

## LEGISLATIVE COUNCIL

Wednesday 19 March 2003

The PRESIDENT (Hon. R.R. Roberts) took the chair at 10 a.m. and read prayers.

### STANDING ORDERS SUSPENSION

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15 p.m.

Motion carried.

### NUCLEAR WASTE STORAGE FACILITY (PROHIBITION) (REFERENDUM) AMENDMENT BILL

In committee.

(Continued from 20 February. Page 1847.)

Clause 1.

The Hon. T.G. ROBERTS: When we rose on Thursday 20 February some questions had been posed by members on the other side, many of them asked by the Hon. A.J. Redford. I have replies to those questions which I would like to distribute.

*The Hon. A.J. Redford interjecting:*

The Hon. T.G. ROBERTS: This issue has been around now for 10 years—

*The Hon. Diana Laidlaw interjecting:*

The Hon. T.G. ROBERTS: A lot of work has been done on this question over the break and is now finalised. Members will probably understand that it is a moving feast and that many new questions are being posed at commonwealth and state level every day, and I guess that as we debate this issue in committee new questions will arise. It is a moving feast, and it will not stop. I am not suggesting that we should stop opposition questions being raised on this important issue, but if it is at all possible we want a clear indication from the council as to how the state can defend the interests of its citizens in the best possible way. I will allow members to read the answers to the questions, so I will read the questions and answers into *Hansard*. On 20 February 2003 the Hon. A.J. Redford asked whether radioactive waste is currently transported in South Australia by road, rail, air and shipping. The reply to that question is that the transport of radioactive waste in South Australia by road, rail, air and shipping is permitted. However, there is no general requirement to notify the government of the details of such transport.

The Hon. A.J. Redford on 20 February 2003 asked: if so, is radioactive waste currently transported in South Australia? Are these forms licensed by the commonwealth, the state or both? The reply to that question is that the Radiation Protection and Control: Transportation of Radioactive Substances Regulation 1991, SA, regulates the transportation of radioactive material, including waste in South Australia. This regulation is based on the Commonwealth Code of Practice for the Safe Transportation of Radioactive Substances 1990.

The regulations specify responsibilities for carriers, consignors and drivers of vehicles carrying radioactive material. The carriers of radioactive waste are required to label the vehicle, carry consignors' documents, ensure that

the load is stored appropriately and also to take prescribed action in the event that the radioactive material is lost or damaged. The penalty for a person contravening these regulations is up to \$10 000. However, it is understood that if the transporter is a commonwealth contractor or agency, then the transportation would be regulated under the Australian Radiation Protection and Nuclear Safety Act 1998. The requirements under the commonwealth legislation essentially are the same as the South Australian regulations.

The Hon. A.J. Redford also asked on 20 February 2003: can the minister advise how much radioactive waste by category—low, medium or high—is transported within South Australia each year by road, rail, air or shipping and can he detail the extent of that? The reply to that question is that transport of radioactive waste in South Australia by road, rail, air and shipping is permitted. However, there are no general requirements to notify the government of the details of such transport. Information regarding quantities of waste transported is not available.

The Hon. A.J. Redford on 20 February 2003 asked: how much is in the budget forward estimates for the construction of the state low level waste repository and/or an interim low level storage facility and in which minister's budget and budget line is the construction? The answer to that question is that no provisions have been made at this stage.

The Hon. A.J. Redford also asked on 20 February 2003: if the federal government is to build a low level storage facility at Woomera, will the state government use it and, if not, will the state government build its own low level waste storage facility and, if so, where, what will be the cost and time frame and what public consultation will take place prior to the construction of a state facility? The reply is that the government's preferred position is that the national repository not be constructed in this state and we will make every effort to stop it being constructed. In the meantime the government has instructed the EPA to undertake an audit of radioactive material in the state, which the EPA is currently conducting. The audit will provide the government with more information about the type and amount of radioactive material in South Australia. It is from this informed position that the government will decide the best management for radioactive waste in this state. The government has not ruled out the use of a national repository for the storage of a South Australian radioactive waste, should we be unsuccessful in blocking the proposed dump.

The Hon. A.J. Redford on 20 February 2003 asked: if the federal government is to build a low level storage facility at Woomera, will the state government need to build an interim storage facility and, if so, where, at what cost, in what time frame and what will be the public consultation process? The reply to that question is that the proposed commonwealth repository would only be open for receipt of waste at certain specified intervals for the initial campaign and subsequent campaigns, which is every two to five years. The national radioactive waste repository draft environmental impact statement advises that some consolidation of waste from organisations producing smaller amounts of waste would be sensible in future campaigns in order to minimise shipments. It is for the disposal of radioactive waste generated in future for which it is envisaged that jurisdictions would use a central temporary storage facility. The state government has not made a final decision regarding a temporary central store. As stated previously, the EPA is undertaking an audit of our current waste and, after this audit is completed and the results are assessed, the government will make informed decisions

about the management of South Australia's low level radioactive waste.

The very busy Hon. A. J. Redford on 20 February 2003 asked: if the federal government does not build a low level waste repository at Woomera, where will the government store the waste and how will it store it? At what cost? What will the time frame be and what will be the public consultation process? The reply is that the purpose of the audit being undertaken by the EPA is to find answers to these questions. It is from an informed position that the government will be able to recommend the best form of storage for nuclear waste generated in the state and, accordingly, find out the costs associated with types of storage and the time frames and consultation for any proposed programs for management.

The Hon. A.J. Redford also asked on 20 February 2003: where will the federal Labor Party store the radioactive waste, given that its policy is not to force storage onto any state and that the state Labor Party does not want the radioactive waste stored in South Australia? Where will the federal Labor Party move the 2 000 cubic metres of waste that was dumped in South Australia by the Keating government? Will it be in New South Wales, Victoria or where? The reply is that the state government cannot speak for the federal Labor Party. Last week the federal Labor leader stated that under his leadership there will be no national dump in South Australia.

On 20 February, the Hon. A.J. Redford asked: has the Premier or the minister sought the views of other state and territory leaders as to whether or not they are prepared to take low level, medium or high level waste and, if so, what are the views of each of the other states? The reply to that question is that the other states and territories have been told, both directly and indirectly, that the South Australian government believes that each jurisdiction should responsibly manage its own waste. The Hon. A.J. Redford on 20 February 2003 asked: how much is in the budget and the forward estimates for the referendum? Which minister's budget is it in and which budget line will identify that? This question will be addressed in the normal budget process.

Those are the replies provided to each member on the questions that have been raised in committee. We are now back in committee and I suspect that members will have further questions to ask, but the state government's position is clear on this. It also establishes the position of the leadership of the Labor Party at federal level, reminding everyone that we are not in government federally; that it is the Liberal Party federally that is determining the program for the storage of nuclear waste in Australia, and those questions that have been raised have been answered in good faith.

We cannot answer on behalf of the federal government. I am sure that some of the members on the other side will have more idea of what is in the federal government's mind in relation to its position, but—

**The Hon. T.G. Cameron:** I wouldn't count on it.

**The Hon. T.G. ROBERTS:** No, the communication lines are a bit shaky. I hope that we can deal with this issue quickly today so that the people of South Australia can at least have a fix on the position that the parliament has in South Australia.

**The Hon. A.J. REDFORD:** What a way to conduct business! We have had those questions on notice for a month, and you come in at the last minute with a series of bland answers.

**The CHAIRMAN:** Order! We are not here to debate the issue again. You have got the answers. If you have a question

in respect of any of the answers, that is fine. I do not want this to degenerate into another second reading debate.

**The Hon. A.J. REDFORD:** I think it is absolutely disgraceful that the government comes in at the last minute. These answers could have been provided a week or 10 days ago—

**The Hon. Diana Laidlaw:** Six months ago.

**The Hon. A.J. REDFORD:** Yes, six months ago. Notwithstanding that and the complete absence of any policy from the Australian Labor Party, and based upon my quick reading of what the minister has just provided, noting that it is the minister who wants this parliament to fix a position in the absence of a fixed position from the government about what it is going to do about low level waste, I ask this question. The memorandum that was given to me just a few minutes ago, which purported to answer these questions, has this comment:

The purpose of the audit being undertaken by the EDA is to find answers to these questions. It is from an informed position that the government will be able to recommend the best form of storage for nuclear waste generated in this state, and accordingly find out the costs associated with types of storage and the time frames and consultation for any proposed programs for management.

My first question to the minister is: why is it important that the parliament make a decision today in the absence of information which the government says it currently does not have?

**The Hon. T.G. ROBERTS:** We are sitting today in order to get a final position in preparation for the federal government's plans so that we can send a very strong signal to the federal government as to our position in handling other states' waste. We also have to send a signal as to how we were going to deal with the issue. We are sitting in this special session to have that position clarified. The federal government has moved the goalposts somewhat. I am not sure whether 24 March will be the date on which we get a final reply. If one reads between the lines in some of the statements being made publicly, it may be the end of March. Then again, it may be the end of April or some other date.

We in this state have to get our house in order to plan for the management of our waste disposal and storage. On my understanding, having been on the Environment, Resources and Development Committee over a number of years, those questions were posed to a number of agencies and bodies under the previous regime to get an audit that would allow that assessment to be made. I understand that the assessments are still being carried out by the EPA under this government's instructions. To get a clarified view of what is going on, you need the best possible scientific information to then base your best possible—

**The Hon. A.J. Redford:** Which we haven't got.

**The Hon. T.G. ROBERTS:** I think—

**The Hon. A.J. Redford:** You guys want time to get the information but you won't give parliament the time.

**The Hon. T.G. ROBERTS:** This statement says that the information is being collated. There is a general understanding of what we are dealing with. This issue has been around not for five minutes but for a decade.

*The Hon. A.J. Redford interjecting:*

**The Hon. T.G. ROBERTS:** Every government—

*Members interjecting:*

**The CHAIRMAN:** Order!

**The Hon. T.G. ROBERTS:** —in South Australia—

*Members interjecting:*

**The CHAIRMAN:** Order! The minister will resume his seat. This issue has been around for a long time. I know it is an emotional issue. We have been recalled to the parliament to handle this issue—at taxpayers' expense, I might add—and we need a responsible approach to the conduct of this debate. The minister was on his feet, and when he is on his feet he will be heard in silence, and the same courtesy will be extended to members of the opposition.

**The Hon. T.G. ROBERTS:** Nobody on this side of the committee is saying that this is an easy question to deal with. I am saying that the issue has been around for a long time. Alongside Western Australia, South Australia is probably the state that has been abused for a whole range of reasons in relation to having to deal with waste; sometimes it has been of our own making and in other cases it has been because of decisions made by other governments.

We have had a huge responsibility placed on our shoulders over the years. Each government (including the honourable member's own) has had to deal with questions of how to deal with the worst of the worst, that is, the dirty bombs that were dropped in the 1950s and the 1960s, and the plutonium clean-ups that have taken place under the instructions of international agencies in cooperation with the British and commonwealth governments.

**The Hon. A.J. Redford:** And the Keating government. The Keating government negotiated that.

**The Hon. T.G. ROBERTS:** The commonwealth government had to be involved. The point I am raising is that South Australia has had probably the worst history of abuse over the period of the nuclear fuel cycle and the testing of nuclear weaponry of any other state in Australia—probably worse than Western Australia, but at least the equivalent thereof. We have to have a policy, one would think, based on a bipartisan approach—

**The CHAIRMAN:** Order! The cameraman in the gallery is filming out of position. He will be removed from the chamber if he persists.

**The Hon. T.G. ROBERTS:** It would be good if we could get a bipartisan approach to deal with the problems within this state and to act for and on behalf of all our citizenry and—

**The Hon. A.J. Redford:** Don't you throw bipartisanship at us: it's not on.

**The CHAIRMAN:** Order!

**The Hon. T.G. ROBERTS:** I said it would be good if we could get a bipartisan position within this state to work towards a solution that deals with the commonwealth government's proposals that gives—

*The Hon. A.J. Redford interjecting:*

**The Hon. T.G. ROBERTS:** I am not sure who is playing politics here. We would have liked to have dealt with this issue at the last sitting. We would have liked to have had some indication from the opposition in relation to its position so that we could have announced to the federal government our position for future storage and waste management within this state. Unfortunately, the position is still clouded, apparently. We still cannot get a clear indication of the opposition's position. We need a bipartisan approach to work with the commonwealth government to get the best possible position.

If members opposite do not want a waste disposal and management proposal worked through parliament today, they should say so very early in the committee stage and we will try to work towards some other solution, perhaps through some form of committee. But that would not satisfy people

who now want the time frames to be established to suit the federal government's time frames. I am not sure what the honourable member is saying. We are caught in a no-win position. If we do not progress the issue today and it continues to linger, we will have something imposed upon us; there is no doubt about that. I say to those members on the other side who have to deal with the establishment of this state as a clean, green state for the export of a lot of our primary products, and for a whole range of other reasons in relation to the safe storage and disposal of our waste in the worst possible stages of the nuclear fuel cycle (and, I might add, without having any nuclear fuel cycle of our own, except for the mining of uranium), we have to deal with all the worst aspects of the cycle. It would be good if we could get—

**The Hon. A.J. Redford:** We are dealing with low level waste here. You are constantly putting up false information.

**The CHAIRMAN:** Order!

**The Hon. T.G. ROBERTS:** Can the honourable member give me a guarantee that the federal government will not move high level waste into this state?

*Members interjecting:*

**The CHAIRMAN:** Order!

**The Hon. T.G. ROBERTS:** Is the member telling me that he has not seen any of the plans being peddled by international agencies to use Australia as a high level waste dump?

**The Hon. A.J. Redford:** Our government banned it.

**The Hon. T.G. ROBERTS:** How long will that last?

*Members interjecting:*

**The Hon. T.G. ROBERTS:** The situation is that it is your party in government. What we need now is an answer to the questions that have been posed by the citizenry of the state, because the issue has been around far too long. We need members of parliament to show some leadership so that the community can work out exactly where we are going.

**The CHAIRMAN:** The Hon. Mr Redford will be heard in silence.

**The Hon. A.J. REDFORD:** The minister invited us to put our position and, although I think it is pretty clear, I will just repeat it for his benefit. About 40 per cent of the low level waste is currently situated in Woomera in what anyone would describe as an unsafe state. There are currently something of the order of 120 to 130 waste sites throughout the metropolitan area of Adelaide. This week we released a paper that indicated that, if we do nothing in the next five years, an additional 50 waste sites will be created. We have consistently and persistently asked the government what it proposes to do with all that waste. All we have had in response is that it is engaging in an audit and it is using the auspices of the EPA to do it.

The government has said that it will have an answer to those questions some time in late June. The opposition has said that it will accept that. We want to have a proper and informed debate in the community without rancour and emotion, filled with fact and not rhetoric, so that we as a community can carefully and properly discuss what we are going to do with it. As a parliament, we have a responsibility to participate in this very important debate. We are not going to trust a government to do it because we trusted the Keating government to look after it and we got 2 000 cubic metres of the stuff. That is what we are after: we are after the information. In answer to the question today, the government states—

*Members interjecting:*

**The CHAIRMAN:** Members on my right will come to order.

**The Hon. A.J. REDFORD:** The answer states:

It is from an informed position that the government will be able to recommend the best form of storage.

However, the government has come in here today saying, 'We want to be informed but we don't want the parliament to be informed.' That is the government thumbing its nose at the parliament, because the parliament as a whole, the crossbenchers and opposition members, have every right to participate in the debate. With the obfuscation and the misinformation that has been put out by the government on this issue to date, we do not trust the issue to be left entirely in the hands of the government.

Already 60 per cent of Australia's low level waste is in South Australia, and at the moment we have had absolutely no response from the government as to what it proposes to do other than stamp its feet and say that it will have an inquiry but will not even consider the federal process, a process that was commenced by the present federal Leader of the Opposition, Simon Crean.

That is the opposition's position. The opposition has been criticised in the media in the past for not fulfilling its proper role in relation to some of these issues, so today we are going to fulfil that role. Today we are going to draw out, as best we can, subject to the support of the crossbenchers, a full and complete answer and a careful and reasoned debate on these very important and significant issues. We will not be drawn down the path of playing simple politics that are designed simply to attract headlines.

This is a far more complex and difficult issue, and the minister and the Premier know it. However, on every occasion when we have attempted to deal with this in a proper and considered manner, all we have had is rhetoric from the minister—and I am not talking about the minister before me, but the Minister for Environment—and from the Premier. Furphies have been raised all the way through the debate. Potentially, there are 250-odd sites in this state today, and 60 per cent of Australia's low level waste is already in South Australia. The federal government is saying it will build a repository and the state government is saying it will have an inquiry. We do not mind the government having an inquiry, but we would like to have the answers to that inquiry before we proceed with the bill. Other members may well want to contribute at this stage but, once they have contributed, I will be moving that we report progress, until we get the answers on this inquiry.

*Members interjecting:*

**The CHAIRMAN:** Order! This process today is somewhat different from the normal processes that we go through when we handle a bill. The Hon. Mr Redford has just demanded the right for another debate. Under standing orders, that will not be open to members. Nothing that has been said in respect of the politics of this debate was denied to any member during the second reading speeches. I remind members that they are not here for another debate about the government's past actions or future actions. Members are here to handle the committee stage of the bill. I point out to all members that we are in the committee stage and standing orders have to be complied with, and it does not provide another opportunity for members to have another second reading debate.

I ask all members to take that into consideration when asking questions or seeking explanations, and I particularly ask the minister to confine himself to providing the answers to the questions which are put to him and for him to refrain

from going off on a political tangent as well. Having provided that clarification, we will resume the debate.

**The Hon. T.G. ROBERTS:** Thank you, Mr Chairman. I have to reply to some of the questions raised by the honourable member. Holding parliament in contempt for the explanation that is required on this important issue is not an issue as far as the government is concerned. As outlined in the explanatory replies to questions, the role of the EPA is misunderstood by the honourable member. The EPA has an arm's length role in relation to the—

*The Hon. A.J. Redford interjecting:*

**The Hon. T.G. ROBERTS:** The honourable member says, 'An honest role'. The issue is that the EPA will be determining, based on the best scientific evidence and the best evidence that can be collected around this state, where all radioactive waste repositories are—low, medium and otherwise. The other issue that we have to manage is the circumstances in which commonwealth governments have left us. There is no denying that the commonwealth has been using South Australia as a repository for low level waste and that that has to be managed in conjunction with the commonwealth as well. If the transport and storage regulations or the legislation is inadequate, then it is up to this parliament to counter that and work with the commonwealth to fix those issues.

We do not hold 60 per cent of Australia's radioactive waste. I am told that we hold 17 per cent of that waste by volume and the rest is contaminated soil. The other issues are rhetorical; I will not pursue them. I will allow the opposition to put its strategy that obviously it has determined away from this parliament—and that is its right. If the Independents have made up their minds in relation to their position, then I will cooperate fully with the chair's recommendations; that is, to try to facilitate this debate without too much more rancour.

**The Hon. T.G. CAMERON:** I seek some guidance from you, Mr Chair. Is it appropriate to ask questions of the government about the legality of this bill?

**The CHAIRMAN:** I would see that as a legitimate question during the committee stage of this bill.

**The Hon. T.G. CAMERON:** There has been a fair bit of debate about the legality of this bill and whether or not it would succeed in the event of a High Court challenge if the federal government moved to override it. Has the government taken legal advice about a High Court challenge to the federal government's moving to override this bill and, if so, is it prepared to outline that legal opinion to the committee and the likelihood of its success?

**The Hon. T.G. ROBERTS:** Legal advice received is that commonwealth legislation will be able to override the proposed amendments in the bill. However—

**The Hon. A.J. Redford:** Existing, future, or proposed legislation?

**The Hon. T.G. ROBERTS:** I expect that it will be both: existing and future. However—

**The Hon. A.J. Redford:** With respect to future legislation, will the federal ALP support it?

**The Hon. T.G. ROBERTS:** The commonwealth powers override the provisions of the current act. However, the situation is that this will be an indicator of the state's position in relation to what the commonwealth does after the state has made a determination. In the absence of a determination, the commonwealth will not have any indication of the will of this parliament if there is no declaration by it.

**The CHAIRMAN:** The Hon. Mr Cameron has commenced a line of questioning; I will allow him to complete it.

**The Hon. T.G. CAMERON:** If I am to understand him correctly, the minister is saying that the government's legal advice is that the federal government's current or future legislation would override any bill on this issue carried by this state parliament. I am looking for a clearer statement from the minister, if I can possibly extract it.

**The Hon. T.G. ROBERTS:** That is an accurate assessment of the current situation.

**The Hon. T.G. CAMERON:** In view of the legal advice received by the state government, in the event that this legislation is carried, and in the event that the federal government proceeds to establish a national nuclear waste dump in South Australia, is it the South Australian government's intention to challenge that decision in the High Court and, if not, why not?

**The Hon. T.G. ROBERTS:** That is a hypothetical question. It will have to be—

**The Hon. T.G. CAMERON:** There is nothing hypothetical about it. What is hypothetical about it?

**The CHAIRMAN:** Order!

**The Hon. T.G. ROBERTS:** In terms of the question about the final determination of the commonwealth, if this parliament makes a declaration the commonwealth would have to take that into account when it makes its final assessment on whether it will place a dump in South Australia. There has already been movement by the commonwealth in relation to looking at other sites. This may be a rhetorical or political reply, but I believe that the debate that has taken place in South Australia thus far has made the commonwealth consider this issue because it knows that, with respect to the path it is heading down, it is an unpopular decision. Political as well as legal considerations are to be made when the commonwealth or the state make their next moves in relation to their intentions.

**The Hon. T.G. CAMERON:** I am not worried about the political considerations: I am trying to get a handle on the legal considerations. I thought that the question was relatively simple: if the federal government moves to establish a national low level nuclear repository in South Australia, and this legislation is passed, will the state government either seek an injunction or proceed to have the matter tested in the High Court? It is a fairly simple question.

**The Hon. T.G. ROBERTS:** I am advised that we are currently seeking crown law advice on that matter.

**The Hon. T.G. CAMERON:** With due respect, that seems to contradict the answer that the minister gave about five minutes ago when he said that he had taken legal advice on this matter and the likelihood of success was not very great. So, perhaps the minister could be a little more forthcoming or, if I dare say, a little more honest with the members of the committee.

**The CHAIRMAN:** You dare not say that, Mr Cameron, but we take the point that you are trying to make.

**The Hon. T.G. ROBERTS:** I think the honourable member has not separated the questions correctly. One question is to do with an injunction, which I had not addressed in my previous deliberations.

*The Hon. A.J. Redford interjecting:*

**The CHAIRMAN:** Order! He does not need any support.

**The Hon. T.G. CAMERON:** I guess I am trying to get a handle on whether we are playing a game of politics here or whether there is any real intention on the part of this government, if this bill goes through, to see the matter through and challenge whether it is either existing legislation or future legislation, or to take out an injunction. It would be

very easy to play politics and carry this bill today but, before I vote on this issue, I want some idea of the government's intentions. If this legislation is passed, will the government seek recourse to the High Court in the event that the federal government seeks to establish a national repository here? There is no secret that that is its intention. I am trying to find out what secrets this government is keeping in its little bag.

**The Hon. T.G. ROBERTS:** I thought our position was quite clear and that the community understands that we are doing everything within our power to ensure that the commonwealth's intention for this state does not take place and that we have declared a clear and established position. If there is to be a legal challenge, the grounds for it will have to be determined at the point that the determination is made by the commonwealth.

It is a question that cannot be answered in clear terms until we know exactly what we are dealing with because, as I have explained, the commonwealth's position is moving—we have a moveable feast in front of us. We need a declaration from this state to ensure that those people who have the power (and the state's powers, when tested against those of the commonwealth in regard to most issues tend not to override the commonwealth powers: it is usually the other way around) understand that the intentions of the people of this state are clear, and that the commonwealth knows that the people in this state will not be happy if the decision is made to establish a single low level waste dump in this state for the storage of waste from around Australia.

That is a simple explanation, I know from a very simple person, in the hope that the honourable member can understand that our intentions are to fight with all the powers that we have in this state to ensure that the commonwealth understands what South Australians think about the proposition, and we will examine whether there are any legal grounds on which we can challenge it and determine a course of action after the commonwealth has acted.

**The Hon. T.G. CAMERON:** I thank the minister for going just a little further. He makes a couple of statements. One is that this government will use all powers available to it to stop the federal government establishing a low level repository in South Australia. A minute or so later he said that the government will fight with all powers possible to stop a low level dump being established in South Australia. The Premier of this state (Hon. Mike Rann) is on the public record as saying that the government will leave no stone unturned and that it will pursue every avenue to stop the establishment of a low level dump in South Australia.

I am not a lawyer—I am just a layman—but it would seem to me that, with those three statements on the public record, including the two that the minister has made here today, it is a matter of course that, if this legislation is passed, any attempt by the federal government to establish a low level dump in South Australia, notwithstanding the likelihood of success, would naturally mean that the state government would launch a High Court challenge to test the legality of the federal government's position. That is, of course if it is to live up to: 'We will fight with all powers possible.' I am trying to ascertain whether or not the rhetoric that we are hearing will be matched by substance when this legislation is dealt with.

**The Hon. T.G. ROBERTS:** I am not the minister carrying the bill.

**The Hon. A.J. Redford:** Yes, you are.

**The Hon. T.G. ROBERTS:** I am the minister carrying the bill and have responsibility for it in this council. Cabinet

will make a decision on the facts that it has before it when the commonwealth makes its decision. Other issues, such as compensation, will be considered, and the determination will be examined when it is made by the commonwealth.

This parliament has to decide what it wants to do on behalf of its citizens, and the next round of the 55-act play will take place in the commonwealth arena. But we will do whatever is required, given our powers, to ensure that, as best we can, the situation in South Australia is followed in order to prevent the worst aspects of the commonwealth's plan from being unravelled in this state.

**The Hon. T.G. CAMERON:** I do not know how many other ways I can phrase the question. However, using your own words, if you intend to use all avenues available to you, does it not mean that, on the passage of this legislation, you will appeal to the High Court? I would have thought that a simple yes or no answer to that would be possible.

**The Hon. T.G. ROBERTS:** If the honourable member is insistent, and if that is what is required to obtain his support, then I will say, yes, it is an option that could and should be made available.

**The Hon. J.F. STEFANI:** My question is very simple. Is the minister aware of a legal opinion provided by crown law to the Chief Executive of the Department of the Premier and Cabinet, dated 26 November 1999, and a legal opinion provided by the Crown Solicitor to the Chief Executive of the Department of Environment and Heritage dated 18 May 2000?

**The Hon. T.G. ROBERTS:** I am not aware of the exact dates and times, but the information I have been given is that there have been a number of opinions given that all add up to the same determination.

**The Hon. T.G. Cameron:** Which is?

**The Hon. T.G. ROBERTS:** The one that I read into *Hansard*, which says:

Legal advice received advises that commonwealth legislation will be able to override the proposed amendments in the bill. However, the commonwealth powers override the provisions of the current act.

That is the information that has been given to me.

*Members interjecting:*

**The CHAIRMAN:** Order!

**The Hon. J.F. STEFANI:** Mr Chairman, may I help the minister. The Crown Solicitor has said, in both opinions, that any act passed by this parliament in relation to the radioactive waste repository is ineffective in terms of the commonwealth law. The government needs to understand that this parliament is sitting for the purpose of deciding on legislation that is ineffective in terms of challenging the commonwealth's intention to establish a repository. I do not say this: the Crown Solicitor has said this on two different occasions. It defies logic. Unless the government has another independent, solid, accurate and effective legal opinion, we are all wasting our time.

**The Hon. T.G. ROBERTS:** I am sorry that the honourable member thinks that the declaration by the parliament is wasting our time in relation—

**The Hon. A.J. Redford:** An uninformed declaration.

**The Hon. T.G. ROBERTS:** The honourable member says, 'An uninformed declaration'. I think there is general agreement about the legal advice which has been proffered. I think there is an understanding by everyone in this parliament that the commonwealth position overrides the state's in relation to this issue. However, that did not stop the previous government from putting up a similar bill in 2000. I would like to hear an explanation from those who thought that it was

a good tactic at that time to do almost the same thing. They may have done it tongue in cheek, I do not know, but I have given a commitment that we will work as hard as we can to make a declaration to the commonwealth of our position in this state. In relation to a question put by the Hon. Terry Cameron, we will, if necessary, take it to the High Court, but in relation to the understanding of where we are in terms of state powers vis-a-vis commonwealth powers, I think we all understand that.

**The Hon. SANDRA KANCK:** I think this might end up being a case of duelling legal opinions. I have a couple of opinions courtesy of my Democrat Senate colleagues who sought opinions from the Law and Bills Digest Group of the Federal Parliamentary Library in August 2000 and last month. The response dated August 2000 deals with the Australian Nuclear Science and Technology Organisation Act 1987 (ANSTO). The response that came back just a few weeks ago deals with the Australian Radiation (Protection and Nuclear Safety) Act 1999 (ARPANSA). Both these opinions say that the federal government has two recourses to action regarding any legislation that we pass here: the legislative regulation path and the legal court path.

I will cite the more recent opinion which deals with the ARPANSA Act rather than the one which deals with the ANSTO Act, but basically they say the same sort of things. I hope this is of some assistance to the Hon. Mr Cameron as to whether or not what we do is successful. I was disappointed to hear the environment minister say on radio this morning that we can use this to send a message. I am passionate about this legislation being passed today because I believe there is still a chance—albeit an outside chance—that, by passing this legislation, we can stop this dump from being located in South Australia. This advice states:

There are two (somewhat related) possibilities through which an override may occur in this context. The first is that the Nuclear Waste Storage Facility (Prohibition) Act 2000—presumably as amended by the 2002 Bill should it be passed—could be overridden by virtue of its being prescribed in regulations under section 83 of the ARPANSA Act. Section 83 allows for state laws (or sections of them) to be prescribed in regulations with the effect that that law/section does not apply to an activity of a controlled person as that activity relates to certain radiation/nuclear materials, apparatus or facilities.

The author observes that several pieces of state legislation (including the South Australian Radiation Protection and Control Act 1982) were prescribed in federal regulations in 2001. He goes on to state:

I think there is little doubt that the commonwealth government could prescribe the Nuclear Waste Storage Facility (Prohibition) Act 2000. . . but since regulations are subject to disallowance by either house of parliament under the Acts Interpretation Act 1901 this method of override is vulnerable to action by the Senate.

This is where I have my greatest hope, because the federal Liberal government does not control the Senate. If they chose to amend the ARPANSA Act they would not have the numbers in the Senate to pass it. If they chose to do it by regulation then the Senate could disallow it, and the federal government does not have the numbers to stop that disallowance.

**The Hon. A.J. Redford:** Do you trust federal Labor to do that?

**The Hon. SANDRA KANCK:** I have an undertaking from my federal colleagues that if that occurs my colleagues will disallow those regulations. It would be a fascinating exercise to see South Australian senators—Labor or Liberal—lining up to support such regulations. I believe that

all of them would be basically signing their death warrants as far as their future survival in federal parliament is concerned. At this point I have some hope that by passing this legislation we can get somewhere. That is the positive side. Then I go to the more negative side of this advice. The author goes on to state:

The second possibility of an override is that the Nuclear Waste Storage Facility (Prohibition) Act 2000, or part of it, could be ruled by a court to be inconsistent with the licensing provisions of the ARPANSA Act and thus invalid under section 109 of Commonwealth Constitution. In my view, any legislative attempt by South Australia to ban the proposed waste facility would likely be held invalid under section 109 to the extent its operation would prevent a controlled person from undertaking an activity that is within the terms or scope of valid licence issued under the ARPANSA Act. This is simply because there would be an inconsistency between the licence and the SA law. Although a licence is not a 'law' as such, the granting of a licence is empowered by a commonwealth law, and there is at least some constitutional law authority that suggests that this is adequate for the purposes of section 109.

That is the bad news; the author of this paper is saying he believes that a section 109 challenge by the federal government would have a greater chance of success than failure, but I am heartened by the Hon. T.G. Roberts's answer to the Hon. Mr Cameron that the government would take this up in the High Court.

**The Hon. T.G. Cameron:** Only if I vote for it!

**The Hon. SANDRA KANCK:** If this legislation is passed and the federal government takes it to the High Court, I am heartened by the fact that the Hon. Terry Roberts has said that the state government would be challenging the federal government. So, for me and for the Democrats there is a glimmer of hope in this. It is not just a matter of sending a message to the federal government; there is a possibility that passing this legislation today will be able to do more than that. I do urge those Independents who are still making up their mind to take into account that there is that hope.

**The Hon. J.F. STEFANI:** I would like to add to the comments of my colleague the Hon. Sandra Kanck in relation to the legal opinion that she has shared with members of the committee. In particular I would like to share the legal opinion that was quoted by the Crown Solicitor on 26 November 1999 to the then Chief Executive of the Department of Premier and Cabinet.

**The Hon. T.G. Cameron:** Could you table a copy?

**The Hon. J.F. STEFANI:** I am happy to table a copy.

The legal opinion states:

The commonwealth may regulate the activities of a nuclear waste repository pursuant to the Australian Radiation Protection and Nuclear Safety Act 1998 and the Australian Radiation Protection and Nuclear Safety Regulation 1999. In particular, section 32 of the Australian Radiation Protection and Nuclear Safety Act 1998 provides that a licence may be issued by the Chief Executive Officer of the Australian Radiation Protection and Nuclear Safety Agency to a commonwealth entity to construct and operate a facility used for the storage of radioactive waste.

I emphasise that it is up to the Chief Executive Officer to issue the licence.

**The Hon. T.G. ROBERTS:** In relation to the principles established by both honourable members, we will be exploring every avenue to get an outcome in relation to these issues. It will depend on the final preparation of the commonwealth's plan and its establishment as to what legal interpretation the state will make in reply. If it is necessary to take it to the High Court or to challenge the decision made by the commonwealth, the Premier has publicly made a commitment to do that.

If the interpretation is as described by the honourable member, it will not matter whether there is a debate on legal points inside or outside the courts in relation to where we are heading, because this parliament still has to make a determination. That is all we have to decide here today: whether or not we make a determination. If we want to make it roly-poly and roll it out so that we do not make a determination, that is the only consideration we have. As a government we would certainly like this parliament to make its position clear as to where we stand when the commonwealth makes its position clear publicly, so that we know exactly where we are—not that we are pursuing legal advice one way or another but that a political determination has been made by the parliament in allowing the parliament to speak as to its position in relation to this very important issue. The debate amongst lawyers at the commonwealth and state levels—crown law and others—

**The Hon. A.J. Redford:** They all agree—you can't win.

**The Hon. T.G. ROBERTS:** There are checks within the advice given, as the honourable member knows. Where you get one lawyer's opinion, you will get another lawyer's opinion to—

**The Hon. A.J. Redford:** But all the lawyers agree.

**The Hon. T.G. ROBERTS:** I have said that we agree with your interpretation of the commonwealth powers.

*The Hon. A.J. Redford interjecting:*

**The Hon. T.G. ROBERTS:** The position is still not understood by the honourable member. I am saying that we will explore every avenue.

**The Hon. A.J. Redford:** You said that we will go to the High Court.

**The Hon. T.G. ROBERTS:** That is an avenue.

*The Hon. A.J. Redford interjecting:*

**The CHAIRMAN:** Order! The Hon. Mr Redford is getting very close to becoming tedious, and there is a standing order about that and I remind him of it.

**The Hon. T.G. ROBERTS:** Most of the 55 act players I referred to have been played out, but there could be a 56th—who knows? I am not saying that a final decision will be made to go to the High Court, but it is an avenue for us to explore.

**The Hon. A.J. Redford:** You said that you would.

**The Hon. T.G. ROBERTS:** We may have to. A position has to be questioned. In relation to the Hon. Mr Cameron, if his is the last vote of the Independents—

*Members interjecting:*

**The Hon. T.G. ROBERTS:** The parliament is made up of a whole range of people and views.

*Members interjecting:*

**The Hon. T.G. ROBERTS:** It is not a bribe—it is clarification of a point made. The position is that there has been a lot of discussion amongst party members, members of parliament and the Independents. I know that some are still making up their mind on the floor as we speak.

That was the point I was making in relation to the High Court. A High Court challenge by the state is not being ruled out, but we have to look at the final determination and how the state stands in relation to the commonwealth's decision before we make a decision. But the option will be examined. When we come to that position, if we do not get it through the parliament I can give you a guarantee that we will not be able to reach a position from which we can state our case and the commonwealth will ride roughshod over us because we cannot make up our mind about what we are doing.

**The Hon. T.G. CAMERON:** I take this opportunity to thank the Minister for the Environment for his generous offer,

if my vote is the last one, although I am not quite sure how we would be in a position to know that. So, on behalf of the Australian Democrats, the Hon. Julian Stefani, the Hon. Andrew Evans and the Hon. Nick Xenophon, is the minister prepared to give them the same undertaking that he has given me?

**The Hon. T.G. ROBERTS:** I thought I had given parliament an undertaking, not individual members. The undertaking that we have given publicly, outside and inside parliament, is that we will do all that is possible to challenge the powers of the commonwealth over the state's position to prevent the establishment of a dump. I think every South Australian understands that we have had enough. We have been abused by international powers and by the commonwealth over time, and what we are doing is standing up and making a statement, saying, 'If there is to be a single repository in the country, let it be somewhere else. Let some other state take the responsibility for a repository, because we have had enough.'

We are still cleaning up. In fact, there is still doubt about the integrity of the clean-up at Maralinga. We still have to clean up the messes made by a whole range of other decision makers previously. Let us put up the flag by saying that this parliament, on behalf of its people, is not prepared to accept other decisions made by any other country or by the commonwealth in relation to what we do with our waste and how we manage it.

**The Hon. T.G. CAMERON:** I noted that the minister stated that we have been consistently abused by everyone around the world, including the federal government, in relation to the uranium industry. Does that include the establishment of the world's largest uranium mine at Roxby Downs here in South Australia?

**The CHAIRMAN:** Order! We have spent over an hour on this bill, and I have been exceedingly—

**The Hon. T.G. Cameron:** I have a lot more questions yet, Mr Chairman, and I don't want to be gagged.

**The CHAIRMAN:** You will not be gagged. You can ask as many questions as you like.

**The Hon. T.G. Cameron:** Because if we are going to be gagged we will have a vote on it, all right?

**The CHAIRMAN:** You will not be gagged: you will be given the opportunity to ask your questions. However, I put to the committee that I have allowed a fair amount of debate. I have allowed some members, particularly the Hon. Mr Redford (because he is leading the debate on his side of the committee), and a number of other people to ask a number of questions. We have now very much got into a debate. I think the Hon. Sandra Kanck referred to it as a war of opinions. Some of it is hypothetical as to what the government will do. I ask members to confine themselves to their obligation.

We do not have a choice: we are beholden to the people of South Australia to represent their views and to pass legislation in the state of South Australia. What other people may do is another question, and I ask members now, as we have come back to handle this bill—and I understand that there was agreement between all parties that the bill would be split—to get back to the formal procedures of the bill.

The Hon. Mr Redford has indicated that he has a particular course of action, but I believe that if we were to deal with the first amendment by the Hon. Mr Roberts, it would give all parties the opportunity to reassess their position. I think we will proceed further and faster if we go down that track at this stage, having had an hour and 10 minutes of fairly open debate. Would the minister like to move his amendment so

that we can formalise the debate again back into the committee stage?

**The Hon. A.J. REDFORD:** As I foreshadowed earlier, once everyone had an opportunity to speak, because we in the opposition are quite enamoured of the fact that everyone should have an opportunity, and since we as a parliament should be as well informed as the government and therefore should await the EPA result, I move:

That the committee report progress

The committee divided on the motion:

AYES (8)

Dawkins, J. S. L.	Laidlaw, D. V.
Lawson, R. D.	Lucas, R. I.
Redford, A. J. (teller)	Ridgway, D. W.
Schaefer, C. V.	Stephens, T. J.

NOES (13)

Cameron, T. G.	Evans, A. L.
Gago, G. E.	Gazzola, J.
Gilfillan, I.	Holloway, P.
Kanck, S. M.	Reynolds, K. J.
Roberts, T. G. (teller)	Sneath, R. K.
Stefani, J. F.	Xenophon, N.
Zollo, C.	

Majority of 5 for the noes.

Motion thus negatived.

**The Hon. T.G. ROBERTS:** I move:

Page 3, line 2—Leave out '(Referendum)'.

It is the intention of the government to split the bill. I understand that there is general agreement to deal with it in two parts, to allow the issue of the referendum to be dealt with separately from the content of the bill, and taking the word 'referendum' out of the title achieves this.

**The Hon. J.F. STEFANI:** With respect to the splitting of this bill, I would like to underline that my support of the bill in the first instance was conditional on the referendum being held within six months. Now that this clause is out of the bill, I will be dealing with the question of my support of the referendum at another time with another amendment.

Amendment carried; clause as amended passed.

Clause 2.

**The Hon. J.F. STEFANI:** I move:

Page 3, lines 6 and 7—Leave out this clause.

My amendment seeks to leave out the provision concerning the commencement of the operation of the act on a day to be fixed by proclamation. The purpose of my amendment is very simple. It virtually provides that this measure will come into operation on the day that both houses of parliament pass it and it receives the assent of the Governor, which virtually makes it effective immediately. With this amendment, I wish to exclude the possibility of proclamation being at a date fixed at the pleasure of the government. We have heard that the government seeks to have the measure in place so that it can mount the best possible case before the federal government to stop the repository being built. Those are my reasons for moving the amendment.

**The Hon. A.J. REDFORD:** The opposition is inclined to support this amendment, but I am not sure why the honourable member is moving it in the context of this bill, having regard to the fact that this bill now no longer has anything to do with a referendum. My understanding was that, when he indicated this amendment in November last year, it related to the referendum. However, I am not sure



what work it does in relation to prohibition on the transportation and storage of low level waste.

**The Hon. J.F. STEFANI:** I have filed a similar amendment to the split bill which brings into effect the referendum questions, so I have specifically addressed that issue. I want to have this measure proclaimed as soon as parliament deals with it.

**The Hon. T.G. CAMERON:** With due respect to the Hon. Julian Stefani, I am a little bit confused, along with the Hon. Angus Redford. Specifically which amendment is the honourable member referring to?

**The Hon. J.F. STEFANI:** The amendment seeks to leave clause 2 out of the bill. The amendment has been filed.

**The Hon. T.G. ROBERTS:** The government is prepared to accept the amendment, with the same questions and difficulties we have with its acceptance in the split bill.

Clause negated.

Clause 3 passed.

New clause 3A.

**The Hon. J.F. STEFANI:** I move:

Page 3, after line 27—Insert:

Amendment of s.6—Application of act

3A. Section 6 of the principal act is amended by inserting ", other than section 9A," after 'This act'.

Insertion of s. 9A

3B. The following section is inserted after section 9 of the principal act:

Prohibition against use of commonwealth facility

9A. (1) A person must not make use of a commonwealth facility for the purpose of storing or disposing of nuclear waste generated within the state.

Maximum penalty: In the case of a natural person—  
\$500,000 or imprisonment for 10 years;

In the case of a body corporate—  
\$5,000,000.

(2) In this section—

'Commonwealth facility' means a nuclear waste storage facility constructed in this state by the commonwealth.

This amendment seeks to change section 6 of the principal act, and it also seeks to prohibit the use of a national repository should it be built at Woomera, or at a preferred site in South Australia to be decided by the federal government. I clearly state that the reason for this amendment has been generated as a result of a view that I hold; that is, if the state government is opposed to a national repository being built in South Australia, then equally the state government should take a principled position in relation to the use of that repository.

The minister has said that my proposed amendment would require the building of two repositories. That is not the case, because the minister would know that, for economic reasons or any other reason that might emerge subsequent to the EPA's report, he has the ability to refer the matter to parliament and state a very valid case, which might certainly win the support of members of parliament, including me. However, I am sure that we are all conscious of the fact that we would be absolutely mad to support the concept of a second repository should that advice be contrary to advice received from the EPA at a later date.

I must say that the government has not been honest about the position that it wants to take in relation to the use of a commonwealth repository to be built in Woomera or elsewhere in South Australia. It has always said that it will not rule out using such a repository. To me, that means that the government wants to have its cake and eat it too—it wants to have two bobs each way. It is not prepared to state a

principled position that says, 'We are against the site and therefore we will not use it'. This amendment seeks to put that position very clearly should we need to give a consistent message to the federal government about our position on behalf of all South Australians. I exhort members to consider this amendment because my support of the bill is conditional on this amendment being passed. I state that early in the piece so that there is no confusion about this matter.

I have carefully considered the reason why the government is adopting this measure. A number of my colleagues have indicated support for this amendment—and I am very grateful for that—because they also take a principled and honest view; that is, the government must show integrity and honesty in dealing with this issue that it has now advanced to parliament and on which we are required to vote today.

**The CHAIRMAN:** I will take the honourable member's call in a moment. Does the Hon. Mr Redford want to move his amendment, so that the committee can debate both issues together?

**The Hon. A.J. REDFORD:** Just so that it is on the record (and I will justify it later because I know that the Hon. Nick Xenophon is anxious to speak), I move:

Page 3, after line 17—Insert:

Amendment of s.13—No public money to be used to encourage or finance construction or operation of nuclear waste storage facility

3A. Section 13 of the principal act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsection:

(2) This section does not operate so as to prevent the appropriation, expenditure or advancement of public money for purposes associated with debate in relation to a question to be submitted to a referendum under section 15.

Insertion of s. 9A

3B. The following section is inserted after section 9 of the principal act:

State must make use of commonwealth facility

9A. (1) If the commonwealth constructs a facility for the storage or disposal of low level nuclear waste, the state must, if the facility is available for use by the State, make use of the facility for the purpose of storing or disposing of all low level nuclear waste generated within the state (including low level nuclear waste stored in the state immediately before the commencement of this provision).

(2) In this section—

'low level nuclear waste' means Category A, Category B or Category C radioactive waste as defined in the Code of Practice.

**The Hon. NICK XENOPHON:** I support the amendment moved by the Hon. Mr Stefani. I agree with the honourable member that this amendment makes the government accountable. It is a principled position to take. I believe it is quite mischievous to say that, if this amendment is passed, it means that South Australia would support two nuclear dumps. The fact is that this piece of legislation is not only about legal substance but also about sending a political message to Canberra that we do not want a national low level dump built in South Australia, and that has been acknowledged by the government.

It is also part of a political exercise to ramp home a message to the federal government that we do not want this low level dump. I cannot see that the Hon. Mr Stefani's amendment does any harm to this bill. In fact, I believe it strengthens the bill. It sends the strongest possible message that we do not want this dump; and it is important that we maintain this position whilst there is a glimmer of legal hope that any constitutional challenge against the dump could be maintained. Whilst there is still a glimmer of legal hope, I support this amendment. I think that, via this parliament, it

sends the strongest possible signal to the federal government that we not have this dump, and I urge this government to support the amendment.

**The Hon. T.G. CAMERON:** In view of the undertakings I was able to extract from the minister earlier, I might now have a crack at the Hon. Julian Stefani and pose a couple of questions to him. But, before I do so, if one is to oppose the establishment of a national dump in South Australia and one is to be consistent, one would have to oppose the establishment of a national dump in any other state in Australia unless one was to wear the title of being a hypocrite. I know that there is nothing unusual about politicians being hypocrites but, in relation to this issue, if we are not going to support a national dump in South Australia one would conclude that we will not support a national dump in any other state.

If one extrapolates from there, I guess we get back to a state rights versus federal rights issue, which would then mean that each state is going to establish its own dump. I have read the answer to the Hon. Angus Redford's question of 20 February in which he asked, 'If the federal government does not build a low level waste repository at Woomera, where will the government store the waste, how will it store it, at what cost; what will be the time frame and what will be the public consultation process?' The Hon. Angus Redford described the government's answers as 'bland'. One could be a little more forthcoming of the description of the answer the government gave to that question. There was no answer at all!

The Hon. Julian Stefani seems to be pretty good at getting hold of legal opinions off the back of a truck (or from wherever he gets them) but, in his endeavours in relation to his amendment, did he in any way examine what the costs might be to South Australia—in ball park figures—of gathering up all the waste that we know is strewn all over South Australia and placing it in a low level repository, and what would be the approximate annual cost to South Australian taxpayers of maintaining it?

**The Hon. J.F. STEFANI:** The fact is that the EPA is presently undertaking that study and, in those circumstances, that decision, as I have indicated, can be considered by the parliament and by the government at a later stage. I am sure that if the logic of the decision is that it is uneconomical for us to have a separate site and that the preferred site is established alongside Woomera (it might be Woomera) or, for that matter, Victoria Square, dare I say, then, obviously, the government can come back to the parliament and we can reconsider that position. I do not have the specific answers at this point in time because the study that the EPA is undertaking will not be available until June.

**The Hon. T.G. CAMERON:** I thank the Hon. Julian Stefani for his answer, and I did not really expect him to have an answer to that question. One would expect that information about ballpark figures for the establishment of a state owned repository and annual maintenance costs to be in the hands of the government. I have read the government's answer, that it is waiting on the EPA, but I cannot believe that somebody sitting around the cabinet table has not asked, 'What might it cost us to set up a state owned repository, and what might it cost us to run it?' Certainly, one would expect a question of that nature to come from the Hon. Paul Holloway or the Hon. Kevin Foley. I put that question to the government: I am not asking for a definitive—

*Members interjecting:*

**The ACTING CHAIRMAN (Hon. J.S.L. Dawkins):** Order!

**The Hon. T.G. CAMERON:** No, we all know that that is just a put-off. We all know that the answer that they are waiting on from the EPA is just an attempt—

*Members interjecting:*

**The ACTING CHAIRMAN:** Order! The Hon. Mr Cameron has the call.

**The Hon. T.G. CAMERON:** —to filibuster. I cannot in all honesty believe that someone sitting around that cabinet table did not pose the question or if it was not posed there that it was not posed somewhere else: what is the ballpark figure for South Australia to gather all this waste and build its own repository, and what would be the annual maintenance costs? And do not expect me to believe that the government is still waiting for the EPA to provide it with a ballpark figure, because I will not believe it.

**The Hon. T.G. ROBERTS:** It was good to hear the Hon. Julian Stefani using some of our explanations as to why he could not get the costings. Honourable members will understand that this legislation has been before us now for some considerable time—I think since 2002—and no-one really knows exactly what the final position will be. Amendments are still, I understand, being drafted at this very minute. I am sure that the honourable member has a whole swag of amendments that will slow down the process even further. I would not like to see any more configurations drawn up based on the vagaries of what might come out of this house, based on some of the contributions to date, but I am not aware of any costs that have been drawn together by any state agency in relation to a state repository. The federal budget allocated—

**The Hon. T.G. Cameron:** You mean that nobody asked?

**The Hon. A.J. Redford:** You are just flying blind.

**The Hon. T.G. ROBERTS:** The honourable member and I have described in other contributions that the state—

**The Hon. A.J. Redford:** I thought you were fiscally responsible.

**The Hon. T.G. ROBERTS:** You were in government for a very long time, as I remember it, and the repository position was notified through the committee that I sat on at least 2½ to three years before the change of government. I have not seen any figures come out of the previous government's estimates, either.

**The Hon. A.J. Redford:** We are not building one.

**The ACTING CHAIRMAN:** Order!

**The Hon. T.G. ROBERTS:** You should have been responsible and put together a plan. Do you have a plan? I ask whether you have a plan that identifies all of those repositories within the state that have low level waste technology that needs to be disposed of safely. My understanding is that it is in drawers and cupboards and, in some cases, insecure safes all around the state. As the Hon. Mr Stefani says, we have to get the EPA to do an assessment on what we are dealing with before we can draw up a plan for a repository. Referring to your question, the federal budget—

*Members interjecting:*

**The ACTING CHAIRMAN:** The minister has the call.

**The Hon. T.G. ROBERTS:** —allocated \$9.9 million for a national radioactive waste facility. However, this figure is for a national facility, and it would receive waste from all jurisdictions, not only a single state. The cost of the South Australian repository will depend on the size and the location of the facility; we have not done that work. A whole range of programs have been pulled together by the commonwealth. It has a number of options, and we are still undertaking the work in relation to this state.

**The Hon. T.G. CAMERON:** I was aware of the figure of \$9.9 million for the establishment of a national repository, and I understand that that figure may be a little dated now. If South Australia were to go ahead and pursue the establishment of its own state owned repository, one would accept that there would be fixed costs. It is not a simple question of, 'It's going to cost \$10 million for a national repository. South Australia is 9 per cent of the national total, so we would be able to do it for \$1 million.' Based on the minister's answer, it appears that the government does not have a clue as to what it will cost to build a state owned repository.

**The Hon. G.E. Gago:** We know that South Australians don't want it.

**The Hon. T.G. CAMERON:** That may be the case.

**The ACTING CHAIRMAN:** The Hon. Mr Cameron does not need any assistance. He has the call.

**The Hon. T.G. CAMERON:** However, I am attempting to determine the costs. Sometimes people want all sorts of things. I would love a new digital plasma television set but, at the cost of \$17 000, I am afraid that I will not be buying one. I would love one and, were it to cost \$3 000 or \$4 000, I would be in the market for one. I appreciate and understand why the Hon. Julian Stefani does not have a figure for the establishment of a repository. I asked him that question because I was attempting to draw out the government. But the best estimate one can make is that the establishment of a state owned repository may cost somewhere in the vicinity of \$4 million to \$6 million per year because of the inherent fixed costs associated with building a repository.

We already know that this low level waste is spread out all over South Australia. One of the reasons why I am not prepared to support an adjournment of this issue is that something needs to be done about that and as quickly as possible. That is one of the few things that Sandra Kanck and I can agree upon. It appears that we do not have any idea from the government as to what the cost might be.

In relation to the Hon. Julian Stefani's amendment, if I interpret correctly what he is saying, I am horrified at the prospect of setting up two low level repositories in South Australia, which was what I first thought Mr Stefani was intending. However, he has clarified that position with his statement that, if his amendment is not carried, he will not support the bill. I indicate to the council that I will support the Hon. Julian Stefani's amendment—and it did not cost him \$200 000 to get my vote.

**The Hon. A.J. REDFORD:** I have moved my motion, but I do not propose to deal with my amendment until the Hon. Julian Stefani's amendment has been disposed of. Does the government have a view on this point? It has not yet given one in the debate.

**The Hon. T.G. ROBERTS:** I thought that I had indicated my position with my previous statements. The inclination of the government is not to accept this proposition, and it will be voting no.

**The Hon. SANDRA KANCK:** I know that the Hon. Angus Redford has said that he does not want to deal with his amendment until we have dealt with that of the Hon. Mr Stefani. Nevertheless, I would like an explanation to assist me in my decision making. Is it intended by the Hon. Mr Redford's amendment to ensure that a state based repository is not built or not used?

**The Hon. A.J. REDFORD:** The clause is quite clear. The Hon. Sandra Kanck is pretty clear about where she is coming from in respect of all these issues. I propose to deal with this

in more detail after we have disposed of the Hon. Mr Stefani's amendment.

**The Hon. A.L. EVANS:** I support the amendment of the Hon. Mr Stefani because it strengthens the opposition to nuclear dumps in this state. Part of our policy platform for the election was 'no nuclear dumps in South Australia'. The party's reasoning against nuclear dumps was based on discussions with conservation groups, and it seemed to be a better option for each state to look after their own. I say that it is a better option because in a huge country such as ours there is enough room for each state to have sites available for the storage of nuclear waste without having to store it in one location. Most of the states of Australia are much larger than European countries, yet in Europe each country stores their own waste very effectively.

The benefit of storing one's own waste is that, rather than waste being sent to a central part of Australia and forgotten, each state will be vigilant in monitoring both their repository and the waste. The reality is that the state has no power to stop the federal government building nuclear waste storage in South Australia, but by saying no to nuclear dumps in South Australia the parliament will send a strong symbolic message that South Australians are opposed to their state being used as the nation's dumping ground for nuclear waste.

However, I question in principle the part of the bill that seeks to block the transportation of nuclear material on our roads. This is not a good policy position. For example, if Queensland banned military trucks from travelling through that state because they are opposed to war, it would be absurd if a loophole was discovered in federal legislation which prevented the federal government from intervening. These are commonwealth roads, and the federal government ought to have the final say about what travels across our borders. The amendment brought by the Hon. Mr Stefani strengthens the bill's message. I call upon the state government and the Democrats to support this amendment. It will let the federal government know that we will not use their dump even if they build one in this state.

**The Hon. SANDRA KANCK:** We are in committee. I always thought that in committee we could tease out the issues. I am really disappointed in the opposition's refusal to answer my previous question, because that has shed absolutely no light on the question that we are attempting to debate, given that we are going to have to choose between one or the other. The Hon. Terry Cameron asked how much it would cost to have a state based repository. I can only guess, but in terms of—

**The Hon. T.G. Cameron:** At least you're trying to find a figure, which is more than the government is doing.

**The Hon. SANDRA KANCK:** Yes. In terms of low level waste that would go into a national repository, South Australia's contribution would be just one half of one per cent. In terms of total radioactivity, the South Australian contribution would make up .03 per cent. So, our contribution to such a dump in terms of what is manufactured in South Australia would be very low, but I suspect that the cost of building a locally based repository would be much more than half of one per cent of the national repository cost. That does not really give us a figure, but it indicates that it would be lower. That is all I can tell you.

Let us assume that we cannot stop the national repository being built, so it is duly built and located somewhere in South Australia. I am sure the state government is aware that the waste will be collected on a three to five year cycle and, over those three to five years before it is collected, that would

mean that it would have to be held somewhere. In the state government's investigation of this issue, what conclusions has it come to? I am not asking about how much there is or where it is located, but what conclusions has the state government come to about where that low level and some medium level waste will be stored during that three to five year period as it accumulates in these various spots around South Australia?

**The Hon. T.G. ROBERTS:** The investigation of what we are dealing with will determine how we handle it. A view held by many internationally is that one way of dealing with it is that those who produce the low level waste in industry or medicine, for example, have in situ safe keeping regimes. Another view is that you transport low level waste away from in situ situations in intermediate terms and have a policy for long-term storage. Those investigations have not yet been done by the EPA while we do not know exactly what we are dealing with.

We do know that we are probably dealing with three stage programs. That includes those that have been dealing with low level waste in a totally acceptable way; that is, those producing the waste have a regime of safe storage in situ where it would be less safe to transport and store it somewhere else. Others are producing low level waste that they are not storing in a completely safe way, and I guess the EPA would then have to write a protocol program for change in storing that waste in situ. I would say that the EPA would develop protocols for movement, intermediate storage and/or long-term storage while that investigation process is being put in place. So, it is a matter of identification.

South Australia faces a wide range of low to high level problems in the short and long term, and we have to be patient in gathering the best scientific evidence we can plus a lot of international experience as to how we should deal with it. We have not been dealing with it according to what we would regard as best international standards. The member posed a question about how Europeans have been storing low, intermediate and high level waste for some considerable time. France has a huge problem; most of theirs is stored underground in salt encased containers.

**The Hon. A.J. Redford:** In the Champagne area, and I have seen you drink champagne. It hasn't stopped you drinking it. Tourists still go there.

**The Hon. T.G. ROBERTS:** You haven't bought me one for a long time, Angus. I stopped drinking it when you stopped buying. At the moment there are a lot of international problems in the shipping of waste. A ship passes our coast and goes through Bass Strait and past some of the more sensitive areas on the east coast. It goes to Japan, which ships some very high level dangerous waste the other way. So, myriad programs have been put in place for the degrees of sensitivity in relation to handling.

We just need to get the protocols correct in order to get the program right for the short-term, intermediate and long-term storage and handling. We need to get that right in a sensible way, that is, allowing the EPA to do the investigation to find out exactly what it is we are dealing with and then draw up the protocols up for the material we are talking about. It is the government's view that, if the commonwealth finally wins the day and we have no legal arguments to prevent the commonwealth regime from being developed in this state, it would not make good sense, although we have tipped our hand by the debate as to what we are going to do, to lie down in front of the commonwealth juggernaut and allow it to roll over us without putting up a public position which says that

we have objections to the plan being put together. Given that we have no resistance, we must accept now that that is the general view we take.

Best scientific evidence and international standards will be assessed and the minister and cabinet will draw up agreed protocols for short-term, intermediate and long-term handling. That will be done in a time frame that allows for gathering that best scientific evidence and for those protocols to be put in place without our being stampeded by the commonwealth into a position as to how we will approach the situation of its imposing on us a regime which may not be in our best interests. Certainly in the New South Wales situation, where they have a nuclear power plant, they will be dealing with their waste in a different way from that in which we will deal with it, unless we are forced to take other people's waste.

That is the question we are trying to grapple with in order to prevent the commonwealth from allowing transportation of waste, particularly from the New South Wales nuclear power plant, which has a far different regime than we. We would deal mainly with low level and some intermediate level waste, but we should be able to deal with those protocols in a sensible, safe way that is acceptable to this state. It is not abdicating our responsibility to say that we do not want to handle our waste but that we want some other state to handle it: it is a matter of having a responsible position for our own state's waste. However, we certainly do not want to become a dumping ground at the whim of the commonwealth for other states' waste or for international waste.

*The Hon. Diana Laidlaw interjecting:*

**The Hon. A.J. REDFORD:** The Hon. Diana Laidlaw recently achieved the status of elder statesman in our party—

*The Hon. Diana Laidlaw interjecting:*

**The Hon. A.J. REDFORD:** We think you are an elder statesperson—and she has taken me out the back and admonished me over my response to the Hon. Sandra Kanck; and I will take that on board. The answer is simple and is set out in the bill itself. The proposed new section 9A which the opposition is moving basically says that, if a facility is to be built by the commonwealth for the disposal of low level nuclear waste, the state must use that facility in respect of two types of waste: first, all low level waste generated within the state and, secondly, any low level waste already stored in the state immediately before the commencement of this provision. It is consistent with the policy with which we went to the last election, and we are saying that, irrespective of individual viewpoints about the construction of a commonwealth facility, ultimately if the minister's trip down the yellowcake road to the High Court does not work and the thing is built, we will use it: that is the effect of the amendment as far as the opposition is concerned.

*The Hon. Diana Laidlaw interjecting:*

**The Hon. A.J. REDFORD:** I just have had some praise from our elder stateswoman in the party and I take it on board. The clauses moved by the Hon. Julian Stefani are extraordinarily tempting clauses to support because, at the end of the day, it would cause great political mischief. At the end of the day, they are utterly contradictory to our policy. Secondly, given the environment we live in as an opposition, as much as we can we have attempted to do two things through this debate: first, to act as a proper and fully informed and reasonable opposition—probing, testing and keeping the government honest; and, secondly, to advance the debate outside the irrational and the hysterical, trying to draw out from the government what its plans are.

Unfortunately—and this happens—we have not had the support of other members and do not have the numbers to nail the government down. Such is life in opposition: we get used to that. That will not prevent us from continuing to be a tough but fair and reasonable opposition in relation to the government, even when it is embarking upon shameful and sham political exercises such as this.

The committee divided on the Hon. Mr Stefani's new clauses:

AYES (4)

Cameron, T. G.	Evans, A. L.
Stefani, J. F. (teller)	Xenophon, N.

NOES (16)

Dawkins, J. S. L.	Gago, G. E.
Gazzola, J.	Gilfillan, I.
Holloway, P.	Kanck, S. M.
Laidlaw, D. V.	Lawson, R. D.
Lucas, R. I.	Redford, A. J.
Reynolds, K.J.	Ridgway, D. W.
Roberts, T. G. (teller)	Schaefer, C. V.
Stephens, T. J.	Zollo, C.

Majority of 12 for the noes.

The Hon. Mr Stefani's new clauses thus negated.

**The Hon. J.F. STEFANI:** I move:

That the committee report progress.

The committee divided on the motion:

AYES (13)

Dawkins, J. S. L.	Evans, A. L.
Gilfillan, I.	Kanck, S. M.
Lawson, R. D.	Lucas, R. I.
Redford, A. J.	Reynolds, K. J.
Ridgway, D. W.	Schaefer, C. V.
Stefani, J. F. (teller)	Stephens, T. J.
Xenophon, N.	

NOES (6)

Cameron, T. G.	Gago, G. E.
Gazzola, J.	Holloway, P.
Roberts, T. G. (teller)	Zollo, C.

PAIR(S)

Laidlaw, D. V.	Sneath, R. K.
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Majority of 7 for the ayes.

Motion thus carried.

Progress reported; committee to sit again.

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I move:

That the committee have leave to sit again, on motion.

The council divided on the motion:

AYES (12)

Cameron, T. G.	Evans, A. L.
Gago, G. E.	Gazzola, J.
Gilfillan, I.	Holloway, P.
Kanck, S. M.	Reynolds, K. J.
Roberts, T. G. (teller)	Stefani, J. F.
Xenophon, N.	Zollo, C.

NOES (7)

Dawkins, J. S. L.	Lawson, R. D.
Lucas, R. I.	Redford, A. J. (teller)
Ridgway, D. W.	Schaefer, C. V.
Stephens, T. J.	

PAIR(S)

Sneath, R. K.	Laidlaw, D. V.
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Majority of 5 for the ayes.

Motion thus carried.

## STATUTES AMENDMENT (ROAD SAFETY REFORMS) BILL

Adjourned debate on second reading.

(Continued from 18 February. Page 1775.)

**The Hon. R.D. LAWSON:** I rise to support the second reading of this bill, which will introduce a number of road safety reforms. I do not support this or any other measure purely on the grounds of national uniformity, but I should begin by refuting the suggestion recently made publicly by the minister, I am told, that this bill is being held up in the Legislative Council. The facts are that this bill was introduced in October last year in another place and passed through the Assembly on 26 November. It was read a first time in this chamber on 27 November and, very shortly thereafter, second reading contributions were made by the Hon. Caroline Schaefer, on behalf of the opposition, and by the Hon. Di Laidlaw. On 17 February, the Hon. Carmel Zollo spoke on the measure. The opposition is ready and willing to proceed with the debate on this bill—

**The PRESIDENT:** Order! There is too much background noise. Members are conversing in the gallery. The honourable member is a quiet speaker and I cannot hear him.

**The Hon. R.D. LAWSON:** The opposition is ready and willing—and has at all times been ready and willing—to debate this measure, and the suggestion that it has been held up in this council is rejected. On Sunday of this week I was driving through the hills when I heard a radio news bulletin which said (I think the words were), 'The death last night of a 15 year old girl brings to 37 this year's road toll. It was 34 at the same time last year.'

**The PRESIDENT:** Order! There are rules about whom cameramen in the gallery can film. I have given one warning this morning. I am becoming concerned about the breaching of the rules.

**The Hon. R.D. LAWSON:** Behind that short, cold and statistical announcement, there must be untold agony and heartache for people in our community. However, we have now reduced road fatalities to what is a fairly cold statistic. I should commend the *Advertiser* in a number of instances recently for seeking to put a human face on road safety and the road toll with articles detailing individual experiences. I think that is a commendable measure. However, simply to say, as is said on the radio, sadly every Sunday, that the road toll this weekend has gone up and last year's road toll was another figure is not enough. It is not graphic enough to bring home to people the need for greater caution on our roads.

Whilst supporting these measures, I will also be supporting a number of amendments which the opposition will move during the committee stage. I should make just a couple of points. Firstly, the minister's speech focuses on fatalities. He said that our target is a 55 per cent reduction in fatalities by 2010. That is a commendable objective, but he did say, 'It will mean serious increases in the amount of law enforcement.' I agree with that sentiment. However, this legislative measure of itself will do nothing to reduce fatalities. Penalties are only one aspect. Policing and police resources are quite another aspect. Education is yet another. Better roads, better design, better signage and maintenance are also elements in a strategy to reduce fatalities.

It seems to me that the minister's second reading explanation suggests that we can reduce fatalities by penalties alone. It is also a mistake to focus only on fatalities. Fatalities are not the sole determinant of the effectiveness of our regulatory

system. Fatalities are awful and they are tragic, but there are many non-fatal injuries which are life changing for the injured and their families. Fatalities can be reduced by measures other than road safety initiatives. Fatalities have already fallen because of better accident retrieval of injured persons, better ambulance services and better hospital facilities. Fatalities themselves are not the sole determinant and, whilst focusing on reducing fatalities is an admirable objective, it seems to me that there is a danger in overlooking other important elements.

There is also, it seems to me, a fatal flaw in seeking to establish national uniformity if it is uniformity for its own sake. In some areas national uniformity is essential. However, the capacity to have laws which are adapted to local conditions and which meet local needs and expectations is an essential feature of our federalism. In some things, of course, national uniformity and consistency are sensible and practical. No-one suggests that this state, or any other single state, should adopt driving on the right-hand side of the road rather than on the left. We, in a federation like Australia, must have a number of consistent road rules.

However, it seems to me that it is not necessary that we have the same penalties as apply in every other place. The minister, in his second reading explanation, noted the fact that our penalties are generally lower than national averages; and, whilst it is commendable that we review our penalties, we should not be slaves to uniformity. One of the greatest strengths of federalism is that it allows some degree of diversity. The minister described our penalties as the least stringent in the country. We should review penalties on a case by case basis and, where appropriate, bring them into line.

I mention just briefly the recent introduction of the 50 km/h speed limit in metropolitan and town areas. I strongly support that measure. In another place, the spokesperson for my party (Hon. Malcolm Buckby) has clearly indicated our support for that measure. I believe that some people in the community are rightly irritated by the lack of publicity that has been given to this measure, but I think that we are all grateful for the three-month moratorium. However, it does seem to the opposition and to me that the retention of the capacity for 40 km/h speed limits in some other streets is productive of confusion; and one of the things that we seek in our road rules must be a ready acceptance and understanding of them by the community.

Certainly, if not in this measure then in the future, we will be supporting an examination of the current capacity that allows some council areas to have speed limits that are different from the statewide standard. I support the measure and, like my colleagues on the Liberal side, look forward to the early debate and passage of this measure.

**The Hon. J. GAZZOLA** secured the adjournment of the debate.

*[Sitting suspended from 12.29 to 2.15 p.m.]*

#### QUESTIONS ON NOTICE

**The PRESIDENT:** I direct that written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 69 and 115.

#### GOVERNMENT DEPARTMENTS AND AGENCIES

69. **The Hon. D.W. RIDGWAY:** Can the Premier reveal all government departments and agencies—

1. That have undergone a change of name since 6 March 2002; and

2. The cost to the taxpayer of each change taking into account such things as changes to interest groups?

**The Hon. P. HOLLOWAY:** The Premier has provided the following information:

As in any large organisation, agencies (and particularly, sub-agencies) in the SA Government are reorganised and renamed from time to time in response to developing community and other needs.

In the immediate aftermath of the 1997 general election some two dozen administrative units were abolished and eight new departments were formed and given new names (see the *Government Gazette*, 23 October 1997, page 1066). Far fewer changes have been made as a direct result of the change of government following the 2002 election. For example, the Department of Transport, Urban Planning and the Arts dropped 'the Arts' but its constituent agencies have retained their names. The Department of Industry and Trade became the Office of Economic Development on 15 July 2002. Following the creation of the statutory Economic Development Board, the department became the Department for Business, Manufacturing and Trade (BMT) on 2 December 2002. The Department of Education, Training and Employment has now become the Department of Education and Children's Services.

Other examples include the new Department of Water, Land and Biodiversity Conservation; new Department of Further Education, Employment, Science and Technology; new Social Inclusion Unit; new Offices of the South, the North and the North-West and new Offices for: Youth, Racing, Regional Affairs and Sustainability.

This has all been accomplished largely within existing agency structures and by the movement of staff and other resources. Actual shifting of accommodation (and public contact points) has been kept to a minimum.

It is difficult to quantify precisely the cost to taxpayers of these name changes. They are inextricably linked to other structural changes designed to streamline and improve the delivery of Government services to all members of the community.

It is possible to indicate that the cost of communicating the relatively few changes that have been made, via the internet and by the updating of websites, is significantly less now than the paper based communication necessarily adopted in the past. Few agencies use separately printed letterheads when electronically generated and easily re-programmed letters can now be produced from any desktop computer and printer.

#### ECONOMIC DEVELOPMENT BOARD, DAWKINS REVIEW

115. **The Hon. A.J. REDFORD:** Can the Premier detail all costs involved in the recent split recommended by the Economic Development Board's Dawkins Review which has resulted in the creation of the Department of Business, Manufacturing and Trade, taking into account such things as recruitment of staff, changes to websites, stationery letterheads, signage and communication of changes to interest groups?

**The Hon. P. HOLLOWAY:** The Minister for Industry and Investment has provided the following information:

The creation of the new Department for Business, Manufacturing and Trade and the new Office of Economic Development (OED) has been achieved within the authorised staffing and salary levels of the former Office of Economic Development.

Identified changes as a direct result of the new department were some \$14 700 inclusive of changes to websites, printing, signage etc. The notification to interested parties has been done as part of routine communication rather than as a targeted approach.

The new OED continues to use the identity of the former OED.

#### PAPERS TABLED

The following papers were laid on the table:

By the President—

Reports, 2001-02—

Corporations—

Charles Sturt

Holdfast Bay

Norwood, Payneham and St Peters

District Councils—

Port Pirie

Robe.

## GENETICALLY MODIFIED FOOD

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. P. HOLLOWAY:** I wish to clarify for the council the exact nature of recent dealings I have had with two companies which are applicants for licences to grow genetically modified canola and, in particular, to comment on reports and statements that these processes had been secretive and in some way not proper. As members will know, there has been established in another place a Select Committee on Genetically Modified Organisms which will report on or before August 2003, with advice for the government as to how any market-related issues might be addressed. Concerned that this advice might not have been provided to the government by the time commercial licences were granted to the applicant companies, I wrote to these companies, Bayer CropScience and Monsanto, and asked that they not plant in this state in 2003 any GM canola under the terms of any commercial licence that might be issued by the Gene Technology Regulator.

While the companies did not unequivocally agree to my suggestion in their replies, they have nevertheless given clear indications to government officers in several states that their plans for release in 2003 do not include any sowings in South Australia. In a recent briefing provided to the Hon. Ian Gilfillan by a member of my department, this exchange of correspondence was shared with him. I have now gained the agreement of the applicant companies to release their replies and to put this matter of secret business to rest once and for all. I seek leave to table the correspondence for the information of all members.

Leave granted.

## VISITORS TO PARLIAMENT

**The PRESIDENT:** I draw honourable members' attention to the presence today of some very important young South Australians from year 7 of the Pilgrim School, who are here today as part of their political education. They are the guests of the member for Fisher, Mr Bob Such, and we welcome them to our parliament and hope that they find their visit both enjoyable and educational.

## STATUTORY AUTHORITIES REVIEW COMMITTEE

**The Hon. G.E. GAGO:** I bring up the report of the committee on an inquiry into the Passenger Transport Board. Report received and ordered to be published.

## QUESTION TIME

### LIBERAL BUDGET 2001-02

**The Hon. R.I. LUCAS (Leader of the Opposition):** I seek leave to make an explanation before asking the minister representing the Treasurer a question about the Rann-Foley fictional claim of a black hole in the last Liberal budget.

Leave granted.

**The Hon. R.I. LUCAS:** As members will know, the claims made by the Premier and the Treasurer about the last Liberal budget for 2001-02 have been the subject of much

controversy during the past 12 months. During that debate, I tabled in this council a confidential memo to me from the then under treasurer dated 16 January 2002 which confirmed that the cash result for the non-commercial sector showed an underlying surplus of \$96 million and an estimated underlying surplus (after various adjustments recommended by Treasury and approved by me) of \$2 million, which was consistent with the budget estimate at the start of the 2001-02 budget year.

To cut a long story short, Premier Rann and new Treasurer Foley made a series of claims about the budget position for 2001-02 and the forward estimate years. In particular, the government claimed that there was a fictional black hole in the year 2001-02 which justified a number of the actions that the government sought to take. In particular, it claimed that there was an accrual deficit in the general government sector of \$396 million and a cash deficit in the non-commercial sector of \$62 million. Again, to cut a long story short, the opposition strongly disputed those claims, describing them as fictional and using a variety of other phrases and words to cast doubt on their truthfulness and honesty. Ultimately, it was a battle between government and opposition politicians.

The final audit results for the last financial year of the Liberal government (2001-02) have now been revealed. Those results indicate that, rather than there being a \$62 million cash deficit (as claimed by Messrs Rann and Foley), there was actually a \$22 million surplus. Even more significant, instead of there being a \$396 million shock, horror black hole accrual deficit in the general government sector for 2001-02, the actual outcome revealed by the audited results of the Auditor-General and others who have had a look at them indicates that that figure was wrong by about \$272 million and that the actual result was a much smaller deficit of \$124 million. My questions to the minister representing the Treasurer are:

1. Will the Premier and the Treasurer now finally admit that they were wrong when they claimed that the last Liberal budget for the year 2001-02 had a supposed black hole cash deficit of \$62 million; and will the Premier and the Treasurer now concede that there was an actual cash surplus of \$22 million for that financial year?

2. Will the Premier and the Treasurer now finally admit that they were wrong when they claimed that the last Liberal budget for 2001-02 had a supposed black hole accrual deficit of \$396 million instead of the actual figure of \$124 million?

3. Will the Treasurer in particular either explain how he made his \$272 million error in relation to the estimate of the accrual deficit, or will he now concede that he deliberately overstated the position for 2001-02 to create a fictional black hole to try to justify the impossibility of this new government's being able to balance the outlandish and unaffordable promises it had made prior to the election and the notion of trying to balance a budget?

**The PRESIDENT:** During his explanation the Hon. Mr Lucas referred on a number of occasions to members in another place by their surnames. It is the practice and protocol of the parliament to use members' titles. I noticed that in his question he referred to members as the Premier and the Treasurer. I am sure it was an oversight in the explanation, and I ask all members to maintain the protocols of the council.

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I am sure that members of this council will recall that, following the installation of the Rann government on 6 March last year, one of the first acts of that

government was to seek through Treasury an update of the financial position of the state at the time. As all members of the parliament who follow these financial matters would know, each year there is a mid-year budget review. Often, changing economic circumstances over the remainder of the year will mean—

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** I am sure it was very rare indeed that the mid-year budget review presented under the former Treasurer was exactly the same six months later at the end of the year. As far as this question is concerned, the point is that that update was prepared by Treasury on the best available information at the time. Whatever the former Treasurer might care to say about it, that fact remains. However, given that this question was directed to the Treasurer, if he wishes to add any further information I will give him the opportunity to do so. Again, I point out that that information was requested and prepared by Treasury at the time.

### PRISONS, DRUG USE

**The Hon. R.D. LAWSON:** I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about drugs in prisons.

Leave granted.

**The Hon. R.D. LAWSON:** On 13 March this year the *Advertiser* carried a report relating to the use of heroin and marijuana in prison by serial killer James Vlassakis. Following expressions of public outrage at the apparent ready availability of drugs in our prisons, there was a good deal of discussion, which included Mr Bill Power of correctional services going on talkback radio and explaining that correctional services officers 'have the right to take urine samples from any prisoner at any time'. He said:

We have found that a bit over half those prisoners that we have tested. . . positive of some form of drug.

He reported that on the following day a visitor to a prison was going before a court for sentencing for attempting to smuggle heroin into the Adelaide Remand Centre.

A caller to 5AA on 13 March quoted a letter from a prisoner at Yatala who wrote:

I had a good day today, but some in this wing are on illegal LSD-type pills; they are smuggled in in visits via condoms. The condoms are being swallowed. They're off their heads, crazy—I've got to get out of this place. How the guards allow this behaviour is beyond me. It's worse than a nut house by far.

In previous answers to questions asked by myself and others, the minister has outlined some of the programs that are undertaken in prisons to assist persons who are drug addicted, for example, the prison based methadone maintenance program and similar programs. He has also mentioned programs to improve surveillance, additional dogs and the like. My questions today are about the effectiveness of those measures and specifically:

1. Over each of the past three years how many people have been prosecuted for bringing illegal drugs into South Australian prisons?

2. What are the results of those prosecutions, including penalties imposed?

3. Over the same period, how many prisoners have been charged with offences or breaches of regulations relating to the possession, use or trafficking in illegal drugs within the prison system?

4. In relation to the person referred to by Mr Power as having been charged for attempting to smuggle heroin into the Adelaide Remand Centre, will the minister indicate what was the result of that prosecution?

**The Hon. T.G. ROBERTS (Minister for Correctional Services):** I thank the honourable member for his question and acknowledge that he would have a good understanding of the problems the prison system has in keeping drugs out of prisons, being a former minister with the responsibility of doing just that. Stopping drugs from entering prisons is a difficult task for prison officers and for the prison system generally. They are difficult to detect in many cases and you have to have strict regimes, particularly for visitors when contact is being made. There are other ways in which drugs are introduced in prisons.

There have been examples of drugs being thrown over walls, I think in the women's prison some time ago. There are other ways in which drugs can be introduced into prisons and prison officers have to be eternally vigilant. The dog squad is one of the areas in which we have tried to improve the effectiveness and efficiency of cell searches and trying to identify the carriers, the visitors who come into prisons, by sniff and smell. I attended a demonstration last week where a model program was being demonstrated. It demonstrated to me the effectiveness of the program, and probably one of the most effective ways of identifying people bringing drugs into prisons is by the use of dogs.

The department recently spent considerable time and effort in upgrading the skills and effectiveness of the dog squad and the annual report noted that in 2002 the dog squad carried out 3 397 drug searches in 458 areas of the prisons—it is quite active. The policy of the Department of Correctional Services is for differential sanctions, depending on the drug used, so there is a protocol or regime for sanctions for the identification of drugs found in prisons and how they got there. A prisoner using heroin is subject to harsher sanctions and penalties than is a prisoner using marijuana.

**The Hon. A.J. Redford:** How many people have been subjected to sanctions?

**The Hon. T.G. ROBERTS:** One of the problems you have is that the same groups that make themselves available for drug use or abuse in the community do visit and are part of the prison system. Just as it is a problem for law enforcement in the community—and members can make up their own minds as to whether we are winning or losing that battle. With the wider use of a whole range of drugs within the community, particularly recreational drugs, I suspect that we are losing that struggle.

**The Hon. A.J. Redford:** How many? More than one?

**The Hon. T.G. ROBERTS:** No, we are not giving up.

**The Hon. A.J. Redford:** No, how many people?

**The Hon. T.G. ROBERTS:** I am getting to the replies: I hope you will be a little more patient. It is not a battle you do give up on: it is a struggle for all of us in the correctional services system to try to identify those people who are in there for drug or alcohol problems. The figures I was given recently show that possibly up to 70 per cent of prisoners inside prisons are there for either being drug affected at the time of their charge or they have drug-related problems in their lives, which is a serious problem for the community, and then they become a serious problem inside the prison system. If they have drug problems that have a habit, a regime that needs to be treated, then we do have a system of identification and treatment for certain prisoners.



We hope that that program can be effective in identifying those people who come into prisons with a drug problem, so that they can avail themselves of a treatment program to be ready for exit. The policy is that drugs are not allowed in prisons. The government and the department are tough on finding drugs, and offenders who are found to be in possession are punished. Although drug trafficking to prisoners is a serious problem, the number of incidents fell last financial year by 164, down to 718. That is still a problem for the correctional services system. The government is tough on drugs and it is tough on drugs in prison. Where they can find breaches of protocols or rules, they are obliged to act.

The intelligence bases that are being operated are improving. As I said, we have been in government for 12 months. The problem did not just start when we took over the government reins. It is a problem for all of us to deal with in a way that allows for the treatment of prisoners so that, when they exit the prison system, the challenge is that they do not drop back into the same cohort or groups from which they came. We are doing some exiting programs and trying to build up work within prison regimes that give prisoners a chance to learn skills for exiting, so that they do not get back into the same groups that they were involved in when they left.

The specific answers to questions that the honourable member raises in relation to the number of prosecutions of people in prisons I do not have with me. I will endeavour to get those answers and bring back a reply. As to the propositions that Mr Power has put on record in a public interview, I will also try to get the answers to those questions and bring back a reply. Certainly, the difficulties that are presented by the introduction of drugs to prisoners who are already drug affected when they arrive in prisons is a continuing problem that the department has to deal with. I will try to get an update on those figures for the honourable member.

**The Hon. A.J. REDFORD:** As a supplementary question, is the minister personally aware of any prosecutions?

**The Hon. T.G. ROBERTS:** I do not have the figures and I do not want to guess.

### FISH STOCKS

**The Hon. CAROLINE SCHAEFER:** I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about fish stocks in South Australia.

Leave granted.

**The Hon. CAROLINE SCHAEFER:** In 1995-96, a comprehensive survey of recreational fishing effort by both species and area in South Australian waters was undertaken, and the results of that survey were published in mid 1997. More recently, a national survey was undertaken. I inquired in mid February and was told that the results of that survey would be available within a week or two. The very next day some of the results were reported on regional radio and in the press. There has been a great deal of discussion in fishing circles on the results of this survey, and the outcomes are well known by a wide cross-section of the department and the industry. The results of that survey would have to be one of the worst kept secrets in that department for quite some time. Why has the minister not released the South Australian section of that survey for proper public comment?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** Primary Industries and Resources and

South Australia Fisheries were very keen that as much information as possible should be made available to the public of South Australia as soon as possible, because we are going through the fisheries review at the moment. In fact, as soon as we got some information in relation to recreational fishing that information was made available. However, it was really only the information that the honourable member would have been referring to that did appear in the media at the time, and that basically referred to the number of recreational fishers and the proportion who were in clubs, and there were some statistics about the proportion of the recreational catch in relation to whiting and snapper.

Essentially, that was four or five bits of information. That was all that was made available to the government at the time. I have had some correspondence from people in SARFAC, the recreational fishing body. They wrote to us and asked why we did not provide all the information. We did release all the information that was available at that time. All the information that was available to us has been published in *Southern Fisheries*. Indeed, we let the recreational fishing sector know that the information that was available would be published in the most recent edition of *Southern Fisheries*. That has been done. Whether there is still more information to come from the national survey, I could not be certain. I will find out for the honourable member. It is my understanding that this information has been released somewhat sequentially from the national people who funded the survey and for whom we supplied that information.

### INDIGENOUS SPORT

**The Hon. CARMEL ZOLLO:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about indigenous sport.

Leave granted.

**The Hon. CARMEL ZOLLO:** As members in this council would be aware, indigenous sports men and women make an exceptional contribution to sporting achievement in Australia and in the international arena. Names such as McLeod, Wanganeen, Freeman and Gillespie—to name a few—have done us proud both here and abroad. It is my understanding that the Prime Minister's XI versus the ATSIC Chairman's XI cricket match is to take place in Adelaide this week. I know that the equivalent recent football match played in Darwin was a great spectacle that highlighted the talent of so many indigenous players. Given this, will the minister inform the council what he sees as being the significance of this match, and what effect will this have within the indigenous community and the broader community?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** This is one of those questions where it is a pleasure to make a reply in relation to my officers in Aboriginal Affairs and Reconciliation.

*The Hon. Carmel Zollo interjecting:*

**The Hon. T.G. ROBERTS:** No. Most of my portfolio areas are related to bad news stories and, certainly, the opposition makes great play of both my portfolio areas in relation to that. I think we can undervalue the reconciliation processes that go with indigenous sport. However, those who are in constant contact with sporting groups and organisations where there is participation by Aboriginal people within the community, particularly in regional areas, will know that it is one way of bringing about reconciliation through sport and the integration of community and sporting contacts.

This certainly holds true for areas on Eyre Peninsula, particularly around Port Lincoln, which has been a great feeder town for Port Power, Port Adelaide and the SANFL—and I mention big names like McLeod, Wanganeen and Burgoyne. There is also the Riverland, and certainly the areas in and around Port Augusta. If one travels to the lands (even though they are in particularly bad shape at the moment in relation to the state of the communities), one will see that time is always taken out to put together football teams where the players play bare-footed on grounds that we would sometimes not walk across with our shoes on. But they manage to play football—and sometimes cricket—on these grounds. So, we do not want to undervalue the good that comes out of the importance of reconciliation through sport.

The third annual cricket match between the Prime Minister's XI and the ATSIC Chairman's XI will be held in Adelaide on this coming Friday. It will be a unique match: it is a day-night match, which will be quite spectacular. I know that invitations have gone out broad and wide, and I hope that many members here will be able to attend the match. It is an opportunity for young indigenous players to demonstrate their ability and, for those who are trying to wing their way into the Australian test side (which is pretty hard at the moment) through the Prime Minister's XI, it is also a good opportunity to test their ability. This is the first time that a match has been played away from Canberra and has been taken out to the states. So, we are very keen to put on a good display, and I think that we are well on the way to doing so.

*The Hon. A.J. Redford interjecting:*

**The Hon. T.G. ROBERTS:** There will be a lot of talent on display in the pollies versus the media match—and the media has been hiding from the parliamentary spotlight after a drubbing it received at the hands of the parliamentary team last time. I throw out the challenge for the press to be at the match on Friday to report it and to make sure that we get good coverage for the indigenous side versus the Prime Minister's XI, and I certainly throw out the challenge for the media to be there on Maundy Thursday to incur the wrath of the parliamentary side—on the holy Thursday.

#### GENETICALLY MODIFIED FOOD

**The Hon. IAN GILFILLAN:** I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about genetically modified crops.

Leave granted.

**The Hon. IAN GILFILLAN:** I appreciate that the minister has tabled the correspondence between himself and the General Manager of Monsanto Australia Ltd (I have not seen any correspondence with respect to Bayer CropScience). The two letters that he wrote quite clearly indicate that the minister expressed his and the government's concern about the premature introduction of genetically modified canola into South Australia, and I feel that that is to be appreciated.

I quote from the second to last paragraph of his first letter of 31 October:

Accordingly, should Round-Up Ready Canola be granted a licence in 2003, I seek your firm agreement to withhold its release for growing on any site in South Australia in 2003.

However, the response from the General Manager, Mr Terry Bunn, gives no such assurance, as was referred to by the minister. In fact, his second to last paragraph states:

In your letter, you mention your request does not extend to small scale areas for experimental purposes.

In other words, the minister accepted that there would be some experimental areas. The letter from Monsanto continues:

We would like the opportunity to discuss with you the establishment of 'commercial evaluation trials', which we believe would address our mutual objectives.

Fortunately, the minister was very firm and gave them absolutely no leeway, but the letter clearly indicates their determination to get commercial canola into South Australia by whatever means, insidious or otherwise, realising that, once the commercial crops are growing in South Australia, we have shot for all time our reputation as being a GM free area.

The minister has also quite frequently indicated that we are waiting for the policy guidelines from the ministerial council before anything definite can be determined in South Australia. On 16 October last year, he indicated that 'policy principles were due to be developed by the relevant ministerial council by the end of this year', that is, the end of 2002. The latest advice is that they are not likely to be available until the end of 2003. In the meantime, it is understood that South Australia is again to be considered by Monsanto and Bayer CropScience, as a result of the moratorium promises made in New South Wales, as a site for commercial release of canola if it is approved by the Gene Technology Regulator. My questions to the minister are:

1. With this window of 'misopportunity', if the commercial release of canola is agreed to by the regulator before the policy principles are determined, what is the defence in South Australia to prevent such a release of canola for planting in South Australia, even this season?

2. Does he agree that the only defence is South Australian legislation and, even if it is put in place before the policy guidelines are finally determined, at least there would be some legislative hindrance to prevent the introduction of the commercial release of canola?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I thank the honourable member for his important question. He raised a number of issues, firstly in relation to the so-called policy principles that need to be developed by the gene technology ministers' council. It is my understanding that they have still not been developed. The honourable member suggested that they may not be ready until the end of 2003. I am not sure of the date, but obviously there has been a significant delay in the preparation of those guidelines. As I indicated when we debated this subject during the debate on the Hon. Ian Gilfillan's bill last year, the state's legal advice is that those policy principles are very significant in terms of validating any state requirements or legislation relating to GM and GM free zones. In this state's view, that matter needs to be resolved before there is any contemplation of the commercial introduction of GM crops.

The honourable member also asked about what contingency measures the state has in place should GM crops be introduced. I will repeat the comment that I made in my ministerial statement earlier today that, while the companies did not unequivocally agree in their replies to my suggestion that they should not introduce commercial GM crops in 2003, they have nevertheless given clear indications to government officers in several states that their plans for release in 2003 do not include any sowings in South Australia. The honourable member is quite correct that there has been a significant change of policy in New South Wales. Both the opposition and the government in that state have indicated that they do

not wish to see the introduction of GM crops. Clearly, New South Wales would have been a key target—

**The Hon. R.I. Lucas:** Election time over there, is it?

**The Hon. P. HOLLOWAY:** Yes, it must be. Obviously New South Wales was to be a key target area. Therefore, it is very prudent that this state should have contingency plans in place. It is my understanding that, under the existing legislation we have in relation to plant quarantine, it would be possible for me as minister using current legislation (which does not require any amendment) to prevent the introduction of GM crops into this state should we believe that that poses some threat. We do have measures in place in legislation at the moment. Whether those measures would ultimately withstand legal challenge is another matter, but nevertheless we have prepared that contingency.

Following the New South Wales developments, we have also sought further crown law advice in relation to what other options we might have to ensure that, should that contingency arise, we are able to deal with it. I make two points. First, at this stage we still do not have any reason to suggest that the companies would seek to introduce GM modified crops into this state in 2003; and, secondly, even if they do, there are at least some measures that we can apply immediately. However, obviously we are examining the matter further to see what will be the best legislative approach. Following the New South Wales election on Saturday, it will be very interesting to see exactly what that government comes up with in relation to how it should deal with this particular subject and implement the election policies of whatever party wins.

In relation to the matter of legislation, we are certainly seeking to ensure that we have the maximum options available to us. One of the steps that has been taken by officers of my department is to keep in touch with other states such as Tasmania to ensure that there is an exchange of views with those departments as to how they see the legal situation, and indeed not only the legal situation but also the situation as far as other matters in relation to the introduction of GM crops are concerned.

#### YOUTH OPPORTUNITIES PROGRAM

**The Hon. A.L. EVANS:** I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about youth opportunities.

Leave granted.

**The Hon. A.L. EVANS:** Late last year the Youth Opportunities Personal Leadership Program was brought to my attention. From information provided to me, I understand that the program has been achieving amazing results in the northern area high schools. The latest statistics indicate that retention rates in the participating schools have increased overall to 97 per cent. I have been advised that the participating schools are reporting the flow-on improvements in areas such as school behaviour and community culture. In fact, 99 per cent of children who completed 2001 and 2002 programs are now either employed or continuing studies. I also understand that this program is relatively inexpensive, in fact the cost of one teacher's salary per school per year. My questions are:

1. Will the minister advise whether she is aware of the outcomes being achieved by the youth opportunity personal leadership program?

2. Will the minister advise if government funding has been allocated to Youth Opportunities Incorporated to assist

the organisation providing mentoring and support to young people? If not, why not?

3. Will the minister provide details of similar programs receiving government funding?

4. Are statistics available for other fully or partially funded programs relating to graduates who have either completed high school, secured employment or entry into a higher education institution? If so, what are they? If statistics are not available, why not?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I thank the honourable member for his questions, which I will refer to the Minister for Education and Children's Services. I am sure that the honourable member would appreciate that, as one of its key objectives, this government is concerned to increase the retention rates at school. Of course, the very first piece of legislation passed by this government related to increasing the school leaving age to 16. So, the government—

**The Hon. A.J. Redford:** With bipartisan support.

**The Hon. P. HOLLOWAY:** Yes; and I thank all members of the council for supporting that legislation. This matter is dear to the heart of the minister and I will bring back a response to the specific questions asked by the honourable member.

#### TRANSPORT SA, REGIONAL STAFF

**The Hon. T.J. STEPHENS:** I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Transport, a question about government cuts to regional staff in Transport SA.

Leave granted.

**The Hon. T.J. STEPHENS:** The opposition has been informed by Transport SA staff at Crystal Brook that, under the government's plan for regional road maintenance, more than half of them will lose their jobs. Staffing levels are to be cut from 11 to five, and jobs will be transferred to Adelaide. We have also been informed that similar plans are in store for Transport SA officers in Port Augusta and Murray Bridge where more regional jobs will be lost to the city. The Rann government has once again shown its utter contempt for regional South Australia.

Before the election, the then leader of the opposition (Hon. Mike Rann) promised that he would introduce regional impact statements, and at the South Australian Country Labor Conference in 2000 he said:

Regional impact statements will have to accompany any government decision or change in policy that will affect jobs and services in non-metropolitan Adelaide.

He further said:

Over the years, government departments have cut jobs in country areas without considering the impact that just a few job losses can have on small rural communities.

Obviously, this commitment to regional South Australia has been abandoned, in exactly the same way and with the same arrogance as we saw the Rann government consider compensation for Murray River fishers, and in the same way we saw it consider increases to Crown leases, cuts to crime prevention programs and the closure of ambulance communication rooms. Cutting Transport SA jobs in regional areas makes no sense. These jobs should stay in regional areas, especially given Labor's already huge cuts to road construction and maintenance. My questions are:

1. Where are the regional impact statements?

2. Who consulted the community at Crystal Brook, Port Augusta and Murray Bridge?

3. Will the minister advise the council why regional impact statements were not undertaken prior to the cutting of regional Transport SA staff?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I am certainly aware of all the points raised by the honourable member—

*The Hon. A.J. Redford interjecting:*

**The Hon. T.G. ROBERTS:**—in relation to the aggregated affect of job losses—

*The Hon. A.J. Redford interjecting:*

**The PRESIDENT:** Order!

**The Hon. T.G. ROBERTS:**—in regional areas. Certainly, that has an impact on schools, hospitals and other services, as well as the jobs themselves. They are very important questions, which I will refer to the minister in another place and bring back a reply.

#### LOWER MURRAY IRRIGATION AREA

**The Hon. D.W. RIDGWAY:** I seek leave to make a brief explanation before asking the Minister for Primary Industries a question about the Lower Murray irrigation rehabilitation program.

Leave granted.

**The Hon. D.W. RIDGWAY:** At a recent public meeting held at Murray Bridge last Tuesday (11 March), Minister Hill and representatives from various government departments presented their case to the dairy farmers on restructuring proposals and the rehabilitation of the irrigation scheme. During questioning of Minister Hill about farmers who might be exiting the industry and the threat that a significant amount of water would be traded, the minister admitted to the meeting that, if a significant amount of water was being traded out of the region, the government might buy back the water. He said that he had already had discussions with the Minister for Regional Development (Hon. Rory McEwen) and the Minister for Primary Industries (Hon. Paul Holloway). My questions are:

1. When did these discussions take place?
2. What were the nature of these discussions?
3. For what purpose did the primary industry minister envisage the potential surplus water?
4. How will any change in the water use impact on the Murraylands in relation to economic and social development?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** The honourable member has asked a list of fairly detailed questions. In relation to the exact date that I met with the Minister for Trade and Regional Development and the Minister for the River Murray in relation to this matter, I would have to consult my diary. We had one meeting several weeks ago, and I have also, obviously, discussed this matter with him subsequent to that meeting.

But, clearly, irrigation in the Lower Murray area is a very important development for this state, and it is important, of course, that those swamps be upgraded, because most of the other irrigation areas within the state have all been upgraded. Many of them are using world's best practice and are a model for the rest of the country in terms of how irrigation schemes should operate. Certainly, if the rest of the Murray-Darling catchment was as efficient in its distribution of water as are the irrigation schemes in the Loxton area and the Central Irrigation Trust area, for example, we would have many fewer problems in the Murray River than we have now.

There are some special issues in relation to the Lower Murray swamps, as I understand it, and basically the aim of the program is to reduce the amount of land under irrigation by about 20 per cent—I think from about 5 000 hectares to 4 000 hectares—so that the remaining areas can be the most efficient and can lift water use efficiencies in those areas to at least 65 per cent which, for that type of irrigation, is very high.

The honourable member referred to the fact that water could be traded. At the moment we are seeing a process of structural adjustment within the Lower Murray swamps. Obviously, as a result of that adjustment, some people will need to leave the industry. Of course, those people have been given water rights that are extremely valuable, and that will enable them, should they wish, to exit the industry in other ways. How that happens, of course, essentially will be up to the market.

Obviously, as the honourable member implied in his question, one of the key issues from my department's point of view is that we wish to see a viable dairy irrigation industry continue in that part of the Murray River, and we believe that that can happen. However, it will be important to monitor the trading process to ensure that we do have remaining within the Lower Murray irrigation area a viable industry. That is certainly the belief of those officers in the department of my colleague who were formerly within the Department of Primary Industries. Those members of the Department of Water, Land and Biodiversity Conservation I believe have done a very good job to work out the process of this readjustment. But, clearly, it will be a market adjustment process, and I guess that is what it means. If you are going to have a market in water rights, it is just that, and I do not think anyone would suggest that the government should in some way intervene and put caveats over the water rights of individual farmers. In any case, we would probably run up against all sorts of competition constraints.

Those matters in relation to water licences are really a matter for my colleague, the Minister for the River Murray. Certainly, from the point of view of my portfolio, we are working with the other agencies to try to ensure that the transitional process will be as smooth as possible. It is inevitable when you are talking adjustments with an industry that there will be concerns about that adjustment. We had that in the dairy industry when the federal deregulation package came into force—more than 100 dairy farmers have exited the industry as a result of that package. But, of course, like any process of adjustment, it is always difficult while people are making decisions about how they should proceed into the future, and I guess the Lower Murray swamps will be no different.

However, at the end of the day, what we would like to see come out of the process is a dairy industry in the region that is viable and one that will give those remaining dairy farmers in that area an opportunity to compete with the rest of the industry. Of course, it is essential that the dairy industry and the farmers remain competitive. We have had a massive readjustment process in the country as a result of federal deregulation, and it is important that those farmers in the Lower Murray swamps are also part of this important industry. I hope that answers the honourable member's key questions. If I have missed anything, he might raise it by way of a supplementary question.

**The Hon. D.W. RIDGWAY:** What was the nature of those discussions and what is the likely use for the water, if

some water has been bought by the government and it is no longer used for dairying on the Murray River flats?

**The Hon. P. HOLLOWAY:** Farmers in that area are the holders of water rights, and I guess that they can sell them wherever they wish. The preferred outcome, certainly from my point of view, is that that water remain to make the industry more efficient. However, clearly, that will be up to those individual farmers. I assume that that is the honourable member's point. What was the other part of the question?

**The Hon. D.W. Ridgway:** What is the use for the water?

**The Hon. P. HOLLOWAY:** The use of the water is a right of the individual farmers, and they are able to sell it on the market. Obviously, it is in our interests that it stay within the state. If we are to be part of a national water market, we have to abide by the rules of that market.

**The Hon. D.W. RIDGWAY:** As a further supplementary question, what impact will it have on the environmental flows in the river if the water were to be traded upstream out of the region? When will the farmers receive their water allocations?

**The Hon. P. HOLLOWAY:** Certainly, the latter question is specifically one for my colleague the Minister for Water Resources, and I will refer both questions to him because, clearly, they are matters for which he has responsibility.

#### CORA BARCLAY CENTRE

**The Hon. KATE REYNOLDS:** I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Education, a question about the Cora Barclay Centre.

Leave granted.

**The Hon. KATE REYNOLDS:** The Cora Barclay Centre has provided a service to hearing impaired and deaf children in South Australia since 1945. The centre offers tailored programs by specialist teachers to enable hearing impaired children to achieve their full potential. These include integrated playgroup, pre-entry and kindergarten options. The centre also provides support to primary school age children, in addition to career pathway assistance for 14 to 20 year old hearing impaired students.

Educators at the centre have been recognised internationally for their best practice training and experience with hearing impaired children. The centre also provides training and development for other educators and school assistants. It has been shown that the centre provides these specific programs in a cost-effective manner. Currently, the Department of Education and Children's Services provides \$17 500 for each hearing impaired student in mainstream schooling. The Cora Barclay Centre has been shown to be more cost-effective than this, while still providing a world-class service in a specialised facility. In fact, the level of literacy of its students significantly exceeds world averages for deaf children. Despite this, a commitment of funding from any department within government is a long and sorry saga. In fact, I was unsure as to which minister I should address my question, such is the continual buck passing over the issue. Since the Cora Barclay Centre is an educational facility, I decided upon the education minister.

The centre has been experiencing funding difficulties since 1999, when the then minister for education (Hon. Malcolm Buckley) withdrew a line of funding the centre had received for many years.

*Members interjecting:*

**The Hon. KATE REYNOLDS:** I am pleased to hear that. It has been an ongoing, uphill battle to maintain funding for the centre's programs since that time, with dozens of unsuccessful funding requests and many meetings cancelled by ministers of this government since that time—four years ago.

Staffing arrangements and programs have been modified or cut back to deal with some of the budgetary constraints despite the fact that there is heavy demand for services. The centre is not in a position to go into debt and has responsibly made sure that it is not facing insolvency. Throughout this period, centre staff have maintained their professionalism and management, and the council has not given up its quest to source adequate funding. However, it has been a highly stressful situation for centre staff to operate within, not knowing from year-to-year whether funding will be found to continue their operations.

A second issue involving the total absence of disability funding has never been adequately addressed by either the previous or the current government, both of which have stated that the centre does not receive disability funding because it never has in the past. However, the centre argues that children who are deaf have a disability and therefore qualify for disability funding. The centre's pleas to have its funding crisis resolved have fallen on the government's deaf ears. Despite repeated attempts, the centre executive was granted only a 20 minute meeting with the Minister for Education (Hon. Trish White) in January this year. At that time, minister White told the centre's representatives that there was no money available for them and that there was nothing else she could do. Put simply, the centre has confirmed that the only way it will survive is if long-term government funding is guaranteed. My questions are:

1. Why is there continual buck passing between the Minister for Education and the minister for disability?
2. Does the minister acknowledge the world-class service which this centre provides to South Australia's hearing impaired community?
3. Will the minister act immediately to inject funds into the Cora Barclay Centre to prevent further cutting back of programs and its possible closure?
4. Will the Education Minister act to ensure long-term ongoing funding for the Cora Barclay Centre so that it can continue to provide a world-class service?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I thank the honourable member for her question, which I believe is her first.

**An honourable member:** Second.

**The Hon. P. HOLLOWAY:** Her second question.

**The Hon. Kate Reynolds:** Third.

**The Hon. P. HOLLOWAY:** Third? I'm sorry; I apologise. It is the first one to me, I believe. I will refer the question to the Minister for Education and bring back a response.

#### B-TRIPLE ROAD TRAINS

**The Hon. T.G. CAMERON:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister For Transport, questions about B-triple road trains.

Leave granted.

**The Hon. T.G. CAMERON:** B-triple road trains will be allowed on highways in South Australia, including the notorious Sturt Highway and outer Adelaide industrial areas,

if a trucking industry push succeeds. B-triples are made up of a truck towing two B-double sized trailers and one semi-trailer joined with single articulated turntables. They can weigh up to 90 tonnes and are 36 metres long. The South Australian Road Transport Association (SARTA) wants the government to open roads to B-triple prime movers within the next 12 months to accommodate the growth in road freight. SARTA argues there will be a 100 per cent growth in road freight over the next 12 to 15 years and that the choice is between maximising road freight trucking or doubling the number of trucks on the road. B-triples are currently only allowed on the freight routes north of Port Augusta to Alice Springs and Darwin.

Road safety groups say they are concerned about the size of trucks currently allowed on Adelaide roads without the headaches and dangers of even longer trucks. They believe the longer trucks are simply too big and will be a threat to other road users. My questions to the minister are:

1. Is the government considering allowing B-triple road trains to use highways in South Australia, including the Sturt Highway and outer Adelaide industrial areas, and when will a decision be made?

2. Will any studies be conducted in order to ascertain the impact of B-triples on the safety of other road users and pedestrians and the wear and tear on these roads; and, if such a study has been conducted, can a copy of any report be made available to my office?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I will refer those very important questions to the Minister for Transport in another place and bring back a reply.

### HANCOCK ROAD

**The Hon. J.S.L. DAWKINS:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Transport, a question about the upgrading of Hancock Road in the north-eastern suburbs.

Leave granted.

**The Hon. J.S.L. DAWKINS:** On 23 October last year I asked a question of the Minister for Aboriginal Affairs in his representative capacity about the \$2.4 million upgrade of Hancock Road, which was designed to include new gutters, kerbs, median strips, footpaths, parking bays and improved lighting. Funding for this project had come from the City of Tea Tree Gully and the state and federal governments. Under the Roads to Recovery program the federal government had provided the council with a \$1 million grant which was to be matched by the state government. However, a \$400 000 blowout in unforeseen drainage costs had seen on-site works stop while the state government conducted a review. Although drainage problems affected only one section of the road, work had stopped on all of it.

At the time of the question, the council was waiting for Transport SA to determine whether funding would be made available for completion of the project, which had been scheduled to be completed in August. I asked the minister why, first, the entire Hancock Road upgrade had come to a halt and, secondly, whether the government would ensure that its share of funding was provided and that the already delayed upgrade be completed without any further delays or inconvenience to traffic on this major route. I have recently encountered significant community concern about the lack of

information about or action related to this project. My questions are:

1. When will the minister respond to my questions of 23 October?

2. More importantly, when will work on this upgrade project recommence?

3. Will the minister provide information to the north-eastern suburbs community about this project as a matter of urgency?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I will refer those important questions to the Minister for Transport in another place and bring back a reply.

### AUDITOR-GENERAL'S REPORT

In reply to **Hon. SANDRA KANCK** (previously Hon. M.J. ELLIOTT) (13 November 2002).

**The Hon. P. HOLLOWAY:** The Premier has provided the following information:

In January 2002 the former Premier directed the Cabinet Office to undertake a review of the functions and resources of the Department for Water Resources and report to him by 28 March 2002. The review was to consider institutional, infrastructure and asset management matters raised by the Department for Water Resources in a paper entitled *Strengthening the Management of South Australia's Water Resources* and in particular to identify gaps in the department's roles and responsibilities.

The commencement of the review was noted by Cabinet on 7 January 2002. The review had reached only a preliminary stage when it was deferred because of the caretaker period. Under the previous departmental structure, there was a number of areas where interests and responsibilities of the Department for Water Resources and other agencies such as SA Water, and the then Departments for Primary Industries and Resources and Environment and Heritage intersected.

As this government now has one minister with responsibility for the River Murray and Environment and Conservation, and most of the previous difficulties were expected to be overcome, the Premier decided on 25 March 2002 that the review should not proceed at this time. The need for a similar review could be considered once the new structure has been tested over a year or two.

In reply to **Hon. SANDRA KANCK** (previously Hon. M.J. ELLIOTT) (13 November 2002).

**The Hon. P. HOLLOWAY:** The Minister for Environment and Conservation has provided the following information:

The accounts for DWLBC for 2001-2002 were qualified because certain assets have not been reflected in the balance sheet. The omission of these assets is likely to be of significance in presenting an acceptable value of assets controlled by the Department. The assets in question are associated with legislation that is administered by the Minister for Environment and Conservation.

The assets include:

- Various structures on the River Murray (locks, weirs, drainage systems, evaporation basins, waste disposal stations, etc);
- Drainage systems in the South East of the State;
- Metropolitan stormwater drainage schemes (South Western Suburbs, Henley and Grange, River Torrens Linear Park, etc);
- Lower Murray Government Reclaimed Irrigation Areas;
- Other relatively minor assets related to functions transferred to the former Department for Water Resources.

The management of assets of this nature is a specialised function requiring expertise that is not widely available within Government. The former Department for Water Resources was established as a policy-focused agency and the management of assets raised the issue of whether such a role was appropriate. The issue still applies to the new agency, DWLBC.

The overall responsibility for ownership and management of these assets still needs to be resolved. In the meantime, DWLBC has instigated preliminary steps to ensure major risks associated with the assets are identified and managed appropriately. A Principal Engineer responsible for asset management was appointed in April 2002. A plan for managing the assets is being implemented. It is intended that the plan will provide the basis for redressing the basis of the audit qualification.

## EYRE PENINSULA

In reply to **Hon. CAROLINE SCHAEFER** (21 November 2002).

**The Hon. P. HOLLOWAY:** The Minister Assisting in Government Enterprises has provided the following information:

1. The public water supply on Eyre Peninsula is drawn from a combination of ground water sources and Tod reservoir. A series of low runoff years has left the Tod with very little water that is also relatively high in salt, making it unsuitable without dilution for use in the distribution system. Most of the ground water sources on Eyre Peninsula are prescribed and SA Water holds licensed allocations to extract from these aquifers.

SA Water has been monitoring the use of the public water supply and has been concerned that if the current level of use continues there is a very real danger that use will lead to over extraction of the allocation. This puts the Peninsula in a situation where the available allocation for the following years may be significantly less than that to ensure long term sustainable extraction from the borefields.

As at the end of October 2002, water use for the period was the highest on record and the highest October consumption on record. Analysis of the results showed that use in the rural areas was particularly high and was linked to a lack of runoff failing to fill farm dams and resulting in early reliance on mains water supplies.

With these results, SA Water made approaches to industries and organisations that are traditionally high water users or are showing unusually high water use seeking their efforts to reduce water use. The approach to the stock agent at Kimba was made in this spirit of seeking cooperation.

2. Subsequent to this and as a result of continued water use well above target levels, the minister for Government Enterprises announced on 5 December 2002, the imposition of water restrictions across Eyre Peninsula. These restrictions are designed to ensure that non-essential water use is kept to a minimum and should not impact unduly on the supply of water for legitimate farming pursuits.

Water resources across the State are a finite resource that require careful management. Excessive use now may lead to reduced availability in the future. Conservative water use is our best guarantee that similar quantities will be available in the future.

In regard to the Department of Primary Industries and Resources (PIRSA) input, I provide the following answer:

I undertook to seek information regarding the situation regarding livestock management on the Eyre Peninsula in relation to this years drought and the water supply situation. The advice being provided by Rural Solutions SA is that farmers should keep as many sheep as they can possibly carry through to next season. Sheep numbers are a fraction of what they were in 1990, having been steadily dropping over recent years. Numbers were levelling out, but this year there has been an estimated 10 per cent increase over last year. This is still well below the historical numbers.

The low sheep numbers, coupled with a "reasonable year" in most areas, translates generally into adequate capacity in most areas, to carry stock through to autumn. There are parts of the east coast of the peninsula that are experiencing worse conditions where there may be more difficulty.

My advice is that generally, not only will farmers have the capacity to carry stock through, there is a low risk of erosion on paddocks. Farmers are now well aware of the management needed to minimise grazing pressures and exposure of the soil to avoid erosion. Even in the dry areas of the east coast, where there is a higher risk of some wind erosion, this is on cropping paddocks, where crops have failed, which will not be grazed.

The concern about high water consumption is hard to understand, given that stock numbers are not dramatically different to recent years and much lower than some years ago.

Given the capacity to manage the stock through this year, farmers are being advised to keep all the sheep they can carry through. The favourable economic returns from wool and meat, and the likelihood that prices will escalate after the drought makes this an imperative for farmers. Rural Solutions SA predicts ewes will bring in income of \$80-\$100, with a high demand for lamb, mutton, live sheep and wool because of the low size of the national flock. The advice of Rural Solutions SA is that these are opportunities that Eyre Peninsula farmers should capitalise on.

## DRUGS SUMMIT

In reply to **Hon. SANDRA KANCK** (previously Hon. M.J. ELLIOTT) (3 December 2002).

**The Hon. P. HOLLOWAY:** The Premier has provided the following information:

1. In the previous Parliament, prior to the Drugs Summit, the Controlled Substances (Cannabis) Amendment Bill to remove the hydroponic production of cannabis from the expiation system had the support of both the then Government and the then Opposition in the House of Assembly. The Bill lapsed when Parliament was dissolved and the current Government elected.

Community consultation conducted prior to the Summit as part of the Drugs Summit process emphasised the need to strongly address drug supply.

Recommendation 2, Law Enforcement Intervention in the Illicit Drug Market Working Party, from the Drugs Summit recommended that the government, as a supply reduction strategy and as an effective intervention in the illicit drug market, conduct a review of legislation and enforcement, encompassing numerous regulatory aspects, including suggested amendments to the Controlled Substances Act:

- separating the legislative and pharmaceutical treatment of illicit drugs;
- removing hydroponic production of cannabis from the expiation notice system; and
- regulating hydroponic equipment sales and purchases.

Other parts of the recommendation focused on the disruption of organised crime as a means of reducing the availability and impact of drugs within the community.

Drugs Summit delegates did not clearly vote against the recommendation. Delegates were asked to vote on the total recommendation and the outcome was a divergence of views. (Strong support 26; moderate support 23; minimal support 38; not supported 9).

The Controlled Substances (Cannabis) Amendment Bill, after being re-introduced to Parliament has been passed by both houses.

At the Drugs Summit in June 2002, the Premier also announced a number of non-legislative initiatives in response to the National Competition Policy review of a proposal to license hydroponic equipment retailers. This review was undertaken at the end of 2001 and was completed in February 2002.

The initiatives are:

- an education campaign aimed at warning potential cannabis growers about the risks of fire and home invasions.
- working with the insurance industry to raise house insurance policyholders' awareness of the limits to coverage where illegal activities are involved.
- establishing a consultative group with representatives of the hydroponic retail industry, the police and the Department of Primary Industries to look at ways of cutting commercial cannabis production.

2. Results from the 2001 National Drug Strategy Household Survey (NDSHS) of the Australian population aged 14 years or older indicate that:

Across the nation

- *The mean age of initiation to cannabis use nationally is 18.5 years;*
- *Almost one-quarter (24.2 per cent) of Australians aged 14 years or older in 2001 were offered or had the opportunity to use cannabis. The proportion was similar to that in 1998 (23.4 per cent);*
- *About one-third (33.1 per cent) of Australians aged 14 years or older had ever used cannabis.*

In South Australia

- *14.2 per cent of the South Australian population, 14 years and over, have recently used cannabis, compared to the national average of 12.9 per cent;*
- *32.9 per cent of 14 to 24 year olds have recently used cannabis, compared to the national average of 27.8 per cent.*

The Australian Bureau of Criminal Intelligence Illicit Drug Report 2000-2001 indicates that the trend towards increasing hydroponic cultivation of cannabis continues to be prevalent; and hydroponically grown cannabis is highly sought after by users. Cannabis cultivation and distribution continues to be an aspect of organised crime.

The Report also indicated that the growing prominence of hydroponic cannabis production has seen an increase in the lucrative cross-jurisdictional trade of cannabis for other illicit drugs. The Report also states that associated with this profitable trade is the greater involvement of organised crime – either in the syndicated production of the drug or in the provision of hydroponic equipment.

3. In the last twelve months there were 1 470 seizures of cannabis plants of which 216 (15 per cent) were for 1 or two plants.

These seizures resulted in 12 865 plants being seized of which 8 204 (64 per cent) were hydroponically grown.

In reply to **Hon. SANDRA KANCK** (previously Hon. M.J. ELLIOTT) (5 December 2002).

**The Hon. P. HOLLOWAY:** The Premier has provided the following information:

The Drugs Summit enabled South Australians to come together in a bi-partisan forum to discuss the different ideas about tackling the drug issues in our community and to make recommendations about the way forward. This was preceded by a state wide community consultation and public submission process. The Government has taken seriously the recommendations made by Drugs Summit delegates.

As indicated by the Minister for Health, the Hon. L. Stevens, on 5 December, the Government's Initial Response to the Drugs Summit identifies twenty one initiatives and new funding has been allocated so that action can commence immediately. This Response document can be found on the Drugs Summit website [www.drugsummit2002.sa.gov.au](http://www.drugsummit2002.sa.gov.au). These priority initiatives address key themes from a number of the recommendations, including some long standing and difficult issues. For instance, the first initiative to increase the capacity to address drug issues within schools, involves the development of local school drug strategies; local community participation and action; increasing community awareness and providing young people with accurate and timely information. Together, the twenty one initiatives address aspects from approximately eighty percent of the recommendations. It is an important and strong beginning.

The Initial Government Response document includes a policy framework developed by the Social Inclusion Board which reflects what the South Australian community said we need as future directions in really tackling drug issues in this State: the overall aim is to reduce drug related harm within the South Australian community by building individual, family and community resilience. The guiding principles and strategic directions outlined in the document provide the framework and direction for the future action that this Government will be taking.

The Government is already working on other initiatives. Some of the recommendations need more work to test their feasibility and identify and plan for funding. The issues are complex and we need to find lasting solutions. None of the recommendations are being ignored and over time, the various aspects of all of the recommendations will be addressed within the policy framework and capacity of Government.

This next stage will focus the development of an Action Plan, which will be produced on an annual basis, to outline in more detail government responses to the Drugs Summit recommendations.

### CRIME PREVENTION

In reply to **Hon. T.J. STEPHENS** (4 December 2002).

**The Hon. T.G. ROBERTS:** I have received this advice:

After the budget cut to crime prevention was announced, the Attorney-General met the then President and other local-government representatives of the Local Government Association to discuss the matter. In late July, 2002, it was agreed that a joint State Government/local-government review would be undertaken to identify the future options for the program. This review commenced in September, 2002, and provided an interim report to the President of the Local Government Association and the Attorney-General in October, 2002. That report presented three options for consideration, and in November, 2002, one of these options—a regional model funded to the level of \$600 000 p.a.—was approved.

As a consequence of this decision, all Councils previously funded through the crime prevention program have been invited to participate in the new regional model. I am informed that the Attorney-General's Department has had a response to this invitation from Port Lincoln, which has indicated an interest in participating in the regional model. Other regional areas in which the Hon. T.J. Stephens has expressed interest (Port Pirie, Port Augusta, Whyalla) have not yet responded. Given the holiday period, the Attorney-General's Department did not expect to receive responses until February, 2003.

The Crime Prevention Unit of the Attorney-General's Department is working with the Local Government Association to develop the new regional model for crime prevention. The process being followed includes meeting with Councils after their expression of interest in participating in the regional model; assisting Councils

where requested to form regional partnerships; and; working with Councils to identify the framework and operations for the program.

It therefore is not possible to provide details of which city and country programs will continue, as requested by the Hon. T.J. Stephens, until this process has been completed. I expect that the regional model will start mid-2003.

As to the crime prevention programs in Port Augusta, the Attorney-General's Department has been working collaboratively with a range of agencies in that area. For example, by giving support and funding to the development of a Youth Centre, a number of agencies have used the centre to provide alternative activities for local youth. The Department is also funding the operations of the Port Augusta Youth Service, in partnership with the Department of Human Services. The Justice Portfolio has established a cross portfolio working group, made up of local Justice agency senior officers to address emerging justice and safety issues in Port Augusta.

The Crime Prevention Unit of the Attorney-General's Department is working on programs focussing on early intervention in Port Augusta, together with key local agencies. This work has a focus on parenting and the early years, as well as young people at school, and the transition between primary and secondary schooling.

I am told that the crime prevention officers in Port Pirie and Port Lincoln have found alternative employment, while the crime prevention officers in Port Augusta and Whyalla have remained with their councils undertaking crime prevention work.

### WATER SUPPLY, CLARE VALLEY

In reply to **Hon. IAN GILFILLAN** (4 December 2002).

**The Hon. T.G. ROBERTS:** The Minister for Environment and Conservation has advised that:

1. The figure of 8 000 megalitres quoted in the *Advertiser* of 4 November 2002 is a misrepresentation. In fact, 8 000 megalitres per annum is the estimated irrigation water demand in the Clare Valley region in approximately 20 years time. The Clare Valley project is scoped to provide 2 200 megalitres of irrigation water during the peak irrigation period in the warmer months, and 3 800 megalitres outside the peak period. The 2 200 megalitres will be sourced from an existing River Murray licence held by SA Water. The 3 800 megalitres will consist of privately purchased River Murray licences. SA Water will provide for the transport of this privately purchased water through its pipeline system to the Clare Valley. Irrigators will purchase these private licences on the open market.

2. There is no direct relationship between the proposed Clare Valley scheme and the program to improve water use efficiency in the lower Murray swamps. While the rehabilitation of the lower Murray swamps may allow for an amount of water to be available on the open market in the future, no direct relationship exists between these two schemes.

3. The proposal to make water available to Clare Valley irrigators is entirely consistent with COAG reform principles. Under the agreed Murray-Darling Basin Cap on water diversion, the licensed allocation to be used by SA Water is fully tradeable allowing the resource to move to higher value uses. In this instance, the very efficient irrigation water use that will occur in Clare is in contrast to the less efficient practices in other parts of Australia that draw on the Murray-Darling Basin. The use of this water will not place extra stress on the Murray-Darling system as it is water that is currently available for consumptive purposes under the Cap arrangements.

### SEXUAL ASSAULT COUNSELLING

In reply to **Hon. SANDRA KANCK** (4 December 2002).

**The Hon. T.G. ROBERTS:** The Minister for Health has provided the following information:

1. The Government funds Yarrow Place to provide a dedicated sexual assault support service. As with all health budgets, e.g., hospitals and their waiting lists, sexual assault services have finite resources and Yarrow Place must prioritise and manage within a defined budget. Critical support is always available in a crisis and trauma situation 24 hours a day, seven days a week. No current or immediate trauma situation is turned away. Assessment is made based on defined protocols to determine the level of response for past sexual assault, and waiting lists are developed based on this assessment. Phone support is available 24 hours a day, through Yarrow Place during daytime and through Crisis Care after hours.

Additionally, the Government provides or funds a range of generalist services that provide support, and a range of counselling



and group services. These include community health, Victims of Crime, and community services such as Centacare and Anglicare. Anyone assessed as being at risk, e.g., suicide, would receive a referral to a general practitioner, a hospital emergency department or a specialist mental health service.

2. Women who need help more than six weeks after a sexual assault cannot access immediate counselling at Yarrow Place because:

- Yarrow Place has only 6.2 full-time equivalent day time social workers; and
- Yarrow Place prioritises clients according to the length of time since the sexual assault.

Clients who have experienced a rape or sexual assault:

- less than 72 hours prior to contact with Yarrow Place receive crisis counselling and medical care within two hours of making that contact, available 24 hours a day, every day of the year;
- more than 72 hours, but less than one year, prior to contact with Yarrow Place are usually offered a counselling appointment within two to three weeks of contact with Yarrow Place, plus medical support; and
- more than one year prior to contact with Yarrow Place are usually offered counselling between four to seven weeks following contact, as well as medical support if the client desires.

These waiting times vary a little according to:

- the demand for the service;
- the varying length of time since the rape or sexual assault; and
- the amount of community support the person has, and other such variables.

While waiting for face-to-face counselling, informal phone support from the Yarrow Place duty worker is offered to clients. Yarrow Place presently has approximately 35 clients in this situation. Clients have had to wait up to seven weeks for a first face-to-face appointment in recent times.

3. Funding for the Women's Information Service is provided through the Office for the Status of Women. The current annual budget is \$568 000.

Dale Street Women's Health Centre is the regional women's health team of the Adelaide Central Community Health Service. The current annual budget is \$534 640.

Women's Health Statewide and Yarrow Place are both health units of the Women's and Children's Hospital. The annual budget for Women's Health Statewide is \$1 243 300. The annual budget for Yarrow Place is \$1 093 300.

4. The Government takes individual and societal consequences into account when planning services, setting funding priorities and allocating waiting times. There is always consideration of these consequences and potential costs, which is why services prioritise all new clients to ensure that those with the highest need have the shortest possible waiting period.

**BEVERLEY MINE**

In reply to **Hon. SANDRA KANCK** (15 May 2002).

**The Hon. P. HOLLOWAY:** I provide the following information:

4. No consideration has been given by my department or myself to revoke the licence granted to the mine. The licence to mine uranium is issued by my colleague the Minister for Environment and Conservation, the Hon. John Hill MP.

The requirements for regulating occupational health and safety issues under the Occupational Health, Safety and Welfare Act 1986 were passed from the then Department of Mines and Energy to the Department of Administrative and Information Services in 1991 and the reporting of any occupational health and safety issues are the responsibility of that Department.

In reply to **Hon. SANDRA KANCK** (15 May 2002).

**The Hon. P. HOLLOWAY:** The Minister for Industrial Relations has provided the following information:

1. The reporting of work related injuries, dangerous occurrences and accidents in the workplace is governed by the following regulations which are administered by the Department for Administrative and Information Services, Workplace Services.

These are the:

- (a) Occupational Health Safety and Welfare Regulations 1995; and
- (b) Dangerous Substances Regulations 1998.

2. The following are incidents that have been recorded as being notified to the Inspector of Mines. These staff are employees of the Department for Administrative and Information Services, Workplace Services for the purpose of administering the Occupational Health Safety and Welfare Act 1986 and are also Gazetted under the *Mines and Works Inspection Act 1920* for the purpose of the administration of this legislation at mine sites:

**List of reported accidents and occurrences**

Date	Description
16 March 2002	Failure of piping carrying acid. Three employees narrowly missed being burnt. Small fire in area.
13 December 2001	Vehicle rollover. Employee suffered only minor injury.
28 November 2001	Employee received electric shock from pump stand. Employee suffered numb arm.
21 October 2001	Employee suffered minor acid burns to neck and upper chest due to a split valve.
11 August 2001	Failure of pressure relief valve on acid pump led to employee receiving minor burns.
20 June 2001	Electrical short in pump motors caused a small fire. No injuries.
1 August 2000	Employee received electric shock whilst checking water system.

3. The Government formed a top-level task force, lead by the Executive Director of the EPA, Mr Nicholas Newland, to inspect the mining operations of Heathgate Resources at its Beverley Uranium Mine on 10 May 2002. The task force also included senior officials from PIRSA, the DHS Radiation Protection Branch and Workplace Services.

The task force made the following recommendations, as a formula that will ensure greater security of the process solution. These recommendations although primarily aimed at ensuring the environment is protected also provide for a safer workplace.

(a) No ABS pipe work or fittings to be used in new or replacement plant. ABS pipe and fittings are made from a thermoplastic resin called (Acrylonitrile-Butadiene-Styrene)

(b) The findings of the hazard and operability study on the in-situ-leaching plant undertaken by the company must be implemented by 15 September 2002 and be subject to scrutiny by the EPA, DHS, Workplace Services and PIRSA.

The company has set itself a target date of September 2002 for implementation.

(c) The processing plant must have adequate secondary containment to back up the concrete bunding (the barrier in the event of

spills).

(d) The wellfield must have adequate secondary containment.

(e) No new plant to be installed or modifications to the existing plant to be made without being reviewed by a hazard and operability study.

(f) No new plant to be installed or modifications to the existing plant to be made without being reviewed by PIRSA in consultation with the EPA, DHS and Workplace Services. (Where new plant may lead to an increase in radiation exposures, it must be approved under the radiation protection code of practice).

(g) While the evidence indicates that there has been no harm to workers or the surrounding environment from radiation, the company needs to follow a clear process for stockpiling and ultimate safe storage of soil affected by spills of radioactive material. This process is in place as part of the Radioactive Waste Management Plan and was approved in October 2000 in accordance with Regulations under the Mining Act and the radiation code of practice.

(h) Incidents involving loss of processing fluids due to mechanical failure of equipment or control system malfunction are to be considered in detail by the independent review group on spills, with consideration of such spills being reported to the EPA and other

regulatory agencies.

The Minister for Environment and Conservation and the Minister for Mineral Resources Development accepted the recommendations made by the Task Force.

Heathgate Resources has also accepted the recommendations and has responded cooperatively.

### HOSPITALS, MODBURY

In reply to **Hon. A.L. EVANS** (28 November 2002).

**The Hon. T.G. ROBERTS:** The Minister for Health has provided the following information:

1. In regard to the waiting times for admission, Modbury Public Hospital has advised that it does not keep statistics on the time patients wait to be admitted from its Emergency Department to an inpatient bed. Such information is not routinely recorded.

A medical officer examines all patients who attend a public hospital emergency department. The medical officer assesses the patient's clinical state and, if required, arranges admission to a hospital bed through one of the clinical teams. This includes patients referred to an emergency department by a General Practitioner. General Practitioners cannot pre-arrange admission to a public hospital.

Whilst the information provided by a General Practitioner is appreciated by emergency department medical officers, and gives a valuable insight into a patient's condition, it does not replace the clinical assessment of the emergency department medical officer who sees the patient on arrival. The action subsequently taken by the medical officer in response to a patient's needs must also take into account the relative needs of other patients within the emergency department at the time, as well as the needs of patients who present subsequently who may have life-threatening conditions and who will have priority for treatment and admission.

2. No review of waiting time to admission has been undertaken by Modbury Public Hospital, either of patients who present without referral in an emergency or of those who are referred by a General Practitioner for assessment.

### GOVERNMENT CONSULTANCIES

In reply to **Hon. R.I. LUCAS** (21 November 2002).

**The Hon. T.G. ROBERTS:** The Minister for Industrial Relations has provided the following information:

1. *Will the minister confirm that he and the department have reclassified Mr Stevens' six-month consultancy to exclude it from the consultancy figures within the department and to include it within the contractor figures?*

I have not reclassified Mr Stevens consultancy, and I am advised that the Department has not reclassified the Stevens consultancy to exclude it from the consultancy figures and to include it within the contractor figures. The value of this consultancy for the 2001-02 financial year was less than \$10 000 and therefore not listed in the 2001-02 DAIS Annual Report. The full value of the consultancy will be reported in the 2002-03 Annual Report.

2. *Can the minister confirm that this is inconsistent with the government guidelines that, as I said, I believe are the office of the Commissioner for Public Employment Guidelines, on the definitions of what is a consultant and what is a contractor?*

Refer to the answer to the previous question.

3. *What other consultancies have been reclassified by this minister into the contractors' classification?*

No consultancies within the Industrial Relations portfolio have been reclassified.

*In response to the supplementary questions asked by the Hon. A.J. Redford:*

1. *As a supplementary question, will the Minister confirm one way or the other of the existence or non-existence of documents in support of Mr Stevens' travel claim, and*

Documents exist to support Mr Stevens' travel claim and an outline of these expenses has been provided to the Hon. A.J. Redford, as he requested in his FOI application of 25 September 2002.

2. *Will the Minister confirm one way or the other whether the Stanley consultancy or contract will be treated in the same fashion?*

The engagement of Mr Stevens' services has been conducted with propriety, as has the engagement of Mr Stanley's services.

### SHOP TRADING HOURS

In reply to **Hon. SANDRA KANCK** (previously Hon. M.J. Elliott) (16 October 2002).

**The Hon. T.G. ROBERTS:** The Minister for Industrial Relations has provided the following information:

On coming to office the Labor Government has been in regular contact with the NCC to ascertain its requirements in meeting the NCC obligations and in securing the full \$56.1 million National Competition Policy payments for 2002-2003. This approach is constructive and is in contrast with the intransigent position taken by the previous Government to the NCC, which has placed a significant component of the State Budget at risk.

Given the timeframe in which the NCC was to make a decision on payments for 2002-03, the Government has attempted to negotiate a solution with the NCC, rather than recommencing the process already undertaken by the Liberal Government in 1998. The components of this process are outlined in the Question before the House.

As part of this process, the Minister for Industrial Relations has undertaken extensive consultation with key stakeholders in an attempt to develop moderate reform proposals which may satisfy the requirements of the NCC, while at the same time balancing the needs of the competing interests of the stakeholders.

The legislation that recently went before the Parliament reflected the outcome of this exercise. It should be noted that the NCC deferred recommending payment of all of South Australia's competition payments, totalling \$56.1 million for 2002-2003, until the outcome of the legislative program was known. As the opposition has rejected the balanced package of reforms, which would have enabled greater shopping flexibility, the Government will begin further discussions with the NCC on this issue, in the new year.

### PUBLIC-PRIVATE PARTNERSHIPS

In reply to **Hon. R.I. LUCAS** (16 October 2002).

**The Hon. P. HOLLOWAY:** The Minister for Government Enterprises has provided the following information:

The Prisoner Movement and In-Court Management Contract with Group 4 is a privatisation arrangement entered into under the previous Government's guidelines for outsourcing.

It does not represent an example of public-private-partnership (PPP) that would be entered into by this Government under guidelines for PPP.

### SHOP THEFT

In reply to **Hon. R.D. LAWSON** (4 June 2002).

**The Hon. P. HOLLOWAY:** The Minister for Police has advised the following information:

The Government is committed to continuing the implementation of the Shop Theft Infringement Notice Scheme (STIN). Prior to its implementation South Australia Police and the Australian Retailers Association (ARA) promoted the scheme at both the local level and through State networks. In particular, Information Kits were distributed to retailers through the ARA, and Police liaised at the local level to inform retailers about the introduction of the scheme. SAPOL are continuing to monitor the use of the Shop Theft Infringement Notice Scheme, by recording the number of offenders diverted and the number of hours of community service through the application of the Scheme.

Under Section 18 of the *Shop Theft (Alternative Enforcement Act) 2000*, a report on the STIN Scheme is to be provided annually by SAPOL. This provision has been incorporated into the SAPOL Annual Report.

### URANIUM MINING

In reply to **Hon. R.I. LUCAS** (22 October 2002).

**The Hon. P. HOLLOWAY:** None of the incidents that have occurred at South Australia's uranium mines over the past three years have caused or threatened to cause serious or material environmental harm. All have been either contained or have been of insufficient volume to have escaped into the environment.

## MATTERS OF INTEREST

### FOOD AND WINE CONFERENCE

**The Hon. CARMEL ZOLLO:** I was pleased to be one of this state's contributors at the Australian Food and Wine Industries Conference held in Mildura last month and organised by the Sunraysia Economic Development Board. Congratulations should go to Graeme Martin, Chair of the Sunraysia/Mallee Economic Development Board, CEO Dr Peter Crawley and project officer Angela Umback, along with all board members. The board is not government funded but resourced by business contributions. It was appropriate that Mr Don Carrazza, one of Mildura's most respected business people and representing local business, chaired the first conference session. Mr Carrazza is also Chair of the Area Consultative Committee.

We have our Riverland region in common with the Sunraysia region, and it makes a great deal of sense for our state to be part of the same conversation and work collaboratively when it comes to the planning and promotion of the region. The conference was an excellent opportunity for all those involved in the food chain production to network and be part of the latest developments in the industry. It attracted delegates and speakers from industry organisations, growers and producers, food and beverage processors, wine makers, winery owners, packaging companies, transport and shipping, industry service providers, researchers, marketers, exporters, importers and government representatives, to name a few.

The focus of the conference was adding value through technology, innovation and marketing. I was pleased to be asked to chair the first afternoon session and started off the session with an overview of our State Food Program, our unique partnership between government and the food industry. I am certain members have heard on more than one occasion the success of our food industry—that it is a major economic driver of our economy and in particular that its success has been driven by value added exports. Dr Susan Nelle, the Executive Director of Food South Australia, followed with specific examples of the effectiveness of our industry-government partnership, including:

- developing internationally competitive export 'demand chain' systems;
- encouraging product innovation and differentiation; and
- supporting regional wine/food/tourism initiatives.

I was also pleased to introduce a most passionate and motivating presenter in former Deputy Prime Minister Tim Fischer, now the special envoy to the Adelaide to Darwin railway. Tim Fischer pointed out the many benefits of rail, which will be very welcome in our own food industry. There will be a significant conduit for exports and imports between markets in Australia, Asia and beyond, connecting to the new East Arm port in Darwin. For our regions in particular there will also be an opportunity for regional development through new export opportunities.

Tim Fischer reported that the construction is on time for the completion date in early 2004. However, he promised to donate to a charity the weight in gold of his Akubra hat if the railway is not finished in time for that important date that most Australians relate to—the first Tuesday of November, 2003—at least I think that is what he meant when he said that. I hasten to add that the weight was to be equivalent to that of a dry Akubra hat.

The other presenters in the session I chaired were Mr Peter Hayes, the national viticulturist from Southcorp Wines; Mr Mark Gwizdalla, the Tradestart network manager with Austrade; and, Dr Jean Chesson, who leads the agriculture and food sciences program within the Bureau of Rural Sciences. They were just some of the talented people who helped make the conference a success. It was also interesting to hear an overview from Richard Brooks from the National Food Industry Strategy which was put together by industry for industry to assist Australian food and beverage businesses to increase skills, to realise greater efficiencies and productivity, to introduce improved safety and quality and to increase exports of Australian food around the world. Nationally our food exports are worth \$26 billion.

Also, the conference was an opportunity to showcase to the world the region's vast natural food and wine resources, and it was presented with great style. I again congratulate the Sunraysia/Mallee Economic Development Board and the City of Mildura for their organisation and presentation of this conference.

### KOUTSANTONIS, Mr T.

**The Hon. R.I. LUCAS (Leader of the Opposition):** I will address two issues, the first being on my favourite topic, the member for West Torrens, Mr Tom Koutsantonis. I understand that his favourite TV program at the moment is the ABC comedy *Welcher and Welcher*. On 13 March the *Advertiser* journalist Rex Jory referred in the following way to Mr Koutsantonis, under the headline '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 the 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 Mr Atkinson to his own letterhead and send it to the *Advertiser* with a view to having it published. Oops!

I am sure the shadow attorney-general will turn his attention at some stage to the actions of the Attorney-General, who can only get praise in letters to the Editor by getting one of his wholly owned subsidiaries, the member for West Torrens, to write letters to the Editor praising him and then to ask unsuspecting—or perhaps suspecting—businessmen to forward those letters to the *Advertiser*.

As one Labor member of Caucus—not a friend of the member for West Torrens—said to me, 'I did not think Tom Koutsantonis was so thick that he would write a letter to somebody and ask them to forward a letter of praise about the Attorney-General to the *Advertiser*.' The words having come out of his mouth, that Labor member smiled and said, 'I withdraw that particular comment' in relation to the member for West Torrens.

The second issue I will address quickly was one I raised in January this year. There has been a lot of publicity about the new government's small number of appointments with Liberal Party connections—Stephen Baker and one or two others have been referred to. I indicated in the press release I put out in January that that publicity in the media masked a significant number of other Labor-connected appointments, and I want to address that issue when I have more time this session.

I indicated then, without going through all the detail, names such as Frank Blevins, Melissa Bailey (the wife of Jay Weatherill), Greg and Sam Crafter, Steve and Wendy

Georganas, Robyn Layton (the former wife of John Bannon), Mary Patetsos (the wife of Nick Bolkus), Jeremy Moore (a Labor Party candidate), Susanne Cole (the wife of Tim Stanley, Labor Party candidate), Brian Stanley (the father of Tim Stanley—they did very well), Mark Hancock (Labor candidate), Lindsay Simmons (Labor candidate), Justin Jarvis (Labor candidate), Greg Stevens (former ALP President and union heavy), Chris White (former UTLC Secretary), Janet Giles (UTLC Secretary), Les Birch (union heavy), Rosemary Clancy (Labor candidate), Judith Brine and Greg Mackie (Labor-backed city councillors), Angus Storey (ex-AEU officer). At that time I put out a statement that I would welcome contacts from people within the Labor Party about any further Labor appointments with Labor connections, and I am indebted to the small number of people who have contacted my office: Cathy King, the daughter of Len King, from the Labor Party federal office; Brer Adams, one of the minister's officers, a former President of Young Labor, who previously worked for David Cox; Lance Worrall and Kyam Maher, who both ran as candidates, Kyam Maher as an independent student against HECS; George Karzis; Moira Deslandes; and I understand Kate Ellis, who is an acquaintance of the member for West Torrens.

I am indebted to those, and I have to say that they are enemies, within the Labor Caucus, of Minister Conlon and his particular flavour within the caucus. They have provided a significant amount of further information for me, which time does not permit me to share with the parliament on this occasion. If there are others within the caucus who want to share further information, I would be only too grateful to receive it and to share it with members at a later occasion.

**The PRESIDENT:** I am not sure how much public interest there is in that matter, but nonetheless.

### ETHNIC LINK

**The Hon. G.E. GAGO:** Now for a matter of real public interest, Mr President. In 2001, 20 per cent of the older population of South Australia were from diverse ethnic backgrounds. This equates to over 43 000 people. It is estimated that by 2011 the older ethnic population will increase to 20.6 per cent of the total older population. That translates to over 52 000 older ethnic people in South Australia in eight years' time. These estimates show us that the older ethnic population in South Australia is ageing at a faster rate than the general older population.

For over 80 years, the Port Adelaide Central Mission has had a commitment to help build and support the communities of South Australia and a strong commitment to a range of marginalised communities including the homeless, vulnerable young people, indigenous communities and people from diverse cultural backgrounds. The Port Adelaide Central Mission runs a range of programs to support these and other marginalised groups. Towards the end of last year I was fortunate to attend the tenth anniversary celebrations of the Port Adelaide Central Mission on behalf of the minister, the Hon. Stephanie Key. These services help support people from diverse cultural backgrounds.

The service is called Ethnic Link Services. Ethnic Link Services is funded by the Home and Community Care program and, in fact, is the largest service funded by HACC that is specifically for non-English speaking people in South Australia, so it is a very important service. Ethnic Link Services links the elderly frail, younger people with disabilities, and carers who do not speak English into mainstream

health and community services and advocates on their behalf. This has enabled numerous people from ethnic communities to continue to live in their communities.

Ethnic Link is focused on the needs of non-English speaking individuals and their carers, and what support they require to continue to live in the community. Unfortunately, too frequently, this is the only link. The Ethnic Link worker is often the only person who understands the individual's language and who also has a comprehensive knowledge of the community services that might be available to them. The Ethnic Link worker is therefore able to communicate and advocate on that person's behalf to ensure that they receive the services they need to remain in their community.

Ethnic Link services both metropolitan and country ethnic communities and, over the past couple of years, has been attempting to strengthen its service delivery to regional communities. Currently, it has two regional bases in the country area, one in the Riverland and the other in Whyalla, and other country areas are serviced by the 1800 number. The responsibility of country regions has been allocated to metropolitan coordinators, and the services are being promoted and marketed extensively in regional areas. A country regions' strategic plan has also been developed recently.

Ethnic Link employs a dedicated team of 39 workers. A total of 26 languages and dialects are spoken between those 39 workers—an amazing feat. These workers link clients who do not speak English into mainstream health and community services such as domiciliary care. Workers at Ethnic Link are a very dedicated group. A number of them have been working for the service for many years. Apparently, some have been working there since 1985, when the Ethnic Aged Care Centre was established at the Port Adelaide Central Mission. In 1992, this service was amalgamated with other services to form what is now known as Ethnic Link.

The Ethnic Link work force is clearly committed to providing valuable services to its communities. It is easy to see that this invaluable service is not only very relevant to communities today but will continue to be relevant to our state for years to come. This service and others similar to it are invaluable in providing ethnic people with the opportunity to continue to live in their community in their own homes. The service can provide a crucial link with the person's culture, language and social connections, and, hence, contribute to the overall person's sense of well being. I commend Ethnic Link and its dedicated workers, and congratulate it on its 10th year of invaluable service provision.

### ATTORNEY-GENERAL'S REMARKS

**The Hon. R.D. LAWSON:** The Leader of the Opposition in this place a moment ago referred to one disreputable and dishonest ploy adopted by the member for West Torrens to boost the political fortunes of the Attorney-General, as revealed by Rex Jory. Another time honoured ploy is to mount an attack upon an enemy of one's own creation. This is tilting at windmills. Ambrose Bierce I think used the words 'the desire to be vilified by one's enemies'. The advantage of manufacturing one's own enemies is that you can attribute to the enemy characteristics and attributes which are extremely unpopular. Of course, the political advantage of an unpopular enemy is that you can contrive to boost your own popularity by attacking the straw man of your own creation.

We have seen this ploy used by the Attorney-General who has recently seen fit to attack what he described as legal snobs and the legal profession. The legal profession has not attacked the Attorney-General, and nor has it attacked this government. One often hears the Premier say, 'I make no apologies to our opponents in the legal profession.' In fact, there are no opponents of the government in the legal profession, apart from 14 disgruntled members of the left faction of the Labor Party who had a go at the Attorney-General for what they consider to be his misconceived policies. The Attorney-General suggested that the whole of the legal profession is against him and that the legal profession are snobs living in leafy suburbs, but the vast majority of them either have no opinion at all of the Attorney-General or of the policies that he is adopting, and most of whom are not concerned by them.

The Attorney-General is attacking members of the legal profession—especially at the criminal bar—who oppose his positions. They are entitled to their opinions, and to attribute to those people opinions that they do not hold is reprehensible. It is interesting to see that the Attorney has listed what he regards as the achievements of the government in relation to law and order, and a suggestion in some way the legal profession has been opposed to these things. There was an article to this effect in the *Advertiser* only last week. The initiatives claimed by this government are—and I will run through them quickly—hydroponic cannabis; this was a great achievement of this government. In fact, this was not a Labor initiative. The bill was introduced by the Hon. Robert Brokenshire when he was police minister. He reintroduced it as a private member's bill, and the government eventually agreed to support it.

It was claimed that another initiative is bushfire arson and the maximum 20-year gaol term, the toughest in Australia, which is presently being drafted. In fact, this is a spin. The existing maximum penalty for lighting a bushfire is life imprisonment. During the last bushfire season Premier Rann said, 'We will increase the penalties.' When they realised that the penalty was life imprisonment, they created another offence and made that a 20-year penalty and said that they were increasing the penalty—in other words, the maximum penalty has, in fact, been reduced.

Another initiative claimed by the government is DNA testing. But, as everyone in this place knows, when the Attorney introduced his DNA legislation it was attacked by me and others in my party on the basis that it was not tough enough, and it was only as a result of our initiative that the bill was strengthened. Victims of crime is said to be an initiative. That was a bill introduced and passed whilst Trevor Griffin was Attorney-General. Illegal firearms is said to be another initiative. That is a national initiative agreed by federal and state governments: it is hardly an initiative of this government. For years the Hon. Mike Rann has been talking about a ban on knives in pubs and clubs. The government has been in power for 12 months, and it has done nothing. The government's claims in relation to law and order are not backed by resources. It has, in fact, cut crime prevention; it has not employed one policeman. It is a fraud.

Time expired.

#### LOWER MURRAY IRRIGATION AREA

**The Hon. CAROLINE SCHAEFER:** I wish to speak briefly on what has become an item of great shame and a total debacle for this government, that is, the issue of the Lower

Murray irrigation area. This area covers 5 000 hectares of reclaimed flood plain and produces 25 per cent of the state's milk. But, more importantly, it produces most of this state's high butterfat cheese quality milk, and it is a vital factor in the success or failure of the state's dairy plan, which was launched by this government with much fanfare in May last year. The plan is to double the value and quantity of the dairy industry in this state over the next eight years. This will require a great deal of increased efficiency within the industry, and it will certainly require the full cooperation of the industry.

On the back of the promise of the dairy plan for this state, the two production plants based in Murray Bridge have been expanded. The estimation of the Regional Development Board in the Murray region is that 1 300 jobs, both directly and indirectly, are dependent on the dairy industry of the Lower Murray flats. There is no doubt—and the dairy farmers agree—that the dairy flats irrigation area has been the Achilles heel for South Australia with respect to rehabilitation efforts along the Murray. We must use less water in that area, and we must reduce and finally eliminate the nutrients returned to the river.

Farmers had agreed, under our government, to a reduction of 20 per cent of land use for environmental purposes and a reduction in the use of water. The estimated reduction of water use under the rehabilitation plan is 70 gegalitres per annum. But this government has shifted the goalposts. The former government—and, in fact, all NAP funded rehabilitation schemes along the Murray—have been 40 per cent federal government funded, 40 per cent state government funded and 20 per cent industry funded. But now the dairy farmers are being asked for a 50 per cent contribution, or an average of \$8 000 per hectare of personal cost, to rehabilitate the area. The risk in this is that significant numbers of dairy farmers will not be able to afford that cost and will, indeed, be forced to leave the industry. If that happens, the whole project will collapse, as will the dairy industry in South Australia. One cannot just remove 25 per cent of an industry and hope that it will remain viable.

One young dairy farmer pointed out to me that he had just spent \$1 million upgrading his dairy and he was now being asked to go back to the bank and borrow another million dollars—in his case it is \$10 000 per hectare—and say simply, 'What increase in production will you have? None. So what increase in equity will you have? Well, I will be a million dollars worse off.' The industry was prepared to take this on at the estimated cost of \$4 000 per hectare, but at an average of \$8 000 per hectare many will find this an impossible task.

Since this government has been in power, it has introduced a new company of consultants, who redid the individual farm plans that had already been completed by the consultancy of Tonkin's. However, this time no consultation took place with individual farmers or with the Lower Murray Irrigation Authority. The result is that there has been no input from the people who are most vitally affected. Further to that, we have been told that these people have a commercial, tradeable entity, but they have not yet been given a water allocation, so, before they are asked whether or not they can contribute, they have no way of deciding whether they are viable to do so because they have no idea of the value of their water allocation. I appeal to the government to reconsider the reality of the situation, which is the imminent collapse of the dairy industry in this state.

**The Hon. T.G. ROBERTS:** Sir, I draw your attention to the state of the council.

*A quorum having been formed:*

**NUCLEAR WASTE STORAGE FACILITY  
(PROHIBITION) (REFERENDUM) AMENDMENT  
BILL**

In committee (resumed on motion).

(Continued from page 1895.)

**The CHAIRMAN:** When the committee last met it made some progress and reached new clauses 3A and 3B. We tested the Hon. Mr Stefani's amendment. I believe that the Hon. Mr Redford has moved his amendment to which he now wishes to speak.

**The Hon. A.J. REDFORD:** As I explained to the Hon. Sandra Kanck before we broke for unknown reasons, the reason for the amendment which I have moved is that, first, if the commonwealth should construct a facility for the storage or disposal of low level nuclear waste, then the state must, if the facility is available for use by the state, make use of the facility for the purpose of storing or disposing of all low level nuclear waste generated within the state—and that covers nuclear waste which we are currently producing or likely to produce in the near future. It also includes low level waste stored in the state immediately before the commencement of this provision. In effect, if this amendment is carried, then the Keating waste currently sitting in sheds in Woomera will be properly stored, and in addition the waste currently stored in 130 or 150 sites throughout South Australia, together with the waste from the 50 nuclear sites that are likely to be developed over the next five years (according to advice to the former government from the radiation authorities), can be properly stored.

It seems to us that, if there is to be a national repository and if it is to be built in South Australia, it would be nothing less than churlish and silly for us not to use that. It would also seem to us to be a gross waste of public resources to build a second nuclear waste storage facility if the commonwealth has already built one.

**The Hon. SANDRA KANCK:** The Democrats will not be supporting this amendment. It seems to us that it is a form of game playing at the present time: it really does not achieve anything at all. South Australia produces only a very small amount of waste anyhow, as I have said earlier in the debate today—

*The Hon. Caroline Schaefer interjecting:*

**The Hon. SANDRA KANCK:** The Hon. Caroline Schaefer has interjected and it is worthwhile talking about her interjection because we have people who have some expertise in issues related to radioactivity and nuclear issues and they are located in Adelaide. They are not located on some pastoral lease somewhere in the north-east of South Australia. I believe and the Democrats believe that we do need to keep most of this stuff as close as possible to the source of the product so that, should something go wrong, the people who have the expertise will be there and can deal with it—

*The Hon. A.J. Redford interjecting:*

**The Hon. SANDRA KANCK:** I would like the Hon. Mr Redford to indicate whether he is aware of any accidents that have occurred in the 50 years of the nuclear industry's history in South Australia that have involved the storage of low level radioactive waste. I think he will find that they have not occurred—

*Members interjecting:*

**The CHAIRMAN:** Order! Members will address their remarks through the chair.

**The Hon. SANDRA KANCK:** Therefore, any argument that this is incredibly dangerous—

*The Hon. Caroline Schaefer interjecting:*

**The Hon. SANDRA KANCK:** No, I am not changing my tack. The Democrats have held the position for a long time that, if you get the low level dump, you will get the medium to high level dump. There is nothing more certain as night follows day. The federal government has gone through a great deal of pain to reach a point where it thinks that it will locate a low level dump in South Australia. It has made a very political decision in the process, and that decision is based on the fact that South Australia has 12 House of Representative seats, which will soon reduce to 11, and that New South Wales has 51 of them. The federal government would like to think that it has a greater chance of retaining government by locating the dump in South Australia rather than in New South Wales. It is just straight manoeuvring, nothing more than that.

Because the medium level dump will follow the low level dump, the Democrats have opposed the siting of the low level dump in South Australia. We are not stupid enough to think that people will suffer major radiation problems as a consequence of this low level waste. We believe that the problem is there because, as night follows day, the medium level dump will follow the low level dump. As I have indicated, we need to keep most of this material as close as we can to the source of manufacture, where the technocrats are—not out of sight out of mind.

**The Hon. A.J. REDFORD:** The honourable member posed me a challenge and I want to respond. The following advice was given to the minister on 16 October 2001 by the Acting Manager of the Radiation Section and, in this respect, I am directing my answer to the honourable member's challenge to me about whether or not there had been any issue in the past concerning the storage of radioactive waste. The report states:

The Radiation Section recently completed a survey of radioactive waste currently stored by its owners in South Australia. The survey revealed that there are 217 registered, sealed radioactive sources currently in storage throughout South Australia, which the owners would like to dispose of. These sources were previously used for medical, industrial, agricultural, construction and geological survey purposes. Of these, only 32 appear to be in the category that would not be suitable for disposal in a low level waste repository. The 185 sealed radioactive sources that may be suitable for disposal at a low level waste repository are currently stored at many sites in Adelaide (including the city, Kent Town, Frewville, Mile End, Osborne, Bedford Park, Mawson Lakes, etc.,) and elsewhere around South Australia.

The report further states:

The owners of the waste include government departments and hospitals, universities and private companies. Other waste suitable for disposal in a low level waste repository currently stored by some organisations include old smoke detectors and static eliminators, contaminated materials and radioactive ore samples.

The advice further states:

While many sources suitable for disposal in a repository present very little hazard to the community or the environment as currently stored some—

and I emphasise this—

could cause a significant hazard to people, industry and the environment if their control were not currently maintained.

So, the effect of the advice is that, unless we have some system of management in place in relation to the storage of

this waste, there is a very real risk that there will be a hazard in the future. Even the honourable member, as an Australian Democrat, would have to agree that the monitoring of one single central repository will take a lot less work than monitoring some 217 repositories, some of which are in the hands of the private sector and some of which are in the public sector. You simply cannot positively guarantee to the South Australian community that when you store this stuff in 250 spots that every spot will be safe for the length of time that it could potentially be dangerous to the community.

The honourable member is saying that she is happy with the current situation, as I understand it, and that, hopefully, if we all cross our fingers everything will be all right. The position of the opposition is that we simply do not accept that: we believe there ought to be a proper management system that, in an efficient way, looks after this stuff; and that we cannot simply hide it or hope that it will go away because it is likely to cause some problem down the track because of a lack of centralised management.

The committee divided on the Hon. Mr Redford's clauses:

AYES (7)

Dawkins, J. S. L.	Lawson, R. D.
Lucas, R. I.	Redford, A. J. (teller)
Ridgway, D. W.	Schaefer, C. V.
Stephens, T. J.	

NOES (11)

Cameron, T. G.	Evans, A. L.
Gazzola, J.	Gilfillan, I.
Holloway, P.	Kanck, S. M. (teller)
Reynolds, K. J.	Roberts, T. G.
Sneath, R. K.	Xenophon, N.
Zollo, C.	

PAIR(S)

Laidlaw, D. V.	Gago, G. E.
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Majority of 4 for the noes.

The Hon. Mr Redford's new clauses thus negatived.

**The CHAIRMAN:** The next indicated amendment is to page 3, after line 27. It is in the name of the Hon. Mr Redford, as indicated on 27 August, and is an amendment to section 13, as follows:

No public money to be used to encourage or finance construction or operation of a nuclear waste storage facility.

Will you proceed with this amendment?

**The Hon. A.J. REDFORD:** The amendment relates to the issue concerning a referendum, so I will not proceed with it. Clause 4.

**The Hon. T.G. ROBERTS:** I move:

That this clause be deleted from the bill.

**The CHAIRMAN:** In the spirit of cooperation, I call Mr Xenophon, who wants to indicate his position.

**The Hon. NICK XENOPHON:** I move:

Page 4, lines 1-37—Leave out this clause and insert new clause as follows:

Insertion of s. 15

4. The following section is inserted after section 14 of the principal Act:

Expiry of Act

15. This Act expires on 19 July 2003.

The background to this proposed amendment is as follows. A number of crossbench members (including the Hon. Terry Cameron, the Hon. Andrew Evans, the Hon. Sandra Kanck, the Hon. Julian Stefani and myself) sought legal advice from constitutional lawyers (Mr Andrew Tokley of Torrens Chambers and Mr Simon Ower of Edmund Barton

Chambers) regarding, in essence, the effectiveness of the bill as currently drafted by the state government.

In a nutshell, the advice of these constitutional lawyers was that they considered that the legislation contained scope for strengthening what the bill is intended to do. They suggested that, if amendments to the bill were proposed, the bill would have the greatest chance of constitutional success in terms of surviving any legal challenges. Following discussions between the crossbench members and the government, I understand that the government will agree to the amendment. This means that, if this bill passes today, it must be revisited within four months. Obviously, the minister can speak for himself on behalf of the government, but my understanding is that further steps must be taken to strengthen the bill as a result of the concerns raised today by the constitutional law experts. This bill contains room for improvement, and the sunset clause guarantees that the government must deal with this bill again within the next four months.

**The Hon. T.G. CAMERON:** Following the minister's commitment to launch a High Court appeal in the event that the federal government proceeds to place a low level repository here in South Australia and following advice that that appeal might not cost \$200 000 but could be in the vicinity of \$2 million, depending on what transpired—

**The Hon. R.I. Lucas:** \$2 million?

**The Hon. T.G. CAMERON:** Well, lawyers do not come cheap when you are appearing before the High Court. Further legal advice from a constitutional lawyer indicated that the chances of success of any High Court appeal would be increased if further amendments to the bill were made. Time did not permit the drafting of those amendments for proper consideration by members of the council. The sunset clause that is being proposed will allow a proper examination of the suggested amendments to the current legislation. One would think that, when a High Court appeal is launched and up to \$2 million of taxpayers' money may be spent in proceeding with that appeal, then that appeal ought to be given the best chance possible of succeeding. The interim period between now and the sunset clause—

*The Hon. R.I. Lucas interjecting:*

**The Hon. T.G. CAMERON:** Not great, to put not too fine a point on it.

**The Hon. Diana Laidlaw:** So, it's poor?

**The Hon. T.G. CAMERON:** Yes, it's poor. As members of the opposition indicated earlier, different lawyers give different opinions. The indications were that there would be a chance of an appeal succeeding provided further surgery was done to the current act. In view of the fact that upwards of \$2 million of taxpayers' money may be spent in progressing an appeal to the High Court—and I understand that the government's commitment to press ahead with an appeal is now iron clad—if we are to spend that money, that appeal ought to be given every opportunity to succeed, notwithstanding that the chances are limited. I indicate my support for the amendment.

**The Hon. SANDRA KANCK:** My objective today was for us to pass this legislation as a point of timing, which is the crucial aspect of this, so that we have legislation passed today before the federal environment minister makes an announcement about his decision for the location of the proposed repository in South Australia. I believe that in a short time that objective will have been achieved, and I am delighted to have been part of the process. The process of getting this legal opinion was extremely valuable. That has allowed us to

pinpoint areas where we can further strengthen the act. It would have been foolish, however, for us to try to do it on the run today, because we know from past experience that that sort of amending of legislation can mean it comes back to us within a very short space of time. We will now pass this legislation today, and I hope we will have further legislation within the next four months.

The sunset clause that the Hon. Nick Xenophon has moved is in a sense the insurance policy that will cause the government to keep the promise it made informally to us in discussion today to ensure that these further amendments to the legislation that we believe will strengthen it will happen. I am delighted to have been part of the process, which has been extremely useful and productive.

*The Hon. A.J. Redford interjecting:*

**The Hon. T.G. ROBERTS:** I thank the honourable member for his attention in listening to the government's position in relation to the amendments. It is pleasing to work with those who want to achieve a solution to a very difficult and awkward problem that the state has faced for some time as opposed to those who just want to mark time so that they appear to be doing something when in fact their spoiling role will play right into the hands of the commonwealth government. I also congratulate the Independents for the work they have put in on this. We have a proposition that they would not prefer, but it is a compromise position where we can have time to work out complicated solutions to difficult problems, and I thank them for that.

**The Hon. T.G. Cameron:** It is the Legislative Council performing its proper role—Rex Jory heard that.

**The Hon. T.G. ROBERTS:** It is exceeding its role and function in a unique way, in that the constitutional lawyers' advice was drawn by the Hon. Nick Xenophon and other Independents at their own cost, or at least at their own behest, at a time when timing is of the essence. As we all know, this was supposed to have been discussed in the last sitting, but it was held over on the basis that we would work our way through an agreement. It then appeared that that would not be the case and that we would not be able to reach agreement, causing further delay, which would play into the hands of the commonwealth government with its intentions rather than into the hands of the state government.

I thank honourable members for the work they have done and hope that the role and function of the council has not gone unnoticed by many. We are working towards a solution that we can send back to the lower house so that we have a bill that people can work on together in the next four months in order to find a solution that the South Australian community will be happy with.

**The Hon. A.J. REDFORD:** I have never been so embarrassed and ashamed of being a member of this council, having watched the shenanigans that have gone on over the past few hours. This bill was adjourned this morning in the hope that we would be provided with more information, given that we might have identified some flaws in the bill. That is what happened. There was some considerable debate about that. Indeed, I pointed out that there was no absolute urgency in terms of dealing with this aspect of the bill.

It is important to remind members why we are here today, sitting separately from our lower house colleagues. We moved that this matter be adjourned on the basis that a series of questions would be answered. The government decided at the very last minute that it would table a series of complex answers to complex questions. The government did not even pay me the courtesy of responding to a letter to indicate what

bill would be debated—there are two bills in this place (this is how farcical it has become)—or what clauses or amendments would be moved. In fact, not 10 minutes ago we had the farce of the minister not even knowing that he had to move a motion to delete half the bill he had introduced in the first place. However, there is no urgency, and we have always said that there is no urgency in relation to dealing with this bill.

I have a copy of a public letter from the Hon. Peter McGauran, the Minister for Science and Deputy Leader of the House of Representatives, who wrote to the shadow minister back in February this year concerning what might happen over the next six to 12 months in relation to the storage of low level nuclear waste. The letter reads:

Further to your conversation with my office earlier today, I write to confirm that the commonwealth government will not be undertaking the transport of radioactive waste to South Australia or anywhere else for disposal in a repository until the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) has issued licences to site, construct and operate the repository. An application for these licences has not yet been made. An application will be made as soon as practicable after the Minister for Environment and Heritage, the Hon. David Kemp, has made a decision on the environmental assessment, expected to be towards the end of March this year. The licences would take ARPANSA some months to assess, with an expectation that a decision would be likely towards the end of 2003. Current estimates, subject to the satisfactory completion of the environmental assessment and licensing processes, are that the repository may be ready to commence operations and dispose of waste in the first half of 2004.

Since that letter has been delivered, we and the public have been informed that the process has been delayed by some three to five months. So, at best one can assume that there will be nothing much happening throughout this calendar year. I think the *Advertiser* actually hit it on the head this morning. When we moved the amendment this morning demanding answers to questions that had been asked in another place, which answers had not been delivered, and then said that we wanted some more information, what did the Independents do? They voted against it and then they went out in a back room deal. Then they came back in here and said, 'We're going to pass the bill today and it's going to be effective for about 10 weeks.'

This is absolutely absurd, and that is why today I am so embarrassed to be a member of the Legislative Council. We have turned this whole debate into a farce. When you look at the government performance on this, we have a \$2 million High Court yellowcake road challenge which, we are told by the Hon. Nick Xenophon, is doomed to failure. Then we are told that we are also potentially given the vote on the last clause, that the government will not use the national facility if it is built and that we are going to go through the farce of building our own separate nuclear waste repository—two in South Australia! And then we are going to have a referendum at a cost between \$6 million and \$10 million.

At the same time the government, having complained bitterly that this bill has been sitting here for 12 months, cutely walks in and says, 'Well, we don't mind this bill being in place for about six to eight weeks, and we will revisit our legal advice.' We have been hammered for 12 months by members opposite and by the Australian Democrats because we have sought answers and wanted some of those issues dealt with. The government need not think that it has done itself any credit with all this game playing. I might just quote what the Hon. Sandra Kanck said on the last occasion. She stated:

This afternoon we had an opportunity to deal with this quickly—



this is four weeks ago—

and effectively, and I believe that the opposition ought to be ashamed of itself.

If you take that standard, how embarrassed should the Australian Democrats be? They wanted it dealt with in a former form on the previous occasion with all the faults that the honourable member has acknowledged today: that is what they have done. Then they come in here quite cutely and sublimely and say, 'That's fine: we'll pass this bill. It'll last for nine weeks and then we'll all come back here, all dressed up and bushy tailed and do the whole thing again.' How long is it going to take the government and the Australian Democrats to get this right? Why are they continuously shifting ground? Why won't they await the EPA report and why won't they actually tell South Australia what their plan is?

We are sick and tired of the political game playing, and the actions between 11 o'clock today and now are just part of that process. Today, we in the opposition were accused of playing politics, and I know that some members might laugh at that, but I tell them: we have got nothing on the backwards and forwards movement that the government has played in this, aided and abetted by the Australian Democrats and duping the Independents.

Would it not be lovely, when we come back on 17 July, to at least have an EPA report? We might even get—and I do not hold any great optimism on this—a policy from the government about what it proposes to do with our nearly 200 nuclear waste sites that are currently in our local neighbourhoods, near our kids' schools, old people's homes and various other places. I would really like the media today to ask government members what real outcome they have managed to achieve other than to make themselves a laughing stock and more members on the opposition benches also a laughing stock.

This is one of the most absurd, ridiculous, strange processes I have ever seen. If we stopped playing politics and started thinking seriously about the issue we might achieve something, instead of having this farce of 'We've got a bill. It's a bad bill, and no-one likes it; we'll pass it, and we'll do it on 17 July.' Can you imagine the previous government coming in with a bad bill and the Independents and the crossbenchers saying, 'We think it's a bad bill. I'll tell you what we'll do: we'll pass it, get a sunset clause and come back and talk about it again'? The normal process is that we hold up the government bill until the government gets it right. This is a really strange process.

**The Hon. DIANA LAIDLAW:** Will the minister confirm for me that the EPA will have reported by the time the sunset clause expires—in four months—and the government would have made an informed position on the EPA report within that four month period?

**The Hon. T.G. ROBERTS:** I am informed that the target time for the completion of the report or the audit is the end of June. But there is no guarantee that the report—

*Members interjecting:*

**The Hon. T.G. ROBERTS:** Do you want it done in haste?

*Members interjecting:*

**The Hon. T.G. ROBERTS:** How is it relevant? Do you want it done in haste and not to be accurate or given its due weight? The report will then take some time to make the relevant recommendations appropriate to the state's position.

**The Hon. DIANA LAIDLAW:** Do I understand from the debate today that the government's policy is to strengthen the

current legislation as a basis for up to a \$2 million High Court challenge, plus the building of a central temporary storage facility, plus the cost of a referendum, plus the cost of a possible South Australian repository? I am trying to clarify exactly the government's position after today and the cost to the taxpayers of the approach this government is taking to the low level waste.

**The Hon. T.G. ROBERTS:** I have outlined the general strategy we are following to try to avoid being locked in by the commonwealth to a position that we would find unpalatable. The advice given by the constitutional lawyers to the Democrats and Independents is that the position is strengthened in the relationship with the commonwealth in its argument if there is a challenge.

*The Hon. Diana Laidlaw interjecting:*

**The Hon. T.G. ROBERTS:** That is one of the reasons. The Independents can answer for themselves individually the challenges thrown out by the previous contributor that they made their decision based on the briefing that they received. It is not for me to answer for them as to how they drew their conclusions. But they do know that the amendment will give the government time to work through the difficult issues that face us in relation to the audit and where we go from there with the EPA's assessment and recommendations that come out of that report.

**The Hon. DIANA LAIDLAW:** The member said a moment ago, in answer to my last question, 'if there is a challenge'. Is the government intent on strengthening this legislation to ensure that it has a better prospect of winning in the event of a challenge and, therefore, is more likely to take up the challenge?

**The Hon. T.G. ROBERTS:** If we are talking hypotheticals, it may be that the federal government will decide on a different site and that we do not have to go down the path of a challenge. But if it has a recommendation or a preferred position that does not lie with the state's interests, that would be an option that would be considered. I understand that an undertaking has been given. I have made contributions based on the government's position that a High Court challenge would be taken up if, indeed, we found ourselves faced with that circumstance. But, again, the commonwealth has made some shift already. Even though we have been wavering in our commitment to what we, as a state, will do in that time frame, the commonwealth has publicly moved its position somewhat and said that it may consider other sites in other states. It appears to me that a general consensus is building that South Australia has made its contribution to the nuclear fuel cycle and that perhaps we may be left out of the loop in relation to the placement of a dump.

They are hypothetical questions. I have done my best to answer them in response to the honourable members who asked these questions during the first stage of the debate. Nothing has changed, as far as I am concerned. I was not a part of the discussions/negotiations after the constitutional lawyers advised the Independents, but I am sure that they can answer for themselves what it was, in fact, in those discussions as to what firmed up their position. No-one that I have spoken to amongst the Independents had ruled out any support for the government's position other than the difficulty they had with the ability of the state to have an act in place that would be of any value. It must be in their minds that the amendments they are considering firm up, in their own assessments, our ability to deal with the commonwealth if,

indeed, we do have to challenge. But I will let them answer that.

**The Hon. SANDRA KANCK:** I rise to put on record my objection to some of the comments that the Hon. Angus Redford has made—

**The CHAIRMAN:** I draw to the Hon. Ms Kanck's attention that much of what the Hon. Mr Redford said was material that would have been better put at the third reading stage. I would like to stick to the committee stage of the bill. If you want to make some comments during the third reading stage, I would appreciate it. I have allowed the Hon. Mr Redford some latitude because he is the lead speaker. But you will have the opportunity to do that. I would rather concentrate on the committee stage of the bill, and honourable members will have their rights under the standing orders as the procedure goes further.

**The Hon. SANDRA KANCK:** Thank you.

**The Hon. A.J. REDFORD:** I have some questions of the Hon. Nick Xenophon in relation to this amendment. First, has any arrangement been entered into with the government about what is to take place between now and 19 July?

**The Hon. NICK XENOPHON:** My understanding is that the government will be obtaining further advice from crown law in relation to strengthening the bill, and that it is intended that there be consultation. I expect that there will be broad consultation with all members before those amendments are filed. The whole process is to look at a range of amendments with a view to ensuring that this bill is as effective as possible, in other words, to do what it purports to do, and that is to prevent the construction of a commonwealth national repository in South Australia for low level nuclear waste.

**The Hon. A.J. REDFORD:** What were the flaws identified by the honourable member's legal advice in relation to the bill that is before the parliament?

**The Hon. NICK XENOPHON:** In a nutshell, the view of the constitutional lawyers was that a number of other approaches could have been employed in the drafting in order to make the bill more effective. Another approach could be, for instance, laws that would impact on the grantee of a licence or the proposed licensee under the commonwealth act. That could involve other laws being looked at in the context of this legislative framework such as planning and state property laws. That was just one instance. The advice of the constitutional lawyers was not intended to be the be all and end all, but it highlighted that this bill could be improved significantly.

**The Hon. A.J. REDFORD:** If I understand the honourable member's answer, the legal advice was that there might be other approaches that could assist the state government in achieving its outcome, which I understand to be 200 or 300 nuclear dumps, and that one option is an impact on the grantee of a licence, which I assume is to be granted by the federal authority, and the other relates to amendments to planning and property laws. Were there any other suggestions or was any other advice given by the member's legal advisers that might be taken in so far as this bill is concerned?

**The Hon. NICK XENOPHON:** In response to that question, there were issues relating to intergovernmental immunities. I do not pretend to be a constitutional lawyer, but that was another matter that was raised. Essentially, to summarise the advice of the constitutional law experts, it was that more needed to be done to assist the bill or the legislative framework to do what it is intended to do, and that is to prevent a low level dump being built in South Australia. A number of issues could be raised. That is just some of them

but, in a nutshell, the advice was that more needed to be done. They were not saying that this bill would not be effective, but they indicated that the effectiveness of this bill could be strengthened by taking a different approach.

**The Hon. A.J. REDFORD:** Correct me if I am wrong, because this is the way that I understand it, but the honourable member has some legal advice, and that legal advice has prompted him to move that this act expire on 19 July 2003. I can only assume by those two events that there is something in this legal advice that identifies a flaw within this piece of legislation. I wonder whether the member can tell me what those flaws are and, if there are no flaws, can he say why we need an expiration date of 19 July in so far as this piece of legislation is concerned?

**The CHAIRMAN:** I am concerned that we are starting to test the legal advice, and I am sure that a lot more advice will be taken. The Hon. Mr Xenophon has a process, and I think that we can agree on the process because, if we are talking hypotheticals, in my view I do not think hypotheticals are part of the committee's deliberations. The Hon. Mr Xenophon can answer the question if he likes, but I think that we are starting to test the legal advice.

**The Hon. NICK XENOPHON:** I am more than happy to answer the honourable member's questions. It would not be fair to say that the constitutional lawyers who provided this advice said that the bill was flawed. Others may say that. However, it would be fair to say that they believe that the bill could be made more effective by considering a number of other issues that could touch on intergovernmental immunities, state planning and property laws, and on the commonwealth grant of a licence for a licensee to use or operate a commonwealth low level dump within the state's borders. It was not a case of saying that bill was flawed. Rather, it was a case of the barrister saying that the bill could certainly be improved to be more effective.

**The Hon. A.J. REDFORD:** I may have misunderstood, but is the member saying that there are means (whatever they may be) which the government can adopt to advance its policy position such as it is, or is he saying that some specific provisions could be either amended in this bill or added to this bill that would improve the outcome in so far as the government's policy (such as it is) is concerned?

**The Hon. NICK XENOPHON:** I do not think the barristers were concerned with the issue of policy. They were concerned with the effectiveness of the bill in terms of any legal challenges to it by the commonwealth and to ensure that it would be effective and that it would withstand a robust constitutional challenge by the commonwealth. The barristers were saying that you need to do more work to improve it. This bill may work as it is in its current form, but certainly a whole range of options ought to be explored to strengthen the bill—and I have identified some of them. In fairness to the legal counsel involved, if they had more time, I am sure they would have been more prescriptive in their approach, but what they have said—again the essence of it—is that this bill can be improved.

It seems that the government has acknowledged that the bill can be improved, and that is why it has agreed to the sunset clause, because it means that the government has to work quickly and effectively to bring back further amendments to this chamber to ensure that the eventual act will have the strongest possible chance of withstanding a constitutional challenge should that occur in the High Court; and, if costs follow the event, it means that the commonwealth, not we, will cop the bill, if we are successful.

**The Hon. A.J. REDFORD:** Will the member provide a copy of this opinion to members of the opposition; or, in the interest of open government, table a copy of this opinion?

**The Hon. NICK XENOPHON:** The Hon. Angus Redford would be aware of this more than most because he is a legal practitioner. The position is this. My law firm sent a brief to the barristers seeking their opinion. As the honourable member is aware, instructions have to be received by solicitors. It was initially on behalf of the Hon. Mr Stefani, the Hon. Mr Evans and me; and since that time, the Hon. Mr Cameron and the Hon. Ms Kanck have come on board in providing that advice. My view is that I am quite happy for that advice to be provided to you, but I cannot speak for the others.

**The Hon. A.J. Redford:** It is not what you told me yesterday; you be careful.

**The Hon. NICK XENOPHON:** How do you mean?

**The Hon. A.J. REDFORD:** Is the honourable member saying that it is subject to legal professional privilege and the opinion was secured on the instruction of the Hon. Terry Cameron, the Hon. Andrew Evans and the Hon. Sandra Kanck? Is that what he is suggesting?

**The Hon. NICK XENOPHON:** I am suggesting—and I reiterate this—that, when the paperwork went to the barristers yesterday, it was on behalf of the Hon. Mr Stefani, the Hon. Mr Evans and me. Since that time, in terms of the briefing of the barristers' opinion, the Hon. Mr Cameron and the Hon. Ms Kanck were part of that briefing.

**The Hon. A.J. REDFORD:** Will copies be given to each of those members?

**The Hon. NICK XENOPHON:** Yes, I understand that copies have been provided to those members. Copies have been provided to the four other members involved.

**The Hon. T.G. CAMERON:** Obviously, the Hon. Mr Redford knows that it is not possible to consider a position on it without reading an opinion. As a lawyer, I am sure that he would appreciate that.

**The Hon. A.J. REDFORD:** All I am after is a copy. I am trying to work out how or if there is a reason or a basis upon which there is a refusal or a granting. The Hon. Nick Xenophon has said, 'All these other people are clients and there has to be some sort of approval by any one of them' or 'all of them'—I am not exactly sure—but we would not mind a copy.

**The CHAIRMAN:** Perhaps the honourable member can make his own arrangements after the committee stage.

**The Hon. A.J. REDFORD:** Mr Chairman, if I can just make a comment. A series of meetings have been held behind closed doors in relation to this.

*An honourable member interjecting:*

**The Hon. A.J. REDFORD:** There have been.

*An honourable member interjecting:*

**The Hon. A.J. REDFORD:** Exactly. The opposition is entitled to know the basis of those meetings. We were not given any explanation as to why the adjournment took place this morning and we have not been given all that much explanation as to what led to this agreement. It is important, in terms of considering the expiration of this legislation, to know the advice which impacts upon it and which might occur between now and 19 July.

**The CHAIRMAN:** I understand that, before we had the legal advice, there was agreement with respect to this first part, that is, in terms of the amendment moved by the Minister for Aboriginal Affairs with respect to clause 4, page

4, lines 1 to 30. I must put it in the positive. I will be putting the question that clause 4 stand as part of the bill.

**The Hon. A.J. REDFORD:** Hang on. I am sorry. I thought that question was asked and that the Hon. Nick Xenophon was going to respond, because I have some questions on another topic. Am I going to get a copy of this or not?

**The CHAIRMAN:** Does the Hon. Mr Xenophon wish to respond?

**The Hon. NICK XENOPHON:** I am happy to speak to my colleagues in relation to that.

**The Hon. A.J. Redford:** Has a copy been given to the government?

**The Hon. NICK XENOPHON:** I have not provided a copy to the government. I do not think that my colleagues have provided a copy to the government; that is my understanding.

**The Hon. A.J. Redford:** Is the Hon. Terry Cameron prepared to provide a copy to the opposition?

**The Hon. T.G. CAMERON:** The Hon. Angus Redford asks whether I am prepared to give him a copy of a document that was given to me by three people who had paid for that document. As I have just indicated to the Hon. Nick Xenophon, the appropriate person to make a decision as to whether or not the Hon. Angus Redford should get a copy is the Hon. Nick Xenophon. If the Hon. Nick Xenophon is happy for me to give a copy to the Hon. Angus Redford, the honourable member can come over here and photocopy the one I have, but that must be the Hon. Nick Xenophon's decision.

I think that the Hon. Mr Xenophon is saying to the Hon. Angus Redford that he would like the opportunity to consult with his other two colleagues who contributed towards the cost of that legal opinion, and I think that is fair.

*Members interjecting:*

**The CHAIRMAN:** Order! I remind members that the question before the committee is the deletion of clause 4. The Hon. Mr Xenophon is out of sequence at the moment, but we have gone so far down the track that I am getting a little annoyed.

**The Hon. A.J. REDFORD:** In the light of that answer, is the Hon. Nick Xenophon prepared to give us a copy of—

*Members interjecting:*

**The CHAIRMAN:** Order! This situation is becoming like a cross-examination in a courtroom, and it is inappropriate. I will be happy if we can conclude this line of questioning. Will the Hon. Mr Xenophon conclude.

**The Hon. NICK XENOPHON:** I believe that the appropriate course would be for me to discuss the Hon. Mr Redford's request with my colleagues, the Hon. Andrew Evans and the Hon. Julian Stefani.

**The Hon. A.J. REDFORD:** In relation to other matters that might take place in the time between now and 19 July, one matter alluded to earlier was the EPA report. Did the honourable member have any discussion with the government in relation to the release of the EPA report and was he given any undertaking about the public release of that report prior to 19 July?

**The Hon. NICK XENOPHON:** No, I was not given an undertaking about the release of the report prior to 19 July. I have said previously that I think that there are a number of legitimate questions that the opposition has raised in relation to the concerns of the honourable member. But are those questions, pending the answers, a reason to hold up this bill? The conclusion that I have come to is that they are not. They may be the subject of further parliamentary scrutiny—

whether it goes down the path of a select committee, whether there are further questions or whether a censure motion is moved by the opposition against the government—but I do not consider that the two are inextricably linked so as to prevent the passage of this bill at this stage.

**The Hon. A.J. REDFORD:** I can wait for the honourable member to move his amendment about 19 July, and I understand where he is coming from, but if we deal with it all now, I will be happy with that and I will probably say nothing when he moves it. My question is in relation to the issue of 19 July. Obviously, the member has picked that date for a reason. One might think that there might be alternative or more suitable dates, such as a date when the South Australian public can finally see what the Environment Protection Authority says about the current storage of nuclear waste in this state. Does the member have any views or indications as to when that is likely to be released or, indeed, will it be important for the purposes of the amendment that the member has moved in so far as this particular proposed clause is concerned?

**The Hon. NICK XENOPHON:** I do not believe that the provision of the EPA report in itself will impact on the constitutional validity of this bill or this bill in its amended form. Clearly, I think that there are many in the community who would like to see the EPA report, but is that a reason to hold up this bill? Again, I say that I do not believe that it is.

**The Hon. A.J. REDFORD:** I am not talking about this bill. I am talking about 19 July.

**The Hon. NICK XENOPHON:** 19 July is four months from today, which allows for a number of sitting weeks for this matter to be properly debated in terms of any amendments that the government comes back with, and that is why the four month period was put in place.

**The Hon. A.J. REDFORD:** I am not sure about 19 July and why it was picked. We are very much in the dark. We have not seen the opinion and we have only had a general piece of advice that there need to be some amendments. That is all we have. Then we know that the EPA may have finished its process by 30 June and, based on the minister's response and entirely in keeping with this government's secret policies, it may or may not be released for the people who surround these 200-odd sites in South Australia to know exactly what is likely to happen in the future. We might even get a policy out of this government about what it is going to do with that waste. With all those things being put together, is the member confident that we will have all that information and be able to manage all those amendments in the time between now and 19 July?

**The Hon. NICK XENOPHON:** I am hopeful but not necessarily confident. I live in hope that these matters will be attended to, and I share the honourable member's concerns in respect of that.

**The Hon. A.J. REDFORD:** Will the honourable member seek an undertaking from the government to release this EPA report prior to actually moving his amendment?

**The Hon. NICK XENOPHON:** I think I have previously answered a question on the nexus between the two. I think that the Hon. Angus Redford, to his credit, has raised a number of legitimate concerns, but is it a sufficient reason to hold up this process in terms of preventing a low level national dump being built in South Australia? I think they are distinct issues. There is some inter-relationship, but I see them as distinct issues, and I hope that answers the honourable member's question.

Clause 4 negatived.

**The Hon. R.I. LUCAS:** If the commonwealth government were to take its decision in relation to the low level dump prior to 19 July and commence excavation works and so on, this bill would be the operative legislation (assuming that it has not been strengthened in any way) that would apply to the decision and the initial actions that may have been taken by the commonwealth. Can the honourable member inform the committee whether he is of the view that, therefore, this weakened legislation, if we describe it as that, as opposed to the potentially strengthened measure which might come later, would be the grounds of any High Court challenge? The Hon. Mr Terry Cameron's advice is that up to \$2 million might be spent by the state government on a High Court challenge to this legislation that is, potentially, about to be passed, or the strengthened legislation which might come post 19 July.

**The Hon. NICK XENOPHON:** I thank the leader for his question, because it raises a number of legitimate concerns. I do not regard this as a futile attempt, because this attempt at the legislation could mean that it will be strengthened. The advice of Mr Tolley and Mr Ower is that this legislation could work but that it could certainly be improved.

As I understand it, the leader's question is: if the commonwealth were to take various steps before 19 July and this bill were to be passed, until 19 July what impact would that have in terms of where this bill stands, and is there a weak position for the state?

**The Hon. R.I. Lucas:** On what grounds would you take the High Court challenge?

*An honourable member interjecting:*

**The Hon. R.I. Lucas:** No, what the law is. It is not the constitution: it is what the law says.

**The Hon. NICK XENOPHON:** I do not profess to be a constitutional law expert. However, my understanding is that, in order for a commonwealth dump to be built, a number of steps must be taken into account, and the Hon. Mr McGauran's letter indicates that a number of steps are to take place. Even if the commonwealth were to act at breakneck speed, it would not prejudice the state's position.

I raised this issue obliquely (perhaps not as directly as the leader) with the barristers briefly before they left today. My understanding is that it does not prejudice the state's position, but it depends what steps the commonwealth takes in the meantime. If there were to be further legislation, that would be the operative legislation. It depends on how it is drafted—the way it is constructed—and constitutional experts ought to comment upon that.

**The Hon. R.I. LUCAS:** In respect of any future strengthening of the legislation that is envisaged by the discussions the member has outlined with the government, will that apply retrospectively to a decision already taken by the commonwealth—if the commonwealth had already taken the decision to have a low level dump in South Australia at one of those three sites and had commenced the early construction works at that site? Is the honourable member indicating that further strengthening of the legislation would apply retrospectively to that decision?

**The Hon. NICK XENOPHON:** It depends on a whole range of factors, and I cannot give a definitive answer. There is an onus on the government with this sunset clause to get on its skates and to strengthen the legislation as soon as possible to improve the state's position. I do not know whether that can operate retrospectively. I will not pretend to be a constitutional law expert. If the honourable member wanted to ask me about a personal injury claim I am sure I

would be able to help him. However, I hope that answers the question. It is a valid point, something which I think the government needs to consider in the context of any amended bill.

**The Hon. T.G. CAMERON:** Irrespective of the Leader of the Opposition's question, the government has already committed itself to launching a High Court challenge; it said that earlier in the debate. I will not quote the three or four commitments that the minister made, but we have heard additional commitments from the Premier. There is no doubt in my mind that, irrespective of whether or not the legislation passes in its current form or in any other form or does not pass at all (maybe they would just be playing politics), following the commitments given by the minister today a High Court challenge was going to take place.

Two opinions from the Solicitor-General were made available to us by the Hon. Julian Stefani which said that they had a snowball's chance in hell of winning. By passing this legislation today and locking the government into having a sunset clause—I think we all understand what a sunset clause is—on 19 July this legislation, which will pass today, will become null and void. There is a four-month gap. It does not matter whether the federal government moves along the path that you have suggested and starts shifting in the bulldozers next week; as I understand it, the state government, as it has committed to, will launch a High Court challenge which, according to its own Solicitor-General's advice, it will have virtually no chance of winning.

However, the advice given today by a constitutional lawyer to which I am privy—I suspect that, sooner or later, the Hon. Angus Redford will get around to getting a copy—is that the chances of a High Court challenge (which will take place anyway) succeeding could be substantially improved if subsequent amendments were moved to the legislation which is about to be passed today. By having a sunset clause applied to the act, there is now a real onus on the government to go ahead and ensure that the legislation is improved—and improved quickly. If it does not do that, it will be exposed for what I accused them of doing earlier: that is, of playing politics with this issue.

The onus is now quite clearly on the shoulders of the government to take every possible step to improve this legislation, which seems to have no chance at all of winning a High Court appeal, but, on the advice of a constitutional lawyer, you may win a High Court appeal or you will at least improve your chances from almost zero to something.

**The Hon. R.I. Lucas:** From zero to 10 per cent or something, is it?

**The Hon. T.G. CAMERON:** I am not a constitutional lawyer. It would have been remiss of the Independents today, in the full knowledge that the government is going to spend taxpayers' money on an appeal anyway, not to give that appeal every chance of success. I believe that is what we have done.

**The Hon. SANDRA KANCK:** I severely doubt that, as the Hon. Mr Lucas suggests, any legislation that might be introduced in the next four months would be retrospective. I refer to the summary of the EIS. There are a number of stages to go through. Under 'Approvals and licences' the EIS states:

Approval is required under the ARPANS Act for each stage of the repository project including siting, construction, operation and decommissioning. Assessment of the licence approval would be subject to the evaluation of detailed plans and arrangements for protection and safety, including the:

- safety management plan
- radiation protection plan
- radioactive waste management plan
- strategies for the decommissioning, disposal or abandoning of the facilities and/or the site
- security plan
- emergency plan for the controlled facility.

As my colleague the Hon. Kate Reynolds said to me a short time ago, in the next four months they are unlikely to get to a point where they could even compulsorily acquire the land, so there will be no need for any retrospective legislation. Today we are presenting an opportunity for the state government to amend the act in the next four months to give South Australia a better chance when this matter gets into the High Court. I might say that it is more likely that the federal government lodges the appeal with the High Court rather than us. We will pass this legislation today and the federal government will then argue under section 109 of the Australian Constitution that there is some inconsistency. They will take the matter to the High Court and we will be responding.

New clause inserted.

Title passed.

Bill reported with amendments; committee's report adopted.

Bill read a third time and passed.

## ADJOURNMENT

At 5.19 p.m. the council adjourned until Monday 24 March at 2.15 p.m.