seems to me that it is the government's legislation. Whilst the opposition will not be opposing it, it is up to the government to try to get its legislation right in the first place. As I said earlier, this seems to me to be simply—

Mr Caica: You have helped us in the past.

Mrs REDMOND: I am more than happy to try to help the government to come up with better legislation than what it is doing at the moment.

Mr Brindal: It wouldn't be hard.

Mrs REDMOND: No, it would not be hard: it would be pretty straightforward to help the government improve what it is doing at the moment in any range of areas, but the—

Mr Brindal interjecting:

The ACTING SPEAKER (Ms Rankine): Order! The member for Heysen has the call, not the member for Unley.

Mrs REDMOND: Thank you for your protection, Madam Acting Speaker. It just seems to me to be fundamentally at odds with what the government promised, that is, they would introduce no new taxes, there would be no increased taxes—

The Hon. K.O. Foley: Oppose it.

Mrs REDMOND: As I said, my view is that the public is prepared to wear it simply because the public likes to think that they are doing something to help the Murray, but the

government has not put forward any proposal as to what it will do with this money to help the Murray. It is simply putting back into the general revenue of the state what has been lost to it by the lack of water money coming in due to the water restrictions. I do think that the government has hit on a winner in the sense that the public will wear it. They will pay the levy because they will feel they are contributing but, really, I believe that the government should be coming up with specific programs to look at the salinity issue, because we all know that (below lock 1 at least) even if we did manage to improve the level of the water, the salinity level is so bad that the farmers find the water practically unusable anyway.

Mr Brindal interjecting:

Mrs REDMOND: Yes, 4 000 ECs at Goolwa in the middle of winter. There is no reason why the government should not be looking at much more specific programs and then imposing a levy when it has figured out its specific program, what it intends to spend it on, how much it will cost, what the levy should therefore be and how to make it an equitable levy.

The ACTING SPEAKER (Ms Rankine): The member for Light.

Mr Brindal interjecting:

The ACTING SPEAKER: The member for Unley will come to order. The member for Light has the call.

The Hon. M.R. BUCKBY (Light): I rise not to oppose this bill but to make a few points. Also, I want to back up what the member for Heysen has been saying about the efficient use of water by many of the irrigators along the River Murray. When undertaking an agricultural science degree, I visited the Riverland in the late 1980s. Moisture monitoring of the soil profile was being undertaken then, and that practice has been adopted by many vignerons and orchardists in that area. One actually sees a level of moisture calculated and identified on a computer program. A moisture probe placed in the soil details exactly the optimum time for those irrigators to irrigate their orchards or vines.

These people have been adopting smart technology for some time and, as a result, have been able to use their water in a far more efficient way than by the use of overhead sprinklers or by saying, 'Well, it has been three or four days since we watered, we had better give it another water.' That sort of technology was used in the past, but we have now moved a long way from that. I believe that the irrigators of South Australia are far in advance of many irrigators in other states because they have had to be.

I was concerned, and some members of this house may have seen it, about the *60 Minutes* program on Channel 9 on Sunday night. The program looked at the Murray and it interviewed some of the people along the Murray, particularly around the Deniliquin area. The chairman of the irrigators trust, or whatever it was called, said, 'Well, what do you want to do? Do you want to close up this country? We have come in and developed this country. We have this water. If you take it away from us we will not be able to irrigate the land we are currently irrigating.' He had absolutely no concern whatsoever, not one drop (excuse the pun) of concern for South Australia and for the bottom end of the Murray.

Unfortunately, that is the sort of attitude this government and all South Australians will be fighting to get a better environmental flow and extra water down the Murray, and there is no doubt that it will be a hard push trying to do that. As other members have identified, this is a new tax on South Australians. Prior to the election the then opposition said that there would be no new taxes; that any increases in taxes would be along the lines of CPI. We have already seen that promise broken because all fines in this year's budget will increase by 5.9 per cent, which is well in advance of CPI. So, this is yet another one. As the member for Heysen noted previously, usually a levy is identified for a specific period, and this one is not. I think that it will go on ad infinitum. It will be a money raiser for this and future governments and, as others have noted, it is inequitable in the fact that Mitsubishi will pay $135 and the local frock shop, with a tap and a toilet, will pay exactly the same.

One area that is still a dog's breakfast is that of farming. I have had a briefing on what is supposed to happen yet, when constituents ring the hotline, they are still getting different answers from what I have been told in terms of amalgamating your water accounts into one so that you pay only $135, or whether you lose the leakage allowance or lose the 125 kilolitre allowance. From discussions with other rural members here who have made similar inquiries, there are still mixed messages coming from the government about what is going to occur. In the committee stage of this bill, I will be very interested to see whether the government has actually got its act together and come to a definitive position.

But it reminds me somewhat of the lands that are perpetual leases, leasehold land, etc., and the dog's breakfast that that has ended up through the government just not understanding exactly what was involved in that bill. There is no doubt that money needs to be put into the River Murray. We need to address a lot of the issues that are there. The *60 Minutes* program last night identified wetlands where red gums in the upper reaches around Renmark are dying because there is just one flood in 10 years, which is not enough to maintain those trees. That is very sad. They also identified where something is being done right, and that is at Hardy's Banrock Station, where you have a magnificent wetlands and the red gums are flourishing. As well, you have a fantastic tourist venue.

With the right sort of commitment in terms of money and of planning along the Murray, there is no doubt that this can be turned around. But, as I said, it is going to take a very strong commitment from those users in the upper reaches of the River Murray for us to get an additional flow of water down here. We can put all the money that we like into it, and I am not saying that we should not, but to get the other states over the line is going to be a very difficult job for any government, this or one of another persuasion in time to come. It may well be that the federal government is going to have to step in at some stage to say that this is an issue of national interest and that, to save the River Murray as a living, breathing river, it will ensure that additional water flow comes down the Murray.

Mr Brindal interjecting:

The Hon. M.R. BUCKBY: The member for Unley is saying to me that, according to *Four Corners* tonight, the federal government is going to take some action, and I welcome that, because I think that is what will be needed in the end. I reiterate that this is a further impost. It is not an equitable one on all South Australians and there are still many confusing areas that need to be sorted out in committee, which this government obviously did not think of before it drafted this legislation and thought about this levy. It is just another tax on South Australians it is as simple as that.

This government seems to be hooked on fines—and I will have a grieve later about actions that have occurred on the roads over the past few days. I am waiting for the Minister

for Transport to introduce a regulation to say that there will no longer be a 10 per cent tolerance on the speed limit in our state and follow Victoria's path where all you end up with is an allowance for your odometer or speedometer to be slightly incorrect—an allowance of between two or three kilometres an hour over the speed limit—and once you go over that you are gone. Western Australia is zero. The fines revenue in Victoria has gone from $90 million to over $300 million under the Bracks government because of that.

Mrs Geraghty interjecting:

The Hon. M.R. BUCKBY: The member for Torrens is right: you should not speed, but people still do, either by accident or for other reasons and it is obviously not having the effect in Victoria of slowing them down because they are paying out a huge amount more money.

Mrs Geraghty: So what do you do?

The Hon. M.R. BUCKBY: It is a very good question. This is another levy and tax on South Australians. I do not oppose it as the River Murray is an important factor in the economy of South Australia and we need to be putting resources into it.

Mr BROKENSHIRE (Mawson): It does not give me great pleasure to stand up here and talk about this tonight because it is one of the most deceitful and dishonest ways that I have seen any government bring in a new tax, particularly one that put a pledge card throughout the electorate of Mawson at the last election saying there would be no increases in taxes and no new taxes. What did we see? Another broken promise by the Rann government—a Rann government that tells the community on a daily basis that it is open, accountable and honest, yet on a daily basis already in the period it has been in office we have seen the reverse and seen a very dishonest and unaccountable government and one that continues to break promises day after day. In time the community of South Australia will remember and see through it.

I had the privilege of being minister when we brought the emergency services levy into the parliament. It was very interesting and I encourage members opposite to go back and read the plethora of comments from the then opposition on the emergency services levy. I put on the public record, first, that the emergency services levy was a policy of the Liberal government that was put out there in black and white in the emergency services policy prior to the 1997 election. So, it was not hidden from the community like this. It was not a broken promise and also was not a new tax.

In fact, the emergency services levy was simply a fairer and more equitable way of collecting an existing levy. Under the existing levy it was not fair because people were penalised when they paid their insurance, as against those people who capitalised and utilised the service and did not pay insurance. The Liberal government was honest, open and accountable and put out a policy. I have been through the policy papers of the Labor Party and I cannot find anywhere where it said it would bring in the River Murray tax—a broken promise.

If this government was serious about water conservation and about continuing with the work we did when in office, like removing the salt through the salt interceptors further up north and by bringing in programs to get on with the job of rehabilitation where we could and putting in serious amounts of money like the hundreds of millions of dollars we committed over a seven year period to rehabilitate the river, together with the commonwealth—

Mr Brindal interjecting:

Mr BROKENSHIRE: —and, as the honourable member said, without bringing in a new tax and breaking a promise, then members on this side may be a little more confident about what is intended by this bill. Why, for argument's sake, were water restrictions not brought in last summer during a drought? Most people in South Australia have said to me, when I have moved around,' Why the hell did the government not introduce water restrictions in November?' The answer that I gave them was that the government is money hungry. They wanted the extra $20 000 000. They were not genuinely concerned about the state of the river, and they cannot say that that is not the case, because we all knew, back in June last year, that we were in trouble with River Murray flows, simply because we had such a major drought through our catchment areas.

This government wanted the extra $20 000 000 and now, because they have brought in the water restrictions, they are going to recoup this loss to SA Water of $20 000 000 a year by bringing in this new tax. Whilst I am not against issues relating to our looking after the River Murray—the main water supply to South Australia—I am against a government that breaks promises and misleads the South Australian community. This government, as I said, does this on a daily basis.

Let us have a look at how the government dealt with this matter. It has been handled about as well as the debate with respect to freeholding of crown leases. We all know how bad that is. You have only to look at the front page of last week's *Stock Journal* to see the Minister for Environment and Conservation again being hammered over a bill that he introduced just after the previous budget. With the current budget and this water tax, he is now saying that this bill will not get through probably at least until towards the end of this year.

I believe that when you have a look at the amount of material that we are receiving from our constituents who are being totally disaffected and treated unfairly by this, where there is no equity from a government that purports to be a government for the people and has a social inclusion unit, you can see a situation where, in my electorate, for instance, the local butcher, who uses hardly any water at all, has to pay the same amount of money as one of the larger wineries or indeed one of the major car manufacturing plants in this state.

What also has not been pointed out in this debate is that where you have a business centre or multiple holdings of tenants within a commercial enterprise, SA Water already charges a minimum rate to every one of those tenants even though there may be only one water meter within that business centre and, in fact, only one ablution block. But SA Water charges each tenant a minimum water rate. I have fought that for a while but have not succeeded in getting that inequity changed. I want to ask the minister in committee whether he can assure this house that they are not going to be hit with $135 each due to the fact that they are in a commercial enterprise, albeit with one water meter, but are charged a separate water rate.

I also want to highlight the fact that when we left office we left this government in really good shape financially, with a booming economy. That was again reinforced at the weekend, when one read that there was a 30 per cent increase in property values across the state in the last 12 months. That was on top of continued growth going back to the year 2000, when we fixed the State Bank mess, got the jobs up and running, reduced the core debt and ended up with a cash

surplus for this government. On top of that, this government is going to tax the South Australian community an additional $450 million, approximately, from what I can assess within the budget, and then hit them with a $20 million 'broken promise Rann water tax.'

I also want to talk about the rural community, because this government does not understand that the South Australian community is still based primarily on agriculture and manufacturing. We are in for a big shock in this state in the next couple of years, because if you read the most recent reports from the economic analysts they will tell you that they believe that by the end of next year we could see the dollar go to 80 cents, which is a huge hike from where it was sitting at 54-55 cents last year.

I remind this chamber that, under a Liberal government, 43 per cent of our manufacturing and value-added agricultural industries were exporting, as against the national average of 13 per cent. We worked hard with plans such as Food for the Future to get that to happen. Now we will see a serious decline in our economic strength because those export opportunities will not be there as they have been. I can tell members that from personal experience as a dairy farmer now, this very month, and that is at 67¢ or 68¢. So, not only will those businesses have an economically more difficult time, but it will also be a more difficult time for the businesses and communities that rely for their jobs on those export opportunities, and those small businesses will be hit for another $135 a year. It will affect not only the small businesses but also families that are already battling because of the massive increases in taxes and charges.

A constituent in my electorate analysed the Rann water tax for a while after the budget and initially thought, 'It probably has some merit: I want to see the River Murray saved.' But, since then, he has watched the minister, on behalf of the Rann government, go to the ministerial council meeting and achieve nothing, other than a lot of rhetoric, when, at the end of the day, the only thing that will fix the river is more water flow. That means that strong leadership is needed to ensure that all the states and the commonwealth come up with an urgent plan to buy back water so that we can keep the River Murray alive. That is what that means.

But my constituent said, 'Robert, I haven't seen this minister or the Rann government doing any of that now.' There has been a meeting since then and there has been a lot in the newspaper about inaction and a lot of reinvented media hype. And this constituent said, 'I refuse to pay the tax, because I've had enough.' He has seen motor registration and other taxes and charges go through the roof. And we know that the government is getting extra money from land tax as well as a result of increases in land values.

In my own electorate I know bona fide primary producers who are paying exorbitant amounts of land tax because this government zones us as a metropolitan area, and Treasury, together with the Treasurer, will not be fair and reasonable and say, 'No, you're producing grapes in the same way as do the Riverland, the Coonawarra, the Barossa Valley and the Clare Valley and you shouldn't be in that land tax zone.' Treasury and the Treasurer are only interested in taxes, and this is one of those taxes that we are talking about.

So, it is not with a great deal of pleasure that I support this bill. Obviously, we are not in a position to oppose it, because it is part of the budget and we cannot block supply, but I watched the attitude of this government, when it was in opposition, to me personally and to our government in relation to the emergency services levy. By the way, how every dollar of the levy is spent is reported to parliament every 12 months and, as I said, was simply a fairer levy which replaced another one—and it was announced to the community before the election, as opposed to this government's telling us nothing about this tax. I believe it probably had this as a secret plan in its back drawer even during the last election campaign. I will not forget to remind my community every day that, again, the Rann government has broken another promise.

Mr BRINDAL: I rise on a point of order. I am not sure under which heading this would come. In the 14 years that I have been here, it has always been a tradition that the minister leading the bill sits in the chamber to hear the second reading contributions and to lead the bill on behalf of the executive government. The minister leading the bill in this case—with deference to the minister who is here—is the Treasurer. The minister has not been present for the very valuable contribution of my colleague and has absented himself from the chamber. I suppose the parliament cannot compel—

The ACTING SPEAKER (Ms Rankine): There is no point of order.

Mr BRINDAL: There is the question of quorum, which can be called every five minutes or so. If the government wants to play with the opposition—

The ACTING SPEAKER: There is a minister present; there is no point of order.

The Hon. J.D. Hill: He's just gone out for a little.

Mr BRINDAL: Well, he'd better come back, or he will get a quorum called on him every five minutes.

The ACTING SPEAKER: Order! The member for Unley does not have a point of order.

Mrs HALL (Morialta): I rise to make a few remarks on the bill that is currently before the house; interestingly, as we have heard, it is called the Waterworks (Save the River Murray Levy) Amendment Bill. As has been said by a number of my colleagues, there is absolutely no doubt that this bill is based on yet another broken promise of the government. I find it quite extraordinary that the whole debate on the River Murray is being focused on what I believe is an enormous amount of goodwill out in the community to involve themselves in doing whatever they can to assist in the restoration of the Murray, increasing the flow, trying to adhere to the many water restrictions and all those activities but, despite a 2002 election promise not to increase existing government taxes and charges and not to impose any new taxes or charges, we are currently debating a bill that does just that. I have absolutely no doubt that it gives new meaning to the now infamous Treasurer's quote: 'You don't have the moral fibre to go back on your promises: I have.' We do know that this is yet another one of those promises in relation to which the Treasurer, in all of those macho words, believes he has the moral fibre to go back on and break.

As we now know, the levy we are talking about is $30 for residences and $135 for businesses and, as has been said by a number of my colleagues, it is estimated that it will bring in about $20 million a year. One of the things that are of great concern to me, and I rather suspect to all these people who are involved in the multiple meter use, is that it is not particularly reassuring to observe that the minister assisting for government enterprises, the Hon. Jay Weatherill, has said fairly recently that the government is working through the details of the application of the levy. Given that that levy will be charged on the 1 October water bills, and that is less than three months from now, I do not think it is at all reassuring

that that process has still not yet been confirmed. I would urge the government to hurry up and not only resolve how it will impose it on the multiple meter users but also then to start communicating with those many hundreds of thousands of people who will be affected by it.

I come to the actual levy itself. I spoke in the budget about it, and I believe that flat tax and regressive taxes actually contravene the Labor Party policy itself. It is very clearly stated in the Labor Party policy and platform, particularly in two points. Point No. 38 in the Labor Party policy and platform states that a Labor government will ensure that the tax system is:

> . . . progressive and fair, so that those on low and medium incomes do not face an excessive tax burden. Taxes should also be fair in the sense that people in the same or similar circumstances pay the same or a similar amount of tax.

Again, in the Labor Party's 2000 platform and constitution, point No. 14 states:

> Labor will ensure that the tax base is as comprehensive as possible, consistent with the achievement of other objectives in a way that ensures that all sections of the community pay their fair share and no-one is disproportionately burdened.

Numerous examples have been given in this debate thus far, and we know that there is absolutely no way anyone can argue that it is a fair or equitable tax which takes into account anyone's capacity to pay. I find it extraordinary that members of the Labor Party have not protested vigorously in their Labor caucus. I wonder where the consciences and the voice of the members of the Labor Party caucus are on this issue. How on earth can they justify to their party members and their supporters the imposition of a regressive tax such as this, particularly in the light of promising that, when they came into office, they would not raise any new taxes or increase any government taxes or charges.

In many ways, the focus on the River Murray, water generally, and its importance to this state in particular, is a great tribute to the determination and to the passion of the former Olsen government. I pay a tribute to the then premier, John Olsen, for getting this issue, in cooperation with the Prime Minister, put on the COAG agenda two or three years ago.

Public awareness of the importance of the river and of water to this state have been greatly enhanced over the last few years, and this, in part, accounts for the very genuine desire of the community to be involved at all levels in assisting with the plight of our river. It will be an ongoing process. I think it is pretty rotten that the government is not investing any dollars from the Treasury budget into the River Murray.

As we know, it is all about the media mix and spin that this government is inflicting constantly on our community. Whilst it talks about the River Murray and its importance to our state (and I do not think anyone would argue that point), the government spends a lot less time on the unfairness and the inequity of this tax. We have now had two Labor budgets and about 16 months of Labor in office, and I believe that the community is at long last starting to look much more closely not only at what this government says but also at what it is doing. On a number of occasions over the last few weeks, I have heard, 'They promised before they came into office, but look at what they are now not delivering.' I believe that theme that will be continued well into the next few months and years.

As I said earlier, there is a great deal of goodwill in the community, but it will disappear if they believe that they are being conned and/or treated unfairly, which is what this levy is about. As we have said on a number of occasions, it is a flat and regressive tax. It is also unfair and inequitable. However, it is interesting that it has been said that it attracts a great deal of community support. Whilst in part that is true, I am not sure how many members of the chamber read a survey conducted by the *Advertiser* which found that 82 per cent of people supported the restrictions, with only 17 per cent opposing their introduction. From that perspective, the general goodwill within the community is confirmed.

However, by comparison, only 50 per cent thought that the $30 Murray levy on households was fair. Although the minister is quoted as saying that he thought the results showed a mature public response to a critical issue, he went on to say that he thought it was encouraging that half the population supported the levy, and he hoped that over time that would grow.

Looking at the breakdown of that survey, it is said that overall 79 per cent of males and 84 per cent of females supported water restrictions. However, when those same people were asked about the levy, only 50 per cent thought it was fair, whilst 48 per cent thought it unfair, with just 2 per cent being undivided. Interestingly, the survey showed that younger voters who were less likely to be responsible for the water bills were the most supportive, at 63 per cent of those aged between 18 and 24. The other aspect of the survey, which I found most interesting and heartening, particularly to those who live along the river and in regional and rural areas, is that there was slightly greater support in the metropolitan area, at 51 per cent, than in the country, where only 48 per cent agreed with the introduction of the levy from 1 October. That demonstrates in part that the campaign and the focus on the importance and significance of the river to this state is starting to make its way into the mind-set of our community.

During estimates, I raised a number of questions about the levy and about the water restrictions themselves, and I must say that the minister was very attentive to the questions and quite supportive in his response. I asked him about the need to communicate in the education program some of the details about the water levy and its application and the water restrictions and how that would affect individuals and individual households. I asked whether a program would be put in place to communicate with people who came from non-English speaking backgrounds, and I specifically cited as an example ethnic radio and ethnic newspapers. As we know, many thousands of people in this state rely on these forums for their information, and that applies particularly to older people. My understanding is that, so far, that type of bilingual and multilingual communication has not taken place, and, given that it is less than three months before the water bills go out and given that advertising for the water restrictions has commenced, I hope that the government pursues that campaign in those forums.

It is all very well to talk about being inclusive, but I trust that this government will demonstrate that by its actions, because it would amount to minimal additional costs, particularly as we all know that government expenditure on information and education programs is enormous, so I urge the minister to ensure that this happens. Given the very diverse and multicultural community we have in this state, in my view they deserve the capacity to understand what is being inflicted upon them, and I suspect that many of them will want to cooperate.

I pay tribute to the many local councils that have been involved in trying to give incentives to those who want to assist in water saving and water conservation measures. I understand that, tonight, the Adelaide City Council is debating a range of incentives that it might offer. I congratulate one of the councils in the electorate of Morialta on its commitment thus far and on what it has done over the last 12 months or so. It is very interesting to see from its figures that it has run out of money, because so many of its residents and ratepayers took up very quickly the opportunity to participate. In its latest communication to be circulated in the council area, the *Campbelltown Outlook, Winter 2003*, significant space is devoted to water restrictions and how residents can meet the challenge, plus a section about top water-saving tips around the home. It is quite detailed. The very modest incentives that have already been outlined by the government have probably not yet reached their capacity, and I hope that they do so soon.

I conclude my remarks by commending the constant focus on the River Murray and the plight in which we find ourselves in South Australia (with, obviously, the urgent need for additional flows) and the great interest and thirst for information in the community. It is heartening to see hundreds of thousands of words in newspapers and magazines about what is happening to and in our river as well as the many hours of discussions, questions and suggestions constantly on talkback radio and a number of television programs.

However, the sad part of this is that this bill to introduce this levy, as I said earlier, is a con and yet another broken promise. It is unfair, and I hope that in future years taxes such as the River Murray levy can be withdrawn because we will have made so much progress towards resolving the problems that we face with the River Murray, particularly at the South Australian end.

Mrs MAYWALD (Chaffey): I rise tonight to speak to the Waterworks (Save the River Murray Levy) Amendment Bill as the member for the Riverland and the seat of Chaffey, which is extremely dependent on the River Murray just as the rest of the state is dependent on the production that comes out of that region. First, may I say that I am extremely supportive of a levy that will spread the burden of the cost of rehabilitating the Murray right across the community of South Australia. It is extremely important that we recognise that the River Murray is not just for those people who pump water for irrigation but that it is part of the wealth generating capacity of this state. Take away the River Murray and you take away enormous productive areas within this state, and you also take away a significant proportion of the community in this state.

I think it is often forgotten that 4 200-odd irrigators are incapable of bearing the cost alone of footing the bill for the rehabilitation of the Murray system. It is impossible to suggest that in a community of 35 000 people (the Riverland) 4 000-odd irrigators should be responsible for the cost of rehabilitating the system. We will have to invest heavily in the future in the River Murray, and this levy is a good start.

I recognise that there have been issues in respect of how the levy has been struck. I understand that the fairness and equity issues have been somewhat justified and that amendments have been made to the levy to try to make it fairer, particularly for people in the country who have multiple meters and who would have been burdened with significant costs over and above what other businesses in the state were expected to pay. So, I recognise that those amendments have been made and that those provisions will prevail in respect of reducing the impost on these farmers.

It is interesting that, at this time, we are having the Living Murray debate, which was instigated by the Murray-Darling Basin Commission. The Living Murray debate talks about what kind of quantities of water we will need to put back into the river system to make it healthy and sustainable. The Living Murray consultation process talks about three trigger points: 350 gigalitres, 750 gigalitres or 1 500 gigalitres. This consultation process has been under way for some time now. The feedback that I am getting from communities throughout the Murray-Darling Basin and beyond is that people are incapable of understanding what 1 500 gigalitres actually means, what it costs, and how you actually identify what that means, not in the value of water but in the value of lost production and the flow-on impacts to regional communities.

The best way that I can describe this to people to demonstrate what this quantity of water means—and South Australia has gone down the path of firmly saying that we need at least 1 500 gigalitres—is if I ask everyone in this place to consider that, if we started at the barrages and worked our way upstream turning off every tap to every irrigator along the way and reached the border on the other side of Renmark, we would only be one-third of the way towards achieving 1 500 gigalitres.

South Australia diverts for irrigation about 510 gigalitres per annum. We would need to shut down the entire South Australian irrigation dependency three times over to achieve that target. The quantum and the numbers, and the figures in relation to the quantum of water is just too big for the communities to understand. I have been talking to people out in my community and in others, and, in particular, I went to a Murray-Darling Association conference this week where I co-convened a workshop. During the course of those discussions, it became very clear to me that it would probably be better to direct the consultation in respect of monetary terms. People can understand dollars, and they can understand what happens when dollars are applied not only to compensation but also into investment in changing practices.

It was interesting, as we developed the conversations with the people in that workshop, the change of attitude when you change the quantum from talking about taking away 15 to 20 per cent of someone's water allocation to saying, 'If we put a heap of money on the table, tell me how you would go about saving? What would you do and what would you think about if you had your water licence on your kitchen table, and your whole family was sitting around and you talked about how much you were prepared to give up and, in giving that up, what you expected in return and what you were prepared to give in return?'

It was interesting, because there was a particular irrigator from the Campaspe irrigation area, and he had made it quite clear in his earlier presentation that there was absolutely no way he was going to let anyone take from him a drop of his water; he was going to fight to the death about it. However, we started to direct the conversation around to saying, 'Okay, put your licence on the table; what could you do differently, and what would you need to do it differently?' Interestingly enough, about 35 per cent of his allocation is lost through delivery systems and evaporation and other means. He said, 'Well, the first thing I would think about is that, if someone put something on the table that said to me that I will deliver you your water more efficiently, so you would get the same amount of water to use and you will have reduced the losses.' On the question of how much water he was prepared to give

up, he said, 'I'd have no problem with giving up the 15 or 20 per cent if I got that investment that would see I still could have the productive capacity on my property.'

Then the question was put to him again, 'Well, okay, what if we could offer you an incentive also to actually improve the practices on your property, maintain your productivity and perhaps even provide you with the opportunity to expand your productivity by doing it better, but for that you would have to give us back some water?' His answer was, 'Well, I could probably give up to 25 to 30 per cent if you did those sorts of things.' That was a whole different attitude from that one person by approaching the debate in a different way.

It became very clear to me, after talking to a number of people throughout my own community and at that conference, that we really need to start getting serious about what kind of money we are going to put on the table. If we were to change the focus of the debate and said, 'Here's a few quantums of money. Tell me how you would put forward your ideas as to how we might be able to spend that money to gain the water we need to make the system sustainable?' It is very interesting how people become innovative when you start talking about money. They cannot get innovative when you start talking about taking away their property rights. They do not care: they just think whatever compensation package you come up with will not be enough.

I have been speaking with some other people, in particular, members of the Wentworth Group, which has gained some significant headway in the debate towards sustainable water management in the Murray-Darling Basin system. They made suggestions about a compulsory tendering process where everyone would be required to put up some of the water from their licence across the basin and ask the government how much it would want for it. It was interesting. I was talking with a group, and we were discussing that particular option, and an irrigator from New South Wales said to me, 'Why would it have to be a compulsory tender? Why couldn't it be a competitive tender? Why couldn't I put in a tender to say that I will give up so much water for a better delivery system? But if you actually give me a little bit more money, I will put in place a whole range of different practices on my property, and I will give you some more water. I can become more productive, I can use what I've got better, and we don't shut down communities.' It is an interesting concept, and it is something I thought I would put on the table.

We have an opportunity at COAG, and the COAG meeting coming up on 29 August will be a very important meeting. Water is again on the agenda. I do recognise that the former premier, John Olsen, did get water put on the agenda at the previous COAG meeting. However, I must say that very little came out of that meeting. I hope that this time, with a clear community drive for action behind this issue at the moment, we will see something that will move the debate forward. I would particularly like to see from that meeting the establishment of a group of appropriate people to look at the economics of this equation. We got the environmental debate going; we have the environmental lobbyists, who are very strong; and we have the environmental data. But, we do not have anything that establishes firm and solid economic options. We need to look seriously at the economic options.

We need to look at the models that we must implement in respect of an open and transparent water-trading market that has integrity right across the basin. We need to look at getting together a group of people that includes economists, practitioners involved in the irrigation industry's infrastructure development, bankers, and so on, who can look at a model that could be used worldwide as a leading option for water reform. I think that is the next step. Then we can start to discuss between the commonwealth and states what kind of money needs to get on the table. Until we do that, we do not know and, while we do not know, it is easier for everyone to say, 'We will try to get a quantum of water out there and work towards a quantum of water.' We need to understand the economics of it. We need to do that for the communities that are involved.

Shutting down the equivalent of three South Australias is not an option in regional Australia. We have to be innovative and develop mechanisms in which we can create innovation within our communities in order to ensure that we can do a lot more with less. Also, we cannot be introducing policy in this state at this time that rules out any further development in our most productive regions, because it will not have the effect of improving our water quality or the river system. All it will do at this stage is shift development upstream and shift water movement upstream, which will be counterproductive at the end of the day to South Australia. They are some key issues on the table.

One of the underlying factors is that we need money: we need money to do what needs to be done. We need to spread the burden of that cost imposition. This bill is a step in the right direction. I admit that it needs refinement, but it is a much better way of ensuring that the entire state carries the burden of ensuring that the lifeline into this state is sustainable. People from Mount Gambier and Eyre Peninsula say to me, 'But we don't get any water from the River Murray. Why should we be paying this levy?' I hasten to remind those people that, if you shut down the River Murray, you shut down a large productive capacity of this state; and all the other benefits from general revenue would be severely diminished if we diminished the wealth generation from the region through the degradation of the River Murray.

It is the responsibility of us all to look towards the future. It is the responsibility of people in this state to recognise that a financial commitment will need to be made. We also need to be doing that to lead the debate in respect of putting money on the table. We have to be the ones, as we are the ones who will be the greatest beneficiary of any environmental flow. That is something else that is not often recognised in the debate. New South Wales and Victoria stand to lose heaps. South Australia will be the biggest beneficiary of all this, yet we do not have the capacity to pay for what needs to be done in New South Wales and Victoria.

We require strong leadership from our federal colleagues. We need them to consider this as a nation building exercise, not just an environmental green and fuzzy issue that has to be dealt with somewhere out there. It is a part of what will make the country sustainable, and it is certainly a part of what will make regional Australia sustainable into the future. I would hate to see us still talking about this issue in 10 years' time. I think now is the time to make the decisions.

We have the COAG meeting at the end of August, and we have the ministerial council meeting of the Murray Darling Basin Commission in November. We must be taking tough decisions at both those meetings. I believe that the ministerial council meeting must make a first-step, no-regrets decision in regard to where we need to go in respect of a quantum of water in the short term. The big figures need to be out there, in my view, but we need to make a firm commitment to the present and to what we can see is achievable in the not too distant future.

Concurrent with that, I think that COAG really needs to get down to doing the nitty-gritty of the economics and the modelling that we need to make the necessary changes happen and to make the communities that are involved with the changes understand the implications of what is on the table and what the debate is all about. We have a long way to go, but the mood of change is there. We need to grasp it, and we need to do all that we can down this end to ensure that the communities upstream recognise that we are serious about this and not just serious about whingeing and whining. We want to see strong reform that will benefit all communities within the River Murray system: we certainly do not want to send people to the wolves and destroy communities and diminish productive capacity within the basin. That certainly should not be our objective. We can do more with less; we just need to be innovative about how we do it.

Mr WILLIAMS (MacKillop): Might I say from the outset that I do not support this measure. I would like to support the government to maintain the promise that it took to the electorate at the time of the last election that it would not introduce any new taxes. This, to me, is a new tax by another name, and I understand it is proposed that it would raise something like $20 million. I have some sympathy for the need to restore the Murray somewhat towards what could be referred to as its pristine condition—

An honourable member: Some sympathy?

Mr WILLIAMS: I have some sympathy. I have no sympathy for a government raising $20 million when it does not even know what it will spend it on. Well, it has not told this house what it will spend it on: it knows what it will spend it on. It is a cost shifting exercise: it will spend it on running the existing bureaucracy. It disappoints me—

The Hon. K.O. Foley: It's not true.

Mr WILLIAMS: You have not told us any different. The Treasurer interjects that that is not true, but the bill provides:

> The money paid into the fund under this section will from time to time be applied by the minister towards—
> (a) programs and measures to—
> (i) improve and promote the environmental health of the River Murray; or
> (ii) ensure the adequacy, security and quality of the state's water supply from the River Murray; and
> (b) payment of the state's contributions to the Murray-Darling Basin Commission.

If payment of the state's contribution to the Murray-Darling Basin Commission is not a cost that is already borne by the taxpayers of South Australia, I am mistaken. That is a cost that is already borne by the taxpayer of South Australia, and the Treasurer knows full well that one of the things this levy will do is pick up part, if not all, of that cost. So, it is a cost shifting exercise, releasing money from the Consolidated Account, which is already paying for these measures. It is a—

The Hon. K.O. Foley: It's not correct. It's to buy water.

Mr WILLIAMS: It is to buy water, says the Treasurer. Why does not the bill say that it is to buy water? I am pleased the Treasurer has said that it is to buy water. If that is the case, I would have some sympathy—and I will come back to that in a minute.

I have some concerns that this levy will go right across the state. The member for Chaffey said in her contribution that the whole state should be contributing to this, because it is an important issue. It is an important issue, but might I say that electors in my electorate in the Upper South-East have been involved in an environmental scheme to rehabilitate an area of dryland salinity right across the Upper South-East. Over the last six years, the electors in that part of my electorate have contributed some $6 million towards the Upper South-East drainage project. Through mismanagement of that project over a period the cost has blown out and those same people are now being asked to contribute another $11 million.

The Hon. K.O. Foley interjecting:

Mr WILLIAMS: It has been mismanaged for a long time.

The Hon. K.O. Foley: By your government.

Mr WILLIAMS: It has been mismanaged for a long time.

The Hon. K.O. Foley interjecting:

Mr WILLIAMS: It was not me. Might I tell the Treasurer through you, Mr Acting Speaker, that the mismanagement has continued and will continue under the present arrangements. I do not think anyone who knows anything about the scheme would argue that there has not been a degree of mismanagement. The point is that a number of my constituents have already contributed $6 million and have been asked to contribute another $11 million for an environmental project in the Upper South-East of the state. Why should those people be expected to contribute to this environmental problem which has nothing to do with them? They have not caused or created it, yet they have already had to contribute $6 million and are looking at contributing another $11 million towards an environmental problem in their backyard. I think members should be aware that some of these things are not balanced out amongst all taxpayers across the state, and a number of my constituents will be very aggrieved at being caught up in this little fundraising exercise by the Treasurer.

While I am referring to the effects of some of the things that this government has done in my electorate, I point out that a number of my electors are also serviced by the Tailem Bend-Keith pipeline. They have been told that they will have to reduce their water usage by 20 per cent because SA Water has to reduce the amount that it is taking out of the river by 20 per cent, yet none of those people have been told what impact that will have on them. A number of highly productive enterprises are reliant on that pipeline for intensive animal husbandry—for example, piggeries, cattle and sheep feed lots—which uses a significant amount of water. I received a letter from one constituent who takes some water out of the pipeline and shandies it with the water taken out of a bore on their property because the bore water on its own is too saline for the stock to drink. To date, we cannot get answers on what the impact of the water restrictions will be on those people, yet they will be expected to contribute to this levy. To date, we still do not have any answers as to how their businesses will be affected.

I come back to the River Murray. Last week I spent two days at Mildura attending the Murray-Darling Association conference on environmental flows. It was a most interesting conference. It is disappointing that all members of this chamber could not attend and that all members of this chamber did not have the opportunity to hear some of the presentations which the member for Finniss and I heard. The member for Chaffey was present for the second day of the conference. It is disappointing that all members were not able to take advantage of the information put forward at that conference because some of it was quite enlightening. I learnt a heck of a lot, as did I think everyone who was present. The people in the upstream states view the river system completely differently from the way we view it. Might I say that they are just as ignorant about what happens at this end of the river system as we are about what happens at their end.

The Treasurer said that this money will go towards buying water. The member for Chaffey talked a little about buying

water and how much water would have to be bought if the decision was taken to restore environmental flows—something like 1 500 gigalitres. The member for Chaffey said that was something like three times the amount of water extracted from the river in South Australia by irrigators. It is a huge quantity of water. Dr Michael Young gave a presentation similar to the presentation he gave at the River Murray summit held in this chamber some months ago.

He talked about what we have to do before we start buying water. He said that if we buy water now, or if we increase efficiency in delivery systems, we will not achieve anything. If you increase the efficiency in the delivery system, say, an open channel, running water from the river to an irrigation area and you decrease the leakage out of the bottom of that channel by, say, 100 megalitres, 100 000 megalitres, a gigalitre or more, the reality is that you have very little net effect on the flow in the river because virtually all that water that leaks out of the bottom of those open channels ends up back in the river.

It percolates through the soil and ends up back in the river because the river is the drain to the basin. So, if you think you are going to gain water by increasing efficiency of delivery systems, you could be sadly mistaken. If you spend countless millions of dollars buying that water you are actually buying a piece of smoke because, at the end of the day, you will get nothing for it. You will make no improvement. I think that the Treasurer needs to be very careful and needs to do a lot of homework before he rushes out with his $20 million and starts buying water.

He wants to be very careful about what he is actually buying because, at the end of the day, he might end up with nothing; or, in fact, he could be going backwards at a rapid rate. The other problem is that if we are talking about buying 1 500 gigalitres of water (and I am not arguing that that is not something we should be aiming to do; I think that, at the end of the day, that would be a nice target to aim for), on today's market that water would be worth at least $1 000 a megalitre. I would suggest that on today's market, with the drought conditions we have had, it is probably worth somewhere between $1 500 and $2 000 a megalitre.

So, 1 500 gigalitres of water will be worth at least $1.5 billion. I would argue that it would be worth well in excess of $2 billion. As soon as you move into the water trading market with a cheque book with $2 billion in it, I think you will find that the price will escalate quite markedly. Realistically, if you are going to purchase 1 500 gigalitres of water, you probably need a cheque book with $4 billion or $5 billion in it. For the Treasurer to say that this is an important piece of legislation, that this $20 million will buy water and that will save the Murray is an absolute nonsense, because $20 million will go nowhere to saving the Murray.

Mr Brindal interjecting:

Mr WILLIAMS: That is right. As I said, the Treasurer's own bill says that all it will do is replace moneys that are already paid by the taxpayers of South Australia, including, as the member for Unley points out, the Murray-Darling Basin Commission fees for South Australia. I guarantee that the rest of the money will be frittered away, paying the salaries for existing bureaucrats and/or consultants.

Mr Brindal interjecting:

Mr WILLIAMS: All of whom I do love, too, dearly. What really disappoints me—in fact, it more than disappoints me, it annoys me—is that we are introducing a new tax against the promise of the government, but it will be frittered away. It will be wasted. It will do nothing to improve the River Murray. The reality is that if we are going to improve the Murray—and I think we have to—we need a hell of a lot more money, and you are not going to raise it by this tax. When we talk about buying water out of the river, I think that some people who are making these decisions should go upstream into northern Victoria, into New South Wales, along the Murrumbidgee, up along the Darling and right into Queensland.

I had the opportunity to talk to a number of people from those areas last week. One presentation to the conference was given by the Mayor of the Campaspe Shire in northern Victoria. He put the case of the impact on his shire with a 15 per cent reduction in the amount of water extracted from the river, and it was a very dramatic effect. I can assure every member of the house that those people in that shire, and all the other shires (because the effects will be same right along the river systems), will be fighting tooth and nail to prevent that from happening in their area.

Even though the owners of water licences might be prepared to sell them, the community will not be prepared to sit back and allow that water to be traded out of their community without seeing the whole social fabric of their community collapse. That is something that nobody has even looked at. The member for Chaffey talked about the COAG conference in October or November this year addressing this matter. I suspect that no positive results will come from that conference. I suspect, too, that we are probably at least two years away from getting any positive results from those conferences, because of these major questions about what is going to happen to all these communities along the river if we suddenly reduce the amount of extractions out of the river. That is what we have to talk about: extractions out of the river. We cannot talk about efficiency gains, because they do not help.

If members do not believe me, they should speak to Dr Mike Young and get him to explain. I believe he was on the *Four Corners* program tonight. I have not yet seen the program and I am not sure what he said, but go and talk to him, because he will shed a bit of light on what happens when you get efficiency gains. You do not actually get more water in the river: that is one of the problems.

An honourable member interjecting:

Mr WILLIAMS: He does argue that you will get less. This is why we have to be very careful when we talk about buying water: what are we buying. We have to work our way through in consultation with all those communities upstream from here from which we would take water. Every person to whom I spoke in Mildura last week was more than happy for water to be derived from a source other than in their backyard, but nobody wanted water taken out of their own community because they knew the effect that would have on the social fabric of their community, not just on one or two irrigators.

This is a much more complicated issue than this bill is ever likely to address. Consequently, I cannot support it. First, it does not, will not, and cannot do what it purports to do or what the Treasurer suggested it would do. In fact, it is just another grab for cash by this government, which has taken advantage of the drought situation and of the ignorance of most of the people who will be paying this, because numerically most of the people paying this will be the citizens of the city of Adelaide, and they are very ignorant of exactly what effect this will have—

Ms Ciccarello: That is a disgusting thing to say. He is calling the people of Adelaide ignorant.

Mr WILLIAMS: It would be better if the honourable member listened exactly to what I said. I said that they were ignorant of the effect that this will have on the river. I am not calling anyone ignorant, although I might start to do so soon. They are ignorant of the effect that this will have on the river. I can tell the honourable member that I was ignorant of a heck of a lot of things that are happening upstream until I went to the conference last week and spoke to some people up river. I know that most of the people who will be paying this levy are aware only that there has been a severe drought and that they are facing water restrictions. However, they have no understanding of how little effect $20 million will have on the state of the river. Unfortunately, this government has used the circumstance of the drought and that ignorance to whack on a grab for cash of another $20 million against its express promise at the last election. This is just another broken promise of this government, which does nothing but break promises.

The Hon. R.B. SUCH (Fisher): I support this measure. I acknowledge that $20 million or thereabouts is not a lot of money with which to try to rectify the problems of the River Murray, but it is a start. The member for MacKillop sounded very pessimistic: I am much more optimistic about the future of the Murray. It will take a lot of money and a lot of effort, but I believe we can do a lot to restore the river to something like it should be, with environmental flows as well as sustaining economic activity.

This levy is progressive in its intent, but it is regressive in its application because, as we know, it is a flat tax and has no regard to people's ability to pay. I accept that and realise that for reasons of simplicity it is much easier to introduce a flat tax, a levy based on people's accounts. I understand why it is done but acknowledge that it is regressive in relation to people's capacity to pay. The amount asked is not exorbitant but will still make life a little more difficult for low income and fixed income people.

I believe those who benefit the most from the river should pay the most and I do not believe we have reached that point yet. Whether you are an irrigator or consumer of products, you should pay the appropriate cost for the benefit you receive as a result of that supply of water. The river is not just an economic activity. Many people are talking as if the river were simply an economic entity. If that were the case we might as well turn it into a drain immediately, but it is a collection of ecosystems. For those who say the levy is purely an economic impost, it is not—in the sense that it will also contribute towards improving the environmental aspects of the river. That is a very important point that should not be underestimated.

Overall, water is too cheap in South Australia. I received an email from someone who criticised me for saying this recently, but it is a fact. Water is cheap and therefore people waste it. If you want to discourage waste, whether by irrigators or domestic users, the price will deter people from wasting water. Likewise, there needs to be a focus on the volume or quantity of water used and in the not too distant future we will see an increase in the price of water throughout the state in its various components and sources and some adjustment in terms of the tiered system of consumption. We have not quite got to that point, but I do not think we are far off addressing the issue of the real cost of water in South Australia and in the other states as well.

People grow rice with irrigated water because it is cheap. If the price of water is much higher they will produce things that are proportionate in regard to the economic return. This measure I support. It is unfortunate that it has the regressive component, but I accept that for reasons of simplicity and immediacy something needs to be done to get things moving and this is a step hopefully in the right direction towards restoring the river so it is not only an economic part of South Australia but also retains its importance in terms of sustainability in regard to the environment. I commend the bill to the house.

The Hon. I.F. EVANS (Davenport): I rise to make a few comments in relation to the levy amendment bill on the River Murray. I understand the position is that the debate will be concluded tomorrow. This is another bill, another budget, another broken promise, which is the easy way to sum up the legislation. This government went to the people and said that it would not have to introduce any new levies or taxes or increase the rate of levies or taxes to pay for its promises. The first big broken promise in the first budget was the treatment of the small business community in relation to the pokies tax and the big broken promise in this budget is the introduction of a brand new levy on the unsuspecting South Australian water user in the form of what is known as the Save the Murray levy.

I guess that the marketing department got hold of the budget announcement to tag it the Save the Murray levy. The observation I wish to make in relation to this levy is that the state government is actually not contributing one cent extra in this regard. The state government has gone out there saying, 'Here's our state budget, and there's going to be an extra $20 000 000 a year in the forward estimate period [I think it is $15 000 000 in the first year, then $20 000 000 the year after that] for expenditure on the Murray.' That sounds really good until you dig down into the detail and you realise that the state government itself is not contributing, as I read it, one extra cent towards expenditure on the Murray. The people who are paying the extra for expenditure on the Murray are some South Australians. Not all South Australians, just some South Australians, are paying, and they are the SA Water customers, as long as they are not pensioners or others who receive a discount (they do not pay it).

Mrs Geraghty: Is that bad?

The Hon. I.F. EVANS: The member for Torrens says, 'Is that bad?' Well, that is for the community to judge. I am just making the observation that the government says it is committed to the Murray as long as it does not have to spend any of its own money on it.

Mrs Geraghty interjecting:

The Hon. I.F. EVANS: The member for Torrens says it is not their money, it is taxpayers' money. That surprises me, because it was their money until it became a levied amount. The $135, $35, or whatever the figure is, was actually the householder's or the business's money until it became a levied amount. When it becomes a levied amount and in the government coffers, it is taxpayers' money, but up to that point it is not. So, the member for Torrens says it is taxpayers' money, but it is taxpayers' money only because the Labor Party has gone out and broken its promise and decided to introduce yet another levy on the poor unsuspecting South Australian community. What the government has done is introduce a levy and it is making no extra contribution itself in relation to the River Murray.

So I question the government's genuine commitment to the Murray. It is more about rhetoric and media announcements than actually putting its hand in its own pocket. What

they have done, of course, with this levy is they have automatically CPI-ed it, so it will go up every year by CPI. The member for Heysen made the very good point in her contribution that what we do not have here is a forward program of expenditure. We do not have before us a 10-year program where the government is saying 'Look, here is the program for 10 years, five years, and this is how much it is going to cost and there is the levy to match it.' The government has said, 'Look, what we are going to do is levy you $20 million a year, and then we are going to make up a program to match it.' The parliament really has no information to any large degree about the forward program for where this levy is actually going.

What I would be interested to know from the government is—and I will explore this during the committee stage if the shadow minister reminds me at that time—when is the Murray fixed? This levy is all about fixing or improving the Murray, so at what point is the government or the parliament going to say: the Murray is fixed, or is to the appropriate standard? Is it going to be judged on the level of native fish? Is it going to be judged on the level of native vegetation along the banks? Is it going to be judged on the salinity level of the water? Is it going to be judged on other criteria? The parliament does not know. What members are really voting on here tonight is an open-ended CPI levy for eternity, because the government is not putting forward a program of how they are going to fix the Murray. There is no forward program with this levy, and there is no criteria against which the expenditure is going to be judged.

So, in five or 10 years, when the salinity level has gone down, native fish stocks are building up and the water quality has improved, at what point does the levy come off? There is no measuring point in this legislation, and no measuring point is given to this parliament about when the levy will come off. I can only assume that this government, at least, has no intention of taking off the levy. It is basically saying that it is so bad at managing its own budget that it does not intend to increase any expenditure in relation to the Murray. It wants to increase expenditure so it will levy some South Australians—not all South Australians, although it is in the best interests of all South Australians—and have it there forever. One would have to wonder about the merits of that argument. So, one of the issues at least is the criteria that will be used to judge when the Murray is fixed, and it will be interesting to see where the government goes in relation to that issue.

The other point I wish to make is that I think there is a lot of unfairness in this levy because of its flat nature. As I understand it, it is a flat fee charged to every domestic user except for those who receive a pensioner discount, in effect. So, the millionaire pays $30 or $35, or whatever the figure is, and the low income earner pays the same figure. The home with six people in it that might be using lots of water pays exactly the same levy as a single occupant of a home. So, I think there are a lot of inequities in the way that this levy will be applied to South Australians. Even those who do not use SA Water, as I understand it, will be levied. People in my electorate who have a vacant block of land with the SA Water mains going past still have to pay it because the mains go past their land. I think that is rather interesting, and that is as I understand this levy.

Of course, this is yet another major broken promise, and if one adds up all the broken promises one realises that they are worth tens of millions of dollars to the government. I do not have the same view as the member for Fisher in relation to this being a simple tax and that there is some immediacy issue. I do not believe that, just because something is simple and the need is immediate, you need to introduce what is ultimately an unfair tax.

The other issues which do not necessarily directly affect my electorate but which I know affect a lot of the electorates of my country colleagues are the leakage allowance and the 125-kilolitre allowance. As I understand it, there is a lot of confusion among farmers throughout rural South Australia who have multiple meters about whether they still get their leakage allowance. If they consolidate their meters to one meter do they get the total leakage allowance they had previously; do they get their total of the combined 125-kilolitre water allowance that they had previously; or is that consolidated into one leakage allowance and one 125-kilolitre allowance? If that is the case, you can understand that a lot of the rural community is caught in a pincer movement in relation to those two allowances.

Another issue is in relation to inequity in the business community. Having run a business prior to entering politics I know I would not be very happy paying the same fee as, say, the Mobil oil refinery, which was one of the biggest water users in the state. My paint shop would have been paying exactly the same fee as Mobil, even though the paint shop really used water only for sanitary purposes and washing out the brushes. We would have ended up paying exactly the same fee as—

Mrs Geraghty: You're not supposed to wash your brushes in the sink.

The Hon. I.F. EVANS: I didn't say in the sink, did I? I talked about washing the brushes and you interpreted that to mean in the sink. You need to listen. You actually wash them in a bucket then a waste company comes along and treats it properly. What happens is that the business community is again disadvantaged significantly by this levy, and there seems to be no correlation between the size of the levy and the amount of water used. It seems to me that a figure of $135 was struck for each business; it does not matter whether you use one litre or 1 million litres, you will be charged exactly the same levy rate. It seems extraordinary to me that the government has gone down this path. I think it is frightened after the emergency services levy to some degree. It is so concerned about some of the issues with the emergency services levy that it has decided to go down this path rather than try to make the levy at least have some semblance of fairness about it. There is no doubt that this levy will be cheap to collect—it will just go on the back of the SA Water accounts—but, as far as any fairness or equity in the community or any policy underpinning how the levy was struck or the volume of the levy, it is a mystery how they came to do that.

I guess the cynic in me might not be surprised that the $20 million that it is estimated SA Water will lose through the water restrictions happens to be about the same amount—approximately $20 million—that will be raised by the levy. So, on the one hand the government is introducing a water restriction regime that in theory will reduce the amount of water used by the community, therefore the amount of water sold and therefore the revenue to SA Water. The reduction in revenue to SA Water is about $20 million per annum and—surprise, surprise—in the same budget, in the same month they introduce a levy that will raise $20 million from SA Water customers. Some in the community would be quite cynical about that, and I can understand their cynicism in regard to that issue.

I think the government has again shown its lack of understanding of the rural constituency in relation to this issue. I know from discussions around the corridors and in the various meetings I have attended that the rural community is particularly upset about this, and I do not blame them. There are lots of inequities in this for the rural community. The government has made a number of announcements trying to quell the concerns of the rural community, and I think it has basically confused them even more. All the indications are that this is another crown lease issue. The government came out about 18 months ago and made the big announcement about crown leases, and we are here this week still not debating the crown leases.

An honourable member interjecting:

The Hon. I.F. EVANS: It is about 17 months from February to July, and we are still not debating the crown lease issue. This has all the hallmarks of the crown lease issue revisited, where the government has taken officers' advice, gone out and announced it and all the unintended consequences will come home to roost. We have the multiple metering issue, where some in the rural community had 15 meters and would all get pinged $135 each, and the government came scrambling into the estimates committees making announcements left, right and centre, trying to say that that was not quite what it meant. I understand that if you ring up the advice line you get plenty of advice, but some of it is not consistent, depending on how many times you ring and ask the same question; you do not always get the same answer. So, this has all the hallmarks of the crown lease issue all over again and is an example of a government that does not understand or work through the issues from a rural community perspective.

Members interjecting:

The Hon. I.F. EVANS: The reality is that the government is not proposing any changes to the emergency services levy. I think the government is getting less mail about the emergency services levy than it is getting about the River Murray levy.

An honourable member interjecting:

The Hon. I.F. EVANS: If you do not have any, the member for Torrens will organise some for you! I do not necessarily agree with the way this levy—

Ms Breuer interjecting:

The Hon. I.F. EVANS: I have been petitioned by the member for Giles' constituency, and I will be interested to see her government's response to that petition. At the end of the day, it is the member for Giles' government, not mine, and it can fix electricity prices. It is up to the member for Giles' government, and I look forward to what it will do for those 3 000 petitioners who have written to all the electorates.

There are some issues in relation to this levy, and the jury is still out on what the community really thinks. When I have been at community functions in my electorate, disappointment has been expressed to me that the only people putting in extra money for the Murray are, indeed, those being levied, that the government's budget really reflects not one extra cent for the river, and that there might have been more community support for the levy had the government matched it on a one-for-one basis.

I also question whether, in the first instance, the money is not going into a hypothecated fund but rather into general revenue, and we might test that at the committee stage of the bill. If the government is setting up a hypothecated fund, I wonder whether it has thought of putting the fund outside government and into a charity, a not-for-profit or public benevolent fund that could attract tax donee status, so that those who wish to contribute more on a voluntary basis could do so outside the government's hypothecated fund and attract a tax deduction for their efforts.

Some businesses and some members of the community have a genuine interest in this issue and may want to contribute outside the government's hypothecated fund. I understand that funds or legal mechanisms might be available, through the various federal acts, to set up a public benevolent fund that could achieve a similar purpose. The state government could send its money to that fund, and members of the community who wish to contribute more broadly could do so and receive a tax benefit through a donation to a public benevolent fund. I cannot understand why the state government has not taken up that option, or at least looked at it, as part of this mechanism, because I think it would have provided a better longer-term outcome than that being proposed by the government. With those few comments, I await the committee stage of the bill.

Mr MEIER (Goyder): I agree with much of what has been said in this debate. In all honesty, only one thing will improve the flow of the Murray in the immediate future, and that is a repeat of the 1956 flood. However, we do not know when that will occur. Certainly, with the drought and the excessive amount of water being taken from the river by irrigation, something had to happen. I do not believe that the levy has been the right way to go but, nevertheless, it is the government's prerogative to decide on that course of action. I cannot work out to what extent the levy will save water, because the levy is not based on water usage but is a flat levy right across the board, so there is no correlation between the levy and saving water.

As we are discussing water restrictions, I know that earlier this year, at the water conservation day discussions held in this chamber, it was said (not necessarily in the discussion but behind the scenes) that, if the government had implemented water restrictions last summer, the equivalent of half of one day's evaporation from the Murray would have been saved. Not a lot of water would be saved. Now that we have restrictions throughout the year in the metropolitan area, it will save the better part of one day's evaporation from the Murray, and that is something.

I recognise that, in addition to the metropolitan area, farmers will also be affected, and they are the ones who will be hit hard. I just hope that things change around climatically so they do not have to suffer cuts. My main concern is the effect that it will have on farmers, and a couple of members have highlighted this point, with respect to meters. If the government goes down the track of amalgamating meters, a farmer will be entitled to one amount of 125 kilolitres at a reduced rate of 42¢ per kilolitre, and after that all water is charged at $1 per kilolitre. If they have 10 meters and they are amalgamated, given that they will only get one amount at the reduced rate, that would cost them about $1 000 extra for the year. I just hope that, when the government says that it will apply only one charge, it will still allow the appropriate water usage from each meter, let alone the leakage allowance, which is another issue. That happens quite often on farms, and farmers do not get to check their meters often, perhaps every six months or so, sometimes even longer.

The other issue that I want to highlight is what the government is doing about creating new reservoirs, or looking at the prospect of new reservoirs. It would not help my area, but what would help are desalination plants, and we

have to go down that track. If the Murray has just about had it for the immediate future, let us find alternative water supplies, and desalination is the key issue, and I hope that maximum attention is given to it. Words have been said but it is a bit like the government's public liability insurance scheme.

The government speaks well, but the actions have not followed the words, so railway societies are closing down and only a token amount has been given for this coming year. Many members have mentioned the government's broken promise. I finish on this note: on 17 January 2002, just weeks before taking office, now Premier Rann said:

> None of our promises will require new or higher taxes and charges and our fully costed policies do not contain provisions for new or higher taxes and charges.

Let the people be the judge.

The Hon. K.O. FOLEY (Treasurer): I will resist the temptation to answer member by member, piece by piece, the allegations, questions and critiques that have been raised in this debate. Tomorrow in committee I will go into some of the points of substance raised by members opposite, and my officers from Treasury and from various other government agencies have been taking note of the points raised. I will try to answer them tomorrow.

However, let me make a couple of brief points. As to the issue of no new taxes, I absolutely stand by what we said before the election. None of our election promises required new taxes and charges, but what we did not understand from opposition was the terrible state of the finances that former treasurer Lucas left the state with, the structural imbalance of the budget, and the full extent of the trauma facing our state environmentally, economically and ultimately socially from the destruction that we are all witnessing of the River Murray. Our realisation of that only gets more significant as time moves on and we come to understand fully the enormity of the problem confronting us.

I say to members opposite: you have it within your power to back your rhetoric tomorrow—your two bob each way approach tonight—and vote against this bill or to amend it, because it is not sustainable for members opposite to spend three hours tonight saying that they do not like this bill, that they do not support this measure and that they see it as a retrograde step. If that is the view of the opposition, they should have the courage to put that position in this chamber. That is not unprecedented. If they are prepared to make those statements, they should be prepared to stand behind them.

If the opposition believes that the levy should be raised in a different way, if they do not support the flat structure, let them amend it and put in a different structure. If they think big business should pay more, let them amend it to make big business pay more. I challenge members opposite. It is within your power to amend this bill as you think it should be amended, and we will deal with that when we vote on the floor of this house. But, do not come in here lecturing the government about how this levy should be applied and then not be prepared to back it up.

I say in conclusion that the best contribution we heard tonight was from a member whose electorate is at the coal-face of this issue. This issue affects all of us. Whether you are from Mount Gambier or Eyre Peninsula, whether you draw water from the Murray or whether you do not, the health of the Murray affects us all. The member for Chaffey gave an outstanding contribution tonight. This is a member whose economic future in her electorate is 100 per cent linked to the future of the Murray, as is yours, Mr Speaker.

The point of this exercise is that, if we are prepared as members of parliament to address this problem constructively, without the rhetoric of politics (we can have a decent and a constructive debate, we can argue at the margins), at the end of the day, Mr Speaker, as you know only too well as a member with an electorate that is in part sustained by the Murray, we have to act. This money will go to the Murray. It is hypothecated; it is not substituting already allocated expenditure.

The debate on the Murray requires a degree of political maturity that is rarely displayed in this parliament. Let us put the cheap shots to one side. This is a genuine attempt by this government to give this state a funding stream for the next five, 10, 15, 20, 25 or 30 years—however long it is needed to have a dedicated pool of money which can be used to save the River Murray and which cannot be used for any other purpose by any government (Labor or Liberal) in the decades ahead of us. I think that, in the future, governments will see that they have this income stream which they otherwise would not have had, because every dollar of this fund will be used to save the Murray. It will be spent on the Murray to get substantially increased environmental flows.

The member for Fisher put to me that this issue is of such environmental significance that the whole future of our state is dependent on the health of the Murray—not just those who derive income from it, not just those who use River Murray water, but all of us, economically, environmentally and socially. This modest measure to save this icon, the Murray, to save our lifeblood, should be supported.

Debate adjourned.

ADJOURNMENT

At midnight the house adjourned until Tuesday 15 July at 2 p.m.