HOUSE OF ASSEMBLY

Thursday 29 August 2002

The DEPUTY SPEAKER (Hon. R.B. Such) took the chair at 10.30 a.m. and read prayers.

RUFF-O'HERNE, Mrs J.

Ms THOMPSON (Reynell): I move:

That this house recognises the contribution made by Jan Ruff-O'Herne to international human rights and, in particular, her advocacy for the protection of women during times of war and conflict.

Mrs Ruff-O'Herne has the following honours: she is an Officer of the Order of Australia; has a knighthood from Queen Beatrice of the Netherlands—the Orde Van Oranje-Nassau; the Anzac Peace Prize; and what she regards as the greatest of all honours, a papal knighthood: she is Dame Commander of the Order of Saint Sylvester. She is the first Australian woman to receive this recognition, and it is an order that is limited to no more than 70 people in the world every year.

Mrs Ruff-O'Herne has worked for the Australian Red Cross and the International Red Cross in a voluntary capacity since 1994, travelling and lecturing on human rights and the protection of women in war. This includes speaking at conferences in Northern Ireland, England, Holland and twice in Tokyo. Mrs Ruff-O'Herne's commitment is indicated by the fact that she was 72 when she took up this courageous work.

Mrs Ruff-O'Herne was born in 1923 in Java and had what she describes as an ideal childhood. This was very much broken when at the end of her studies to be a teacher the Japanese invaded what we now call Indonesia and she was interned as a prisoner of war in a camp in Ambarawa. In February 1944 she was taken, with 10 other girls, to be brutally raped day in and day out for about three months. After this she was taken to another camp at Bogor where she was told by the Japanese to remain silent at the cost of her life and that of the family interned with her. She was ridiculed and shamed by other internees who believed she and the other women who had been in the slave brothel had collaborated with the Japanese. Thus began 50 years of silence.

This silence was broken in 1992 when she saw Korean women on television speaking out about the slavery and abuse they had been subjected to during the war at the hands of the Japanese. She was aware at the same time of the rapes of women in Bosnia, and she could see it all starting again. She decided to speak out about the atrocities to women in war. She went to Tokyo and suddenly found that her face and her story were front page news around the world.

Jan has given us her story in her book *50 Years of Silence*. We also have a film of the same name made by her daughter Carol Ruff, her son-in-law Ned Lander and James Bradley. The film tells of an extraordinarily happy childhood in the hills of Java. She had a large and loving family; they were comfortably off; she had the love also of the local Javanese people who worked in her family; she had the strength of a strong Catholic upbringing and the joy of being educated in a convent surrounded by love and a strong ethos.

I would now like to use some of Jan's own words to record here the horror of her experience; the torture of her silence; and her forgiveness of her attackers. The first part that I refer to is the day of her selection for servitude and abuse in the brothel. She tells of how there was an unusual call for tenko, where the young women lined up and were subjected to the gaze of the Japanese eyeing each one off as they walked up and down. Some of them after each pass were told to go back to their family, but others remained. She speaks of the last pass where the Japanese were continually looking, touching, pointing:

Oh, how I wished I was ugly or unattractive in some way. Again, some girls were sent back. I was not sent away and the girls left standing automatically grasped each other's hands. My whole body was numb with fear, my heart thumping. It was obvious by now that this was not just another inspection or selection of a work party. We stood there motionless for what seemed like hours. We dared not look at one another, each one locked in her own fear. The selection process started all over again. This was to be the last one.

One officer seemed to be in charge. Ten girls were told to step forward; the others could go back to their anxious, waiting mothers. I was one of the 10. I could hear crying and wailing from the women as they tried to pull us back. They were fighting bravely, protesting loudly.

A little later, she continues:

The entire camp was pandemonium, with screaming, crying and protesting. Mrs Jildera—

who was the elected camp leader—

together with a party of nuns under the leadership of Sister Laetitia stormed the office to protest and plead with the Japanese not to take the girls away. It was all in vain. There was nothing anybody could do. Our human rights had been taken away, our freedom gone. Oppressed and bullied by the enemy, broken and enslaved helplessly by a brute force, we were sheep for the slaughter.

One of the most harrowing passages of the book tells of their arrival at the brothel and then goes on to talk about the first night of raping. The brothel was called 'The House of the Seven Seas'. Mrs O'Herne says:

The girls all stood there as if they had been struck by lightning. Then we started protesting loudly and with every gesture we could think of. We told them we would never allow this to happen to us, that it was against all human rights; that it was against the Geneva Convention and that we would rather die than allow it. The Japs stood there laughing at us. 'We are your captors,' they told us. 'We can do with you what we like.'

On the night of the first raping she tells of the Japanese soldier who came to her room. She tried to hide, as she did every night, to avoid even for 15 minutes or half an hour the raping that ensued every day. She speaks of this man:

He seemed very tall as I looked up at him from my crouched position. Taking his sword out of the scabbard, he pointed it at me, threatening me with it, yelling at me. 'I kill, I kill!' he shouted. At that moment I really wanted to die. Dying was better than giving in to this man and being raped by him. Suddenly I was aware of an enormous strength filling me, a strength such as I have never known before. It was as if Christ himself was taking possession of my whole being, giving me the strength, taking over. I told the Jap that he could kill me, that I was not afraid to die and that I would not give myself to him.

Later, she continues:

He played with me as a cat does with a helpless mouse. The game went on for a while and then he started to undress. I realised then that he had no intention of killing me. I would have been no good to him dead. He threw himself on top of me, pinning me down under his heavy body. I tried to fight him off. I kicked him, I scratched him but he was too strong. The tears were streaming down my face as he raped me. It seemed as if he would never stop. I can find no words to describe the most inhuman and brutal rape. To me, it was worse than dying. My whole body was shaking. I was in a state of shock. I felt cold and numb and I hid my face in the pillow until, eventually, I heard him leave.

Jan, with the other women in the brothel, constantly tried to resist. They ran and hid. One night, Jan climbed a tree and hid there for some time until eventually someone brought a torch

and she was found. She acknowledges here often the support of the local Javanese people who were also forced to work in the camp and the protection that they tried to give them, even for 15 minutes, to avoid this raping. They all tried various measures to resist and she describes one of the actions she took:

I was living in constant fear, a fear so terrible that my whole body was consumed by it. I was crazy with fear. It was with me every moment of the day and night. I was getting desperate. I had tried everything I could think of to prevent myself being raped. One morning I found myself asking the question, 'What else can I do?'

I looked in the mirror. There was only one thing left. I could make myself so repulsive that it would revolt the Japanese. There was a pair of scissors in the dressing table drawer, so I sat in front of the mirror that morning and I cut off all my hair. I hacked away at it until I was quite bald. I cut it very close to the scalp and it was uneven. I looked really terrible.

Much to her horror, she then found that she had become an object of interest to the Japanese, who were particularly keen to find out about this woman who had resisted them so strongly. It is also interesting that in the film one of the other women interned in the brothel talked about how even 50 years later she felt that she should have done something like this—she should have resisted—and that also speaks volumes for the horror of women who are raped, whether in war or at any other time.

In one very vivid passage of her reflections on what was happening in the brothel she says:

Each girl had touched my life in a special way. Each girl had something special to offer to the whole group and now each of us was tired out.

Lies and I prayed more and more rosaries. Gerda was a bundle of nerves and crying more than ever. Miep walked around the place as if in a coma. Betty was endlessly crocheting little mats to soothe her nerves, while Els and Annie exchanged numerous recipes, using their love of food and cooking to distract them.

After about three months—she is not exactly sure how long she was in the brothel—they were released and reunited with their families in a new camp in Bogor. She tells of talking to her mother about what had happened:

The next day, finding a moment alone with her, I told her all that had happened to me. I only ever talked about it just this once. I could see that she could not cope with it and so we never talked about it again, and again the silence deepened.

It was the same with the other girls. They could never really talk to their mothers about it either, for the mothers were too devastated. While we had been in the brothel, we girls were able to talk to each other. Now, there was only silence.

What were the results of this? Reflecting later, she says:

For fifty years I had wanted to scream it out but for obvious reasons, I could never do this. I could never talk about it, not even with my own family. Nor could the other women.

Fifty years of nightmares, of sleepless nights. Fifty years of pain that could never go away, horrific memories embedded in the mind, always there to be triggered off.

After that, as I said, she was inspired by the courage of the Korean women to join them in telling the world about what happens to women during times of war. She was very thoughtful about this and one of the things she did was go with her daughter to Japan, taking a wreath of Australian native flowers. In a television interview she invited local people to come with her to lay this wreath at the Tomb of the Unknown Soldier in Tokyo. Some of what she said is as follows:

Today, I am laying a wreath at your memorial in Tokyo, with the Japanese people standing at my side. This wreath is a sign of peace and forgiveness. A sign of hope for the future of the world, the future of our children.

I hope that after fifty years we have learnt the lesson, that we are putting the war behind us and that we can work together, towards a world of peace. A world without hatred and fear, without war and violence, but rather a world of peace and understanding, friendship and love and freedom.

Jan's story tells of the continued impact on her life: how the peaceful sounds of evening came to fill her with dread; how she did not want gifts of flowers because they reminded her of the flower names each girl was given in the brothel; how she could not go to a doctor because the doctor also had abused her and raped her. It is an intense call to us to do better. Her cry relates to the treatment of women in war, but the stories of Jan and other women in the film echo loudly with the words of all rape victims. They said: 'I felt ashamed;' 'They said I must have encouraged them;' 'I felt dirty;' and 'I should have resisted more.' Not only are women being raped in a war somewhere today, but also a woman will be raped in Adelaide today.

It is a privilege to pay great tribute today to a great South Australian, Jan Ruff-O'Herne. It is our obligation to ensure that her courage and energy in speaking out spur us as law-makers in this state to ask what more we can do for the protection of women, to assist people to heal and forgive after great hurts and to make this state, our country, our world, places of peace and safety, and to rid the world of violence, exploitation and abuse of power.

I conclude by paying tribute to her husband, Tom Ruff, a gentle man, who sustained her over many years, and to her family who have supported her since breaking her silence in 1992, especially her daughters Eileen Mitton and Carol Ruff. Thank you, Jan Ruff-O'Herne, for the example you have set for all of us.

Ms CHAPMAN (Bragg): Today the member for Reynell has paid tribute to Jan Ruff-O'Herne, and I am sure that the house will not mind my acknowledging Jan's presence with us today. I thank the member for Reynell for delivering such a moving testament to her enormous courage. Australia will recognise her this year when she will be the recipient of an Order of Australia, and that is well deserved. But, today, the South Australian House of Assembly also pays tribute to her courage for breaking her 50 years of silence to tell the world of her pain, both physical and psychological, since the Japanese invasion of Indonesia in World War II.

The member for Reynell has, in considerable detail and in the very words of Mrs Ruff-O'Herne, highlighted the extraordinary courage and bravery of the lady to whom we pay tribute today. What is so extraordinary, I suggest, is Mrs Ruff-O'Herne's capacity to forgive and her preparedness to break that silence and to tell the world of her suffering in the hope that it will assist us to deal with this as a world issue and protect the women and children of today and of the future.

The member has detailed the early life of Mrs Ruff-O'Herne, and what an extraordinarily wonderful time that must have been. I hope that that provides some good memories that help to break the history of the sadness and trauma that she suffered subsequently. Those members who have had the opportunity to view the film—and I think nearly all of the women in the house have—that has been so carefully put together by her daughter and other members of the family, will appreciate how moving the recounting of this experience is for all of us, both for those who have seen the history and also for those who have had the opportunity to read her book, *50 Years of Silence*. To simply read and to

view her story is sad and traumatic enough, let alone having experienced it as she has done.

The other thing that we need to be mindful of and recognise about Mrs Ruff-O'Herne is her preparedness to break her silence about an experience in an era when she was too afraid to even discuss it with others, and how grateful women of our generation must be not to have that impediment and to be able to speak out about atrocities and pain that we suffer in this day.

In respect of the horrific experience of Mrs Ruff-O'Herne (without detailing that again as the member for Reynell has so carefully done), I would condemn those who refer to enforced prostitution of women during war as 'comfort women'. To me that is a most despicable description for what is experienced by the women who have been raped brutally and repeatedly, and it is a disgrace, I suggest, to anyone who uses that term to try to describe a circumstance which is anything but to the victims. May I also say to Mrs Ruff-O'Herne that she is a welcome citizen to Australia. We are very pleased to have the honour of her choosing Australia and South Australia as her home, and we hope that, in some way, in her now mature years she can recapture some of the delight and happiness of her childhood.

This motion does remind us of what has happened in war and I think it is important to reflect on such an occasion—as I am sure Mrs Ruff-O'Herne would want us to be aware of and learn from—that war has changed. I am sure that through her work with the Red Cross she will acknowledge and appreciate what happened during the 20th century. War was no longer a play acted out by soldiers with strict rules of war play. The 20th century brought us World War I, and throughout the century thereafter a major shift in the casualties of war. I will highlight a few of the major conflicts: World War I, we had casualties of civilians of less than 5 per cent; World War II, we moved to 25 per cent; Vietnam War, 60 per cent; and Rwanda 98 per cent.

The 21st century has now brought us shorter wars, civilian death and, I think for the first time, Australia in the Bosnia conflict stood up for human rights rather than those that were of religious alliance. I think it is the first war, indeed, that we sided with the non-Christians. That should tell us something about our maturity and our preparedness to fight for human rights, but let us not forget that women throughout history, in war particularly, have been murdered, shot, gassed, incinerated, kidnapped, experimented on, tortured, brutalised, raped, humiliated, and the list goes on. In the last 10 years, we have seen a new era of the gross, indecent and vile acts of violence against women. We have seen rape with the deliberate intent to impregnate the enemy's girls and women, followed by the shame, humiliation and pain of pregnancy.

What has the world done? On 20 December 1993, the UN General Assembly adopted the declaration on the elimination of violence against women. It was said to be an important tool to address the problem of violence against women. Further developments at the international level have come about through the International Criminal Tribunals for the former Yugoslavia and Rwanda. The Celebici judgment delivered by the International Criminal Court for the former Yugoslavia on 16 November 1998 reaffirmed that rape and other forms of sexual assault are expressly prohibited under international humanitarian law. The tribunal reaffirmed that rape and other forms of sexual violence can be classified as torture. Article 27 of the Fourth Geneva Convention states:

> Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution and any form of indecent assault.

There are further determinations from the war crime trials, but I highlight today Article 147 in the declaration concerning the protection of women and children in emergency and armed conflict adopted by the General Assembly in 1974 which states:

> · all forms of repression and cruel and inhuman treatment of women and children. . . committed by belligerents in the course of military operations or in occupied territories shall be considered criminal.

The trials go on; the rapes and sexual assault tragically go on.

I think it is fair to say that the world is responding, but even members of this assembly in this small part of the world who have the privilege of having Mrs Ruff-O'Herne as one of our own owe it to her and to other women in the world to be ever vigilant. In some small way I have continued work with the Australian War Memorial and will continue that work to ensure that peace is preserved at least in our country and that women in war are recognised for the true sacrifice that they have given.

Ms BEDFORD (Florey): Of course, I wholeheartedly endorse and commend the remarks of my colleagues this morning and welcome Mrs Ruff-O'Herne to the gallery. When I first heard of Jan Ruff-O'Herne it was about the same time I heard of another outstanding and wonderful woman, Vivienne Bullwinkle, our own home-grown heroine. As the member for Bragg has said, we are very lucky that Mrs Ruff-O'Herne now lives with us in Australia. She is a true heroine and her inspiring story tells us much about the indomitable human spirit: what sustained this remarkable woman and her friends through such an ordeal and what gave her the courage not only to survive but also to speak out to try to make the world aware of the suffering of women who find themselves in the centre of wars.

I refer to an *Advertiser* article written by Daniel Clarke, but which, of course, quotes Mrs Ruff-O'Herne talking about the times that she has travelled and lectured on human rights and about the protection of women in war for the Red Cross since 1994. In the article Mrs Ruff-O'Herne states:

> My little voice has been heard. Women suffer just as much as men in the war. It's the men that get all the medals, and women who wear the scars. . . Good can come out of evil if you use it in the right way. . . All my life I thought I'd do something with this. I wasn't going to waste all that suffering.

I am so pleased to have the opportunity to meet you today. I have been collecting clippings about you for some years.

In May this year I actually wrote a letter to you (which I will give to you in a second) because I wanted to speak to you before I sent you the letter. I was sad to have missed the opportunity to have lunch with you when the ladies who won the AO visited Parliament House, but we can certainly remedy that now. This letter was written around the time of your Anzac Peace Prize award being announced. Despite the burdens that you have had, you have lived a really full, happy and active life, providing a wonderful home for your children and family, surrounding them with love and putting to work the lessons that you had learnt—the world is, indeed, a place full of good people and things as well as obviously great evil.

You have been a respected teacher at your local parish school and, no doubt, inspired and helped to mould many young lives in looking for goodness and setting such a good example. Your faith in mankind does come from a stronger

faith, your faith in God and the power of God. This is something that shone through in the movie last night and that is what helped to sustain you. It is a real honour to see you today and to pay tribute to everything you have done.

Mrs REDMOND (Heysen): I rise obviously to support the motion, and I might say that I count it as a particular privilege to be able to support this motion. I have been blessed, of course, that I was born in this country and that I have lived my whole life in this country, so I have no real knowledge of all of the horrors of war and what Mrs Ruff-O'Herne has been through.

Although I did attend the screening of the movie last night, I have not yet had the opportunity to read the book, but I know from the screening of the movie that one of the things that made it so powerful was that it was told in such a matter of fact way and did not try to embellish what these women went through: it simply told the story without trying to overstate it. I cried last night and have been crying again this morning. It is an extraordinary thing for someone who had previously had such a lovely life. The wonderful thing about the movie is that the family with which Mrs Ruff-O'Herne grew up in Java had always had an interest in having films, so there is wonderful footage of the early life of her family—and what a life of happiness and love it must have been. To then be taken from that, after a loving family and loving school environment through primary and high school and teachers' college, and at the point when she was about to embark on a career, to be ripped from that and thrust into those awful circumstances so well described in the book and by you, Madam Acting Speaker, this morning.

The point of the book and the film is probably that, whilst Mrs Ruff-O'Herne in coming forward after all these years has received some recognition in the Anzac Peace Prize, being an officer of the Order of Australia and receiving the knighthood from the Queen of the Netherlands, that is not what it was about. I sensed in the film that more important was the acknowledgment of and apology for what had been suffered by these women; and it was not just the events, which were terribly traumatic, but the following shame and degradation of being thought of as whores in their community and by the difficulty of their own mothers not being able to comfort them because it was too difficult an issue for their mothers to face.

Mrs Ruff-O'Herne still wanted to follow her original wishes and vocation of becoming a nun and having that denied her. Thereafter she also found that, as a result of the brutality of the attacks she had suffered, she had to have several operations before she was able to carry and sustain pregnancies, which led to the birth of her two lovely daughters.

One of the lovely things about both the book and the film is that one of those daughters is a wonderful artist and has done some marvellous impressions of those things that were not recorded on film. There are wonderful pictures that give us a real insight into what these people—particularly Mrs Ruff-O'Herne—suffered. I am grateful that on behalf of this state Mrs Ruff-O'Herne has chosen to make her home here. It is a credit to us that we have people of her calibre among us, and I am pleased that after all that time and all that silence she has been able to come forward and let her family and the wider community know of her story so that there will be acknowledgment; because, until we have that acknowledgment and apology, I do not believe as a community here or anywhere in the world we can move forward into a situation whereby recognition is the first step in avoiding these terrible things in future. My congratulations go to Mrs Ruff-O'Herne. I fully support the motion.

Mrs MAYWALD (Chaffey): I rise to support the motion and acknowledge the presence of Mrs Ruff-O'Herne in the gallery with us today. I also thank you, Madam Acting Speaker, for providing us with the opportunity last night to see the film of Mrs Ruff-O'Herne's experiences. I was deeply moved. I was also incredibly inspired by the strength of character and faith and this woman's capacity to forgive. She has shown amazing courage to come forward after 50 years of silence.

In watching the film and seeing the wonderful footage of her early years as a child and looking into the eyes in those photos, I felt that I was looking into the eyes of my own daughter, and I could not imagine what dreadful experiences she would have endured. I thank God that I am lucky enough to live in this country and that we are not exposed in our homes to the kinds of things that Mrs Ruff-O'Herne has experienced in hers.

You have made a difference, an enormous difference, in coming forward. You have not only released yourself from the burden of silence at last after 50 years, but you have also shown the world that it is important to speak up, to recognise that it is not your fault and that it never was your fault and that you did not need to live with the guilt with which you have lived for so long.

We as a nation are proud to be able to say that you are one of ours and we thank you for what you have done for other women around the world, because what you have done for other women around the world is one step towards ensuring that someone else may not suffer the atrocities you suffered.

I also feel very much for your mother and how she would have been bound by the morality of the time not to speak out in support of her own daughter—and how tragic that must have been for her also. Thank you for what you have done. In the words of your daughter, you are a wonderful, smiling woman. In the film, the strength of your ability to be able still to smile and smile through the eyes really came through. It also came through to me that not only did you have the capacity to live through what you did and come out the other side, but also you came out with the strength of a wonderful spirit, an ability to laugh, an ability to bring love and laughter to the children you have raised since and protected from your dreadful secret for so long. It is a great privilege to be able to pay tribute to you, Mrs Ruff-O'Herne, today, and I thank the member for Reynell again for providing us with the opportunity to share in your experiences in the hope that we will live in greater peace in the future.

Mrs HALL (Morialta): I rise to support the motion so eloquently articulated by you, Madam Acting Speaker, earlier this morning. I was privileged last night to see about 15 minutes of the movie *50 Years of Silence* that has been so detailed here this morning. I am not sure how many dry eyes there were in the place during the part of the screening for which I was there. To witness what we saw on that screen last night was quite extraordinary and, as has been said by so many previous speakers, it was clearly a story about a person with enormous courage. The thing that registered with me so graphically was the extraordinary inner strength that Mrs Ruff-O'Herne must have had from her religious beliefs, and that is something she has used so well since those ghastly

days to help her get through and achieve what she has done so far.

The other point that registered very strongly with me was what was clearly an enormous will and determination. From my perspective, the other message that came through was the difference in community attitudes, not just in our own country but internationally since those days and, as has been stated before, the fact that her mother and family for some time were unaware of some of the detail and could not discuss it is something that many in our generation find particularly difficult to understand. We just hope that we never return to that sort of environment.

People sitting in this chamber, no matter how many images we see or words we read, can have no comprehension and understanding of what hell it must have been like in a Japanese military brothel. That any human being should endure what we saw and heard described is beyond our comprehension.

I pay tribute to you, Madam Acting Speaker, for bringing this motion to the house and I pay particular tribute to Mrs Ruff-O'Herne for her strength as an individual. The support that she has gained from her family and friends since she chose to break her silence has clearly been very important. For her to make her story public was just an incredible act of courage, and for her to say now that her objective is to gain an apology is quite remarkable.

One of the statements which I heard last night and which impacted on me was that she is able to forgive but she is never able to forget. She made that statement with such dignity and serenity that it has become part of that documentary that I just cannot get out of my mind. I have read some of the material and I would like to conclude my remarks with one of the quotes that is attributed to Mrs Ruff-O'Herne, who said, 'The war has never really ended for me.' So, for her to be able to work over the last decade and hopefully well into the future on campaigning for the protection of women in war zones and for international human rights shows an amazing capacity. Therefore, it is with much admiration that I very strongly support this motion.

Ms CICCARELLO (Norwood): I support this motion and I commend you, Madam Acting Speaker, for bringing it to the house. I met Mrs Ruff-O'Herne very briefly one night at an RSL national conference and, having read her story, I was just so impressed by the gentleness of the woman and the dignity with which she carried herself. Knowing what she endured during the war years, it was beyond my comprehension that she could maintain this air of serenity and dignity. She must be commended for her courage because, if I put myself in her situation, I do not know that I would have had the courage to reveal some of the horrors that she went through. She has done it in a selfless way, and it was also as a result of having seen how women in Bosnia were being treated that she felt it her duty to tell her story.

As many of the other speakers have said, we as women are extraordinarily lucky to be in this parliament and to have the opportunity of speaking to this motion. What we do need to remember is that, around the world, women have always been victims and are still victims. Most recently in Afghanistan, we have seen the horrors that the Afghani women have had to endure and still endure, and even more recently we have heard that a woman in Nigeria is to be stoned. We think that we have a civilised society but these horrors are still being inflicted on people who cannot defend themselves.

In Mrs Ruff-O'Herne's words, again indicating her extraordinary courage and ability to forgive, she says:

> I have always been able to forgive the Japanese because it is only in forgiveness that healing can be found and as a good Catholic girl, you know, this is just how I have been brought up, to be able to forgive.

I commend Mrs Ruff-O'Herne for her ability to forgive and I certainly congratulate you, Madam Acting Speaker, on bringing this motion to the house. I hope that this is a good example for us, that we must be much kinder to our community.

Mr SCALZI (Hartley): I, too, support this motion and I commend you, Madam Acting Speaker, for bringing it to the house. I pay tribute to Mrs Ruff-O'Herne. In supporting the motion, I acknowledge the contribution to humanity that Mrs Ruff-O'Herne, through her forgiveness, has made. In speaking out about her oppression, she has given us all hope. The way that she can smile and be fully human, even though she was enslaved, gives us hope that no human being, no matter what oppression takes place, can be fully enslaved by another. To me, that is a message of hope.

I apologise on behalf of men. It is hard to think that anyone could commit such an act of violence, could enslave another human being, could deprive them of their self, their hope, their aspiration at an age when they have their whole future ahead of them and when they look towards their total fulfilment as a human being. It is incomprehensible that someone could take that away, yet Mrs Ruff-O'Herne's forgiveness makes us understand that no-one can ever be fully enslaved as a human being.

Rape is the worst form of violence, the worst form of violation, on another human being, whether a woman or a man, because it takes away from that person those hopes, that potential for fulfilment, and wounds that person for life. Even though Mrs Ruff-O'Herne has shown by example that we can be totally fulfilled, there is much hurt, pain and suffering in life, and the violence that she experienced should never be imposed on another human being, especially when there is so much hope for that person to fully grow as a human being. Mrs Ruff-O'Herne surpassed that, so I congratulate her, and I thank her for allowing us, through her experience, to be comforted as human beings by knowing that there is hope.

Mr SNELLING (Playford): I commend you, Madam Acting Speaker, for putting this motion to the house and I welcome Mrs Ruff-O'Herne to the parliament. I do not believe that I can add much more to what has already been said so eloquently by the members who have spoken. I was not familiar with Mrs Ruff O'Herne's story until today but now I am inspired to read her book. As a father of two young daughters, I share the member for Chaffey's horror of the violation of innocence. Mrs Ruff-O'Herne is a remarkable woman and a fine example to us all. I hope that our society is able to find more people of her faith and spirit to lead us.

Motion carried.

The ACTING SPEAKER (Ms Thompson): I am sure that, if the Speaker were here today, he would also like to acknowledge the presence of Mrs Ruff-O'Herne in the gallery and thank her for her presence today. I just mention that the house is not usually this silent. The silence in the house today has been the strongest mark of respect possible for a remarkable woman.

Honourable members: Hear, hear!

GREAT AUSTRALIAN CATTLE DRIVE

Adjourned debate on motion of Mrs Hall:

That this house congratulates the South Australian Tourism Commission and the Year of the Outback team on the success of the Great Australian Cattle Drive, and

(a) acknowledges the significant economic benefits and goodwill this historic event has generated across the outback regions of South Australia;
(b) congratulates the numerous individuals who participated in this event;
(c) recognises the valuable international media coverage this state has received for staging this event; and
(d) urges the state government to financially support the concept of a similar biennial event in the future.

(Continued from 22 August. Page 1279.)

Dr McFETRIDGE (Morphett): One of the sad parts of actually entering this place was that I was unable to take part in the Great Australian Cattle Drive. I had been following the progress of the planning for this cattle drive and was aware that they were looking not only for participants in the way of tourists and potential amateur drovers but also some veterinarians to go along. In my previous occupation as a veterinarian, I thought, 'Here we go, not so much for a free ride but a lifetime's fantastic experience.'

I recently had an opportunity to travel north with some other members of parliament and went through Marree and Oodnadatta, and had the pleasure of meeting Mr Eric Oldfield. He was the senior drover on the drive. To be in the presence of characters like Mr Oldfield and to be able to talk with them and capture just a small moment of what it must have been like on that cattle drive was great. To see some of his photographs was absolutely fantastic. I hope in the future that there is an opportunity to recreate a cattle drive similar to this and that I can participate in some small way.

I have been involved with horses and cattle through my professional career and, indeed, in droving of cattle in a very small way and for short distances. But to have driven a large mob of cattle over such a long distance would not only have been tiring, with a few saddle sores, but the logistics of organising the drive would have been just mind boggling. We heard some figures quoted by previous speakers. I did not quite hear the figure of the number of black rats that were consumed. I believe it would not have been to excess, knowing the members of this house who went on that trip! I am sure they would have behaved themselves impeccably. There would have been one or two saddle sores but not too many sore heads.

A large portion of Australia's history is attributed to the pioneers, and to have been a part of that pioneering period, to have driven cattle across vast distances of in some cases unknown terrain, not knowing where the water would be or if there would be enough feed, and at the end not knowing how much you would get for the cattle must have been a trial in itself. I congratulate both the previous government and the present government on the ability to recreate that experience for modern day tourists and aspirants at becoming drovers.

Without a doubt, I know that everyone has enjoyed similar sorts of events which I have heard about and which were put on during the Year of the Outback. The country towns have thoroughly enjoyed having hosted many tourists, and I reiterate what I said previously: I hope there is another opportunity for me to participate in a cattle drive in the not too distant future, whether as a veterinarian helping out professionally or as an amateur drover. I support the motion.

The Hon. M.R. BUCKBY (Light): I rise to support this motion. One of the identities of my area, Mr Dudley Kemp, who has been a stock transport operator for many years, went on this droving trip and told me of it just a few days ago. He was a veteran of the Birdsville Track, and moved cattle out of there back in the 1940s and 1950s. So, to recreate that cattle droving exercise was an excellent idea.

I have read the amazing story of Kidman and the many drovers whom he used to employ and the tracks they undertook through that channel country, from New South Wales coming down into South Australia and to his home at Kapunda, in order to get the cattle to the market here in Adelaide. It is the story of the life of a man who was absolutely brilliant in terms of his ability to navigate his way through that country, when there were no navigation aids such as signposts. He would merely take a point on the horizon on a hill and had an amazing memory when he returned to those tracks later to remember exactly the path that he took. He is undoubtedly one of the most famous people of the many men and women who have traced these tracks over many years of our droving history.

It has been an excellent idea to celebrate this and to acknowledge the people who have worked in the Outback of South Australia and developed the Outback, recognising many of the contributions that those people have made and the interesting stories of the many people who have either delivered mail, goods or services to the stations in the Outback. Certainly in terms of tourism, this must have been unique to Australia. I do not recall reading books of other countries where undertaking droving in this way has been carried out.

I recall reading the book *Kings in Grass Castles* by Mary Durack. It is the story of the Durack family, which had a property in New South Wales, bought a property in the Kimberleys, to which it drove 2 500 cattle from New South Wales. It took them two and a half years to get there, and they lost 1 000 cattle on the way. The stories of the hardships that the drovers endured in droving those cattle through two states and a territory are just amazing. The ability of people in that day and age to undertake droving in the bush is a part of our history of which we can justly be proud. It is something which I think is quite uniquely Australian.

So, this motion, which congratulates the South Australian Tourism Commission on the Year of the Outback, is well worthwhile supporting because our Outback is so unique. It is something which many people are now coming to South Australia to see because of that uniqueness. The characters who live in the Outback and the conditions that people survived there are certainly different from those existing anywhere else in the world. For those reasons, congratulations should go to all concerned.

The Hon. G.M. GUNN (Stuart): This motion is important, because the cattle drive is one of the most successful ventures that have taken place in a considerable time. It has certainly attracted a great deal of attention to the northern parts of South Australia. It drew into focus how important that part of the state is to the tourist industry and it created a great deal of enjoyment for a large number of people. I had the pleasure of attending the races and the Slim Dusty show at Marree. I never thought I would have to walk many hundreds of metres to get to the races at Marree, because I have attended them on many occasions. It has always been a happy and enjoyable occasion, and much fun has normally been had by all concerned. I weighed up whether I would

leave my car in the town and walk to the races, because there were so many cars at the races that day. It was something that had to be seen to be believed.

It was a great credit to the organisers and all those people associated with it, both locally and in the tourism commission. I know that the cattle drive itself brought a great deal of pleasure to all involved in it and, like my colleague who visited Marree with me some time ago, we had discussions with Eric Oldfield. I think he would like to hold another one of these exercises in the near future, because he said he enjoyed driving those cattle every day. I know all but one of those people who were photographed; they are constituents of mine. I am looking forward to hanging one of those excellent photographs in my electorate office, because this is part of the history of South Australia. This event and its location are a part of South Australia that is attracting attention.

The department of transport did an excellent job in ensuring that the road from Lyndhurst to Marree was in top class condition. I am sorry to say that I do not think it will remain that way much longer, because of the unfortunate, unnecessary and unwise cutbacks which are taking place out there. People should be aware of the value of tourism to the economy of South Australia and those small centres in Outback South Australia. Many of those communities would not survive if it were not for the improvements in the facilities, which are attracting more and more South Australians, Australians and international visitors to that part of South Australia. The tourism commission also has done an excellent job in working with those communities to ensure that they have the necessary facilities. It would be short-sighted in the extreme if we did not continue to maintain those facilities and expand them. We all know the success of Wilpena, we all know how many people want to visit Innamincka and how many people want to travel on the dirt road from Adelaide to Oodnadatta. You only have to go there.

This exercise has focused very well on that part of South Australia, and all those people who have been associated with it can feel very proud of how successful it was. I sincerely hope that there are others in the future. One of the things of concern to me is that the next great matter of interest will be the eclipse. I sincerely hope that the government is aware of the number of people who will be visiting those parts of South Australia such as Ceduna, Lyndhurst and other places and that thousands of people will be in the area. Those small communities will need assistance, because we cannot afford to have such a significant event attracting international attention unless it is successful. We cannot afford to have a failure.

The cattle drive was an outstanding success. It has given South Australia tremendous publicity, from which we will all benefit. It was well run. We have set a very high standard and we have to make sure that we maintain those standards in the future. I sincerely hope the Minister for Tourism and the government recognise the importance of these events, because those small communities in the northern Flinders Ranges rely on tourists. I do not know how many of the people involved actually visit there regularly and see for themselves.

I am sorry that we will be sitting late tonight; otherwise, I would have been going to Innamincka on Saturday, which will be an enjoyable occasion, and much fun will be had by all.

Mrs Geraghty: We'll try to get you there.

The Hon. G.M. GUNN: It's a long way to drive. I appreciate the Government Whip's comment, but we really would have to go late this afternoon. If you really want to get the benefit you need to drive. You can fly in and fly out in some of those places, but then you are stranded. If you drive you have to behave yourself, but that is probably not a bad thing, because you are ready for another day.

An honourable member interjecting:

The Hon. G.M. GUNN: I always behave myself; you know that. I must say in conclusion that for my wife and me to have had the opportunity to attend the Slim Dusty concert at Marree is something I will remember for a long time, when the main street was shut off and we were all lined up there to join with those thousands of other Australians. One thing about South Australia is that it is a very small place. The young gentleman standing behind me with a big hat did not realise that I recognised him; it was the member for Schubert's son. He did not realise that I recognised him before he worked out who I was, so we kept an eye on him and his colleagues.

An honourable member: Was he well behaved?

The Hon. G.M. GUNN: Exemplary. That is what I will tell his father: exemplary behaviour. We lined up and saw the great man himself perform. It is something we will never forget; it was a beautiful evening. I hope that I am fortunate enough to attend a similar function somewhere else in the north of South Australia. This event brought great economic gain to Marree and those surrounding areas. It is important that we create employment opportunities to keep young people in that part of the state. I hope the government recognises that the program put forward to seal the road between Lyndhurst and Marree will help maintain the tourist industry. For goodness sake, do not let Sir Humphrey, the bureaucrats and others divert the funds. Let us get on and continue to support public infrastructure in that part of South Australia so that we can have more functions like this great cattle drive.

In conclusion, I would like to say that all the people responsible for organising it on a daily basis did a wonderful job. It was absolutely amazing to see all the tents in Marree, and to see how well organised it was and how home comforts were brought to the area. Some colourful characters were involved. People may know of Stanley Douglas, who is one of the police aides up at Amata. What a colourful character Stanley is! He brought some real Outback colour to that event. He has an outstanding record as a police aide, and it was nice to see him again and all the other people who were involved. I was fortunate to go there on the Saturday. I understand that my good friend Keith Rasheed fell off a horse and broke some ribs. I do not know whether that says anything about his horse riding skills; he was known to have enjoyed himself the night before, but that is just a passing comment. I add my congratulations to all those involved in a wonderful exercise. I know it brought a great deal of enjoyment to everyone who participated.

Mr WILLIAMS (MacKillop): I am delighted to be able to rise in my place today and speak in support of this motion. I have had the pleasure a number of times now to be a tourist in the Outback of Australia. As a practising farmer for most of my working life, I have some understanding of the deprivation and the endless nagging pressure that our forebears would have had to go through in the early days of the development of this country. They would drive cattle from place to place seeking pasture, never quite knowing

when they would find the next waterhole or whether there would be any water there when they got to the next waterhole or the next creek. The member for Light recounted some of what he has read of the writings of our cattle pioneer people, particularly those of Mary Durack, who tells the story of her family in that famous and wonderful Australian book *Kings in Grass Castles*. I urge any member who has not read that book to do so, because it is a fantastic account and it gives an understanding of the sort of things that early pioneers in this country went through.

We should not lose sight of the importance of what our pioneers went through to what we have in Australia today. There would not be one member here who does not believe that we live in the most fortunate corner of the planet. We owe a debt to those people for the hardship that they put up with to deliver the economic benefits that this country has received over the last couple of hundred years. Through their efforts, we have been able to build fine infrastructure around our coastline where most of us now live, but there are still many people living in the centre of Australia in that harsh and unforgiving country doing what, I must admit, they love to do but under conditions that most of us would not care to inflict upon ourselves.

So, I think it is fantastic that the organisers of the Great Australian Cattle Drive staged this event in the Year of the Outback to celebrate past drovers and their lifestyle to bring it back into focus and to give younger generations a bit of an insight and an opportunity to catch up on some of our very important history. I congratulate the member for Morialta for bringing this motion before the house and, once again, giving members an opportunity to comment on the importance of the cattle industry and the people who built it up and worked in it over many years.

A lot of famous names have been mentioned. I was most interested to hear the comments of the member for Stuart because—unfortunately, after the conclusion of the great cattle drive—I had the opportunity to once again travel through the Far North of South Australia with him. We stopped at Marree and caught up with Eric Oldfield at his home, spending a little bit of time there, and he took the opportunity to pass on some of the stories of things that happened during the cattle drive.

I highlight that this was a celebration of an important part of our economic and social history, and I sincerely hope that in the not too distant future the organisers who have benefited from this event arrange a similar event and that it becomes a recurring event, because I think it is important to continually highlight the past. Those days have gone forever because of modern transport although, some of the operators of modern transport today might see themselves as pioneers on some of our roads, but they do not go through the things that stockmen did 100 years ago. It would be a great pity if future generations did not have an opportunity to see at first-hand from time to time what happened in our Far North and in the bush with those great herds of cattle. I commend the motion.

Mrs GERAGHTY secured the adjournment of the debate.

ANANGU PITJANTJATJARA COUNCIL

Adjourned debate on motion of Hon. D.C. Kotz:

That the government shows support for the leadership and elected traditional owners and managers of the AP Lands, the Anangu Pitjantjatjara Council, by a public announcement in this house.

(Continued from 11 July. Page 731.)

Dr McFETRIDGE (Morphett): A few weeks ago I had the pleasure of travelling north through this great state of ours with some other members of parliament. The purpose of our tour was to familiarise ourselves with some of the facilities, schools and hospitals in some of the more remote Aboriginal communities. For a new member of parliament, it is important that I am able to comment in a knowledgeable way on what is going on in this state. Having never travelled through the Far North of this state, I grabbed the opportunity to go with the member for Stuart, and we ended up in Alice Springs. On one day of this tour we travelled through the Pitjantjatjara Lands. We visited Indulkana, Mimili, Fregon, Umawa and Ernabella, and then across the border back to Alice Springs.

I have seen some beautiful country in my life, some good cattle country, but going through the Pitjantjatjara lands I saw some of the most beautiful country that I have ever seen—it is uniquely Australian. The colours that you see in the paintings of Albert Namatjira and other artists truly reflect the splendour of this country.

The downside of our trip was that, whilst billions and billions of dollars are being pumped into the Aboriginal communities, they do not seem to be any better off. Some of the Aboriginal people with whom we spoke are concerned that the communities are being held back. One chap said, 'We are being held back in the 1940s.' It was not just an eye-opening experience; I was totally gobsmacked to drive down dirt roads and arrive at communities where there were brand-new bitumen roads, curbing, stobie poles, lighting and electricity systems, and then to look at the homes, the rubbish, the old cars.

To me, these communities are on the edge of imploding. I saw with my own eyes young people walking around holding cans up to their faces sniffing petrol. I came away from this experience absolutely shocked—that is the only word I can use—to know that in Australia there are communities with so much opportunity yet, for some reason—and I do not have the answer—they are going down in an inward spiral. I talked to some individual members of these communities. They are wonderful people; they reflect a strength of character that is unique to Australian Aborigines, and their appreciation of the country is unique.

I have a real problem as a legislator with wondering where to go and what I can do to improve not their lifestyle and not even their quality of life but to give them hope for a future which Aboriginal people can determine for themselves so that their children can look forward to achieving their own aims and ambitions. I will not be patronising and say what we should be doing, what their aims or ambitions should be or how their life should be led. Certainly, the situation in the AP lands, as I understand it, is one of serious concern. Groups within the community in the lands have their own agenda. I think roughly $5 billion a year is being allocated by federal and state governments to Aboriginal affairs in Australia, yet, apart from the roads and the power poles, which the state government has put in, I do not see any evidence of any benefit being derived from this. The money has been going in for many years, yet the impression I formed was that the Aboriginal communities were going nowhere.

In the Ernabella store I was concerned to see the prices that were being charged for everyday goods. I thought, 'Okay, it's a remote community and the transport is costly,' but I was even more disturbed that there is a fast food bar

selling fish and chips, cooked chicken, Chiko rolls and hot dogs. There is nothing wrong with fast food in moderation, but my impression was that this was their main fare for that night and, particularly for many of the children, their main fare on many occasions. Again, that reflected not the hopelessness or the desperation but the need for legislators to re-examine the situation—whether they be federal, state or Aboriginal legislators, committee members or administrators.

We cannot go back to go forward; we must keep moving on. We cannot say, 'Choose your own lifestyle. Here's the money: go off and do what you like.' We have more responsibility than that, because it is the Australian and South Australian taxpayers' money that is being used.

The concern that I came away with from the lands has not left me. I look back at my photographs of that beautiful country and, in some areas, I see the people not in desperation but certainly in desolation. I hope that my emotion is coming through my words today, because I feel truly empathetic with the plight of the lands and its people.

Opportunities exist for tourism and industry. The numbers of once thriving cattle yards and properties that have been abandoned are concerning. An acquaintance in Port Augusta tried to establish traineeships in the AP lands—to introduce basic horsemanship and saddlery and to teach the young folk to manage the feral camels, donkeys, cattle and goats—but that idea was pooh-poohed by some of the council administrators and councillors up there.

It is important that Aboriginal communities are supported in moving forward in their own way, but not just by pumping money in. The past president of South Africa, Nelson Mandela, said, 'Money is not just the answer. It is much more than that.' I urge this parliament to look at the administration of the AP lands, the factional in-fighting and the waste of money that is occurring.

I heard one story of lawyers in Alice Springs being kept on a $400 000 a year retainer—a retainer. They did nothing else, but they received $400 000 a year for being there; what they did for that money I do not know. I asked an anthropologist, 'You do speak Pitjantjatjara, don't you?' and he said 'No.' I said, 'How can you speak to the local people and find out what they want and what they're doing?'

I came away with deep concern, and I am speaking on this motion because I hope to express that concern today. I urge both sides of this house to look at the problems of the AP lands and to keep things moving along. There is no political agenda here, but these problems need to be addressed for the good of all Australians, whether they be black, white or any colour. It is important that we remain focused and move forward.

Mrs GERAGHTY secured the adjournment of the debate.

STATE ECONOMY

Adjourned debate on motion of Mr Brokenshire:

That this house congratulates the South Australian community, business and the former Liberal government for their efforts over the past eight years to reposition South Australia to presently be one of the strongest economies in Australia.

(Continued from 6 June. Page 558.)

The Hon. G.M. GUNN (Stuart): This is an important motion, because it allows the house to compare South Australia's position when the former Liberal government took over and when this government came to power. Let us just look at the situation. When we took over in 1993, there was massive debt run up by the State Bank, SGIC had collapsed, the economy had nose-dived—

Mr Koutsantonis: You were Speaker.

The Hon. G.M. GUNN: And I am told that I was a good Speaker, for the benefit of the member for West Torrens.

Mr Koutsantonis: Good precedents.

The ACTING SPEAKER (Mr Snelling): Order!

The Hon. G.M. GUNN: Thank you, Mr Acting Speaker. South Australia needed investment confidence and it needed the business community to be encouraged to go forward. And what happened? One just has to look at the situation in South Australia when this government took over in terms of infrastructure and what has happened—

Mrs Geraghty interjecting:

The Hon. G.M. GUNN: Well, if the honourable member does not know or understand, I cannot help that. I am trying to briefly explain.

Mrs Geraghty: Gunny, you've never been brief.

The Hon. G.M. GUNN: Never been brief? I thought I was a man of few words. It takes a lot, Mr Acting Speaker, for me to work myself up enough to get to my feet. I have to think about it all night, do my research and then reluctantly get to my feet in the interests of my constituents. On this occasion, the member for Mawson has quite properly moved this motion, so that this house can stop and reflect on what that government did for South Australia.

We sorted out the mess of the State Bank. It was a pity that that good institution, which was part of the history of South Australia, was ruined. It was an organisation that provided assistance to people buying their first home and it helped people in small business—and it was destroyed overnight, leaving massive debts, for which the long-suffering taxpayers had to be responsible. But, even worse than that, it destroyed business confidence.

What our economy needed was for people to have confidence to invest and to go forward. First we had the SGIC debacle, then Scrimber and then the situation at West Beach. And what did the previous government have to do? It needed to stabilise the debt; it needed to do what any other person in business would do when they over-extend the overdraft—sell assets to pay off the debts. That was not a pleasant experience, but it was very necessary to do so in the interests of all South Australians; and we had to learn to live within our means.

When one makes a comparison of the funds available to the Liberal government in 1993 and those available to the Rann government when it took office in 2002, there is a huge difference. What we had to do was turn the thinking around. First of all, we needed the Public Service to understand that they were there to help people, and not there to say no or make life difficult. The great challenge for this government today is whether the bureaucracy and its instrumentalities are there to give encouragement, to assist, or whether they are there to say no, to stop, and to put in place bureaucratic controls and impediments that make life difficult for people. That is the challenge. Traditionally, Labor governments are dominated by bureaucracy and by those who want to say no. The government cannot have a strong economy if it puts unrealistic impediments in the way.

The Liberal government expanded the road program and we encouraged people to get involved in the mining industry. One just has to look at the improvements in the aquaculture industry, which has been a wonderful success. If one goes to a little town like Smoky Bay (which I used to have the

pleasure of representing), one can see the improvements in that community in terms of the employment opportunities; and, of course, it flows through the rest of South Australia.

One of the problems that we faced in coming to government was that sections of the bureaucracy, a few misguided people, for some reasons best known to themselves wanted to stop the aquaculture industry. Why? I have no idea whatsoever.

Mr Koutsantonis interjecting:

The Hon. G.M. GUNN: Yes, but these misguided, ill-informed individuals thought they were saving the mankind from the ravages of development, such was their misguided view. They believed that their place in the sun was all important. Fortunately, we were able to shunt them sideways and to provide 60 jobs. If we look around the coastline we see that we need to encourage aquaculture development, because the ocean will not be able to sustain the demands currently being made; and, if people want to have access to fish and aquaculture products, it will have to be by way of fish farms: there is no other way, otherwise we will completely destroy the resources.

In South Australia we have had a managed fishery and, in some fisheries, we have done it better than anywhere else in the world. We would not have an abalone industry in South Australia if it was not an effectively managed industry. I know that it has made some 30 people millionaires, but one successful person—

Mr Koutsantonis interjecting:

The Hon. G.M. GUNN: I do not have a problem with it. I had a fair bit to do with getting them transferability, getting them to employ relief divers and all those things. But what it has done is create employment opportunities and has ensured that the industry will be sustained on a sensible basis, and that is a good thing.

The tourism industry employs thousands of people, and many of the small communities in my constituency in the north of South Australia would not survive today without the benefit of the tourist industry. Burra, Hawker, Marree, Oodnadatta—

Mr Koutsantonis: Arno Bay.

The Hon. G.M. GUNN: Arno Bay, Streaky Bay—all those places—rely on the tourism industry so that they can maintain their services. Any cutbacks in infrastructure funding, including road funding, will have a detrimental effect on those communities, especially as more and more people are wanting to travel to that part of the state. One just has to go for a drive to Innamincka or Marree to see the number of overseas people such as the Germans and the Swiss, who love coming to South Australia in summer. You see all these Britz campervans being driven around. They always appear to me to be a bit top-heavy and I sometimes shudder when I see these inexperienced people driving them. Nevertheless, they seem to be enjoying themselves.

One of the things that amazes me are the people on pushbikes. In fact, I saw some on Monday; they must be stout citizens and have a big heart. It would never appeal to me to ride across the Nullarbor on a pushbike; however, each to their own. It does not appeal to me, as I would rather be in a comfortable car, but the problem with a motor car is that every now and again some rather uncharitable character wants to take your photograph. I think that is a bit of a mean trick, anyway. The member for Giles and I understand that, and we will debate those issues on another occasion.

The importance of this particular motion is that it gives this house the opportunity to reflect on all those good things that the previous government did by attracting investment from all around the world. We had to put money in, but sometimes that is necessary. The main thing is to make sure that it is well targeted, and that has happened. We have to create opportunities to ensure that the next generation has a future. One successful business or one successful person creates success around them which then means opportunities, long-term employment and improved welfare for the citizens of this state. We have been very fortunate in that the federal government has managed the economy of this country better than any other nation has managed its own economy. Our federal government has given us the opportunities to ride on the back of that very well managed economy. I hope this government understands that and supports the federal government.

Mrs GERAGHTY secured the adjournment of the debate.

MITSUBISHI MOTORS

Adjourned debate on motion of Mr Brokenshire:

That this house congratulates Mitsubishi, Mitsubishi workers and all those involved in the successful outcome for Mitsubishi with respect to the building of new models in 2005.

(Continued from 6 June. Page 561.)

Ms THOMPSON (Reynell): I am very pleased to be able to speak in support of this motion, although I do not think it is necessary for me to speak extensively on the matter as the Premier has already spoken very comprehensively about the importance of the Mitsubishi deal to the people of South Australia and particularly to Mitsubishi workers. He has also recorded his thanks to the many people who were involved in enabling this deal to happen. However, I will summarise briefly for this part of the record. The Mitsubishi deal started about two years ago, when the then premier established an automotive task force under the leadership of the former MMAL CEO, Mr Graham Spurling, to engage MMAL on options for its future.

A package was put to cabinet to assist MMAL, and there were negotiations with the commonwealth government. These negotiations proceeded in various forms for a protracted period, but, fortunately, when the new government came into power in March, it had the support of a very exceptional person in the Chairman of our new Economic Development Board, Robert Champion de Crespigny, who was extremely skilled and able to take over the running of a lot of these negotiations and, together with the Premier and various other officials, to bring them to a successful conclusion, with a package that included support from the commonwealth government as well as from the state government, and a commitment from Mitsubishi to the long-term future of Mitsubishi in South Australia.

As a result, we can confidently expect that Mitsubishi will be in South Australia for a further 10 years. We are very hopeful that the new deal, which will see capital investment of $976 million, will lead to the creation of an additional 1 000 direct jobs at MMAL in South Australia. The company has committed to invest nearly $1 billion, as I said, in the development of its new model car, as well as production of a new long-wheel based luxury vehicle. It will be very welcome indeed to have a Mitsubishi made competitor for the Statesman and to have another vehicle of that calibre available for the luxury market in Australia. This will almost double production of cars from Tonsley Park and Lonsdale.

There will be considerable expansion of exports to the United States and other markets and, very importantly, it will provide up to 300 engineering jobs in a new research and development facility for the company's worldwide operations.

The opportunity to have such a facility in South Australia, particularly as it is expected to be located in the south, is something that pleases me enormously. It is very important for the young people in the south and people who are in the middle of their career to be able to see concrete evidence that they can succeed if they pursue their skills and knowledge through training and through the opportunities that are available, particularly with the vehicle industry certificate which enables people who start off on the production line at Mitsubishi to aim for one of these jobs in a worldwide research centre on vehicle production. This centre will not only be looking at the research and design issues for the new model to be produced in Australia (here locally), but it will also be part of Mitsubishi's worldwide research effort. Indeed, it is an excellent opportunity for people of Adelaide to link into another area of worldwide excellence.

This outcome would not have been possible, as I said, without the untiring efforts of Mr Robert Champion de Crespigny. However, I also want to pay tribute to Mitsubishi's chief executive, Tom Phillips, the unions and the workers at Mitsubishi who have provided the efficiencies and the commitment to allow Mitsubishi executives confidently to negotiate this deal, and to advocate with its head office that the workers in Mitsubishi are skilled, dedicated, committed and will deliver.

This is an excellent opportunity for the state. I really do not think it is necessary to record much more about it now. We know that, without Mitsubishi, the future of the south is severely at risk. It affects not only the direct jobs at Mitsubishi but also the many supplementary jobs in various component parts, as well as the fact that the expertise in the automotive industry which is resident in the workers of Mitsubishi becomes distributed throughout the southern work force as people move in and out. Also, it provides a real capital base for the workers of the south to enjoy prosperity and security in their futures. I contribute these few remarks to the debate and urge that we pass the motion overwhelmingly.

Motion carried.

SOUTHERN YOUTH WEEK FESTIVAL

Adjourned debate on motion of Ms Thompson:

That this house congratulates the City of Onkaparinga and the Southern Youth Exchange on showcasing the talents of the youth of the south through another highly successful Southern Youth Week Festival.

(Continued from 6 June. Page 566.)

Ms THOMPSON (Reynell): As members can see from the time, I had almost concluded my remarks about this remarkable festival, the Southern Youth Festival, which is the largest youth festival outside Adelaide. I want to conclude by summing up about some of the outcomes of the festival. I am very pleased to report to the house that, as a result of the investment made by various funding bodies, International Youth Week has resulted in increased long-term involvement of young people in the south in some of the programs that have been made available to them.

Once upon a time, we used to go to the local church or attend some other youth group and while away our time in a fairly innocuous manner. When I was young we had many more options for testing our freedom and doing things that today would be considered to be extraordinarily dangerous. Young people now have to find new ways of testing their spirit (this almost seems to be the job of young people), but we keep on insisting that they be safe ways—and they are not always happy with the traditional notions.

Youth Week has provided an impetus for new programs to be available to the youth of the south. They have taken up those opportunities and, hopefully, that will lead them to greater pathways for involvement in our community. The festival was extremely varied and provided opportunities for young people to be involved in many forms of art and also to look at different forms of sport and physical activity. One of the highlights for the younger people was a sports expo held at Wirreanda High School. I will record the remarks made by Mark Hopkins, a year 6-7 teacher from Reynella South Primary School, as follows:

Dear Sir, just a quick word to convey my congratulations to you on the organisation of the sports expo held at Wirreanda High School last Thursday. My class and my colleague's class found it to be an excellent experience. The enthusiasm shown by the presenters for the individual activities was contagious and the student host guides are to be applauded for their responsible attitudes. The morning ran smoothly and it was obvious a lot of planning went into the day, ensuring its success. On our return to school the students were abuzz with excitement and enjoyed comparing their experience and the skills they had learnt. Once again, congratulations on a wonderful celebration of the sports and recreation activities available to the youth in our council area. I look forward to being further involved in Youth Week as it continues to blossom over the years.

That is it: we want it to continue to blossom.

Dr McFETRIDGE (Morphett): I congratulate the member for Reynell on her motion and her support for youth and the arts. We have heard her speak on a number of occasions on these matters. I rise to support this motion because at Holdfast Bay we had a similar event. If the Southern Youth Arts Festival was anywhere near as spectacular and successful as that at Holdfast Bay, we would be very fortunate in South Australia to have such a broad range of talent among our youth. Down at Holdfast Bay on Colley Reserve there were from memory about 70 stalls and organisations represented. Thousands of young people came down during the day and into the evening to hear the numerous bands that were playing. The support from local businesses and the City of Holdfast Bay was great to see.

I put on record that I put in $1 000 of my own money, and it will be interesting to see whether members opposite are willing to go that far and put their money where their mouth is. It was certainly appreciated and all members should aspire to supporting youth. The member for West Torrens is not only youthful but also supports youth. Again, it is great to see bipartisanship in this place. The member for Reynell speaks sincerely when she speaks in this place in support of the arts and youth festivals, and I hope all other members can be as sincere in their support of youth in South Australia. It is so important that we do not neglect youth. We hear the cliches that youth are our future and our most precious asset, but how sincere are those sentiments?

The most important part of my life is my family and certainly we have seen a member in another place recognise the fact that the toil of being a member of parliament can put tremendous strain on family relationships. I have certainly enjoyed my first session in this place and I hope it continues to be as enjoyable. I hope to continue to make a positive contribution to this place in future sessions. I want the youth of South Australia to aspire to become politicians. It is great

to see the youth out there at the Southern Youth Arts Festival and at Holdfast Bay enjoying themselves with their music, art and theatre, but there is more to life than art, theatre and sport. There is the serious part of life where you need to make a living and need to have bread on the table and have responsibilities.

It is important that we support not only the arts but also the fantastic lifestyle we have in South Australia. We are so lucky that our youth can enjoy the lifestyle we have here. We see stories in the media and on television about gangs of youths and youth crime. We heard an horrendous tale yesterday of a holdup at one of our schools. For youth to be traumatised in that or any other way is something I absolutely deplore. We as legislators have the responsibility to draw up laws and ensure that they are enforced so that we keep the unique and fantastic South Australian society we have.

To see our youth come out in arts festivals is a very small indication of the broad ability and range of talent we have in South Australia. I was at my Rotary club on Tuesday morning and a young lady was there, having just come back from New York representing the youth leaders at a world conference. I will speak more about this young lady in a grievance debate in a few weeks' time. The potential we have for being not only a talented state but also world leaders here is something of which I am very proud. The opportunities must not be ignored and we must continue to support the youth arts festivals and our youth generally.

Motion carried.

TOURISM DISCUSSION PAPER

Adjourned debate on motion of Mr Hamilton-Smith:

That this house congratulates the federal government and the Minister for Small Business and Tourism, Hon. Joe Hockey, MP, on the launch of a discussion paper in Adelaide on 2 May 2002, which, through industry consultation, is to lead to a white paper and a final 10 year plan to secure the future for the tourism industry in South Australia and across the nation.

(Continued from 30 May. Page 406.)

Ms THOMPSON (Reynell): I am pleased to support the motion, but I do so with some qualification in that South Australia barely rates a mention in this discussion paper, and I was therefore a little surprised that the member for Waite was wanting to note it. I would have thought that he would be more interested in promoting a discussion paper that strongly focused on South Australia rather than on the eastern seaboard. Too many things that come out of Canberra ignore the fact that we exist. South Australia has done very well itself in having tourism plans, and I acknowledge the work of several previous ministers in developing a state tourism plan.

The latest tourism plan is currently in the final stages of consultation after a very extensive process. It seeks to identify new opportunities—and some that have been overlooked in the past—to really make the most of our wonderful state and city, our culture and heritage and make them available to the world in a very comfortable form of tourism experience. We know we have a Convention Centre that has an extraordinary track record and participates at the world level in attracting important conventions to this state. What this government has found since coming to office is that we are not making the most of the opportunities that are provided. We are not piggybacking nearly enough tourism there, so this will be a focus of the new government's endeavours in tourism.

We recognise the need to develop a series of accommodation options and we want to explore those in a way that will enable accommodation to be readily provided for people who come for different sorts of tourism opportunities and one of those is to make the most of the opportunities for sporting tourism, both from Australian guests and from overseas guests. We also know that we have unique opportunities in ecotourism. I was quite astounded to learn some years ago now that Kangaroo Island is extraordinary in terms of its flora and fauna. In fact, I was told by a friend who was seeking to organise a trip to Kangaroo Island for a friend from New York that Kangaroo Island is second only to the Galapagos Islands in terms of the uniqueness of its flora and fauna. The fact that I, as a reasonably well informed South Australian, did not know that, is a disgrace and every South Australian should know just how unique Kangaroo Island is.

I have also learnt recently that Kangaroo Island has the potential for being a major archaeological site of world significance. Our universities, together with various government departments, are investigating that at the moment. We will not know the answer for a while, as is the way with proper research, but we should also be thinking about how we might deal with the situation if we are to be blessed with a site of world archaeological significance. That will indeed provide opportunities for a special tourism venture.

We also have an excellent facility in the Aboriginal Cultures Gallery. There is a special market in the world for people who want to visit anthropological galleries, and Mexico City makes the most of the presence of its significant and really amazing cultural museum. These other opportunities need to be explored and have not been fully developed in the past. We need to continue working on our tourism strategy. We need to draw to the attention of the federal minister the fact that South Australia exists and that it has special tourism opportunities. Probably the best thing for us to do is just to get on with the job of developing our own tourism plan.

Our minister is extremely talented and she has a unique blend of portfolio areas that enable her to make the most of her tourism portfolio. She talks passionately about the way her small business portfolio links with the tourism portfolio, as so many tourism ventures are run by small business. She talks about how her innovation and science portfolios link with tourism opportunities as we seek to bring people to South Australia for conferences and to link with the excellent scientists and innovators that we have in South Australia, so that we combine education and business opportunities with tourism, much more than we have in the past.

We need to see how our various centres of excellence can stimulate niche tourism market opportunities. I look forward to the release of the latest tourism plan, which I know will provide exciting and different opportunities for tourism in South Australia. I support the many small business tourism operators who enable us to offer something unique and vital, and I fully recognise the importance of the tourism industry to our prosperity in South Australia.

Motion carried.

NATIVE VEGETATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 August. Page 1440.)

Mr MEIER (Goyder): This bill is very much a follow-on from what the previous Liberal government submitted to the house, and I was involved with some of behind-the-scenes discussion that occurred with officers from the Department of Environment and Heritage. I had concerns with the original Native Vegetation Act and I also have concerns with some of the proposed changes. Whilst I fully accept and acknowledge that we need to do whatever we can to protect native vegetation, I believe that we have gone overboard in many areas. I say that because I had to take up on behalf of several farmers last year an issue where they could not get their machinery down a particular road adjoining their farms.

The reason was that the council had not taken the opportunity to trim the native vegetation for some years, and it had grown more and more, so that after about 10 to 15 years it was such that wider machinery could not fit through. So, obviously, the council was asked to clear the road so that the machinery through could get through. The council replied that it was not allowed to do that work under the native vegetation regulations. The people said to the council, 'Hang on, we have to make our livelihood. Do you want us to go kilometre after kilometre right around the property, and onto a bitumen road which is very dangerous compared to the dirt road to get to our property?' The answer was yes.

So, one of my constituents used his discretion, for which I gave 10 out of 10, and trimmed back one or two of the offending branches on this road so that he could just get through. The Native Vegetation Authority discovered he had modified the undergrowth, and that is when I became involved in the matter. I took it up at the time, but I was unsuccessful. In fact, this farmer was fined for having cut native vegetation without permission, and nothing has been done still today.

Mr Hanna: And you approved that?

Mr MEIER: Certainly, absolutely, without question. Probably the key economic return for South Australia is farming. If we are going to be so backward as to say, 'Too bad, if trees get in the road, you cannot farm, or you will not be able to go through,' we are kidding ourselves.

I will cite a second example. Another farmer bought an extra farm. He had quite a large land-holding with extensive machinery. Part of the reason for the purchase was that the property virtually adjoined his existing farm. But to get to it, he would have to use a road that had not been used for about 20 years, apart from a tiny part which led to a pistol club. There were on this road bushes that had grown to one to three metres high over the past 20 years. This farmer asked council to grade the road to enable him to get the machinery through, but he received the same answer: no, it is now classed as native vegetation. Even though it is only 20 years old, he is not allowed to take his machinery through. So, again, I took up that case on his behalf.

A representative from the Native Vegetation Council came and looked at it. This guy had planted over 7 000 trees in the last few years on his farms and along the roadside. Just half a dozen trees would have had to be removed, but he had planted 7 000. The answer he received was, 'No, you cannot clear those trees on that little bit of roadway.' I am therefore extremely disappointed at the way the act has been applied to date. I do not believe that this bill will solve that problem.

We could go to a further issue. I refer to the protection of native vegetation along roadways. Basically, there are no problems, but do you think it is sensible to keep native vegetation on our roadways? The answer is no, but accident after accident happens because people driving cars hit trees; so, we are killing our people when trees are too close to the road. However, under the Native Vegetation Act, we are unable to clear in many cases.

The answer is that we have to extend our areas of plantation, and I personally have been involved in tree planting programs over many years. I wish I had time to do more. In fact, the last opportunity occurred about four weeks ago with the Toyota-backed day throughout the state, and I was pleased to be able to help plant quite a few trees on that day.

But one of the classic examples where we can create new expansive areas of vegetation is some kilometres south of Port Wakefield. For those who drive from Adelaide on National Highway 1, when nearing Port Wakefield, you should look out to your left. What used to be desolate fields is now beautiful, mass, intense vegetation of what I assume to be mainly eucalypt trees. It looks magnificent. And who has done it?

Mr Hamilton-Smith: The Army!

Mr MEIER: The Army has planted all of it. They are still advancing further and planting more. So, we have created a huge new bush environment on land that was formerly devoid of trees, and I applaud the action of the Army and the federal government for its stance. I think it is the way to go. But we do need to clear the occasional tree. In many cases it will be as few as two trees that will stop a project. In some cases it may be 10 to 20 trees.

In a reciprocal arrangement, we could have a massive planting of several trees, and I would not care if for every one tree felled we had to plant another 100. That would be fine, because without question we need millions of trees planted. But, to have a hallowed sanctum of native vegetation simply because it has been there for many years is the wrong approach. What will happen to all living trees in the next 100 to 200 years? They will all die, but of course new trees will have come up in their place. So, to protect trees for the sake of protecting them does not achieve anything.

Another classic example is the Old Gum Tree at Glenelg. For those who have not been there lately, it looks like a plastic tree these days. It has served its purpose. It was old when South Australia was first settled; now it is simply a monument. I have nothing against that, but I am making the point that trees live and die.

Mr McEwen: That's a funny thing about trees!

Mr MEIER: It is a funny thing. The mentality today is to protect trees under any circumstances. Do not clear trees anywhere. It is hard to comprehend, but it has taken over our society. I think I have identified what I believe is the approach. Let us have extensive planting.

I compliment all those on Yorke Peninsula who have undertaken massive plantings. In most of my electorate, right across to Balaklava, thousands of trees have been planted, and we must keep that going. We have to be realistic, and I do not believe that this bill gets to the nitty gritty of having a sensible approach, because my farmers are being hurt in so many cases; and there are other examples. I hope that some amendments can be agreed to that will at least make this bill a little more acceptable.

Mr CAICA (Colton): First, I congratulate the people involved with the drafting of the original bill. It speaks volumes for the Liberal Party and indeed the member for Fisher, who were the proponents of the original bill that came before this house. The bill before us today is built on that fine work, and that is quite appropriate.

I do not intend to speak for long on this, and I will not go through in fine detail the similarities between the previous bill and this one, nor the differences that exist between the two. Others have done that and I expect that other speakers will do so again. However, it is appropriate that every effort be made in this house and another place to expedite the passage of this bill, and I hope that that occurs.

I would like to talk briefly on the priorities of the Labor government. We came into office with priorities on health and education. However, equal with those was our priority with respect to the environment. I have conducted many seminars in my electorate of Colton with environmental groups and members of the community, and I was fortunate enough on a couple of occasions to have the present Minister for the Environment and Natural Resources and the Premier speak to my constituents.

One gentleman, well known to this house, Dr Scoresby Shepherd, looked at our party's policy in the area of environment and said categorically, 'This is one of the best policies, if not the best, that I have ever seen. Good luck; I hope that you achieve at least half of it.' Well, it is our intention to achieve all of it over a period of time. I realise that things cannot be achieved overnight.

The environment is a high priority for our government. This bill is long overdue. I have heard some of the contributions made by members opposite, and they have been somewhat interesting. The reality is that we have approximately 10 per cent of our native vegetation left in this state. There are students in South Australia who believe that the bald hills on the Fleurieu Peninsula have always been that way; they have no concept that they were once covered with trees. This bill is about preserving what we have, and that is a good thing. If clearance continues at the rate at which it has been occurring, there will be nothing left, so measures must be put in place to ensure that we preserve and keep what we have. That is important. We must not only protect and preserve but also create a situation where revegetation occurs, and this bill goes some way towards creating such a situation.

I will highlight some of the points made by other speakers and, in particular, reinforce the point that this bill has been a long time coming. It seeks to improve the legislative framework for the protection of native vegetation, and that is a good thing. It is a quantum step forward. I acknowledge the work undertaken by the previous government, and this builds on that, as is our right. There is no need to reinvent the wheel; if we can make things better through changes in legislation, that can only be a good thing.

Our record in South Australia with respect to native vegetation is appalling, for want of a better term, and that must stop. The member for Stuart said that this bill will impede farmers' ability to manage their properties effectively and, just as important, that it will act adversely in relation to those who have done the right thing in the past. I am not suggesting that is true, but the member for Stuart's comments were all encompassing. It is naive and ridiculous to suggest that every farmer always does the right thing, just as it is equally ridiculous and naive to suggest that every parliamentarian in this house always does the right thing or that every firefighter acts appropriately on all occasions.

So, the bill has been introduced to ensure that the right thing is done and, more importantly, that, if the right thing is not done, it contains deterrents. The increased penalties provided for in this bill are a good thing and will act as a deterrent to those people who do not conduct their business properly. If it is appropriate for the United States to have a huge arsenal of nuclear weapons and call it a deterrent, it is more than appropriate for this government to put in place penalties that will act as a deterrent to native vegetation clearance.

Our record in the area of native vegetation and quite a few areas of the environment has been far from satisfactory. In fact, the white population since occupation has created more environmental damage in 200 years with 18 million people (as it stands today) than the United States has done with 200 million. As opposed to learning from the problems that have occurred in other parts of world, we seem to have contributed to what is essentially an environmental disaster that is now confronting Australia. Whether it be native vegetation, the management of our water supplies or wherever work is to be done, this will be a priority of our government.

Clearance is still occurring, and this bill will help to stop that. To a great extent clearance will continue to occur. Earlier, an honourable member mentioned the impediments that exist with respect to clearance. Permission can be sought to clear trees, and a committee is in place to hear submissions from those who wish to clear trees. This bill stops broadacre clearance, and that can only be a good thing. The committee to which those people who wish to clear can submit their proposal (I think an earlier comment was 'two trees') is headed up by none other than the Hon. Peter Dunn, who is well known here as a former President of another place. So, I think that committee is in good hands.

I will also touch briefly on the expectations of not just the broader community but the whole community. I look at my two children, aged 14½ and 11½. As are all schoolchildren, both James and Simon are taught at school of the importance of preserving our environment. There is an expectation that the government of the day in Australia will do those things that are necessary to preserve and protect our environment. I thought that may have been done by a previous generation, but it looks as though we will put in place measures that will necessarily have to be built on by my sons' generation when they come to positions of authority in order to make sure that our environment is protected.

This is an effective management tool to preserve what little native vegetation we still have in place. It incorporates many of the aspects of the previous bills that have been before this house. This bill certainly deserves speedy passage from this place to the other place, and I encourage everyone to support it so that that occurs. The sooner it is in place, the better.

I do not want to take up too much of the time of the house, but I will continue to reinforce a few points to take us through to the lunch break.

Ms Breuer: Tell us about when you were at school!

Mr CAICA: It was a very pleasant time when I was at school, and we were taught many things about the environment and the importance of preserving and protecting it. I am pleased to be in a place today where I can play my part. I support this bill and urge everyone to do so. I commend this bill to the house.

Mrs REDMOND (Heysen): With any luck, I might be able to get through my comments before the break. I have only a couple of comments to make. I support what the bill is about. In fact, in this week's *Courier*, my local newspaper, there is an article about a former Chairman of the Stirling District Council, and I was his Deputy Chairman many years ago. He has been undertaking an environmental improvement

program on his own property in Bridgewater for the past 25 years, and in the paper this week he was reported as encouraging all land-holders to become involved in the issue of saving remnant vegetation. He refers to quite a few endangered species in the southern Mount Lofty Ranges which he has managed to keep on his property.

I will take issue with one point made by the member for Colton, who said that we do not have a very good record. I believe that over the past 20 years this parliament has had a bilateral and bipartisan approach to the issue of native vegetation. It has a proud history and has been one of the leaders in what the minister referred to in his second reading speech as 'off park conservation'. In fact, we have quite a good record in that area. The aims of this bill are to extend that and improve it even further, to end broadacre clearance of native vegetation and significantly encourage revegetation.

I am pleased to see the elements brought in under this legislation to protect revegetation once it has occurred. One of the problems with revegetation has arisen when a new owner comes along and can subsequently wipe it out, because it was not protected with the same measures under the previous act. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

[Sitting suspended from 1 to 2 p.m.]

STATUTES AMENDMENT (ENVIRONMENT PROTECTION) BILL

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

SAME SEX COUPLES

A petition signed by 1 170 residents of South Australia, requesting the house support the passage of legislation to remove discriminatory provisions from all state legislation which discriminates against people in same sex relationships, was presented by Ms Bedford.

Petition received.

COURT DELAYS

A petition signed by 260 residents of South Australia, requesting the house to expedite new legislation to prevent unnecessary court delays, was presented by Ms Bedford.

Petition received.

CAPITAL WORKS PROGRAM

In reply to **Hon. I.F. EVANS** (6 June).

The Hon. K.O. FOLEY: Appendix one of the 2002-03 Capital Investment Statement (Budget Paper 5, tabled in Parliament on 11 July 2002) contains a summary by portfolio of the 2001-02 budget and estimated result. The appendix also contains explanations for the major variations arising during 2001-02.

MINING AND PETROLEUM EXPLORATION

In reply to **Hon. W.A. MATTHEW** (17 July).

The Hon. K.O. FOLEY: The Minister for Mineral Resources Development has provided the following information:

The honourable member referred to figures relating to the funding of the program Targeted Exploration Initiative South Australia (TEISA) 2020 at some stage in the budget negotiations being $1.99 million in 2002-03, increasing to $2.45 million in 2004-05. The figures quoted by the Honourable member are out of context in that they relate specifically to only the Western region of the State of the original expansionary budget bid put forward, but never approved, by the former Government in the Budget Bilateral process back in December 2001. The December 2001 bid put forward for TEISA included significant expansionary components which were subsequently refined downwards by the agency to $1.2 million to match the existing level of funding in the 2001-02 Budget.

The level of funding in the 2002-03 Budget of $1.14 million is in line with last year's funding, amended for a slight reduction consistent with the Government's approach to this year's Budget but with a built in growth of the program to $1.71 million by 2005-06. The Government has committed $5.7 million to the TEISA 2020 program over the next 4 years, which can clearly be stated as a "Boost to mineral and petroleum exploration" in South Australia.

The government has approved a projected growth of the TEISA program from $1.2 million in 2001-02, under the former government, to $1.71 million in 2005-06 and not a large cut in funding of a vital program as intimated by the honourable member.

FINES AND EXPIATION NOTICES

In reply to **Mr BROKENSHIRE** (15 July).

The Hon. K.O. FOLEY: It has been ascertained that the projected increase in fines and expiation notices, as reported in Budget Paper No. 4, Vol. No. 1, page 5.20, refers only to those expiation notices that are referred to the courts.

Revenue from expiation notices that are referred to court is collected by the Courts Administration Authority (CAA). Such notices usually involve matters associated with enforcement where court fees are added to the expiation penalty, or where motorists apply for relief through court, in which case the expiation penalty is collected over a time payment arrangement.

Despite the projected increase in the number of matters dealt with by the CAA, total cash receipts from fines and penalties collected by the CAA is estimated to reduce from $14.7 million in 2001-02 to $14.4 million in 2002-03. In the last few years there has been a program to resolve a large number of old outstanding unpaid fines, and the decrease in receipts is due to the winding down of expected benefits from this program.

BIOSECURITY

In reply to **Hon. R.G. KERIN** (18 July).

The Hon. K.O. FOLEY: The Minister for Agriculture, Food and Fisheries has provided the following information:

Expenditure incurred by PIRSA under the output titled Incident Response Services during 2001-02 comprised largely of Biosecurity issues and included the following major areas:

Fruit Fly (including eradication, responses, and release of sterile flies)	$3.039m
State Ovine Johnes Disease	$2.987m
Branched Broomrape	$2.100m
Red Imported Fire Ants	$1.103m
Other (including overheads)	$0.958m
	$10.187m

It should be noted that the 2001-02 budgeted expenditure for this output was $5.851m, however higher than anticipated expenditure, particularly with respect to Fruit Fly and State Ovine Johnes Disease, resulted in an expenditure outcome much higher than typically expected.

Budgeted expenditure for Incident Response Services of $6.212m for 2002-03 (an increase on the 2001-02 budget) is based largely upon estimated requirements for Fruit Fly, State Ovine Johnes Disease, Red Imported Fire Ants and other pests and diseases that require a response during the year. Additionally, expenditure for Branched Broomrape previously reflected under PIRSA, is from 2002-03 reflected under the Department of Water, Land, Biodiversity and Conservation.

Base level funding for Biosecurity has not been subject to any budget reductions and as such, remains at the same level as provided by the previous Government. If however, funding allocated for Biosecurity incidents during the year proves to be inadequate, additional funding will be sought from Cabinet. This is consistent with the approach adopted by the previous government.

With respect to Foot and Mouth and BSE (Mad Cow), an amount of $0.95m has been set aside for 2002-03 increasing to $1.9m in 2003-04 and $2.09m ongoing from 2004-05. A major emphasis for this initiative is to ensure that South Australia is well placed for early detection and a linked rapid and effective response capability.

SOLAR ECLIPSE

In reply to **Mr VENNING** (13 August).

The Hon. J.D. LOMAX-SMITH: The Chief Executive Officer of Ceduna council, Tony Irvine, wrote to the Minister for Tourism on 23 July 2002 regarding funding to assist with planning and managing the expected influx of people into the town for the total solar eclipse.

AUDITOR-GENERAL'S REPORT: PORT ADELAIDE REDEVELOPMENT

The SPEAKER: I lay on the table the final report of the Auditor-General on the Port Adelaide Waterfront Redevelopment—Misdirection of Bid Documents.

Report received and ordered to be published.

KYOTO PROTOCOL

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

Leave granted.

The Hon. M.D. RANN: I wish to announce that this morning cabinet formally endorsed the South Australian government's support for Australia ratifying the Kyoto Protocol and formally resolved to call upon the Howard government to sign off on this historic plan. In doing so, we join with the governments of New South Wales, Tasmania, the Northern Territory, Victoria and the ACT, and we unite with 86 other nations from around the world. The fact that we have chosen to do this at the very highest level of government in this state reflects how seriously we regard our precious environment.

The government has taken this position because we believe it is in the best interests of our nation and our world, not only environmentally but also economically. Current projections indicate that global temperatures will rise between 1.4° and 5.8° Centigrade between 1990 and 2100. This prediction is given credibility when we consider that the 1990s were the hottest decade on record. Climate change has the potential to have a major impact on the daily lives of all South Australians. The list of risk areas is quite chilling and includes:

- changes in agricultural production—loss of high production lands;
- increased flooding intensity;
- increased bushfire risk;
- less available water;
- greater potential for infectious diseases;
- air pollution;
- heat stress morbidity; and
- greater risk of land degradation.

In addition, our energy requirements will increase due to longer, hotter conditions and our whole system of transport infrastructure may have to be redesigned. The implications of climate change are simply enormous. We cannot afford to stand back and do nothing.

At the 1992 World Summit in Rio, attended by the South Australian government of the time, climate change was universally recognised as one of the most pressing problems facing our world. As a result, the United Nations Framework Convention on Climate Change was signed. After a further five years of work, the Kyoto Protocol was negotiated, establishing a global requirement for a 5 per cent reduction of greenhouse gas emissions by developed countries by 2008-12.

Since all countries have different economic circumstances and capacities to reduce emissions, each country has an individual target that takes into account these differences. Australia's target is to limit the growth of greenhouse gas emissions to an 8 per cent increase in emissions within the target period. However, the benefits of ratifying the Kyoto Protocol are not only environmental: there are clear economic benefits to ratification.

Clearly, the risks mentioned before have significant economic implications, particularly the massive damage to primary industries that would result. It is imperative that we determine clever strategies to anticipate the consequences of these risks. In addition, countries which ratify the protocol are then eligible to participate in international mechanisms: the clean development mechanism, joint implementation and, especially, international emissions trading.

It is expected that international trading of carbon credits will be a $6 billion annual industry. Australia is especially well placed to participate in this scheme. We have the space and the serious need to revegetate and reafforest our continent. But we are allowed to participate in carbon trading schemes only if we ratify the Kyoto Protocol. Participation will enable us to address our global emissions responsibilities while combating our salinity problems. This is a win-win situation for everyone.

Earth Summit 2 is currently meeting in Johannesburg. Yesterday, the World Business Council for Sustainable Development, whose members include BHP, BP and Shell, united with Greenpeace to call on all nations to ratify the Kyoto Protocol. I call on the Prime Minister to reconsider his position and to commit now to ratifying the Kyoto Protocol. Such a change in stance by John Howard would not be seen as a political backflip: it would be welcomed by the nations of the world and applauded by me and my government.

I urge the Prime Minister to think of our children. What sort of world do we want to pass on to our children, grandchildren and their children—a green and productive planet or one that is sick and endangered? At the state level, South Australia is playing its part and wants to do more. We support the National Greenhouse Strategy, and we are developing an energy policy that is complementary to it. We have announced a wind farm strategy and we are promoting the use of solar power; we are even encouraging our cultural institutions, such as the Museum and the Art Gallery, to use solar power.

We want other institutions on North Terrace and elsewhere in the CBD to embrace alternative energy initiatives. There is a strong level of support for developing Adelaide as a metropolitan area, as well as developing the city of Adelaide as a green city. Yesterday, a number of ministers including the Minister for Environment, the Minister for Planning and the Minister for Tourism and Science met with the Lord Mayor and other councillors. This support is well demonstrated by the positive partnership between the Adelaide City Council and the state government of South Australia. The Capital City Committee, set up by the former government has, this week, decided to embrace the concept of developing Adelaide as a green city. The partnership will drive initiatives such as massively increasing the number of trees planted in the city as well as the country, and by encouraging developers to construct more energy efficient buildings.

We want to see urban and suburban forests as iconic lungs of our city. There is great scope for the government to facilitate more energy efficient building, planning and

construction in the longer term. The creation of urban forests also fits well with our wider plan to involve young people in directly shaping their own sustainable future—the creation of the youth conservation corp and projects to provide a stimulating environment to make involvement in green issues fun as well as rewarding. A practical slogan of the green movement is: 'think globally and act locally'. I believe we are doing that in South Australia and we, as a government, in partnership with the City of Adelaide, want to do better. So, today, in the spirit of bipartisanship, rather than rancour, I am urging John Howard to do just that by signing off on Kyoto. The world sorely needs vision and strong, positive leadership. Australia has a golden opportunity to demonstrate this leadership internationally right now. We are proud as a government to support the Kyoto Protocols.

WEST LAKES, NOXIOUS WEED

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

Leave granted.

The Hon. M.D. RANN: I want to update the house on the war against the noxious seaweed Caulerpa Taxifolia, which has invaded West Lakes and part of the Port River. I am advised that physical removal of the weed from the upper reaches of the Port River will begin on or about 10 September. Commercial divers will use hand-held suction gear to remove the weed there. At present, contractors are working hard assembling the specialist equipment and establishing the screens that are needed. Scientific trials are still under way in West Lakes. I am advised that so far they have indicated that copper sulphate is the best option in eradicating the seaweed in West Lakes. Further assessment is being undertaken, however, on the dosage rates. Recent tests now indicate that two parts per million of copper sulphate may not be high enough to effect a 100 per cent kill of this mutant seaweed. The thickness of the weed may mean that a single dose at that rate will not penetrate the layers of the seaweed completely.

The Department of Primary Industries has advised me that options for double dosing and/or stronger concentrations are now being considered. As we have acknowledged before, these treatments will have devastating effects on the lake in the short term, but there are no other options if we are to fight a mutant seaweed that has the ability, particularly in the summer months, to cause devastation to our fish breeding grounds and also to other areas of the state. But failing to act would leave the weed to kill the lake slowly, while it would spread and threaten other precious waterways and our valuable fisheries.

I am told that if a copper sulphate treatment is used, then recovery to pre-treatment level will occur naturally through the infusion of salt water over a 12 to 24 month period. Once some plant growth and invertebrates are established back in the lake to a reasonable level it will be possible to stock the lake with fish from the SARDI hatchery to speed up recovery of the lake as a popular fishing area.

Modelling of the release of water from West Lakes with different concentrations of copper sulphate is now being conducted. These results will not be available until at least mid-September due to the complicated nature of the mathematical analysis. They then have to be carefully assessed. That will push back the treatment time for West Lakes potentially to late October at the earliest. Further preliminary genetic tests by the CSIRO Marine Division suggest the strain may be something other than the so-called 'Mediterranean' strain that developed from mutations that occurred in Stuttgart in Germany and then travelled, as I understand it, to Monaco and Monte Carlo. The genetic tests, however, are inconclusive about what strain or strains of this mutant variety have invaded West Lakes. The tests raise more questions than they answer.

What is agreed is that the seaweed is an aggressive pest and cold-temperature tolerant. It must be eradicated before further environmental damage is caused. There is no other option than to wage the scientific equivalent of war against this pest. Further public meetings and meetings with water users commence from today to keep people up to date on the project and likely treatment time frames. I would also like to indicate to the opposition leader and to members opposite that he and the relevant shadow ministers are welcome to be briefed by the government's scientific experts on this environmental hazard and the options for dealing with it.

HOSPITALS, PRIVATE PATIENTS

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

Leave granted.

The Hon. L. STEVENS: On Monday of this week the member for Finniss raised in this house allegations that a person had been refused a CT scan at the Royal Adelaide Hospital on the grounds that he had private health insurance. I was asked if I would investigate whether patients at public hospitals were being discriminated against on the basis of their private health insurance. I agreed immediately to follow up the allegations raised by the honourable member—although I note that we were not provided with the information from the member until yesterday afternoon. Then, again yesterday, another allegation of a similar nature was raised in this house by the member for Finniss about a woman at the Modbury Hospital who it is claimed was also discriminated against on the basis of her private health insurance status.

Investigations into that case are also under way, and I appreciate the member for Finniss's being more prompt in providing us with information on that case. I have not been presented with any evidence that there is any discrimination of this type in our public hospitals. Indeed, I have checked with the Ombudsman's office to see if they have been asked to inquire into such complaints and what his officers have found. The Deputy Ombudsman today has confirmed that he had no evidence that our public hospitals have been turning people away on the basis of their health insurance status. I would be appalled if there had been any evidence of this practice. I can assure the house that, if any evidence of such practice is presented to me or my office, it will be stamped out very quickly by me as minister.

In the case of the person who arrived at the Royal Adelaide Hospital on Monday 19 August at 10 p.m., I have been provided with the following information. I am told that the patient was examined an hour after arriving at the emergency department complaining of blurred vision, nausea and numbness. The doctor found that the patient had no persisting symptoms and no abnormalities. The patient was kept in the emergency department for several hours under observation and, as a precaution, he was examined by a consultant physician. It was the consultant physician who decided that admission to the hospital and a CT scan were not required.

I am assured that at this time the consultant was not aware of the patient's private health insurance status. I am told that a series of tests were carried out on the patient by the emergency department medical officer. On Monday the member for Finniss quoted a line from the medical officer's four pages of case notes in which it says,'As has private cover, discharge'. He then said,' There are then some abbreviations, which I cannot understand.' The medical officer who wrote the notes was asked to explain. I am told that the abbreviations that the member for Finniss could not understand are in fact the results of a series of tests that were conducted on the patient by the hospital. The medical officer's notes indicate that the patient was to be discharged only on the basis of those tests, all of which were returned within two hours and which indicated that the patient would be discharged.

It is normal practice for medical officers to note whether a patient has private health cover in the event the patient required admission to hospital at a later time. In fact, that is totally appropriate and needs to be done so that people are then given a choice as to how they wish to be dealt with and whether they wish to be subsequently transferred to a private hospital.

Members interjecting:

The SPEAKER: Order! I am listening intently to this and I trust that other members are.

The Hon. L. STEVENS: It is important to note that this patient was treated by the hospital as a public patient. He was not refused service and he was treated irrespective of his insurance status. As the patient complained of no further symptoms and no obvious diagnosis could be found, he was discharged from the emergency department at 2 a.m. I am told that it is standard practice for patients who are discharged or released from hospital to be referred to a GP or invited to return to the hospital should symptoms recur. The patient was given a copy of his medical case notes for his GP in lieu of a discharge letter.

Members interjecting:

The SPEAKER: Order!

The Hon. L. STEVENS: I am advised that the patient was told that if he experienced a recurrence of his symptoms or had other health concerns, he should see his GP, who may consider ordering a CT scan, based on any symptoms he may have at the time.

I am also following up on the allegations raised in this house by the member for Finniss concerning a Modbury Hospital patient. Preliminary advice I have received today indicates that this patient was also provided with appropriate treatment by the hospital as a public patient. However, I am still waiting for a detailed report from the private operators of the Modbury Hospital—Healthscope—and I will report back to the house as soon as that information is made available.

Members interjecting:

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

EDUCATION CHIEF EXECUTIVE OFFICER

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

Leave granted.

The Hon. P.L. WHITE: I am pleased to announce today the appointment of a new Chief Executive for the Department of Education and Children's Services. Mr Steven Marshall will take up the position of Chief Executive on 14 October, which coincides with the beginning of school term 4. Acting Chief Executive Mr Jeff Walsh will continue in the role until that time. Mr Marshall, originally a principal and superintendent in South Australia, is regarded as one of the most respected educational leaders and drivers of innovation in Australia. He is currently Regional Director, Western Metropolitan Region, Department of Education and Training, in Victoria. He has devised and led numerous reforms, has substantial international experience and is passionate in his desire to see South Australia again lead the nation in education.

Mr Marshall has extensive experience, skills and expertise in leading and managing complex organisational change and reform, school evaluation and improvement, and developing leadership in education. In particular, he has a strong commitment to and expertise in social inclusion and is recognised across government for his work in community building. Mr Marshall has had particular success in initiating and leading the development of cross-government agency partnerships to improve student retention, attendance and achievement in a culturally diverse and complex environment. His work in these areas, which are all priorities of this state government, has been highly successful.

Mr Marshall's extensive country and city experience includes roles as a teacher, educational consultant, curriculum writer, policy developer, researcher, principal and superintendent of schools in South Australia. For the past eight years, he has been a senior executive in the Department of Education and Training in Victoria and has been at the forefront of developing and implementing educational reform. Mr Marshall has educational qualifications in curriculum and professional development—

Members interjecting:

The SPEAKER: Order!

The Hon. P.L. WHITE: —a Master of Educational Administration and a Master of Business Administration. He has drive, talent and integrity, and I look forward to working with him to ensure that every South Australian child reaches their full potential. Mr Marshall is married to Karyn and has three young children.

LOCAL GOVERNMENT FORUM

The Hon. J.W. WEATHERILL (Minister for Local Government): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: I advise the house of the first meeting of the Minister's Local Government Forum today here at Parliament House. The establishment of the Minister's Local Government Forum was an election promise of the state government, and the government is committed to a strong and productive relationship with the local government sector in South Australia. There is no question that there are substantial benefits to be had for the state as a whole and for the communities within the state from a constructive relationship based on mutual respect between the two sectors. The forum will make a significant contribution to the development of this strong and productive relationship.

The forum will be a mechanism for state and local government to discuss and progress strategic issues affecting state and local government relationships and service delivery to South Australians. I have been working closely with the President of the Local Government Association over the past months to develop an agreed basis for the operation of the

forum so that it can enjoy the support and confidence of both spheres of government.

On 1 July, cabinet approved the detailed arrangements for the establishment of the Minister's Local Government Forum, including its membership, terms of reference, method of operation and its relationship with the LGA and state government agencies. The forum will provide advice on key priorities where state and local government can work effectively together to achieve better outcomes. It will harness the resources of both spheres of government and coordinate efforts in key areas and bring new and imaginative solutions to shared issues. The work of the forum will be supported through the establishment of a small, independent reference group that will be able to bring a range of other perspectives to the work of the forum.

Issues to be referred to the forum will be agreed with the relevant ministers and the LGA. I have clearly stated, however, that it is my expectation that there will be a limited number of items of shared importance to be referred to the forum initially in order to ensure that its work is focused on outcomes.

The broad terms of reference of the forum approved by cabinet and agreed to by the LGA are as follows:

To advise the Minister for Local Government, the Premier, Cabinet and the Local Government Association on matters referred to the forum by the minister that are:

- of significance to the state and the local government sector and require a high level of cooperation between the state government and local government for the objectives to be achieved;
- at the interface of state government and local government activities and service delivery that have significance across more than one portfolio;
- substantial, achievable and relevant to local government generally or at least a substantial part of it; and
- only capable of being delivered with the support of both sectors of government.

The membership of the forum is made up of local government nominees from regional and metropolitan councils, nominees of state agencies with a significant interface with local government, and members from the two principal local government unions, the ASU and the AWU.

The President and the Executive Director of the LGA have also agreed to be members of the forum. I will chair the forum and have invited two of my ministerial colleagues to participate in it. The work of the forum will be progressed by specially selected and resourced project teams, with representatives of both state and local government. Hopefully, the independent reference group will assist in thinking outside of the square. I want to make it clear that I expect the forum to play a key and practical role in advancing the relationship between the two sectors.

In conclusion, I can assure the house that this forum will not be another talkfest discussing the meaning of life or abstract concepts about intergovernmental relationships. I have deliberately stated that it is not expected to try to tackle every issue at the interface between state and local government relations: that would be unrealistic. Rather, it will tackle a small number of issues at any one time but will focus on producing results.

In the early days of the forum we will be considering the following items: stormwater drainage and flood mitigation; development planning; waste management; national resource management; regional passenger transport; and licensing of small extractive mineral operations. I expect that, when the forum next meets after today, in October and November, there will be substantial progress on a number of those items. It should be a hallmark of the relationship between state and local government under this new government.

QUESTION TIME

MURRAY RIVER

The Hon. R.G. KERIN (Leader of the Opposition): My question is directed to the Premier. What action will the South Australian government take to force the New South Wales and Victorian Labor governments to put a third of the extra Snowy scheme water into the River Murray as required by the Snowy River Agreement? Under the Snowy River Agreement, the New South Wales and Victorian Labor governments are required to put 140 000 megalitres per year into the Snowy River and 70 000 megalitres into the River Murray. Yesterday these governments met their commitment for the extra water into the Snowy but have breached the agreement to put a third of the extra water into the Murray. The governments are required to put the extra water into the Murray before starting the extra flow into the Snowy River. That has not occurred.

The Hon. J.D. HILL (Minister for the River Murray): Perhaps the leader was not listening yesterday when I gave a reasonably lengthy answer to the same question. The point I made yesterday, and I will go through it for the benefit of the house, is that, under the former government, arrangements were made, deals were signed, involving one of the former government's ministers, with the New South Wales and Victorian ministers on a proposal that was to create extra water for the Snowy scheme. When we came into government we had a look at that arrangement to see if we had to sign it. The best advice we got from Crown Law was that we did have to sign it, so we went ahead.

The Hon. D.C. Kotz: You did sign it?

The Hon. J.D. HILL: The final document, yes. The only leverage we had was when we signed the document. As a result of that leverage, the Premier was able to broker a separate deal with the Hon. Steve Bracks, Premier of Victoria. As a result of that, the River Murray in South Australia will get an extra 30 gigalitres of water. In addition to that, as I pointed out to the house, the Murray-Darling Ministerial Council has agreed to look for additional water for the Murray over the next 12 to 18 months or so. We are targeting 1 500 gigalitres of water. Part of that will be the 70 gigalitres of water that the federal government agreed to put in as a sweetener for the Snowy corporatisation deal. The reality is that, once that deal was agreed to—and that was done under the former government—we had no alternative but to go ahead with that.

Mr Brindal interjecting:

The Hon. J.D. HILL: It is not rubbish, member for Unley. You were responsible for entering into an agreement with the New South Wales and Victorian governments and the commonwealth to corporatise the Snowy scheme. The outcome of that was the release of additional water for the Snowy River system. A smaller amount of water—70 gigalitres or so—was to be found for the Murray River, and the commonwealth will fund that in due course. After we came to government the Premier of South Australia reached a side deal with the Premier of Victoria to provide an extra 30 gigalitres of water. That is the sad reality. We would like to see any available water put down the Murray River.

An honourable member interjecting:

The Hon. J.D. HILL: I am not misleading the house. If you believe I am misleading the house, come up and move a substantive motion on it. The reality is that, once that deal had been entered into, there was nothing we could do. But, we will continue to fight, argue our case and work with the eastern states and the commonwealth to find additional water, because we know that we need about 3 000 gigalitres of additional water to make the Murray River healthy.

Members interjecting:

The SPEAKER: Order! If I could identify who that was I would warn them.

An honourable member: It was the Treasurer!

The SPEAKER: Then I warn the Treasurer. The Leader of the Opposition.

The Hon. R.G. KERIN: As a supplementary question: has the minister approached the Victorian and New South Wales governments about the 70 000 megalitres being put down the Murray River, as was supposed to happen before the Snowy got its water?

The Hon. J.D. HILL: As I said, as part of the deal to corporatise the Snowy and find water 70 gigalitres of water for the Snowy River which would be funded—

Members interjecting:

The Hon. J.D. HILL: Are you sure on the maths? It is 70 gigalitres; I will leave the swimming pool comparison to you. As part of the arrangements, the commonwealth agreed to put in $75 million to find 70 gigalitres of water for the Murray River. As I said, the ministerial council which met in April and which included all the ministers involved in the catchment plus the commonwealth agreed on a program to find up to 1 500 gigalitres. The 70 gigalitres to which the honourable member refers is to be part of that general 1 500, so that is the first stage in the plan. The leader asked the question about whether that was to come prior to the—

Members interjecting:

The Hon. J.D. HILL: I do not believe that to be the case, but I will get some further information for the honourable member.

NURSES

Ms RANKINE (Wright): Has the Minister for Health had discussions with universities about increasing the number of places for undergraduate nurses to address the shortfall left by the previous government?

The Hon. L. STEVENS (Minister for Health): I thank the honourable member for this question, because this is one of the most serious issues confronting our health services at the current time, and because the need to train more nurses is critical to staffing our hospitals. The previous minister failed to plan for our nursing work force requirements. As a result, we cannot open the beds that we have funded this year in our budget to deal with the mess left by the previous minister—the beds that the public desperately need.

When I came into office I was told almost immediately of the failure of the previous minister to act and that this had led to a cumulative shortage of at least 400 nurses. Within weeks of assuming my portfolio, I convened a high level group to put together a comprehensive strategic plan. The government has allocated $2.7 million this year for nurse recruitment and retention. One part of this strategy is to establish additional places for nursing undergraduates at the universities.

On 9 July I told the house that I had personally met with the vice-chancellors of the three universities to discuss the need for increased intakes of students into nursing courses. The universities have now been offered grants to establish a total of an extra 150 new places for nursing undergraduates next year. I am informed that this will involve the development of a new course at Adelaide University which will be supported by additional allocations.

I have also been informed that the University of South Australia is considering its own commitment to a further 25 places. I am pleased with their response to my invitation to talk and plan for the future, and I look forward to releasing the full report of my task force with its comprehensive strategic plan as soon as possible.

TAXIS, DEREGULATION

The Hon. M.R. BUCKBY (Light): My question is directed to the Minister for Transport. Given the Treasurer's statement that non-compliance with the wishes of the National Competition Council is putting South Australia at risk of losing tens of millions of dollars in competition payments, will the minister outline to the house the government's commitment to deregulation of the taxi industry within South Australia?

The Hon. M.J. WRIGHT (Minister for Transport): I think I said to the house yesterday or the day before that I met with Graeme Samuel last Thursday and that we discussed a range of issues, including taxis. He highlighted to me that the one outstanding issue for South Australia is shop trading hours.

Members interjecting:

The Hon. M.J. WRIGHT: The one outstanding issue for South Australia is shop trading hours. Well might the opposition laugh, as they knew full well as we went into this debate and as the bill proceeded through the Legislative Council the position of Graeme Samuel because that was well explained and well articulated. However, despite that, they have still chosen deliberately to go to a select committee which will achieve nothing with regard to shop trading hours. The opposition has put at risk competition payments which the Treasurer has highlighted to this house. Let the opposition apologise to the taxpayers of South Australia!

Members interjecting:

The SPEAKER: Order!

DEEP WATER GRAIN TERMINAL

Mr CAICA (Colton): Will the Minister for Government Enterprises update the house on the progress of proposals for a deep water grain terminal?

The Hon. P.F. CONLON (Minister for Government Enterprises): This is a very important matter, for which I think we will get a degree of bipartisan support. The matter has not been to cabinet but, given the report in today's newspaper which may create some concerns for the public, I think it is important to put on the record where we are with this so that we do not have, in particular, the member for Bright running around over the next seven weeks trying to frighten people by talking it up. On the one hand, we have the member for Bright saving people from freight trains and, on the other hand, the member for Mawson supporting the issue. That is the sort of attitude that we get from Harry and Lloyd Christmas over there on a regular basis.

Mr Brokenshire interjecting:

The SPEAKER: Order! The member for Mawson is not involved in an auction.

The Hon. P.F. CONLON: If he likes, I can explain that to the member for Mawson later. It is a serious issue. Whilst the recommendation is being brought to cabinet by the Minister for Transport, it is necessary to indicate at this time that the recommendation will be for a deep water terminal at Port Adelaide.

This has been the result of lengthy discussions and negotiations, and I recognise the role of Rod Hook in his dealings with the industry. We have been very keen to make the best of the situation we inherited and, in particular, we have been working very hard to reach a solution which is fair to all members of the industry and which does not involve their getting different solutions and overspending on infrastructure.

We would be concerned if the Wheat Board and the Barley Board were to proceed with a Port Stanvac solution and overbuild infrastructure, if we do go down the path of a solution at Port Adelaide. We continue to talk to the industry and, by the same token, we continue to talk to Ausbulk about its ability to accommodate the interests of the rest of the industry, which is what should happen.

The recommendation for the port of Adelaide is based on many things—not only the interests of the grain industry but also the future interests of the port of Adelaide itself and concerns about the possible need to deepen the port for container terminals. We have had to take all those issues into account, and it has been a difficult process. I thank the participants, because we have had to put on hold some legal obligations, and that is always difficult. We hope that very soon the Minister for Transport will take that submission to cabinet and we will reach a resolution.

Again, I say to the industry, to Ausbulk, to the Wheat Board and to the Barley Board that it is very difficult to obtain a resolution because, as many here would know, disputes between the Wheat Board, the Barley Board and Ausbulk do not occur solely in South Australia: there is much ongoing disputation within the industry at a national level, but we have to live with that.

Robert Champion de Crespigny is also taking an interest and has encouraged the industry to work more cooperatively. We have taken a similar approach in terms of the gas pipeline, and we have been working very hard with the industry, because that is the right approach. We do not want to see overspending on infrastructure, the duplication of facilities or infrastructure because, ultimately, the industry and South Australians will pay the price.

Very soon I hope to make an announcement, but, for the benefit of the diligent reporters at the *Advertiser*, I want to lay to rest some of the concerns that may have been created. It would be very unlikely for Port Stanvac to proceed if there is a Port Adelaide solution, as requested. I stress that we continue to talk to the participants to ensure that the solution is fair to all.

NETBALL FUNDING

The Hon. D.C. KOTZ (Newland): My question is directed to the Minister for Recreation, Sport and Racing. Given the Premier's role as patron of the Adelaide Ravens, why did the minister not inform the Premier that the government had refused Netball SA's request for $50 000 funding to finance the continued running of South Australia's two national netball teams, including the Adelaide Ravens?

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): I thank the member for her question. With respect to its content, a similar question was asked yesterday.

The Hon. W.A. Matthew interjecting:

The Hon. M.J. WRIGHT: Will you give me the chance to answer, or—

The SPEAKER: I warn the member for Bright.

The Hon. M.J. WRIGHT: Thank you. As I said, a similar question was asked yesterday with respect to the general content of the tenor of this question. It is a pretty simple answer: as I said yesterday, Netball SA came to me for a request. I repeat—Netball SA. It was not the Ravens but Netball SA. And when Netball SA came to me—and I made the point yesterday that Clive Armour came as the Chairman, and in addition there was Greg Humphreys, General Manager and Val Wright—the request that they made on behalf of Netball SA (not the Ravens) was for that $50 000 contribution to which the shadow minister refers.

I can only say again what I said yesterday, namely, that when the proposal was made by Netball SA I spoke about the difficulty in regard to our changing the loan arrangements and the underwriting that was in place. And why was it difficult? Because of the black hole that we have been left with by the former government! That is why it is difficult! Why are we in a tight budgetary situation? Why are we in a difficult financial situation? It is because of the budgetary situation left to us by the previous government. But, let us look at the broader picture.

Members interjecting:

The SPEAKER: Order! I want the minister to look at the narrower picture, thank you. The question was about the $50 000 subsidy for the Ravens.

The Hon. M.J. WRIGHT: Netball SA came to me, sir, because of the arrangements that were put in place by the previous government. And that is why we need to look at the broad picture: because we need to look at when this arrangement was put in place. And it was put in place in 1997 by the former government. Why did I not speak to the Premier? Because he knew full well that you put in place the financial arrangements for netball—

Members interjecting:

The SPEAKER: Order! The honourable minister knows full well that I put nothing in place. The minister will address his remarks to the chair.

The Hon. M.J. WRIGHT: Thank you, Mr Speaker. It is well known who put in place the financial arrangement for Netball SA, and those financial arrangements are very simple. Netball SA has approximately $3.28 million left of their loan to repay, and that loan was put in place by the previous government. So, it is not unrealistic for a range of sporting organisations, whether it be Netball SA, aquatics, basketball or athletics to come with ambit claims to a new government about financial arrangements that were put in place by the previous government.

If the previous government is so committed and serious about these financial arrangements that were put in place when it was in power in 1997, why did it not do something about it when in government? Well, the reason is simple: because it never had the courage to do so.

MURRAY RIVER

The Hon. R.G. KERIN (Leader of the Opposition): Will the Minister for the River Murray inform the house of any decisions he has made regarding the implementation of the requirement within the agreement with the member for

Hammond to require the owners of water licences to make an annual contribution to a fund for various purposes? The government's agreement with the member for Hammond outlines the following:

To amend the existing law to the extent necessary to require the owners of water licences (whether the water is used or not) to make an annual contribution to a fund or funds for the purposes of:

1. Meeting the costs of building roads and repairing of roads, and providing such other infrastructure and services as local government considers necessary;
2. To meet the cost of deepening bores, extending the power capacity of the pumps necessary to provide stock and domestic water in those situations where the cone of depression resulting from irrigation water drawdown has caused problem;
3. To immediately install sealed meters on the bores used for irrigation, and to convert any allocation from the area of land upon which any specific crop may be grown to an explicit volume of water, regardless of the crop upon which it is used for each licence.

The SPEAKER: Before I call the minister, I point out to the leader that he called the Minister for the River Murray. I have not yet thought it was necessary to drill bores into the Murray to get water out of it. Indeed, the arrangement concerned the underground water in the Murray basin. The Minister for the River Murray.

The Hon. J.D. HILL (Minister for the River Murray): Given the state of the mouth of the river at the moment, perhaps the only way in which we will be able to get water out of it is to drill a bore hole, sadly. The leader asked me what decisions I have made in relation to that particular matter. I can tell him that I have made no decisions in relation to it because it is not really an issue that is within my area of responsibility. I point out that, as I understand it from conversations with the member for Hammond, what he is advocating is to have the capacity for local government to be able to rate water users in the same way in which land users are currently rated. The argument that he put to the government is that in his district infrastructure is run down, or used up, as a result of activity which is generated by people who use water on various parcels of land, yet the burden for repairing that infrastructure is borne only by those who have land and who pay rates on that land.

His argument is that it would be fair for those who are intensive water users and who have a disproportionate amount of wear and tear on the land also to be obliged to contribute to the funds which are accumulated to do that. Of course, that is a matter for the Minister for Local Government, because it would require an amendment to the Local Government Act. The leader then went on to indicate a range of ways in which those funds could be acquitted, but the only decision that would really need to be made is to amend the Local Government Act to allow local authorities to rate water in a similar way to land, and I understand that is a matter that my colleague the Minister for Local Government is considering.

SCHOOLS, SALISBURY NORTH WEST PRIMARY

Ms CICCARELLO (Norwood): Will the Minister for Education and Children's Services explain what added security measures are being put in place following the robbery at Salisbury North West Primary School two days ago?

The Hon. P.L. WHITE (Minister for Education and Children's Services): A number of security measures are being put in place to ensure that people working in the canteen at Salisbury North West Primary School can again feel safe and secure. A security specialist from the Department of Education and Children's Services attended the school yesterday, as did the Premier and I, to discuss security improvements with the canteen staff, the principal, the district superintendent and police. As a result, it is planned to install a duress alarm that will upon activation alert police and school staff to a problem in the canteen. It is further planned to install a web-based camera in the canteen that will be activated by the duress alarm.

A substantial screen door with appropriate locking devices is planned at the front door entrance so that the solid door can be left open to watch for the arrival of deliveries. A perspex barrier will be installed at the canteen counter to prevent people from accessing the canteen over the counter. Mirrors and other devices will also be installed to help with the monitoring for security purposes. Security providers are attending the site to make arrangements to install the new security measures as a priority and static guards are currently in place. The government will also look at ways to extend the security measures into other high risk schools. In the 2002-03 budget, $4 million was set aside over four years to increase security. I point out that this money was not diverted from other areas. As was correctly reported in the daily paper this morning, it is new money set aside specifically to make our schools safe and secure.

CONSTITUTIONAL CONVENTION

Ms CHAPMAN (Bragg): Will the Attorney-General inform the house whether the parliamentary steering committee will have the right to decide which questions are to be dealt with in the discussion papers and subsequently at the Constitutional Convention? The shadow attorney-general, the Hon. Rob Lawson, MLC, has received a letter from the Attorney-General outlining the above as a role of the committee. However, in the timetable the Attorney-General stated:

The steering committee considers submissions and selects a number of topics to be determined at the convention (including those topics that are required to be addressed by Mr Peter Lewis's compact for good government).

The compact contains some issues for investigation, but also contains many issues which are not negotiable, and we are unsure whether the committee, which includes the Speaker, are able to consider those topics on merit for inclusion on the agenda or are they mandatory?

The SPEAKER: I wonder about the competence of some of the members of the committee. The Attorney-General.

The Hon. DEAN BROWN: On a point of order, Mr Speaker, I think that is a reflection on members of that committee, who are members of parliament.

The SPEAKER: That's right, it is, because of the utterances they have made about it. The Attorney-General.

The Hon. DEAN BROWN: On a point of order, sir, in this parliament you have indicated by various rulings in this house already that a member may not reflect on another member.

The SPEAKER: I have mentioned no member's name.

The Hon. DEAN BROWN: You mentioned the members of the committee.

The SPEAKER: There is no point of order. The Attorney-General.

The Hon. D.C. KOTZ: On a point of order, Mr Speaker—

The SPEAKER: The member for Newland has a point of order.

The Hon. D.C. KOTZ: The point of order—

The SPEAKER: What is the standing order under which the—

The Hon. D.C. KOTZ: The point of order is reflecting on members.

The SPEAKER: What is the standing order under which the member for Newland—

The Hon. D.C. KOTZ: No. 127—reflection on members, which you, sir, agreed you had made. I ask and seek that the ordinary standing orders are taken into consideration and a ruling made that that be withdrawn.

The SPEAKER: Order! I did not ask the member to debate it: there is no point of order. The Attorney-General.

Members interjecting:

The Hon. D.C. Kotz: You should be ashamed. As a government you should be standing up for the formal protocols in this place.

The SPEAKER: Order! I have already warned the member for Newland. One further word from the member for Newland will result in her being named, if that word is out of order. The Deputy Leader has a point of order.

The Hon. DEAN BROWN: Mr Speaker, the standing order is very specific, and I read it to the house. Standing order 127 provides:

A member may not—

The SPEAKER: I have already ruled on that standing order. There is no point of order.

The Hon. DEAN BROWN: You asked me, Mr Speaker, which standing order and I am reading it.

The SPEAKER: Order! The deputy leader will resume his seat. I have already ruled on that standing order. The Attorney-General has the call.

SPEAKER'S RULING, DISSENT

The Hon. DEAN BROWN: Mr Speaker, I move dissent from your ruling.

Members interjecting:

The SPEAKER: Order! Before the deputy leader goes down that path, he will recall that in this place on more than one occasion in recent years it has already been ruled by many Speakers that such reflections do not refer to a class but rather an individual. They are not rulings which I have made but rulings which have been upheld by the house and by himself. The motion signed by the deputy leader and seconded by the Leader of the Opposition is:

That this house moves dissent from the Speaker's ruling on standing order 127.

Before proceeding, I tell the house that, because of proceedings in the Supreme Court, I am unable to remain here for the vote. That may mean, in consequence of the deliberate indifference that has been shown to the privileges of parliament by members of the parliament over recent times, that an awkward situation may arise when the vote is taken. Members will have to live with that. It is of their doing, not mine.

The Hon. K.O. Foley: You lot are so off the main game.

The Hon. Dean Brown: You acknowledged that you made mistakes by $6 million in your budget document this week.

The DEPUTY SPEAKER: Order! The deputy leader will take his seat. Until the chamber comes to order we will not proceed with anything.

The Hon. DEAN BROWN: I have moved dissent from the Speaker's ruling and I point out that it is not, as the Speaker implied, a vote of no confidence in the Speaker. It is dissent from the Speaker's ruling. Standing order 127 is very clear. A member may not make personal reflections on another member. The Speaker has now left the chamber, for a perfectly legitimate reason, but it saddens me that we have to debate this. I had moved it before the Speaker indicated that he would be withdrawing.

I point out that the Speaker, who is supposed to be the pillar of independence in this parliament, made that reflection from the chair, as an interjection from the chair. It is for that very reason that I have moved this motion. If a reflection is made as an interjection from any other member, the Speaker is there to rule and protect the members, but when the Speaker himself stands and makes that interjection, reflecting on other members of the parliament, I believe that, because there is no other protection to members if the Speaker does it, it is quite clear that the Speaker himself has breached standing orders. I gave the Speaker the opportunity to withdraw that interjection but the Speaker did not wish to withdraw it.

Members interjecting:

The DEPUTY SPEAKER: Order! The chair will not tolerate any flouting of standing orders. Members might find themselves disciplined on the spot. The deputy leader.

The Hon. DEAN BROWN: The issue is very clear. We cannot have the Speaker, who is there to be absolutely independent, making side interjections that we all heard, that he was willing to repeat, reflecting on members of parliament in this chamber or another chamber. As one of the members of that committee on whom the Speaker reflected, I take exception to that. I asked the Speaker to reconsider but he decided not to do so. I have therefore moved dissent from his ruling.

The Hon. P.F. CONLON (Minister for Government Enterprises): Has there ever been a more pathetic display by an opposition?

Members interjecting:

The Hon. P.F. CONLON: Listen to them howl. We came to government on 6 March after the most pathetic display by a former government—

Mr BRINDAL: I rise on a point of order, Mr Deputy Speaker.

The DEPUTY SPEAKER: Order! The member for MacKillop is on dangerous ground. The Minister for Government Enterprises should address the chair.

Mr BRINDAL: On a point of order, Mr Deputy Speaker, this is a specific motion of dissent to a ruling of the chair and it is limited in the scope of debate. I ask you to rule on relevance.

The Hon. P.F. CONLON: Can I explain for—

The DEPUTY SPEAKER: Order! I do not believe there is a point of order. The minister has only just started.

The Hon. P.F. CONLON: I will explain the relevance of my first comment, because it destroys their argument immediately. The relevance of my first comment was that I just reflected on all of them. I said they are all pathetic. What they did not do was stand up and say, 'Under standing order 127 he is reflecting on us', because you cannot reflect on a group. The problem with the deputy leader's argument is that

he cannot tell us who was reflected upon. That would seem to be a fundamental problem. I repeat: I just got up and said, 'What a pathetic opposition.' All of them!

I am sure that saying they are pathetic has reflected on them but I have not singled out a particular member. I have not described a member by seat or by name. They would have to take a number and wait in line. Can I say that this is one of the most pathetic moves. We came to government on 6 March. Opportunities were given to them that were never given to us, such as a minimum of 10 questions. Often we handed over the entirety of question time to them. If they were a decent opposition, they would put us under some scrutiny. But what are they worried about? They are worried about the fact that somebody said something about the utterances of certain members of a committee. We do not even know which members he is referring to—it might have been one, it might have been two. It might not have been Dean. They might have liked what you said, Dean. Can we get back to business? I do not want to debate this any further. It is absolutely, transparently, obviously wrong!

The house divided on the motion:

AYES (21)

Brindal, M. K.	Brokenshire, R. L.
Brown, D. C. (teller)	Buckby, M. R.
Chapman, V. A.	Evans, I. F.
Goldsworthy, R. M.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L. J.
Kotz, D. C.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
McFetridge, D.	Meier, E. J.
Penfold, E. M.	Redmond, I. M.
Scalzi, G.	Venning, I. H.
Williams, M. R.	

NOES (23)

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

PAIR(S)

Kerin, R. G.	Lewis, I. P.

Majority of 2 for the noes.

Motion thus negatived.

CONSTITUTIONAL CONVENTION

The Hon. M.J. ATKINSON (Attorney-General): In reply to the member for Bragg's question, I inform the house that the idea of constitutional change in South Australia was introduced at the last general election by the member for Hammond. He is the only member who campaigned on root and branch constitutional reform in South Australia. So, when the member for Hammond formulated a compact for good government, it was understandable that its main point would be constitutional reform. The three constitutional points contained in the compact are: initiative and referendum; independence for the great offices of state (such as, the Auditor-General, the Police Commissioner and the Electoral Commissioner); and the appointment of the Governor by a convocation of mayors of local government areas in South Australia.

Those three things are contained in the compact, so it follows that those three matters will be deliberated on at the Constitutional Convention. Of course, citizen initiated referendums will be deliberated on by the Constitutional Convention because that is in the compact for good government, which was signed, not just by us, but by the opposition also, as was established in question time—

The Hon. M.D. Rann: And initialled.

The Hon. M.J. ATKINSON: I don't know if one can say 'initialled off', but the Leader of the Opposition initialled off those three matters to be considered by a Constitutional Convention. However, the Constitutional Convention is not just the member for Hammond's Constitutional Convention. That is why we have established a steering committee: because we want to be consultative about what is deliberated upon by the Constitutional Convention. That is why the opposition (including the shadow attorney-general) is represented on the Constitutional Convention, and that is why there is representation from both houses of parliament. When the opposition asked why the President of the Legislative Council was not included on the steering committee for the Constitutional Convention, we straight away included him on the steering committee. So, we will place on the agenda—

Ms Chapman interjecting:

The DEPUTY SPEAKER: Order! The member for Bragg will have plenty of time to study the Constitution in a minute.

The Hon. M.J. ATKINSON: —the matters that the Speaker wants debated in the Constitutional Convention because we committed ourselves through the compact to have those considered by the Constitutional Convention. That is normal—it follows, it is logical, and we are meeting our commitments—but we will consider other matters for the agenda of the Constitutional Convention, including matters promoted by the Parliamentary Liberal Party.

TEACHERS, JUNIOR PRIMARY

Ms THOMPSON (Reynell): Will the Minister for Education and Children's Services outline the progress that has been made towards putting together an extra 160 teachers in reception to year 2 classrooms next year?

The Hon. P.L. WHITE (Minister for Education and Children's Services): I am pleased to announce that I have approved a model that will meet the government's commitment to put an extra 160 teachers into schools from next year. The strategy will reduce junior primary class sizes in schools across the state which are deemed to have high levels of disadvantage. Currently, our junior primary classes are staffed according to a formula which provides one teacher for every 26 students. Now, the most disadvantaged schools will receive up to four extra teachers to reduce class sizes to 18. These schools are rated as category 1 and 2 on the educational index of disadvantage. This will mean a 30 per cent decrease in the size of junior primary classes in our most disadvantaged schools.

Schools in category 3 will also benefit with extra teachers being provided to reduce class sizes in those schools to 21 students at the junior primary level. The index of disadvantage categorises schools on a scale of 1 (being the highest level of disadvantage) to 7. The index is based on the occupation and income of parents, Aboriginal enrolments and

student transience. There are 155 extra teaching positions which have now been allocated to schools based on estimated enrolments for 2003, with five positions held in reserve for when enrolments are finalised in January. These positions are expected to be advertised in the Department of Education and Children's Services' internal newspaper *Express* next month, in accordance with the usual process, to coincide with the second round of school choices, which is a new feature of the teacher placement exercise which was negotiated as part of the recently agreed enterprise bargaining agreement. Both country and metropolitan schools will benefit from this initiative. I am delighted that this model has the firm support and agreement of the Principals Association and the Australian Education Union which, together with the department, have developed this strategy. Information regarding—

Mr Brindal interjecting:

The Hon. P.L. WHITE: What's wrong?

The DEPUTY SPEAKER: Order! The member for Unley did not ask a question so he does not get an answer.

The Hon. P.L. WHITE: The Principals Association has signed off on this strategy and approved of it.

Mr Brindal interjecting:

The Hon. P.L. WHITE: Well, the member for Unley is wrong. Information regarding junior primary class sizes will be notified to schools next week in terms of their allocation. This brings to fruition an election promise made by the state government when in opposition during the election campaign, a promise that exceeded the former government's election commitment by over double. We have now delivered, and these positions will be in place in time for the start of the 2003 school year.

HOSPITALS, GUMERACHA

Mr GOLDSWORTHY (Kavel): Is the Minister for Health aware that the builder at the Gumeracha hospital will have to stop building midway through the aged care project due to the withdrawal of HomeStart aged care funds, and when will the minister provide alternative funds as she promised to do in May? The Gumeracha hospital applied for and was provided with a HomeStart loan for its aged care facilities. It signed a letter of offer and paid the loan establishment fees. Building had already commenced when the HomeStart funds were withdrawn. Now the project cannot be completed due to a lack of alternative funding.

The Hon. L. STEVENS (Minister for Health): I am pleased to answer the honourable member's question. This question was raised during estimates, and I understand why the honourable member probably has not yet read the *Hansard* report of the estimates committees. The issue is under consideration, we are giving it attention, my department is currently working with Treasury to provide an alternative funding model, and we hope to be able to announce something in the near future.

Ms Rankine interjecting:

The DEPUTY SPEAKER: Order! I know who will get in a pickle in a minute, and it will be the member for Wright.

EDUCATION, CAPITAL WORKS

Ms CHAPMAN (Bragg): Will the Minister for Education and Children's Services advise the house on what day she forwarded the completed part of the capital works schedule to the federal minister which, as required by the guidelines, is to be lodged within 14 days of the budget announcement? I raised this matter on Monday, and again yesterday the minister claimed that the schedule had been submitted and, further, that it had been brought to her attention in the week following in a letter from the federal minister of 16 August 2002. The 2002 schedule has not been received. Only the 2001 schedule was received on 5 August, and the schools for 2002 in South Australia are still waiting.

Members interjecting:

The DEPUTY SPEAKER: Order! I am waiting for the house to come to order. I believe our schoolchildren are better behaved than some members.

The Hon. P.L. WHITE (Minister for Education and Children's Services): Thank you, sir. I make the very obvious comment that the member for Bragg has not received the schedule because I did not send it to her: I sent it to the federal Minister for Education, Science and Training on Sunday or Monday.

THEBARTON BIOSCIENCES PRECINCT

Mr HAMILTON-SMITH (Waite): Will the Treasurer advise the house whether he has provided any funding in the budget for the purchase of land to expand the Thebarton Biosciences Precinct? If not, can he advise the house when the decision not to provide the funding was taken? The previous government identified a 4.8-hectare site to expand the biosciences precinct, which is essential to ensure the ongoing success of biotech companies in this vibrant industry. Following earlier questions, the opposition was offered, but was not provided with, briefings on this matter. Biotech stakeholders have expressed concerns to the opposition that the government may have determined not to proceed with this multimillion dollar investment.

The Hon. K.O. FOLEY (Treasurer): I thank the honourable member for his question. I note his interest, as he was involved in this matter during his brief period as minister. The situation is quite simple. We are still extremely interested in the site but, as the member well knows, the election and the time period that followed presented problems. Commercial negotiations are—

An honourable member interjecting:

The Hon. K.O. FOLEY: Exactly. The result of part of that period is that some commercial issues are involved that we are negotiating and about which I have already spoken to the member. We are still keen to complete the transaction, if we can. We are working through the funding from within the resources of the Office of Economic Development. The price has to be right, and we will not pay a price that is not fair and reasonable, and I think the member can read into that the nature of the some of the problems. The government will pay a fair and reasonable price if it is able to do so; it will not pay a price that is over the market value.

GLENELG TRAMLINE

The Hon. M.R. BUCKBY (Light): Will the Minister for Transport advise the house if the former government's initiative to advance the purchase of up to nine new trams and the upgrade of the tram line and all stations between Victoria Square and Glenelg via a joint venture partnership with a private investor has been amended or abandoned, and does this arise from the government's anti-privatisation policy?

In January 2002, the former government announced that new trams and line upgrades of the Adelaide tram line would

occur under a private-public partnership agreement modelled on the highly successful Transit Plus joint venture bus operation in the Adelaide Hills. I have been informed that, in a submission to the major project subcommittee of cabinet, the minister is proposing that TransAdelaide will lose its joint venture status and that it will be reduced to have the responsibility for contract staff recruitment and placement.

The Hon. M.J. WRIGHT (Minister for Transport): I thank the shadow minister for his question. I am not too sure of the source of his leaks but, to the best of my knowledge, his leaks are wrong. I know that the Minister for Government Enterprises, the Premier and the Treasurer have all talked about PPPs. Certainly, with regard to Glenelg trams, we are exploring the options for a PPP. When we have more information, we will bring that back to the house.

INSURANCE, PUBLIC LIABILITY

Mrs PENFOLD (Flinders): Will the Treasurer advise whether he has made the decision to allow the Insurance Services Unit of Corporate Services to continue to offer interim public liability insurance cover to non-government agencies? Many non-government agencies, including the Eyre Peninsula Women's and Children's Support Centre, have been unable to access public liability insurance cover, despite not having made a claim. The shelter's insurance cover lapses as of close of business tomorrow. The ramifications of closing the shelter are enormous. The women's shelter is responsible for some 16 homes, including emergency accommodation for families at risk of domestic violence. I seek the Treasurer's urgent reassurance that interim cover will continue beyond tomorrow until a long-term insurer is found.

The Hon. K.O. FOLEY (Treasurer): I thank the honourable member for her question. I will get a full and detailed answer for the member this afternoon. I have had discussions on a matter relating to the issue that the member has just raised, and I will obtain a full answer for her and provide it before the close of business today.

YOUTH SPORTS STRATEGY

The Hon. D.C. KOTZ (Newland): Can the Minister for Recreation, Sport and Racing advise the house why the government is spending $95 000 to hire a Sydney-based consultant to prepare a youth sports strategy through the Office of Recreation and Sport? The government has slashed the recreation and sport budget by some $7 million. Of the remaining funds, $95 000 has now been allocated to hire a Sydney-based consultant to prepare a youth sports strategy. I am advised that the Office of Recreation and Sport already employs a participation unit, comprising 10 full-time staff, including one staff member who is solely dedicated to school-based projects.

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): To the best of my knowledge, this is the first I have heard about this issue. I am not saying she is wrong, nor am I saying she is right. I am happy to bring back a detailed reply to the shadow minister's question.

EMUS

Mr VENNING (Schubert): Can the Minister for Environment and Conservation advise the house what emergency provisions have been put in place to support land-holders in the Mid and Upper North to counter the influx of emus from New South Wales that are damaging fragile crops? Due to drought conditions in the north-east of Australia, emu numbers have reached plague proportions in the Mid and Upper North, causing damage to crops, livestock, feed and fences. This is occurring when these districts have already been affected by low rainfall and dry conditions. Having experienced drought and grasshopper plagues in recent years, land-holders will find this problem a significant financial strain for their businesses.

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for his important question. It is obviously a matter of serious concern in some parts of the state that are affected by drought. As members may know, as a result of the drought emus have headed south looking for feed, and they have obviously gone onto farming land to take some of the food that is available, and this has become a problem for farmers who are experiencing drought conditions themselves.

I am advised that the current arrangements put in place by the National Parks and Wildlife Service, namely, a permit-based destruction system, is working well. This system is available on a farm by farm basis and farmers can access this service by making a phone call and be given permission to destroy a certain number of birds. The farmers can then reapply on subsequent occasions.

My advice is that no centrally organised culling is appropriate. If we were to go down that track, that would need to be part of an overall management plan—for example, the sort of management plan that exists for the kangaroo cull that occurs each year; however, we do not have that kind of situation. In fact, the numbers of emus have been declining over the past 12 months or so, but there are some localised problems which are being dealt with by the NPWS strategy.

Having spoken to officers and representatives of the farming community, I am advised that emus are pretty difficult to cull in any event, because you shoot the gun and they all clear off.

An honourable member: Why would they do that?

The Hon. J.D. HILL: That's right. They move very quickly and they scatter.

An honourable member interjecting:

The Hon. J.D. HILL: I notice the member for Bragg seems to be sporting an emu feather on her shirt today, as my colleague says—perhaps she has been out there contributing to the solution. There are some particular problems and my department is obviously sympathetic to the needs of farmers. We are a department involved in conservation, so we have to be careful about general free for alls but, as I understand, the current arrangements in place are working satisfactorily. If there are any particular concerns that the member has, I would be happy to take them up an a case-by-case basis.

COURTS, PENALTY WRITE-OFFS

Mrs PENFOLD (Flinders): Can the Attorney-General advise what action was taken regarding the convicted abalone poacher who had $36 000 in fines written off—which matter he undertook to have followed up by 11 July—and whether, in such cases, the court costs and victims of crime levy are recovered? I have another similar case of soft-sentencing where a criminal, this time with 49 offences from all over the state, including false pretences and stolen cheques, has had $16 000 in fines written off. A constituent has reported that the criminal is back in town, 10 foot tall and invincible. This

is a terrible example for local youth. My constituent is particularly annoyed if these offenders are also having court costs and victims of crime levies waived.

The Hon. M.J. ATKINSON (Attorney-General): I think it is a fair question that the member asks, and I read her letter about the convicted abalone poacher carefully. We had some difficulty tracking down exactly who this person was because I do not think the member for Flinders was able to supply us with a name, as I recall, and I will consult with her about whether we have the right person. I think in some cases it is a matter of being unable to get blood out of a stone, but I think the public has a right to be angry when the penalties for a long list of offences is written off some years after the offences were committed.

FORENSIC SCIENCE UNIT

The Hon. D.C. KOTZ (Newland): Will the Minister for Administrative Services advise the house why the Forensic Science Unit has had a budget cut of $326 000? The minister advised the house that the very important area of forensic sciences had received additional funding of $543 000. The current budget papers identify an increase in funding of some $217 000, compared with last year's budget—this is a difference of $326 000.

The Hon. J.W. WEATHERILL (Minister for Administrative Services): The figures that the member quotes do not ring true to me at all. Indeed, it is my clear recollection that we have increased the resources that we are supplying to this particular area of activity, partly driven by a range of technological changes which have meant that there are substantial demands on this particular unit within government, and partly driven by the effectiveness, as I understand it, of this crime detection and solving tool. But I undertake to get a detailed answer to the honourable member. I am sure the explanation will satisfy her.

MEMBER'S REMARK

The DEPUTY SPEAKER: Before asking the member for Bright to put his question, the Speaker has indicated that he took exception to a remark by the member for Bright, and I ask if the member wishes to withdraw that remark?

The Hon. W.A. MATTHEW (Bright): Mr Deputy Speaker, I am unaware what the remark was. But, despite the fact I am unaware what the remark was, I understand that the Speaker will withdraw my right to ask questions for two weeks if I do not withdraw, and therefore, sir, without knowing what the offensive remark is, I humbly withdraw.

The Hon. P.F. Conlon: You have much to be humble about.

The DEPUTY SPEAKER: I understand that the words related to a deal with a pejorative in front of it.

The Hon. W.A. MATTHEW: I withdraw, Mr Deputy Speaker.

ELECTRICITY CONCESSIONS

The Hon. W.A. MATTHEW (Bright): Does the Premier agree with the South Australian Council for Social Service and with the Council on the Ageing SA that the state government should, and I quote, 'provide an immediate increase in electricity concessions to fully compensate for the electricity bill increases in 2003' and, if not, why not? Two organisations have produced, through their low income electricity consumers project a comprehensive report entitled 'Electricity—It's Just Essential'. The report identifies that:

> The South Australian Independent Industry Regulator (SAIIR) indicates that correcting for inflation the average residential price for electricity. . . remained virtually constant during the '90s at about 13¢/kWh.

The report further identifies an increase of some 12 per cent in 2000-01, attributing this to:

> . . . the introduction of the GST in July 2000 with a more modest increase of 2.9 per cent granted by the SAIIR in mid 2001.

The report further identifies:

> . . . the average annual consumption per household has increased by 19 per cent in the past five years.

The report therefore identifies stable electricity prices with the exception of the GST for more than a decade, but this will change in January 2003. Labor's budget abolished intended Liberal government concessions for self-funded retirees and pensioner concession extensions for other pensioners.

The Hon. M.D. RANN (Premier): There are times, particularly in my role as, I guess, a statesman that I feel that I have to protect members opposite. I really think it is important for the member's Liberal colleagues to walk him gently out the door, sit him down with a cup of coffee and remind him who sold our electricity assets.

The Hon. K.O. Foley: They did.

Members interjecting:

The Hon. M.D. RANN: No, come on. You are the people in an act of infamy when you lied as a government to the people of this state in 1997, when you said that you would never ever sell ETSA, full stop. Then after the election you came into this parliament and announced you were going to sell our electricity assets.

Members interjecting:

The DEPUTY SPEAKER: Order! The Premier will not talk over the chair.

Members interjecting:

The DEPUTY SPEAKER: Order! I know it is getting to the end of the session and people have had late nights, but their behaviour leaves a lot to be desired. The Premier.

The Hon. M.D. RANN: I am not surprised that members opposite are walking out in embarrassment over the member for Bright, because the simple truth is that the people of this state face major increases in the price of electricity, because the members opposite and their government went ahead and sold their assets without their permission. Already we have seen an average business increase of 35 per cent last year, and then we saw some businesses telling us that they were facing 90 per cent increases.

The Hon. R.G. Kerin interjecting:

The Hon. M.D. RANN: The Leader of the Opposition represents Port Pirie and the area of Frome. Go to Port Pirie and ask the people who run the smelter what the Liberal's privatisation has meant in terms of a massive increase in the price of the power. And the Liberals have the gall to come in here and complain about what will happen on 1 January. On 1 January not one single South Australian will fail to know who was responsible for a big increase in their electricity prices—it was the Liberal Party. They know that it was the Liberal Party. They saw what the previous government did to business and they know what you have got coming for them.

The Hon. DEAN BROWN: Mr Deputy Speaker, I rise on a point of order, because prior to the asking of this last question you had indicated that the Speaker had ruled the

member for Bright out of order based on a new ruling he established last week which was that he could decide—

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: The deputy leader needs to make his point of order.

The Hon. DEAN BROWN: —when a member should be allowed to ask a question. I point out that we went to the Speaker and asked for the basis for this ruling—

The Hon. P.F. CONLON: Mr Deputy Speaker, I rise on a point of order. The Deputy Leader of the Opposition is engaging in a debate. He does not have a point of order; he is engaging in debate contrary to standing orders. If he has a grievance, he can make one.

The DEPUTY SPEAKER: Order! I believe the deputy leader is straying into debate. He should make his point of order.

The Hon. DEAN BROWN: I wanted to bring to the attention of the house that the document the Speaker provided to us in terms of the basis of his ruling was—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. DEAN BROWN: —a book—

The Hon. P.F. CONLON: Mr Deputy Speaker, I rise on the same point of order. The Deputy Leader of the Opposition is just plainly ignoring you.

The Hon. DEAN BROWN: Mr Deputy Speaker, I am pointing out the basis for—

The DEPUTY SPEAKER: The deputy needs to make his point quickly and not make a speech.

The Hon. DEAN BROWN: The document is a book called 'The Office of Speaker' from the Legislative Assembly of Southern Rhodesia.

Members interjecting:

The DEPUTY SPEAKER: Order! The deputy leader will sit down.

Members interjecting:

The DEPUTY SPEAKER: Order! The house will come to order.

Mr Scalzi interjecting:

The DEPUTY SPEAKER: The member for Hartley might find himself in Zimbabwe shortly!

Members interjecting:

The Hon. P.F. CONLON: Mr Deputy Speaker, I rise on a point of order—

The DEPUTY SPEAKER: Order! The minister will resume his seat. I will not take any point of order until the house comes to order. Even Mr Mugabe would be scared by some of the behaviour here today!

The Hon. P.F. CONLON: The Deputy Leader of the Opposition has been in the house long enough to know that he is not allowed to wave material around.

The DEPUTY SPEAKER: Order! There is no point of order by the deputy leader. The fact is that the chair has an ancient tradition of being able to call members as the chair sees fit, and it is a long established practice in Westminster. The Minister for Education and Children's Services.

Mr BRINDAL: Mr Deputy Speaker, I rise on a point of order. For the benefit of every member of this house, would you clarify your last ruling? It was always my understanding that this house is governed by its standing orders and then, if its standing orders do not answer a question, it is the practices previously established of this house, and then in order we look at *Erskine May* and the *House of Representatives Book of Practice*. By what order of precedence, sir, do you and the Speaker claim that precedents of other houses actually inform the standing orders of this house when those precedents may run contrary to the standing orders of this house? In fact, the very reference that the Speaker quoted to us last week talks about lists used by all traditions of parliament and it refers frequently to the use of lists, a fact which Mr Speaker tried to rule out of order in this house last week. Mr Deputy Speaker, I seek your clarification on how the points or order work.

The DEPUTY SPEAKER: The member for Unley has made a point. The lists are for the convenience of the chair, but ultimately the chair selects from that list. There is no point of order: it is the natural authority of the chair to decide who has the call.

GRIEVANCE DEBATE

ELECTRICITY PRICES

The Hon. W.A. MATTHEW (Bright): Today in this house the Premier deserted low income earners in his answer to my question. The Premier turned his back on low income earners in South Australia by refusing to acknowledge the value of the very fine report that has been put together through the joint collaboration of the South Australian Council for Social Service and the Council of the Ageing. I stand in this chamber to pay tribute to those organisations for the professional, informed and unbiased report they have prepared intelligently to approach the electricity issue and the needs of people in our community who are less fortunate than others and require special assistance. The fact is that under a Liberal government these people were to receive assistance; and already the first raft of such assistance had been publicly announced in the lead-up to the last state election.

The Liberal Party had announced that a Liberal government would grant concessions to self-funded retirees not presently in receipt of such concessions provided that they were holders of a senior's health care card. That would have provided a raft of concessions to some people who do not have them at present. However, it went further than that. We would have also provided concessions to people already in receipt of an electricity concession, to the extent that their $70 concession would have increased to $90. The groups that have prepared this Low Income Electricity Consumers Project Final Report, entitled 'Electricity—It's just essential', identify importantly that there are people in our community who require greater assistance and who will need that greater assistance, because what we are about to experience from 1 January next year is the possibility of an irregular increase in electricity price.

Time and again as minister, I saw members of the then opposition come into this place and claim that there had been spiralling electricity price increases in this state under a Liberal government. The Independent Industry Regulator, the independent umpire—the knight on the white horse, as he has been called—has indicated the fictitious nature of those statements. The Independent Industry Regulator's comments have been quoted in this very professional report put together by these two groups. I again share those comments with this chamber. The report identifies:

The SA Independent Industry Regulator (SAIIR) indicates that correcting for inflation, the average residential price for electrici-

ty. . . remained virtually constant during the nineties at about 13c/kWh.

In relation to 2000-01, when there was an increase of some 12 per cent, the report states:

> . . . the introduction of the GST in July 2000, with a more modest increase of 2.9 per cent granted by the [Independent Industry Regulator] in mid-2001.

Effectively this report is saying that electricity prices remained stable for a decade and the only aberration to that stability was the introduction of the GST. That is what the Liberal government always argued. The Independent Industry Regulator has put that forward as being fact. The South Australian Council of Social Services and COTA have confirmed that within their own report as an accepted fact, but still the Labor Party tries to put fictitious notions within the community about the real electricity situation. The Premier is failing to acknowledge that there are people in our community who need special assistance with electricity prices. He has failed to admit in the parliament that his government cut concessions that would have otherwise been available; and he is trying to claim that the leasing of electricity assets is in some way responsible for the market that is about to start from 1 January 2003. The Premier knows that that is totally false. The Premier knows there is absolutely no connection whatsoever between the leasing of electricity assets—not sale, as the Premier told the house—and the deregulated market from 1 January 2003. The reason that is so obviously explained is that in the Labor states of New South Wales and Victoria they entered that market from the beginning of this year. Victoria has a privately owned market and New South Wales has a government owned market.

Time expired.

GRAFFITI

Ms THOMPSON (Reynell): I am particularly pleased to be talking about some more positive aspects of the very troubling subject of graffiti. I know that you, Mr Deputy Speaker, are very concerned about the amount of graffiti in our adjoining areas and throughout the state and that you, as well as I, recognise the serious impact it has on many members of our community. Older members of our community in particular are fearful of the graffiti they see. They see it as a sign of disorder and it makes them very uncomfortable in their neighbourhoods. I find it interesting that many young people are also distressed by the amount of graffiti around. They think it degrades their neighbourhood, that it is about young people who are not involved in the mainstream of our community and seek to have us all do better.

The City of Onkaparinga has joined with a number of other councils—the cities of Mitcham, Tea Tree Gully, Salisbury and Unley—as well as TransAdelaide, to commission some research from two researchers at Flinders University to see whether we can find out more about what is happening with graffiti. Clearly, while the policy of clean walls has some impact, it is not stopping graffiti. We are seeing too many new tags around the place and too much pollution of our environment from graffiti. The purpose of this research is to learn about graffiti culture and to determine writers' views about policies which aim to reduce or eliminate graffiti. I am pleased that the City of Onkaparinga in particular has begun to look at the preventive approach to graffiti as well as the prohibition clean-up and trying to deal with offenders.

I am fortunate that the parliamentary internship scheme has provided me with a parliamentary intern, Melissa Rowley, to research aspects of prevention and early intervention in graffiti. The City of Onkaparinga is cooperating wonderfully in this project. Melissa has prepared for me a summary of the outcomes of that research, and I will start to deal with them today because they are far too comprehensive to deal with in a five minute grieve.

First, the culture of graffiti is extremely complex. It is not just the same young people involved in this with the same motivation. There are different reasons for undertaking graffiti. People who write graffiti have different views about others who do it, particularly those who undertake pieces (pieces are what might be described as more artistic presentations as opposed to the tags). The writers of pieces often look down on the taggers. Some of the taggers look down on others who they believe just bomb indiscriminately—they do not think that is right. Some are seeking a challenge in where they put their graffiti and see that as important and look down on people who just place it indiscriminately without trying to demonstrate something by where they put their graffiti.

The second finding is that the social aspect makes graffiti most appealing. I consider it extremely sad that some young people have to go out and do such silly things as graffiti in order to feel a sense of belonging and sense of a group. These young people find graffiti a positive, pleasurable experience, and most of the writers see it as an activity not related to deliberate antisocial behaviour. This is an important finding because many of us have thought that graffiti writers were tying to tell us that they did not like society. Apparently some of them are, but most of them are not. Most are telling us that they are bored, that they do not know where they fit in, that they do not think the things they value are valued by the community and that they want to do something different.

There are three main reasons why writers tag. One is acceptance and membership of a group with people who are important to them. They are looking for recognition, and also see it as fun and passing time. On another day I will briefly quote some of the words used by some of the 44 youngsters who were interviewed as part of this project.

Time expired.

LENSWOOD HORTICULTURAL RESEARCH CENTRE

Mr GOLDSWORTHY (Kavel): I will spend the next five minutes raising an issue of quite serious concern relating to government funding cuts to SARDI. We know that SARDI stands for 'South Australian Research and Development Institute'. The government announced that recent budget cuts to that institution are in excess of $1 million. That is pretty significant. Those cuts to SARDI's budget have a direct impact on the Lenswood Horticultural Research Centre in my electorate.

For the benefit of the house, I will give some background information on the Lenswood Horticultural Research Centre because I do not know whether this information has been given to the house previously by the previous member for Kavel or even the previous member for Heysen (Hon. David Wotton). The Lenswood research centre is a 79 hectare facility in the hills. It offers a unique range of research environments with an annual rainfall averaging 1 050 millimetres. In old measurements, that is about 42 inches, so it is quite a high rainfall area. They have irrigation systems via high quality surface catchments, and Lenswood has plant

pathology, post harvest, soils and general horticulture laboratory facilities that were constructed and upgraded in 1990, with office accommodation and a fully equipped conference room. I can attest to the facilities because I have personally attended several meetings at Lenswood research centre, where the meetings have been held in those modern conference facilities.

Lenswood researchers—and they have several highly qualified scientists—specialise in cool temperate horticultural studies, including cherry breeding. They have a cherry orchard and production systems, pome fruit (apples and pears) variety improvement, orchard systems, plant pathology, cool climate viticulture, viticultural propagation, irrigation technology, orchard spray technology, potato nutrition and variety improvement and brassica crop nutrition, as well as native flower crops. From that brief description, members can see that they cover a fair area. The cuts that the government has proposed will directly affect the Lenswood research centre. They carry out considerable work in breeding programs.

I was speaking this past week to a senior research scientist at the centre, Dr Andrew Granger, who says that their programs, particularly the cherry breeding programs and the research facilities attached thereto, are already down to the bone, and further cuts to the budget will have a serious effect on the research already being undertaken. Dr Granger stated that the cherry breeding program is world class and is heavily relied upon by the industry.

Another point I make is that the research being undertaken at the Lenswood centre in terms of the cherry breeding program is the only research conducted into those fruits in the southern hemisphere. Any cuts to that program would have obvious consequences, because the industry relies heavily on it as it is the only research being conducted, not only in South Australia or Australia, but in the whole southern hemisphere.

NURSES

Ms BREUER (Giles): I was interested to read the headlines in today's paper about the acute shortage of nurses, so I take this opportunity to acknowledge the Whyalla Hospital and Health Services for the important role it plays in a work experience program and in getting young people interested in the nursing profession. The Whyalla Hospital and Health Services has been acknowledged by the Department of Human Services for its work experience program, which is run by Clinical Facilitator Meredith Bruce. It was congratulated on having the most students doing workplace experience in a health unit in this state. Out of a total of 200 work experience students statewide doing nursing, Whyalla hospital had 45.

It is an innovative program, students get a wide range of experiences and all the hospital staff support it. The hospital also has a fairly high involvement with the University of South Australia and the TAFE campus, which is something that no other facility in South Australia has considered. Meg Lewis of the Department of Human Services is quoted as saying that Whyalla is leading the state, so I offer my sincere congratulations to all the staff involved in that program. It is good to hear of a positive for Whyalla, and I saw a lot of those work experience students in the hospital.

I raise a second issue at the risk of being accused of being a rampant ageing feminist, although I have no problem in admitting that I am a feminist. However, I was very concerned this week after reading comments by Senator Kate Lundy regarding the Matildas soccer team. I believe that a former coach of that team is quoted as saying that complaints that players were forced to strip for a television advertisement in 2000 were ignored by the sport's ruling body. Ian Murray, who was an assistant coach of the Matildas during the Sydney Olympics, said that he has backed claims that 11 players were duped into appearing topless for a Japanese toothpaste advertisement to raise money for the team's Olympics campaign, and also that these young women were asked to pose for a calendar for a fundraising venture.

The 11 players posed nude for a best-selling calendar, and complaints were made to the Chief Executive of the Australian Women's Soccer Association and the Australian Sports Commission but they fell on deaf ears. He expressed his concerns. The former AWSA Vice-President, Maria Berry, said that the players volunteered to appear topless, and it was entirely a voluntary action by these young women and they did not have to do it. She said that it was put to the players that it was an opportunity for them to earn some money and it was an opportunity also for the sport to help supplement the government funds that were available and to enhance the program.

I have no concern about nude calendars, but I do have concerns about these so-called fundraisers, particularly involving young women, and the pressure that is put on them. Indeed, I have a calendar in my office of some miners from Andamooka, which I helped sponsor. It is not an attractive sight but it is something different to have on the back of your door in Parliament House. However, I have concerns about the increasing pressure on young women to take part in these ventures.

I am the mother of a 16 year old, and I know how my 16 year old and other young women feel about their bodies. They have a body image problem and there is enormous peer group pressure. I really feel for those young women, who may have been pressured into doing something that they have great concerns about, if not at the time, perhaps at a later date. It would be very difficult to resist if your team members or coach said, 'Well, we had better do this for the team's sake.' I know how young women feel about those situations and how it would upset some of them, who would not be brave enough to say, 'No, I don't want to do it.'

I really do not care if people choose to look at nude calendars, but we should not force young women into situations where they are asked to pose nude to raise money for their soccer team, rugby team, netball team, or whatever. It is not fair on those young women. It is difficult for them to say no and it can add to the pressure that women are constantly under, trying to match up to the images of women that are projected in the media—that beautiful, wonderful image that we are supposed to look like, and we all know that about one in a thousand actually achieves that aim. I appeal again to people running sports teams: please do not make young women take off their clothes to raise money. Look at some chook raffles or lamington drives.

MEMBERS' ROLE

Dr McFETRIDGE (Morphett): In place of a grievance I wish to make a speech of thanks. I thank the Hansard staff for putting up with my machine-gun like delivery and I promise to try to reform my ways next session. I have many fond memories of my first session in this place as a new member. Many people have been very kind to me, some have treated me as a new chum and as someone to be looked at

with a bit of caution, but hopefully not seen as a threat. Some members of the government have taken the opportunity to have a bit of a slash at me in here, and one particular member waves his arms around like a mad Don Quixote. That is all part of the argy-bargy in here and I appreciate the rough and tumble.

We know the history of the blood line, so we really appreciate the fact that this is part of democracy, and it is a pleasure to be a member of the South Australian House of Assembly. I remember making a speech on nuclear waste and I went into the big bang theory. Members are lucky because, today, I was going to do a grieve on the scram jet engine, and a bang-bang machine is involved with that, but instead I thought I would go out with a bang and say what a nice place this is. It is so important that we as members of parliament realise the privilege that we have in being here.

I used to tell vet students when they came into my practice that it might be the tenth cat they had seen for the day with an abscess, it might be a scungy old tomcat, but it is their cat. It might be just motherhood stuff in here, it might be lightweight stuff in someone's opinion, but it is very important to the people it concerns, and we must never forget the 'it's their cat syndrome'. It is so important to the people in voter land. Their problems are very personal—whether their letterbox has been torn out or whether there is a massive change in legislation going through this place. It affects people, not just numbers on the electoral roll. It affects people.

It is so important that we recognise that and, as a member of this place, I hope that I never forget that the people who put me here are individuals, they are worthwhile people, they are family members, they run small businesses, they run larger businesses, they play sport, they are members of organisations. I am very lucky in Morphett to have such a cross-section of people to represent. I apologise to the Hansard reporter for speaking so quickly, because I am getting excited again.

Members interjecting:

Dr McFETRIDGE: I am passionate about the opportunity that I have in this place, and I thank the members of the government for reminding me of the fact that this is a place of passion. It is a huge opportunity and I will never forget that privilege. It is amazing how, when I go out into society, people talk to me as if I were an exceptionally important person. I like to reply that I am not an important person, that I am an ordinary bloke with a lot of responsibility. The member for Colton is an ordinary bloke like me, and, along with the other new members for Heysen and Kavel, we enjoy the opportunities that we are given here.

As a new member, I hope I am able to emulate the performance of the former member for Morphett (Hon. John Oswald) who spent 22 years in here. The other day we were able to celebrate with those Liberal Party members who retired at the last election, including John Olsen, John Oswald, David Wotton, Graham Ingerson, Steve Condous, Michael Armitage, and, from the upper house, Legh Davis, Trevor Griffin and Jamie Irwin. I know that the new members appreciate being here, but they certainly honour former members. Hence we all attended the 'True Blue' dinner in the Festival Centre last Friday night with the Prime Minister. That is all I have to say on this. It is a privilege to be in this place. I recognise that privilege and I hope the people of the electorate of Morphett realise that I will do my best to serve them in this place.

WORKING HOURS

Ms BEDFORD (Florey): The recent discussions around longer worker hours have given us much to consider, especially in light of the debate that continues concerning the extension of trading hours. There is nothing more certain than that the contentious issue of the proposed changes has the capacity to deliver the necessity to work extended hours both for workers and small business owners. I cite the article in yesterday's *Advertiser* quoting research by Associate Professor Dr Barbara Pocock from the Adelaide University. Her study, 'Fifty Families' analysed hundreds of statements. Key findings, or reasons for working longer hours, were:

- for more money or a chance of promotion;
- understaffing in the workplace engendering a feeling of obligation;
- love of the job or fear of the sack; or
- being bullied into doing so.

For small business owners, all those reasons apply, too. Many of the retailers and small business owners in Florey came to me prior to the election with their concerns about changes to shopping hours and being forced to open or work longer hours in their family businesses, for fear of losing business, and not making enough to cover their costs. They fear they are being bullied into opening, especially if they are tenants of larger shopping centres. They are not excited about protection that may be afforded by core trading hour provisions or about the summer of Sundays. Even though they may in principle have the option to remain closed, they feel they have been sentenced to a summer of slavery.

They share the concerns of workers about suffering devastating effects from longer working hours—the physical side, where they would be prone to fatigue and illness after experiencing an unbalanced ratio in the cycle of work, sleep and recreation. Not to mention being unable to meet family commitments, like taking their children to sport or spending a little quality time with partners and other family members in general, and being sucked into the 'too busy' pace of life syndrome from which we all seem to be suffering. It is worth noting here that Australia is second to South Korea in working the longest hours in the world.

Dr Pocock rightly draws our attention to the French example where a compulsory 35 hour week might be the best way to look to solve some of the problems we are facing. Particularly for workers, this option may seem to be very attractive. For business owners, however, there is little choice, as extra opening times often equate to longer hours for owner-operators, with no other option. There is a bigger question here in relation to wages and rates of pay, and that will attract a lot of discussion and require examination.

The task of satisfying the needs of all players in the community is essential for a healthy outcome and one that can be worth trialing for all involved. It is in the best interests of everyone to hold the health and wellbeing of workers and businesses in mind. The competition that should in theory be created by extended opening hours has not yet delivered lower prices or even better employment figures. The argument now, more than ever, is not only about the choice of when to shop: more often the question is about market share.

In a survey compiled prior to the election, small retailers—the sorts of businesses that comprise the Westfields of the world and strip shopping centres—expressed concerns about the loss of turnover to larger players and the significant impositions that would place on their operations. Only half of the owners surveyed opened on the Sundays that were

already provided for by the regulations, and they indicated they would not open extra Sundays if those regulations were extended.

I know that the market will produce a combination of outcomes of this sort should the proposed changes go ahead. The government has proposed minimal changes to current regulations, but when considered in light of rising costs, they present some difficulties and costs that the businesses should not have to face or absorb. They feel that there is little enough disposable income as there is for consumers to use in their businesses and that their market share will decline. There is no doubt that changes of the nature under consideration can only make the playing field level if other changes are implemented at the same time.

I will be asking the Minister for Small Business to accompany me on a tour of businesses in Florey while the house is in recess to hear firsthand what the proprietors are saying. I know it will be an opportunity for her to see also the impact on the human face of businesses. They will do their best to overcome any problems that arise from new regulations. Our people are certainly very resilient, but there is a limit to what they can absorb. Consumers must realise that they trade off too for an extension to trading hours. Employment (full-time jobs) must be part of the outcomes, and this can only come about with a raft of changes. A healthy business community can produce such an outcome and is where a great many of our jobs are generated.

NATIVE VEGETATION (MISCELLANEOUS) AMENDMENT BILL

Second reading debate (resumed on motion).

(Continued from page 1455.)

Mrs REDMOND (Heysen): Before the lunch break, I was getting to the point of saying that I support the basic impact of this bill, and in particular its aims, which are to end broadacre clearance of remnant vegetation and to put in place some significant encouragement for the protection on an ongoing basis of areas which are revegetated appropriately under the guidance of, or at least with the approval of, the council. It also allows more general public consultation and goes some way towards imposing costs of gathering information and preparing impact reports onto the person who wants to clear any remnant vegetation. So I approve all of those things, and it also includes some greater deterrence through fines and make good orders.

There are only a couple of areas I want to comment on. One of them relates to the landholders who revegetate, and the other is the provisions that are in place under this bill for ensuring that such areas of revegetation are protected, but I suspect simply that I have not got my head fully around the provisions in the proposed legislation. As I have already said, I endorse the concept but I want to clarify a couple of things about that.

With respect to the make-good provisions, in the second reading explanation, the minister stated:

> A make good order will be imposed as part of the proceedings.

However, the bill provides that the court 'may order', rather than its imposing a make good order. I was a little confused over some of the ways that was expressed in the second reading explanation.

The only thing that concerns me in the legislation—and it is not something in relation to which I intend to move an amendment—is in relation to the contemplated appeals process. The most fundamental part of that is that the appeal process allows an appeal only in relation to process and not on the merits of the case. My understanding of administrative law is that generally, when any sort of government or quasi government authority makes the decision, there have to be some elements of natural justice in the way that decision is reached. If there is a failure to provide those elements of natural justice in reaching a decision, that decision will normally be appealable.

However, quite certainly this legislation seeks to provide that the appeal process will only relate to whether the process was carried out correctly and not as to whether there are difficulties with the merits of what has actually been done by the Native Vegetation Council. Also under this area, I have some difficulty with the fact that the appeal is now to be held in the Environment, Resources and Development Court. I appreciate the fact that it is our only court specifically established to deal with environmental issues, but it does raise the issue that a third party can join in. I know that the provisions under the bill do make it quite clear that only the landholder or the party to the agreement can bring the application, but nevertheless it still means that third parties can join in.

I have a concern that the effect of that could be that some landholder who does take an appeal could face incredible legal costs, being bound up in a dispute which could involve the Conservation Council—or another body; I am not trying to name them adversely in this discussion. It seems to me that there is a potential for that to have a very adverse effect on a land-holder who has a legitimate matter to appeal against. I am also confused in relation to the second reading speech on this aspect. At the top of the second column on page 886 of the *Hansard*, where the second reading speech was inserted without being read, it states that the ERD court has flexibility in the way that it deals with matters before it, such as the referral of a dispute to a conference of parties. Two things about that confused me. First, if a dispute may be referred to a conference, to me that presupposes that there will be some discussion about the merits of the issue, whereas, if an appeal may be made on process alone, it seems that there would be very little point in having a conference of the parties.

I became even more confused when I read further down the same column on page 886, where at line 62 it is stated that the existing conciliation process will not be retained. So, at the top of the page we see that the ERD court has flexibility such as the referral of a dispute to a conference of the parties, but at the bottom of the page we see that the existing conciliation process will not be retained. Frankly, I can see no point in retaining it if we are dealing only with process and not the merits of the decision, but I have confusion on that point. Hopefully, in the close of the debate the minister will be able to clarify that issue. If not, I will take it up at the next opportunity.

Mrs PENFOLD (Flinders): The bill that we are now considering—with some changes made by the Labor government—is a refinement by the previous Liberal government of legislation that was first generated by a previous Liberal state government 21 years ago. This is just

one more indication that Liberal governments had a positive and, where appropriate, active approach to environmental issues long before these matters became popular. It will be unfortunate if the bill is amended by the new Labor government to detrimentally affect the farmers who live and work on the land. These are the people who ultimately have the job of ensuring that native vegetation and biodiversity are retained and not degraded. It is imperative that they work in partnership with departmental officers if this is to continue to be the case. Farmers have worked for many years to control weeds, revegetate land and control fires. Other measures include the control of feral animals, such as foxes, cats, goats and rabbits. All this could not be paid for by any government, and it often goes unnoticed, unappreciated and unrewarded.

The impact of land clearing was of increasing concern 30 or so years ago. It was recognised that the loss of the original native vegetation cover brought about a significant loss of native plants and animals, as well as causing land degradation and adversely affecting our critical water supplies. While we enjoyed and still enjoy a range of national and conservation parks, it was decided that protection and conservation of biodiversity could not be confined to these parks alone. The launch of the heritage agreement scheme in 1980 by the then Liberal state government was a visionary and progressive move that now puts us ahead of other states in this field. The heritage agreement scheme gave landholders a system whereby native vegetation, especially remnant native vegetation, could be preserved. The landholder was given selected incentives to retain and manage the areas in return for entering into a heritage agreement, generally lasting in perpetuity. It has been a distinct success.

The legislation also focused attention on the need for revegetation. Visitors comment approvingly of the lines of scrub along the roadsides of Eyre Peninsula. It was such a common characteristic of our environment that it was not commented on. Now the same characteristic of roadside vegetation is becoming more and more common across the state as roadsides are revegetated by councils, farmers and volunteers. Seeds collected from native plants in the locality are mixed and directly seeded onto roadsides. It is fulfilling to see the progress of these stands over the years. Revegetation is also being used to stop the spread of land salinity and to reclaim land where salinity has occurred. Work done on Eyre Peninsula in reclaiming salt affected land is watched across Australia and is considered an example for other states to copy.

A trial currently being undertaken to grow, harvest and process mallee by Western Power in Western Australia's wheat belt could be of great interest, particularly in the light of the Premier's statement in the house today. Western Power proposes to use the mallee, grown to lower the water table, to produce renewable energy in addition to the traditional eucalyptus oil. Heat from the exothermal process is used to generate renewable or green electricity. Other products include highly valued activated carbon, used to remove contaminants from fluids and gases.

Adrian Chegwidden from Western Power this month received a land care award in Canberra on behalf of his company for growing 4 million trees. Adrian visited Eyre Peninsula last Friday and briefed me and others on this trial and the opportunity it offers. When growing mallee becomes a viable alternative to traditional crops, many more farmers will be encouraged to grow more trees, to the very great benefit of our planet.

While concentrating on native vegetation, it is an appropriate moment for me to mention the damage that rabbits did in the past and will do again, should control measures fail. People today are unaware of what it was like to live or try to live with the millions of rabbits that infested the land. Rabbit trappers towards Elliston on the West Coast of Eyre Peninsula could take 3 000 to 5 000 rabbits a night without affecting the population. Our family farm was located on the Lock-Elliston road, and I can remember the devastation that was caused.

A rabbit drive was described in one of Arthur Upfield's series of books featuring the Aboriginal Napoleon Bonaparte as the detective hero. A wire netting enclosure was set up and rabbits driven into it and then killed. I remember a photo using the corner of a wire netting fence, where the rabbits were being cornered to be killed using sticks. There is no knowing what or how many native species have been wiped out by rabbits. It is imperative that this pest be kept under control and, where possible, eliminated.

Excellent work has been done on our farms and in our national parks to eliminate feral animals. However, to have the maximum effect, some latitude must be given to those on the spot—the farmers. They must be able to deal quickly and efficiently with situations that occur without involving time, paperwork and threats of dire consequences for non-compliance. A few trees destroyed by ripping rabbit burrows will be far outweighed by the seedlings that will survive without rabbits eating them. This is shown by the thousands of young sheoaks now found along our roadsides. Only a few years ago, only an occasional aged sheoak could be seen. For many years rabbits were eating all the young ones. The sheoak has a naturally shorter life span than most trees, so very few live trees were left in areas that had been sheoak woodlands. If rabbits are not eradicated, this could easily recur.

An appeal process and enforcement of judgments are needed in the bill. Appeals and enforcements are essential for legislation to work effectively. However, disagreement with decisions of the Native Vegetation Council is the most common complaint I receive concerning native vegetation. Some of the council's decisions have given rise to perplexity; however, the majority have been resolved through discussion of the issues. Some of those who have been most affected by a refusal to allow clearance of native vegetation do not have the ability or the resources to adequately put their case. Having a clear avenue of appeal is essential.

It should also be noted that many of the people affected are the older generations, who are not always highly literate. In years gone by, country schools often gave no opportunity to be educated past grade 7. This should be taken into account when documents and language are used by people in departments and courts. People can be experts in their field but still not understand the technical language used by professionals, leaving them feeling confused and frustrated. It is to be hoped that whichever court is used it operates with compassion and commonsense.

Local government councils and landowners have been frustrated and alarmed by some decisions that impact on safety. We are fortunate to have large trees in parts of my electorate. Unfortunately, limbs sometimes grow out across the road. Cutting back the branches for safety purposes has, at times, become a nightmare. One council in my electorate was ordered to use a handsaw instead of a chainsaw to cut back trees along its roads, and one farmer was attacked for cutting back branches so that he could take his header along a back road instead of the main highway. This farmer is an

active participant on the local CFS. He has risked his life and used his equipment without charge to control fires within the district and in its national parks but is treated like a criminal for cutting back a few branches of a mallee tree (which will easily regenerate) to enable him to more efficiently and safely go about his business.

It is for the sake of people such as this farmer that I have asked to have up to 15 metre firebreaks, particularly on the northern side of our national parks and government land, and adequate access tracks and periodic cold burns. For example, the SA Water land south of Port Lincoln should have 15 metre firebreaks with the approval of the relevant fire officers. These professionals know their local areas and the risks that are posed by large expanses of trees. The recent Hambridge and Tulka fires in my electorate could easily have caused fatalities just for the want of taking adequate precautions. The risk is simply not worth taking.

I hope that the Labor government will, in a spirit of cooperation with farmers and developers, proceed with the proposed environmental credits. It will be interesting to see how environmental credits work in practice. The proposal appears to give some much-needed flexibility to the retention, management and clearance of native vegetation for the benefit of the environment and particularly for those who make their living from it and who are increasingly required to compete efficiently in world markets in order to survive.

However, I put on the record my support for the health farm development proposed at Coffin Bay which was mentioned by the member for Fisher. I commend the developer, Lyn Crossman, on her project and vision. This project will bring a new industry and much needed jobs to the region. It is located on land zoned as deferred urban which people have always been aware would be developed at some time in the future. The developer proposes to utilise just 4.6 hectares of this 9.7 hectare property, retaining 47.4 per cent as native bushland. The same could not be said for land that is subdivided for normal residential blocks. It is important to keep in mind that this 9.7 hectare property is nearby to some 31 826 hectares of Coffin Bay National Park.

I find it ludicrous, statements by the Nature Conservation Society of South Australia's Project Officer, Matt Turner, who has been quoted in today's *Port Lincoln Times* as saying that more native vegetation could be cleared than would be necessary. He says that, whilst 'the health clinic sounds like a good idea, it should not come at the expense of native vegetation'. Mr Turner went on to say that, although he had never visited Coffin Bay, he had seen aerial maps of the region. I challenge Mr Turner to visit the area and see for himself exactly what he is talking about. The Lower Eyre Peninsula boasts huge tracts of national and conservation parks, including the Lincoln National Park, the Kellidie Conservation Park and, of course, the Coffin Bay National Park. In addition, SA Water owns much of the land running between Port Lincoln and Coffin Bay sited over the Uley Basin, which is uninhabited—and there are heritage agreements over significant pieces of other land in the area.

Mr Turner's credibility is very much in doubt. I suggest that he pick on regions that he knows and where there are far greater problems than he will find anywhere on Eyre Peninsula. Eyre Peninsula has more native vegetation than any comparable area in the state. Obviously, legislation must be put in place mostly to control those few who need to be controlled. However, where it is restrictive and inflexible to the point of absurdity, it is counter-productive. The goodwill of the farming population and developers must be retained and encouraged. Local knowledge and the experience and hard work of farmers and developers must be acknowledged and valued if they are to continue to put in the funding and hours of work that are needed to ensure that the environment is protected for future generations. They are allies not enemies of native vegetation retention, and it is my hope that departmental officers will work with them and that they will work with those departmental officers for mutual benefit.

Mr McEWEN (Mount Gambier): The great thing about following the member for Flinders is that most of what needs to be said has already been said, and it has been said with a great dose of commonsense. All I need to do is add—

An honourable member interjecting:

Mr McEWEN: I know. The member for MacKillop is next, so the whole record might be changed. The great thing about this matter is that, through an evolutionary process, the now shadow minister and the current minister are heading in the same direction. All we can do as we process the bill through the house is fine-tune it. To that end, I want to make a couple of comments. First, we need to strike a balance between enforcement on the one hand and the individual and the right to privacy on the other. I am not convinced that the amendments to the bill (known as the Gunn amendments) actually strike a true balance. There will be some discussion tonight about finding common ground between the two sides of the equation. Equally, I want to put on the record the fact that, unless the penalties serve as a deterrent and unless they are actually enforceable, there is no point in doing this. In the past, the gaps have been on those two fronts. I want to see the striking of a balance and, if we do believe that this is law, that we enforce it so that those who are confronted with the law will find that the penalties are such that complying is the best way to go.

The only other issue on which the member for Flinders touched and which I also want to raise in committee is the notion of having a number of options for people who have to explore beyond their own property a solution that allows them to clear some native vegetation. I am not convinced that the bill as it stands allows a satisfactory solution, as the one option could actually hold people to ransom because the Native Vegetation Council itself will actually set the fee. They will be the judge and the jury, and I do not think that will work. People may not be treated unfairly but they will not be treated independently. The credit proposal is another approach, but I am not convinced that it is workable. Although it looks like a good idea, I am not convinced that it will work. However, at least if it is there as an option we can fine-tune a solution.

I think there needs to be more than one option on the books or at least a control so that, in terms of the cost of negotiating another solution, it is not left strictly in the hands of the Native Vegetation Council. With those few comments, I am delighted to see the bill progress. I think that students of the process of evolving legislation could use this as a model in terms of the way in which it is progressed.

Debate adjourned.

SITTINGS AND BUSINESS

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

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

Motion carried.

HOSPITALS, PRIVATE PATIENTS

The Hon. L. STEVENS (Minister for Health): I seek leave to make a very short personal explanation.

Leave granted.

The Hon. L. STEVENS: I want to correct one sentence of the ministerial statement that I made earlier today because I left out the word 'all'. The third paragraph of my statement should read:

I agreed to immediately follow up the allegations raised by the honourable member, although I note that we were not provided with all the information from the member until yesterday afternoon.

NATIVE VEGETATION (MISCELLANEOUS) AMENDMENT BILL

Second reading debated resumed.

Mr WILLIAMS (MacKillop): This bill has been a long time in the preparation, and I want to begin my comments by congratulating the previous minister, the member for Davenport, for his work in its development. Later, I will discuss the deficiencies of this bill, comparing it with the bill that was passed by this house in the last parliament. I reiterate that approximately 12 months ago the previous minister introduced a bill of this nature that contained other provisions and that was passed by this house.

Along with other members of the Liberal Party, over an extended period of time I was involved in a backbench committee that negotiated the various provisions contained in this bill. The committee put a lot of effort into coming up with what it believed were workable solutions to some very thorny problems for those administering the Native Vegetation Act and, indeed, for those whose very livelihood might have been threatened by the provisions of the act.

With respect to native vegetation, in South Australia we have reached the stage where the community is of one mind, by and large, about the environment. It has taken a long time to turn around the mind set of the community. Whether people like it or not (and I know there are some in our community who do not), we have to recognise that the managers of most of the land in our state are those who farm the land. So, it is the farming community that manages by far the majority of our land.

Consequently, this act is primarily directed at the farming community and the way that it is able to go about its business with regard to native vegetation. We are now at the point in the evolution of the environmental movement where the majority of those land managers have become very sound environmentalists, a fact that is often overlooked by many in the community. I also acknowledge that there are small pockets of people in the community who have some strange idea that the majority of our farmland should revert to some sort of native state.

Our ability as a community living in this corner of the world to maintain our natural heritage and biodiversity hinges on our economic ability. To maintain and indeed increase biodiversity (a topic that I will discuss in a moment), we must have the financial means of achieving that aim. The relationship between the people who are charged with the responsibility of managing our land are the very same people who are making their living from the land, and that management, certainly in an environmental sense, hinges on their ability to be viable economically. That underscores what we can and cannot do and expect with regard to maintaining the environment.

I argue that we should be moving towards a time when we can increase the native vegetation and the biodiversity of our state. I am very disappointed that the minister has sought to delete in the bill the very set of clauses in the last bill that I believe offered that opportunity, and I talk about the proposals to set up a system of environmental credits.

The farming community is not in any way encouraged by the government, and certainly not by this legislation or the principal act, to increase the amount of native vegetation on the land that it manages. I believe that is a major failing. I accept that those responsible for managing and enforcing this act are faced with problems, and I do not have too many problems with those enforcement provisions of the act. I will not go over the same ground as the shadow minister, but I must say that the bill does not give any great benefit.

I agree with the proposal that, in lieu of planting an area, in exchange for being able to remove some native vegetation, people should be allowed to put money into a fund, and that fund could be used to plant native vegetation on some adjoining property, or somewhere nearby. That is the basis of the credit system contained in the previous bill that was dealt with last year. That system would encourage landowners and farmers to be proactive in planting native vegetation on their farms, because they would know that at some time in the future, whether or not they intended to apply for native clearance on their property, there would be a chance that they might gain some financial benefit, and that could be used to offset the clearance of some native vegetation for some management improvement on their own property, or be traded with a neighbour or someone in the locale.

That is an area in which we are failing, because we can keep every piece of native vegetation currently growing in South Australia and allow it to grow to the end of its natural life, but within a relatively short time very little will be left. As they come to the end of their natural life, the plant species are not being replaced, because the land managers or the farmers have no incentive to do so. Even though they have become fine environmentalists, in the main, if they wanted to plant some trees somewhere on their property, because of the way the act works at the moment they are not encouraged to do so until such time as they want to apply for a clearance. That is the way the act works at the moment.

As we all know, the wine grape industry has caused many land-holders (many are in my electorate) to submit applications to remove the odd tree on land that they want to develop for a vineyard. Over the past four or five years, many constituents have come to me with problems that they have encountered with the Native Vegetation Council whilst trying to accommodate development within the provisions of the act.

In each of those situations, the biggest problem has been that many of these landowners have been very good environmentalists, have historically planted substantial amounts of native vegetation on their properties but have been given no credit. A couple of years ago, we reached the stage where stories of the pitfalls that had been encountered had got around, and people were being actively discouraged in relation to planting native vegetation on their properties, because they knew that, if they wanted to apply to remove one or two trees at some stage in the future, they would be able to do so only if they could plant down an area as an offset.

So, they had to keep that area down by the creek, or in the corner of the paddock, or wherever. They had to keep that available to do at that time, because they would get no credit for doing it today and then applying next week for a clearance. I have been a very keen grower of native plants on my property in the lower South-East, particularly eucalypts. I have spent many years collecting seed from various places, and a few years ago, whenever visiting an area away from my home, I enjoyed identifying the various (and I concentrated principally on eucalypts) local eucalypt species, collecting seed and taking it home to propagate and plant. I have also given some trees raised in that manner to other people to plant.

An environmental issue that we must be aware of, in doing that, is that, in taking seed from one area to another, propagating it and growing those plants, we are limiting the biodiversity. There is nothing in the act to address this but, through the credit system, I believe we could manage it. There is nothing to encourage land-holders, even when they are planting trees as an offset against permission to clear a number of trees on the property, to plant the correct species (even though the species are often identified in their permission to clear). I refer not just to the correct species but, probably more importantly, to the correct provenances. So, quite often it will be stipulated that eucalyptus cameldulensis (river red gum) is to be planted, but I have never seen the provenance identified.

A lot of the understorey and ground cover plants are quite often ignored, not necessarily under orders from the Native Vegetation Council but certainly by land-holders who are acting of their own volition to plant areas on their land, whether it be a windbreak or even in some instances a commercial plantation. If we had a credit system, the land-holder would be able to qualify for the credits only if the planting he undertook met certain conditions; and those conditions could easily identify not only the species but also the provenances, as well as stipulating that the planting contain the relevant and appropriate understorey and ground cover plants.

The legislation should encourage land-holders to plant areas on their land with native species, and then we should have a system where they are encouraged not only to do that but (with a carrot rather than with a stick) also to plant the appropriate species, the appropriate provenances, in the appropriate associations. Most of the community see that we have a Native Vegetation Act and controls on native vegetation clearance, but I think that people fail to understand the dilemma we have with our native vegetation, and they fail to understand that the biodiversity of our state is limited. Therefore, we have to encourage the regrowth of new as well as some of our older trees in particular.

The Native Vegetation Act contains some specific sections stipulating eucalyptus cameldulensis (the red gum). The river red gums remaining in the South-East are a very poor example of the species. As people cleared the land, the timber getters, the rail sleeper cutters and the post cutters took out the best trees as they provided the best timber. They were also easier to harvest because they were nice and tall, large and straight, and the harvesting quite often involved cutting them down and then splitting them up into useable timber.

If you go through the South-East you will see some magnificent river red gums but, in my opinion, they do not reflect the magnificence of that species. It is the same along the river. When the steamers were plying the river, the best trees and those easiest to harvest as firewood to run the furnaces on the riverboats were taken down. The remaining trees were generally not so magnificent and mighty. They were usually stunted, gnarled and difficult to convert into firewood for the steamers; and I think that fact is not recognised.

I believe that we are missing an opportunity with this piece of legislation, because the government has omitted the clauses that refer to the credit system. I hope that the house will very favourably consider that matter when the shadow minister puts forward his amendments which, if carried, would bring the bill back to being almost identical to the bill already passed through this house some 12 months ago. Only a matter of weeks ago, one of my constituents and I visited the Native Vegetation Council's office in Norwood, and there was a classic case of a land-holder who had a small holding, had done the right thing with regard to maintaining trees on his property and, indeed, put new plantings of the appropriate species and provenance on that property but was developing a vineyard on other parts of it.

That vineyard development will be much less unless this landowner can get permission to remove some native vegetation, and that will decrease the ability of that particular block of land in the future—and I am not talking about the next 10 years: I am talking about the next several hundred years. If that property is developed in a sensible way that will allow it to give a steady and assured income stream, it will always have native vegetation on it which will always be maintained by the landowner. We have to accept the fact that in this day and age most farmers, even though they would like to invest in native vegetation—in its retention and in replanting—their first priority is to make a living.

There are plenty of win-win situations involving native vegetation. I think that we have the farming community onside as to the importance of the environment and the biodiversity. The farming community understands, having been educated over the past 20 years, that the greater the biodiversity on their property the easier it is for them to grow their crops and their livestock, because the environment is in equilibrium and there are not the pest problems that there would otherwise be.

Farmers would much rather have trees on their property as homes for birds which will eat the insect pests that come onto their farm, rather than be spraying those pests. So, with the farmers onside, let us encourage them to go out and be more proactive and see if we can actually increase the amount of biodiversity and increase the amount of native vegetation that we have in South Australia. Unfortunately, I do not think that this bill in its present state will give those incentives.

Ms CHAPMAN (Bragg): Later this evening I hope to have the opportunity to make a contribution in respect of firebreaks, aspects of which will be under discussion with amendments. First, I am very proudly the member for Bragg, which is the home of one of the very few country fire services, namely, the Burnside Country Fire Service, which services some of the most difficult area to protect in South Australia. That is principally because not only does it have responsibility for an area which has very steep gullies covered with dense areas of native vegetation abutting quite densely populated urban residential areas but those gullies are steep and often infested with areas of introduced plants, which only heightens the difficulty when there are fire problems.

Secondly, I do have the privilege of being a landowner in rural South Australia, which is not only in one of the most

beautiful parts of South Australia but it has native vegetation on it. That has been looked after by successive generations of my family and I will continue with that work. It is vulnerable to the ravages of fire and, as well, it is adjacent to large tracts of park area that are also densely vegetated, which creates another area of serious risk. So I do look forward to the opportunity to make a contribution in that regard.

During the course of the next few minutes I want to refer to the aspects on which our lead speaker, the member for Davenport, has indicated we will be moving amendments: first, in relation to penalty on the criminal aspect of the current act, which is to be increased under this bill; secondly, the matter of the court which is to hear and determine those matters; and, thirdly, as a result of the government's proposed selection of court, there is the matter of the exposure to third parties being involved. Whilst there are other significant matters about which I have a concern, I think they have been adequately covered by other speakers.

The Native Vegetation Act 1991 and its predecessors have in their origin certain objectives which clearly have been supported across this chamber, which objectives are to be amended in the government's bill. But largely with those amendments the legislation will seek to conserve, protect and enhance the native vegetation, make provision for incentives and assistance, limit clearance, encourage research, and encourage the re-establishment of native vegetation. Of course I have paraphrased that in the interest if brevity. However, whilst this series of legislation has had support, it has had objectives which are not deliberately and specifically to impose penalties. The member for Mount Gambier stressed the importance of trying to look at other ways in which we actually comply with the objects of this act and/or amendments to it to ensure that, when we look at aspects of incentives or assistance to landowners, we in fact do that and not introduce an onerous and unreasonable burden of penalty.

In that regard it does, in the manner of introducing penalty, already provide for a quite significant penalty: $40 000 for unlawful clearance of land in a circumstance where the determination of that clearance has been made by a body, purportedly expert—and I do not wish to go into the composition of the Native Vegetation Council—without any appeal whatsoever to any court in any way. Now, I can say as a lawyer and, indeed, in a circumstance where anyone might be exposed to penalty, that I find it both offensive and concerning that any legislation should make someone liable and exposed to a large penalty and a criminal record in a circumstance where they have no avenue of appeal.

That is not a matter which is specifically for consideration in amendment today, but I put on the record my increasing concern that the government is now looking to introduce a penalty of up to $100 000, or an aggregate of other costs, whichever is the greater. That now raises a very significant penalty which, I suggest, ought to at least alert the house to reconsideration of that substantive matter. Therefore, it is all the more important that we look at this carefully, and I hope the government will look carefully at the member for Davenport's proposed amendment. It is also very important that we choose wisely when considering the avenue of appeal process in relation to the administrative process component, and that is whether we move away from the District Court and to the Environment, Resources and Development Court.

It is fair to say that, if we were looking at an appeal process against a determination of the council, it may be a reasonable argument to look to the ERD Court for determination of appeal on a substantive matter. However, we are looking at either the District Court or the ERD Court hearing and determining the contravention and imposition of penalty, or sentencing, on both a criminal offence and on civil proceedings. I think they call it civil proceeding enforcement, which is a rather interesting description. All those provisions, either under the current section 31 or the new section 31, relate to matters in relation to which, if on the balance of probability it is determined that a person has breached them, the person is then subject to other penalties, and that is dealt with at a civil level.

As I say, with the penalty of this bill for the criminal aspect now proposed to be at $100 000 raises the question as to which court should hear and determine, as I say, both the determination of the contravention and the sentencing. In light of the proposed increase in penalty, I would ask the government to look carefully and very seriously at retaining that sentencing role in the District Court. Not only is the District Court experienced in dealing with issues of determination of contravention, penalty and sentencing, as such, but it is also one which does not have the defect, I suggest, for the purposes of that role, namely, allowing third parties to intervene in that application and to be heard and determined.

In my view, that introduces not trial by jury, not trial by judge, not trial by tribunal member, but a contribution to sentencing by neighbour or some other interested party who considers that they have an interest in a matter in which I would suggest they do not. But that power is there in the ERD Court for good reason in the sorts of actions and determinations they are there to deal with; but not determinations of contravention and sentencing. That is not a forum, I suggest, which is suitable for that role. It is not experienced in that role. It is not trained and nor are personnel selected for that role. To introduce third parties into that process, which I accept is one small part the whole thrust of the Native Vegetation Act, is one which is dangerous and about which great caution should be exercised if we are to go down that route. I do ask the government very seriously to reconsider that matter.

If, on the other hand, it is proposed by the government, or indeed anyone in the parliament in due course, to reopen the question of whether there ought to be an opportunity for appeal on the merit of a determination by the native vegetation decisions, then that is another matter, but we are dealing with determinations of contravention and sentencing, and they ought to be dealt with in a specialist court, in the court that it is in now, and it ought not have nosy interveners on that process who are ill-experienced and ill-equipped to deal with that aspect.

Mr VENNING (Schubert): I support this bill with the proviso that certain amendments are agreed to. I congratulate the former minister, now the shadow minister, for all the work that was done on this bill when we were in government. There were hours and hours of consultation. I also congratulate the officers of the department in those times for laying it out so that the many disparate people in our party, which contains most of the country landowners in this place, could come to a common position. It is a credit to him that he did that. I also pay tribute to the current minister who has gone on with this. Admittedly he has changed a few things, which I hope we will discuss and hopefully amend, in this contentious legislation.

Dealing with native vegetation is contentious because many farmers who are third and fourth generation farmers have had native vegetation on their properties for years—in

fact many properties are just that, all native vegetation—and have had difficulty coming to terms with rules and regulations. We pay our industry great credit because today most of the people out there understand how valuable and precious native vegetation is. About 90 per cent of people out there are responsible and have learnt, not just through education programs but by being responsible and keeping abreast of issues, that their native vegetation is valuable and they therefore manage it responsibly.

Again, I congratulate the shadow minister and the minister today for bringing back this legislation and for his conciliatory attitude. Hopefully, at the end of this we will see the legislation passed with some common sense amendments having been made to it.

To run over a few points that have been raised, I was concerned with the penalty rising from $40 000 to $100 000. That may be okay for certain people who are prepared to pay that fine to clear the land. On the other hand, I can understand why the minister would say, 'If you are going to do that, $40 000 is not a big enough disincentive for the person who gets out with a D9 bulldozer, whacks down the trees and pays the fine.' Maybe $100 000 is a deterrent, but there is no right of appeal. I can see a smaller private person mistakenly removing a tree—perhaps it caught fire accidentally—facing a fine of $100 000, and having no right of appeal. It may be a fire that got away, either intentionally or unintentionally, and for that the person involved could suffer a massive fine of $100 000. Without a right of appeal I have some concern about that. There are complications. We will not try to amend the bill in this place, although we may revisit this area later. Despite that, I raise my concerns now.

I was also concerned about the change from the District Court to the ERD Court. I have had some experience in relation to the right of appeal before the ERD Court. This matter concerns me because in the ERD Court everybody has the right to appear and appeal, and we could really have a kangaroo court. In such instances the accused is usually one person being accused of a breach of the Native Vegetation Act, whereas the accusers are usually manyfold. In the ERD Court justice would not be dispensed as well as it would in the District Court. I appeal to the minister to reconsider that. We argued this through long and hard on this side of the house and, after a great deal of discussion and consideration, we came up with the unanimous decision that it should be the District Court. I hope the minister will take that in hand.

I refer to the case of Grant Burge in the Barossa Valley. If ever I saw a kangaroo court in action that was it. The Burge family has several beautiful vineyards, but this one was between Lyndoch and Williamstown on the flats. The *Advertiser* ran the story of the Burge family removing valuable native trees. The photograph that appeared in the paper was not one of the trees to be removed, and in this beautiful part of the world the Burge family has planted many trees. The trees they wanted to remove were diseased, dying and had suffered a lot of damage over the years for several reasons. The public uproar against the Burge family was an absolute disgrace and the rent-a-crowd that appeared at the vineyard was way over the top. I do not believe the Burge family got a fair hearing at all.

If one went and looked at it, one saw that they were cleaning up old wood and timber. The family is very environmentally conscious, have bought that land and made it into a pristine part of our state. They run some of the best vineyards in our state, with beautiful natural timber all over it. The Burge family would not remove trees of any great intrinsic value. The campaign waged against them by the *Advertiser* and others was a disgrace, and I feel sorry for the Burge family. They have got on with it and redesigned the vineyard, and the old dead, disfigured trees are still there. I do not believe Mr Burge would have got a fair hearing before the ERD Court because the Conservation Council and others, assisted by the media, whipped up the debate, as a result of which the Burge family did not get a fair hearing.

Being the sort of people Mr and Mrs Burge are, they got on with it, having accepted the decision. The Native Vegetation Council was involved and they agreed behind the scenes with the Burge family. But, with the weight of numbers and the public perception, they were not prepared to give the Burge family an open hand to do what was the reasonable and responsible thing. That case personally involved me.

Expiation notices should only be issued by the Native Vegetation Council and not by an over enthusiastic officer. This matter has every indication of getting out of control.

The Hon. I.F. Evans interjecting:

Mr VENNING: The shadow minister tells me that the minister has agreed to take that out. I am grateful. I do not know who put it in there, but it had all the prospects of being very dangerous, as someone out there could give on-the-spot fines. I am pleased to hear that it is being taken out. Not just anyone should be appointed an officer, as the new act states. I do not believe that just anyone could be appointed to be an officer in relation to native vegetation matters, because these officers must have some respect and expertise in the community. Those involved cannot select just anybody: such officers should be selected at a local level and should have experience in liaison with local government. Such an officer should be a local police officer, a council officer, a landcare officer, a national parks officer or anyone like that, but not simply any person. If the minister does not agree, he could make that clause more specific, as a result of which I would be much happier.

The power of officers has always attracted great debate. I support the member for Stuart, as he gives good background information regarding such a situation. We must be careful with the power we give officers. Once we pass legislation like this, people in the far flung areas of the state use not only the legislation but also the speeches we make in this place to defend what they are trying to do. The member for Stuart is entering the chamber now. We know what happens out there when we have a confrontation: the man with the stripes on the shoulder starts to throw around his or her weight. We have to be careful about the power we give these officers, and I am very much opposed to the extra powers that are being given to them in this bill. I am very much opposed to the taking of the equipment onto any land and that one can 'dig up, dismantle or remove anything that the authorised officer reasonably suspects may constitute evidence of the breach'.

I cannot believe I am reading that. I cannot believe that, in this modern day and age, we can pass legislation with such a provision in it. The only way that I could describe that is like the Gestapo: it is the military police all over again, marching on, without any kickback at all. I think that we should oppose this amendment and I hope the minister will reconsider, but I cannot believe how that got in there. Just imagine if we got the wrong officer, given those powers in the bill. I do not believe that should happen.

To protect our native vegetation, we often have to do certain things, and I know that the member for Stuart mentioned some of them. Firebreaks are essential and an amendment could be moved to expand firebreaks from five

to 15 metres. I would support that in certain circumstances, particularly where there is high timber. What good is a five-metre firebreak if there are 15-metre trees right alongside it? It is no good whatsoever. That creates a real danger to our firefighters, to our CFS volunteers, who have to go into such a situation. A width of five metres is not enough in which to turn a modern, four-wheel drive fire unit. It is dangerous, so in certain areas,15 metres ought to be the norm, unless otherwise stated by a local officer.

Weed control is required in these areas because, if you do not control your weeds, not only do you end up with a weed problem but it further adds to the fire problem. I am pleased to say that, in recent years, we have certainly had more success in this area. I turn now to fences. If you have a property adjoining a national park or a native vegetation area, fences are most important, and sometimes you have to bulldoze a tree or two to get those fences in. If you dodge every tree, it becomes a problem. Proper fencing must be considered.

Rabbits are an ongoing problem, particularly in areas of native vegetation in the parks. In recent days we have seen a huge rise in the young rabbit population. I do not know why that is, whether calicivirus is not working, but we are seeing a big increase, and the way to fix rabbits in this instance is to attack the warrens, and that might be by deep ripper, but I think that all options should be considered.

It is also important to control soil erosion, and often the only way to do that is with a bulldozer, and that involves bulldozing gullies, particularly where there has been massive sheet soil erosion for years. I have done this myself, and I must be careful, but the only way is to bring in a bulldozer, push in the gullies, slew out the land, and native vegetation and the odd tree or two will get bulldozed in. You do sacrifice some native vegetation but you are also putting back or reconstituting the land into undulating country because you are taking out the gullies. From then on you control the erosion and the vegetation grows back, with the help of what is planted. The end result is better land management and better native vegetation.

I support the member for Stuart's amendments, and he has been a strong advocate on this issue. He has been in parliament for 33 years and I reckon that, for 30 of those years, this issue has been a hard one for him and his constituency to consider. We have shared constituents who have had problems with native vegetation legislation, and I will name one family, the Hugh-Sobey family from Blanchetown. They have always harvested timber on their property, controlled harvesting for firewood, to keep the area under control and to promote young growth. I could never understand why the Sobeys were prohibited from harvesting, yet just a few miles down the road others were able to. Purely because the Sobeys owned so much of it they were prohibited. The issue went on for years. We had some success, but not much, and now the member for Stuart has the same problem. I support that family and I will be supporting the member for Stuart's amendments.

I will work with the minister and, if he is ever in my electorate, I would like to show him some lovely stands of native vegetation. We appreciate them and we are all about protecting them. I support this legislation. At last it comes before the house. Let us hope we do not have to make wholesale changes to this inside three or four years, but there is the odd thing that we will have to revisit. I will watch very carefully for the regulations that will come behind this bill, because it worries me that we pass legislation and then we see by regulation the sneaky backdoor moves that circumvent some of the things we have discussed here this afternoon. I will support the bill with amendment.

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank all members for their contribution. The debate has been conducted in a good spirit and I thank all members for their comments. It is true to say that there is fairly strong bipartisan support for the protection of native vegetation, and the debate between the two sides is over only a relatively small number of issues, but that does not necessarily mean we will not spend a long time discussing those issues. There is not a lot dividing the two sides and that is probably different from 15 or 20 years ago when these matters were first debated, and that is just a reflection of how times have changed and understandings have improved.

I will not go through all the issues that have been raised by members opposite and by members on my own side because they can be raised during the committee. I make one comment to the member for Heysen, who asked me a particular question and I said that I would answer it at this stage so she did not need to ask it again during committee. She was concerned about the use of the ERD Court and the fact that it has a conciliation process built into it, yet elsewhere in the bill we are getting rid of conciliation. As I said to her privately, the conciliation process in the current act relates to the Native Vegetation Council itself and, when there is a dispute between the council and someone who has applied for a clearance, that can go to a conciliator for determination. That part has gone, if I am successful in getting that through, and the ERD Court has its own informal procedures which can resolve issues, so that is really the distinction. I thank members for their contributions and I look forward to an interesting process in committee.

Bill read a second time.

SNOWY RIVER AGREEMENT

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

Leave granted.

The Hon. J.D. HILL: During question time today, the Leader of the Opposition raised a series of questions about this government's actions in relation to the Snowy River Agreement. The honourable member claimed that, under the agreement, 70 gigalitres of water had to be directed into the River Murray before the Snowy River received its 140 gigalitres. The honourable member said that the governments in New South Wales and Victoria had breached the agreement by failing to divert water to the Murray before diverting it to the Snowy. I have since been advised by South Australian officials within the Murray-Darling Basin Commission that this is not true.

On 12 December 2000 the commonwealth, New South Wales and Victorian governments signed a heads of agreement under which Victoria and New South Wales would each contribute $150 million and the commonwealth would contribute $75 million, for a total of $375 million, to divert waters from the Snowy hydro scheme to the Snowy River. The plan involved four stages. Stage 1 envisaged that, in the first year after the corporatisation of the Snowy scheme, water from the Snowy, that is 38 gigalitres, would be obtained from the Mowamba River. Corporatisation commenced in June this year.

I am advised that the previous government was privy to these arrangements. In fact, I am told that federal minister Senator Nick Minchin provided the former government with a copy of the heads of agreement a short time after it was signed by the Commonwealth, Victorian and New South Wales governments. Therefore, the former South Australia government was aware that there was a provision for the up-front delivery of water from the Mowamba River to the Snowy.

Under the terms of the agreement, it was not until stage 2, covering years 2 to 7, that the three governments were to look for water savings from within the Murray-Darling Basin on a ratio of 2:1. That is, for each volume of water saved, two units would go to the Snowy and one unit would go to the Murray. The target by year 7 was to find a total of 210 gigalitres in water savings—140 gigalitres for the Snowy and 70 gigalitres for the Murray.

Stage 3, covering years 8 to 10, aimed for a flow in the Snowy of 212 gigalitres, equal to 21 per cent of average natural flow (ANF). Stage 4, which went beyond year 10, would attempt to reach a target flow of 28 per cent of ANF. The attempt by the Leader of the Opposition to somehow imply that the Bracks and Carr governments had breached the Snowy agreement at the River Murray's expense is incorrect.

As I have stated in this place many times, I want to see more water flowing down the River Murray. That is why the historic agreement struck in Corowa in April this year will finally see all partner governments in the Murray-Darling Basin reach agreement on substantially increased environmental flows for the River Murray over the next decade.

As minister for the River Murray in this state, I remain committed to working to improve the health of the river. But I believe it can only be achieved through a cooperative approach with our upstream partners, not by misrepresenting agreements already in place in an attempt to score political points.

NATIVE VEGETATION (MISCELLANEOUS) AMENDMENT BILL

In committee.

(Continued from page 1479.)

Clauses 1 and 2 passed.

Clause 3.

The Hon. I.F. EVANS: I move:

Page 4, line 14—Leave out 'following definition' and insert: 'following definitions'

This amendment relates to bringing into the definitions the words 'the District Court' instead of the minister's suggestion as per the bill of 'the Environment, Resources and Development Court'. I indicate to the committee that if I lose this amendment that will obviously flow through to subsequent amendments, which I will then not move. I will take this as the test case for that principle.

Essentially, the opposition has had the long-held view that the right place for administrative appeals which are given to the landowner under both the previous government's bill and this bill should go to the specialist division of the court that deals with administrative appeals, and the opposition's view is that that is the Administrative and Disciplinary Division of the District Court of South Australia, a division that is set up specifically to deal with administrative appeals. The government argues that the specialist court is the Environment, Resources and Development Court, given that it is the specialist environment court.

We would argue that the administrative process is not strictly an environmental matter. It is really an administrative matter. If you are appealing on an administrative matter it should go to the special administrative area of the courts, that is, the Administrative and Disciplinary Division of the District Court.

The other point attached to this is that, if the minister's proposal remains and it goes to the Environment, Resources and Development Court, there attaches a right for third parties that could attach to an appeal with the leave of the court. Whilst we understand that it is with the leave of the court, it is the opposition's view that there should not be a third party right of appeal, even with the leave of the court. Therefore, our view is properly represented by restricting the appeal to the District Court division in this respect. I will not outline any further argument because I did that previously when this matter was last debated. I think the parliament is well aware of the two sides of the issue. This amendment would in effect send appeals to the District Court, therefore not allowing a third party appeal.

The Hon. J.D. HILL: The government does not support the proposition put by the member for Davenport. We had this debate nine or 12 months ago and we made this the test case on that occasion, and we are doing it again; so, there is a great sense of deja vu. The government is of the view that the Environment, Resources and Development Court as the specialty environment court is the place for matters such as this to be heard. It has a much more flexible approach which allows the parties, as I explained to the member for Heysen a little while ago, to enter into discussion with each other in a less formalistic fashion, and that is to be encouraged.

The fact that it provides the opportunity for third parties to be joined to either side of the appeal process, with the discretion of the court, I see as an advantage rather than a disadvantage. It may well be, for example, that an appellant who objects to some sort of process on procedural grounds may well in fact act as a test case for a number of other parties with similar objections who may seek to be heard. It may well in fact allow a range of people who have similar kinds of objections to be heard at the one time, thus reducing the amount of costs that would be incurred.

I am also advised that it would allow bodies such as a soils board or the Farmers Federation to join with a party before the court to assist or to put their point of view. So, it does not work in just one direction. This is not just a measure to provide for what the opposition might see as environmental zealots jumping in at every opportunity. It also allows for those with a more conservative bent to participate in the process. Really, as it is at the discretion of the court, I cannot see the substance of the objection.

The committee divided on the amendment:

AYES (20)

Brindal, M. K.	Brokenshire, R. L.
Buckby, M. R.	Chapman, V. A.
Evans, I. F. (teller)	Goldsworthy, R. M.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L. J.	Kerin, R. G.
Kotz, D. C.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
McFetridge, D.	Meier, E. J.
Redmond, I. M.	Scalzi, G.
Venning, I. H.	Williams, M. R.

NOES (22)

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

PAIR(S)

Penfold, E. M.	Breuer, L. R.

Majority of 2 for the noes.

Amendment thus negatived; clause passed.

Clauses 4 to 19 passed.

New clause 19A.

The Hon. I.F. EVANS: I move:

Page 12, after line 8—Insert:

Insertion of Part 4A

19A. The following Part is inserted after Part 4 of the principal Act:

PART 4A
ENVIRONMENTAL CREDITS

Environmental credits

25A. (1) Subject to this section, the owner of land that is subject to a heritage agreement under this Act that was entered into after the commencement of this Part is entitled to environmental credits in accordance with a provision (if any) to that effect in the agreement.

(2) Subject to this section, the owner of land that is subject to a heritage agreement entered into under this Act or the South Australian Heritage Act 1978 that was in force immediately before the commencement of this Part is entitled, on application to the Council, to be issued with environmental credits that, in the opinion of the Council, reflect the environmental benefits arising from the agreement.

(3) An owner of land is not entitled to environmental credits under subsection (2)—

(a) in respect of a heritage agreement under the South Australian Heritage Act 1978 in respect of land in relation to which payment was made by the Minister under section 27(1) of the repealed Act; or

(b) if the heritage agreement was—

(i) entered into under this Act in compliance with a condition imposed by the Council under this Act on consent to clear native vegetation; or

(ii) entered into under the South Australian Heritage Act 1978 in compliance with a condition imposed by the Native Vegetation Authority under the repealed Act on consent to clear native vegetation.

(4) An owner of land is not entitled to environmental credits under this section in respect of—

(a) Crown land; or

(b) local government land.

(5) In subsection (4)—

"Crown land" means—

(a) land that has not been granted in fee simple, but not including land held under a Crown lease under the Crown Lands Act 1929 or the Pastoral Land Management and Conservation Act 1989; or

(b) land that has been granted in fee simple that is vested in the Crown or an agency or instrumentality of the Crown;

"local government land" means local government land within the meaning of the Local Government Act 1999.

Register of environmental credits

25B. The Council must maintain a register of environmental credits provided by a heritage agreement or issued by the Council which—

(a) includes the name and address of the owner for the time being of the credits; and

(b) identifies the heritage agreement by which the credits were provided or in relation to which the credits were issued.

Transfer of environmental credits

25C. (1) Subject to this section, the owner of environmental credits may transfer them to another person.

(2) A transfer of environmental credits is not effective until registered by the Council.

(3) If a person to whom environmental credits have been issued under section 25A(2) transfers them to another person the following provisions apply:

(a) the consideration (if any) payable for the transfer must be in the form of money and must be paid to the Council; and

(b) if no consideration is paid for the transfer or the consideration paid is, in the opinion of the Council, less than the market value of the credits, the person transferring the credits must pay to the Council an amount that, in the opinion of the Council, is the market value of the credits or the market value less the amount paid as consideration for the transfer; and

(c) the Council must determine the amount of money that, in its opinion, will be required—

(i) to manage the land in relation to which the credits were issued; and

(ii) to manage the native vegetation on that land and the animals on or visiting that land; and

(iii) to preserve and enhance the native vegetation on that land; and

(iv) to provide appropriate and sufficient protection to biodiversity in the circumstances of the particular case,

in accordance with the heritage agreement in force in relation to the land during the period of 20 years immediately following the determination; and

(d) the money paid to the Council under paragraph (a) or (b) must be paid by the Council into the Fund to the extent of the amount determined under paragraph (c) and the balance (if any) must be paid to the person to whom the credits were issued; and

(e) if the person to whom the credits were issued or a subsequent owner of the land in relation to which the credits were issued, applies for assistance under section 24(1)(a) or (b) in respect of the land, the Council must grant the application (subject to such conditions as it thinks fit under section 24(4)) to the extent of the amount paid into the Fund under paragraph (d) that has not previously been granted as assistance under this paragraph.

(4) Subsection (3) does not affect—

(a) the transfer of environmental credits by will or on intestacy or any other transfer of the credits by operation of law; or

(b) the transfer of environmental credits by a subsequent owner of the credits.

Cancellation of environmental credits

25D. (1) The Council may, by notice in writing to the owner of environmental credits, cancel them if, in the opinion of the Council, there has been a breach of the heritage agreement by which the credits were provided or in relation to which the credits were issued that has significantly reduced the environmental benefits arising from the heritage agreement.

(2) The Council may cancel environmental credits under subsection (1) despite the fact that the owner of the credits is not responsible for the breach of the heritage agreement.

(3) No compensation is payable by the Council in respect of environmental credits cancelled under subsection (1).

Surrender of environmental credits

25E. The owner of environmental credits may surrender them to the Council at any time.

I indicate that, if the opposition loses this, the other amendments related to environmental credits will not proceed. This amendment relates to the environmental credit system which was proposed under the previous government's bill and received approval of this chamber at that time. At that time, we as the then government openly said that it was an innovative idea, it was different and it would have to be

monitored to see how it worked in the field. But basically we had a similar view to the member for Gordon in that we thought that another measure needed to be available to landholders in relation to the heritage agreement scheme other than just the monetary option of paying into a fund. To give credit where it is due, the member for MacKillop and the Hon. Angus Redford came up with this proposal one night and over a whole range of meetings developed it into the measure we have before us. We would argue, quite rightly, as does the member for Gordon, that another instrument needs to be available to the fund proposal put forward by the minister.

If the environmental credit system is successful through both houses it may well be that in five years' time someone reviewing it will say it did not work and needs amendment or improvement in some way; so be it, but I do not know whether we should knock out an innovative idea because it has not been proven on the ground. I would seek the approval of the minister at least to support it through this house, then work with the member for Gordon and others to move whatever amendments the minister thinks might be needed to gain his support to give it a run on the ground and therefore get support through the other chamber. We think there needs to be another instrument; otherwise, the member for Gordon's argument stands up as valid, namely, that the Native Vegetation Council is then in a rather unique position of being judge and jury on the payment of the fund.

I will not go through extensively how the credit system works; the member for MacKillop may wish to make further comment, given his keen interest in it. The *Hansard* report from the previous debate outlines the arguments for the environmental credits. I would be arguing to the minister that at least at this stage he should support the insertion of the amendment and agree to work through the issues with the member for Gordon and others between the houses to satisfy the minister that it is worth a run in the field to provide that other instrument to the landowners.

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

Mr WILLIAMS: I will briefly speak to the amendment introduced by the shadow minister. I will not go over all of the comments I made in my second reading speech, but I will say that this amendment gives the government the opportunity to be proactive rather than reactive with regard to native vegetation in South Australia. I accept that the existing act has shortcomings—that is what this bill is all about—with regard to legal proceedings and getting convictions through the courts. The existing act is all stick and no carrot. This amendment gives the government the opportunity to show that it is interested in doing something in the long term, not in the next few years or even in the next 10 or 20 years, but in actually achieving something in the next 50 to 100 to 200 years in South Australia.

This provision may not be the end point of where we want to go, but at least it shows the outcomes that we want for some time in the future. I think it is a fantastic starting point and that it will give this parliament the opportunity in ensuing years—if this does not work in the way we think it will—to modify it. I implore the minister to seriously consider adopting this measure—putting it back into the bill—so that it becomes part of the act.

South Australia was one of the first jurisdictions to introduce native vegetation legislation, and it could be the first jurisdiction (certainly within Australia) to introduce legislation which is very proactive and actually encourages landholders and land managers to turn around what we have done over the last 200 years and envisages a point at some time in the future where we will realistically re-establish native vegetation in a real and meaningful way over a larger portion of the land area of South Australia.

The Hon. J.D. HILL: I do not accept the amendment at this stage. I understand that the mover and the member who has just spoken are genuinely interested in this provision. My reasons for not supporting it are as follows. I think it is much more complex than a money based system or really a market-based system, if you like. What they are trying to do is invent a new market-based points system, which has attached to it a fair bit of bureaucracy. I would not die in a ditch if it got up, but I am not really attracted to it. The reason for keeping it out at this stage is that, even if it were inserted in the act, it is highly likely that it would not be used. So, why put in something that will not be used?

I say to the honourable member and other members who are interested in this position, I am prepared to work with them and have my officers work with them to look at both this scheme and other schemes that we might develop over the next four, five or six weeks until the parliament sits again. I will do this in a genuine way. I will sit down and see whether we can come up with something that might make either this system work in a way that is less complex than it is now. I do not think on reading it that it is very clear how it would work and what it means. Can we come up with something better? The member for Mount Gambier is concerned about the money based system because of issues relating to one body being the judge and jury. I am happy to look at the money based scheme and also at this scheme and see whether we can come up with some measures which make it fairer, simpler and more flexible. That is my offer; it is up to them whether or not they take it, but I am happy to do this with before we discuss it again in the upper house. If we can come up with something on which we can agree, we will pass it through that house and bring it back down here.

New clause negatived.

Clause 19 passed.

Clause 20.

The Hon. I.F. EVANS: I move:

Page 12, line 15—Leave out '$100 000' and insert '$50 000'.

Again, this is a test vote in relation to the penalty. The previous government increased the penalty from $40 000 to $50 000, which was a 25 per cent increase. We thought that was reasonable because the bill introduces a reinstatement provision to allow the court to order a person found guilty of illegal clearance to reinstate native vegetation. The minister has also introduced in this bill a further provision so that a person who is found guilty of illegal native vegetation clearance can be instructed by the court to reinstate that native vegetation and cannot use financial grounds as a reason not to proceed unless those financial grounds are unduly harsh, which really protects their domestic residence.

So, we actually now have a very strict provision outside of the mandatory fine, that is, the reinstatement provision. We argue that the reinstatement provision rather than the fine will be a bigger disincentive, particularly to larger corporations. So, we argue that a 25 per cent increase in the fine from $40 000 to $50 000 is far fairer than increasing the fine from $40 000 to $100 000, which is an increase of over 100 per cent. The reason for this amendment is to reinstate the penalty back to the previous government's position (now the

opposition's position) that the penalty should increase from $40 000 to $50 000, not $100 000, because we have a reinstatement provision and because we have given the court other instruments in relation to financial matters. We think those measures give the court a far more balanced approach and a far more powerful approach than simply a high fines system.

The Hon. J.D. HILL: The government does not accept the opposition's amendment. The $40 000 fine in the current act has been around for 12 years. To increase it by 25 per cent, as the member says, is really just keeping pace with inflation. What I want to do here is to make a dramatic statement that we consider illegal clearance of native vegetation a serious offence. I agree with what the member for Davenport says that the revegetation provision is stronger and would have a more salutary effect on some landowners. However, I also want to send a message to those who perhaps will not understand the intricacies of the act that this parliament takes illegal clearance seriously and that the maximum fine can be $100 000. I understand that Western Australia is going through the process of looking at its legislation at the moment and it is talking about having a maximum fine of $1 million. So, in that context the $100 000 fine is relatively modest.

The Hon. I.F. Evans: They don't have the reinstatement provision.

The Hon. J.D. HILL: No, perhaps not, but they still want to have a $1 million fine. I suppose there are very few occasions when the maximum fine would apply. My advice is that it is doubtful that the current maximum fine of $40 000 has ever been applied by the courts. So, you would have to illegally clear a significant piece of land. I am thinking of one or two operators around the place who seem to ignore the laws no matter how large the fines currently are and continue to clear their land. As I understand it, they have been responsible for clearing not just a few trees or the odd hectare but hundreds of hectares.

The Hon. I.F. Evans: So, they're on the brink for what it's worth, are they?

The Hon. J.D. HILL: I will not go down that track, but some people are blatantly ignoring the laws and we need to send them a strong message that we believe that what they are doing is wrong and that there is a serious penalty. It is really to send a message out to the community that we take this matter seriously and that there is a fine of $100 000 if you clear illegally.

Mr McEWEN: I would like to make two points. In relation to the $100 000, even compounding on 7 per cent (so, 1.07 to the end from 12 years ago), on $40 000 it would come to more than $100 000, so the fine has not kept up to compound over that time. In addition, the number 100 looks bigger than 50 when you are staring it. Bearing in mind that it states 'maximum', it has to be considered that we are trying to make a point that the bill has to contain some reasonable disincentives to match the intent.

In the past, the concerns have been that the punitive measures and the policing have not been in place. The bill has to be robust: it is all or nothing. There is no point in passing a bill and then making it Mickey Mouse. If anything, I think there is an argument to increase the fine beyond $100 000.

Mr WILLIAMS: I totally disagree with the comments of the member for Mount Gambier—surprise, surprise! The minister has said that he doubts whether the maximum of $40 000 has ever been applied. As I understand it, the problem with the existing act was to get a conviction. Most of the measures that we are discussing are to strengthen the act so that convictions can be recorded. From memory, when we started discussing the amendments to this act, the debate was with respect to how we could obtain convictions.

The double-whammy is a double negative. As I said in my second reading speech and as I said a few moments ago when I was speaking to the shadow minister's amendment, it is high time that we embraced the change of attitude to the environment over the past 20 years by the farming sector in South Australia. If we are to have environmental improvement and not just tread water, and if we are serious about environmental improvement, we must say to the majority of the land managers, 'We trust you,' and we must be proactive.

It is a nonsense that we wave this huge stick. As it is presented to parliament, this bill contains no carrots, but we are making the stick bigger and bigger. I think we are sending the wrong message. If we have a problem with the sector of the community that is responsible for land management in this state, it is that we have put them off side. Doubling the fine, at the same time as amending the act to make it workable so that we can expect convictions in the appropriate cases, is sending the wrong message. If we increase the fine by a modest amount, amend the act so that we can obtain the convictions and move slowly ahead in partnership with the land managers, we will get the right response.

Mrs MAYWALD: Surprisingly enough, I disagree with the member for MacKillop. As the member says, the intent of the bill is to introduce disincentives for people to do the wrong thing. I agree with the member that the difficulty in obtaining convictions is also a problem. The level of the fine will have absolutely no impact on the ability to get convictions. The level of the fine may be a disincentive to go along that path and to build it into their capital cost in the first instance, but it certainly will not be any kind of assistance to being able to get convictions, because the conviction has to be recorded before the fine is imposed.

So, in my view the level of the fine is irrelevant. Once a person chooses to do the wrong thing, and he or she is convicted of that offence, the state needs to be able to say that that was not what it intended, and that it will not give the offender a slap over the knuckles but will ensure that he or she must pay.

I believe that increasing the fine is a good thing. We need to encourage better land management, and I agree with that. However, the fine is for those who do the wrong thing, not for those who do the right thing. So, those who are doing the right thing are encouraged in other ways. Setting the fine encourages people not to do the wrong thing.

Amendment negatived; clause passed.

Clause 21.

The Hon. G.M. GUNN: I move:

Page 13, after line 3—Insert:

(ab) by inserting after paragraph (a) the following paragraphs:

(ab) native vegetation may be cleared for a fuel break for fire-control purposes if—

(i) the fuel break is situated within the area of a rural council as defined in the *Country Fires Act 1989;*and

(ii) it is reasonable in the circumstances that the fuel break be established; and

(iii) the fuel break is not more than—

(A) in the case of a fuel break along an existing fence line—15 metres in width less the width of clearance on the adjacent land;

(B) in any other case—10 metres in width;

(ac) native vegetation may be cleared where—

(i) the purpose of the clearance is to deal with rabbits in the area by filling their burrows; and

(ii) taking action to clear the vegetation and fill the burrows is the most efficient way of dealing with the rabbits; and

(iii) the total area to be cleared does not exceed 0.25 hectares;

Page 13, after line 29—Insert

(7) In this section—

"fire-control purposes" are purposes associated with preventing or controlling the spread of fires of potential fires.

The aim of the amendments is to make the bill more streamlined and effective, and to introduce some certainty in relation to the ability of farmers and land managers to protect their properties and the community against wildfires and fires that get out of control from burning-off operations.

We could have an extensive debate on this case, but I say to the minister and to the committee that I could quote chapter and verse the difficulties that have been experienced. Currently, we have a situation where the Country Fire Service has made extensive comments. In this respect, I refer the minister to the *Sunday Mail* of 18 August which contained a very large heading, 'Prepare now for an explosive fire season'. The article contains a map of South Australia with various triangles indicating where the likely fire difficulties will be experienced. I think whoever drew the map was slightly enthusiastic, because I do not think there is much chance of having any bushfires at Marree or Tarcoola at this time.

However, there has been a very large build-up of material in parks and other large areas of native vegetation. Currently, well meaning, but perhaps misguided, people from the department are trying to make life difficult for people who have created fire breaks in excess of 10 metres. I understand that the member for Flinders will refer to Mr Denton in more detail later, but today the Deputy Mayor of the District Council of Ceduna complained to me about the conduct of that officer.

We are currently waiting on another place to pass legislation that will enable people to get public liability insurance. The Insurance Council of Australia sent me a letter stating:

> There are already insurers who have declined to insure risks in the Adelaide Hills. It would not be desirable to create a situation where other insurers took action too that reduced the market for property owners to secure cover. A reduced number of underwriters could precipitate market penetration and exposures beyond those sought by prudent underwriters.

We know what has happened. I suggest that we allow landowners to protect themselves and the community. I have been concerned about this matter for a long time. I know something about this subject, and I believe commonsense should apply. If we do not do anything about this, there will be bushfires. If nothing is done and people are prevented from establishing firebreaks, those who have opposed my amendments will have to accept public responsibility for the disaster that may occur. Having been warned once, there is no excuse for failure to allow people to act. I do not know whether members have seen tens of thousands of hectares of native vegetation on fire. If they have and have had any experience of trying to protect people and property from it, they know that certain measures must be in place; it must be possible to back-burn onto decent firebreaks; and there must be adequate tracks to enable access. Once people get into the area, they then have to get out, and back-burning is the only way to gain control. Remembering that you need to be able to turn around, you come along with a truck or firefighting equipment but, if you have only five or six metres in which to manoeuvre access and with heat so intense, access is impossible.

We know what happened to the tanker drivers in New South Wales, and we know what happened in the Blue Mountains. The member for the Blue Mountains, the former Speaker Rozzoli, told me that four years of bureaucracy, red tape and nonsense stopped them from burning all but a few hectares. We do not want that sort of situation. We do not want the Adelaide Hills to go up in flames.

In the agricultural sector in recent years people have been virtually prevented from burning off areas of scrub, despite a huge build-up. We used to burn patches of scrub 25 years ago, and it never did any harm. There would be no mallee left on Eyre Peninsula or in South Australia if you could kill it by burning it. You have to burn it in successive years, and the way to clear mallee was by burning it the first year, spreading clover and super over the area, waiting until you got a growth and then burning it again. I have cleared thousands of acres in that fashion, so I think I have some knowledge. I do not want to be told that we cannot do anything about this.

I made application to a council to put in a firebreak, and I am still waiting. We will be vigilant in our monitoring every fire. People are concerned. When you plough around an ordinary paddock, if you really want to be safe you put more than one plough mark around it. If you have a five metre firebreak, you might as well have none; in fact, it is a danger. We know what happened to the bulldozer operators who were sent into Hambridge Park; they nearly lost their lives. The only way they survived was to dig a hole with a bulldozer. You never go into such places and bulldoze breaks except in the night. But the amazing thing is that when a fire starts in a park they go and vandalise it. They get a big chain and they chain hundreds or thousands of acres down. The best fire protection is to be organised and take preventative action.

I ask the minister to consider what I have said and to be positive, because I do not want to see this silly nonsense go on any longer. To have people going around like that silly bloke at Port Lincoln measuring people's firebreaks is a nonsense. The only way this legislation will work is to have cooperation. Does the minister want cooperation, or does he want confrontation? The people concerned are silly and dangerous, and the actions of the silly woman who is trying to get onto the fellow at Wilmington are absolute nonsense. It is a waste of taxpayers' money.

I can give examples of actions; I know the individuals concerned, and I know some other foolish things these people have been up to, but I would sooner not go down that track. But I say to the minister: one unreasonable act always creates another. Unreasonable acts have been carried out, and unless we use some commonsense the rural members will become unreasonable and there will be no alternative. We will use this place, and we know how to use it. We will go after these people in various ways, but I hope that is not necessary.

In relation to vermin control, Dean Rasheed would have been prevented from doing all that valuable work that he did at Arkaba Station under the current provisions, and that is a ridiculous situation. I appeal to the minister to apply some commonsense in relation to dealing with rabbit burrows.

Mrs HALL: I want to support this amendment because of two very specific instances in the electorate of Morialta. I agree with a number of the things that the member for Stuart has said, but I actually believe that the issue of firebreaks is much more complex in various parts of the state, and there cannot just be a broad brush approach to control the lot.

However, I believe that the 15 metres that the member for Stuart is talking about is an absolute necessity in some areas of conservation and national parks that border substantial housing developments.

I would like to draw the minister's attention to a very specific case. As the minister would be aware, in the electorate of Morialta there are two conservation parks: one is Morialta Conservation Park, which covers an area of nearly 129 000 hectares; the other is the Black Hill Conservation Park which covers an area of nearly 670 hectares. Several years ago there was a very substantial argument (I think that is the only word to describe it) about the width of the firebreaks along the boundaries of the parks that were bordering very substantial housing developments. As the member for Morialta, I happen to believe in and support the retention of native vegetation, and I believe that every member of this house is very conscious of those issues. However, I do not accept an argument put by some—in this case it was certainly an officer from National Parks and Wildlife who stated—that the planning decisions were wrong and the houses should never have been built there in the first place.

The reality is that they were built legally, they are there and are not about to be removed. In the end a compromise was reached, but I have to say that it took a lot of animated discussion and a lot of fairly active negotiation with the minister, the council and the officers of National Parks and Wildlife. The CFS units in the electorate were terribly concerned about the potential damage to the lives of not only the firefighters but the residents along the boundaries. It was my view that some of the officers of National Parks were being incredibly unreasonable in pursuing the argument that the houses should not have been there in the first place and that there were rotten planning laws. That is an absolute nonsense. No-one can honestly believe that the houses were about to be removed in preference to extending the width of the firebreak.

In the end, the firebreak was extended substantially. The access tracks and the fire tracks in the parks were causing enormous worry and, as the minister would be aware, they are parks that can be constantly subject to spot fires. I believe that there has to be some flexibility in respect of various sections of the conservation and national parks, but absolute priority should be given to those parks that border residential areas in the metropolitan area. I am sure that other members have such parks in their electorates. I believe it is a matter of absolute priority because, as the member for Stuart has said, when you look at the potential of bushfire danger this year, it is terrifying.

The electorate of Morialta (as do so many electorates bordering the metropolitan area) has a number of CFS units—Montacute, Athelstone, Burnside, Norton Summit, Ashton and Cherryville. When you talk individually to these people, you find out that they have an absolute terror of what could happen one day if we got a repeat of the Ash Wednesday fire. We all know that housing developments have moved very close to some of these areas and they have perhaps changed dramatically over the years. I happen to remember vividly the Ash Wednesday fires because I was a journalist at the time and I have an absolute terror of fire. One of my earlier assignments was to go up in the chopper. It was terrifying to see the trees exploding, but it was more terrifying to see the many lives that were put at risk because they were fighting to save property. I thought, 'I am not too sure that property takes precedence of the lives that were very dramatically put at risk during that time.'

Therefore, I would urge the minister to seriously consider the impact of this amendment moved by the member for Stuart and for him to think about the flexibility that it would provide very specifically along the boundaries of these very substantial and very important parks which exist particularly in the metropolitan area. I am certainly not qualified to speak on the areas in rural South Australia as the member for Stuart has done so eloquently.

Mr VENNING: I support the member for Stuart's amendment. I have been to many fires in my time and it is usually my role, together with the acting fire officer, to light a back break fire to control the main fire that is burning. There is nothing worse than trying to burn a back break in high timber—and five metres is not much wider than the benches in this place. I ask members to consider that a high tree—and it is common for them to be up to 10 metres high—has only to drop down; the fire then jumps the break and you have a serious problem. I note that the member for Stuart has changed his original thought. He was originally looking at a 15 metre blanket break, but now he is talking 15 metres around the fence only and 10 metres everywhere else.

I believe that commonsense will always prevail in these matters, and certainly if we pass this amending legislation it will take the onus off the local community, which used to have to give permission previously and on which there was always a lot of pressure. I think we ought to do the responsible thing and include it in the legislation. Do not put that onus on a local body that may or may not want that responsibility, and let commonsense prevail. As the member for Morialta just said, and as I said in my second reading contribution, it is frightening to be in a four-wheel drive truck in a fire area which is covered in heavy smoke and with trees only a metre each side of your vehicle. How do you turn around? It is not easy to try to drive a truck in reverse at high speed in smoke. It is impossible, it is dangerous, and it is frightening. Without any further ado, I certainly support the amendment.

Mr WILLIAMS: I also support this amendment and note, as the member for Schubert has just pointed out, that the amendment has been modified somewhat from the original intention of the member for Stuart. I certainly appreciate the fact that he has taken wise counsel on this matter and modified his amendment so that it should be acceptable to the committee. I think I could say without fear of contradiction that at a personal level I have probably had a greater experience of wildfire, particularly from the point of view of devastation, than any other member of this chamber. I certainly know what damage a wildfire can cause not only to property but also to the person and to one's mental state.

We live in a very hot, dry state and, from time to time, we will always be subject to bushfires. We have to be sensible about the measures that we allow land managers to take to minimise risk to property and, even more importantly, to people. As the member for Stuart and the member for Schubert have pointed out, when you are on a fire ground trying to contain or control a fire and, apart from a fire appliance, the only other natural barrier you can use is a firebreak and, if it is only five metres wide—

Mr Venning interjecting:

Mr WILLIAMS: Yes. The reality is that when you are fighting a bushfire—and I like to call them 'wildfires' because that is what they generally are—a five metre firebreak is pretty well useless, because you are always

fighting fires under adverse conditions. You are always fighting fires in conditions in which a wind is blowing and in which you will have trees burning and falling down. It is pointless trying to stop a fire at the edge of a patch of scrub which has a five metre fire break when the trees and the material growing in the area might be 10 or 15 metres high. As the member for Schubert rightly pointed out, all that has to happen is for a tree to fall down or the top blow out of a tree, and it will be across the firebreak immediately and away the fire will go again.

The other point is that, if you are in a fire appliance trying desperately to control the wildfire, your ability to manoeuvre, particularly to turn around, is severely restricted, and the firefighters attending the fire are put at severe risk. I think that is too much to ask of the people operating our fire services and our emergency services.

I also take the opportunity, sir, to comment on some points which you raised last evening in your second reading contribution. I think you were referring specifically to national parks when you said:

> It needs to be remembered, when people talk about the necessity for significant firebreaks, that most of the fires in national parks and such areas come from without rather than from within: more fires go into the parks than ever emerge from them. One needs to see the parks in that proper context, rather than view them as being a source of fire that damages farm and other non-park property.

The point, sir, that you missed in that comment was that the people who are asking for firebreaks are not just concerned with the safety of their property which may be adjacent to a park. Farmers are concerned about the effect that fires have on the parks: we are very concerned about fires going from open and cleared farming land into the parks. In our opinion, it would be of benefit to have breaks around the sides of the parks so that we can stop fires going into the parks. We also believe that it is beneficial to have firebreaks within parks. It is inevitable that we will continue to get fires in our parks, if for no other reason than lightning strikes, which are a very common occurrence in the biggest park in my part of the world, the Ngarkat Park in the Upper South-East.

A few things are sure in this life: they are death, taxes and that you will get a fire started by lightning in the Ngarkat Park every couple of years in the middle of summer. We will always have these fires, and it is part of the natural environment that we have inherited from living in this country. But, surely, we need to have breaks not only around the parks but also within them so that we can save the parks. I think it is a bit glib for some people to say that we are only interested in saving land outside the parks and that we do not want fires to come from them. Some of us are concerned about stopping fires devastating the parks.

The most recent fire in Ngarkat was at the end of January 1999, and it caused absolute devastation to that very significant park in South Australia. Not only did it cause devastation to that park but also many of the people who volunteered their time and effort to fight that fire spent seven days doing so. On top of all that, it cost the taxpayers of South Australia $1.5 million in cold hard cash. When we think about firebreaks in parks, we should be thinking about not just stopping fires coming out of the parks and impacting on private land outside those parks but also about how to protect the parks themselves.

Mr GOLDSWORTHY: I will speak briefly, as most other members have commented on the matters I wish to raise. The member for Morialta said that during her days as a journalist she went up in a helicopter to view how Ash Wednesday was wreaking havoc in the Adelaide Hills. I can talk from personal experience about Ash Wednesday. As members would know, I was born and raised in the Adelaide Hills and continue to live there. Our family property was burnt out during Ash Wednesday in 1983. Our stock, fences, sheds, equipment and machinery were all destroyed. The only thing that did not burn was the family home, because the CFS came along and put out what was burning. My father was able to keep it down to a fairly calm level. I was home on leave at the time the fire came through, and no firebreaks would have worked on that particular day.

The member for MacKillop referred to them as wild fires: the way that fire was going on Ash Wednesday, nothing could stop it. Had there been a kilometre wide firebreak, it still would have jumped it. In my home district of Houghton the fire was coming up through the Anstey Hill Conservation Park. The front was on Range Road South and Mrs Chapman—a neighbour of ours—lived at least a kilometre away from the fire front, yet her garden was catching on fire. Between the fire front and Mrs Chapman's home is a golf course. The ferocity of the wind and the embers blowing through the air was such that you could have had a firebreak a kilometre wide and it still would not have worked on that day. On Ash Wednesday a CFS truck was on a road in the district and the fire came up and the truck caught fire, completely destroying it. To this day, there is a huge scar on the bitumen road where that truck caught fire and burnt into the bitumen. Luckily, the CFS personnel survived and were evacuated out of there quickly, but they had to leave the truck, which was completely destroyed.

On days when the weather conditions are not as severe as that, firebreaks do work. I spoke in the house several weeks ago in private members' time about people who, for whatever reason, find enjoyment in lighting fires in the Anstey Hill Conservation Park. Usually on a hot summer day the north-westerly wind comes straight up the hill and heads into the Paracombe, Houghton and Inglewood districts. If firebreaks were pushed along the perimeter of the conservation park, it certainly would have some advantageous effect in preventing a fire from jumping across into adjoining paddocks.

There are obvious other ways—and the member for Stuart touched on them—to reduce fuel loads in the parks through cold burns, and so on. This amendment is not about that, but those issues need to be considered. When driving to this place I come down Anstey Hill. A huge amount of rubbish is in the park, including enormous artichoke thistles, and there is a responsibility to clean up that rubbish from the park. These are native vegetation areas but, with the number of feral and introduced weeds in there, it is a shambles. I encourage the relevant agency to get in there with some Roundup and spray these thistles and eradicate them. They seed and blow into adjoining properties and the owners of those properties have to deal with them. I agree with the member for Schubert, who stated that commonsense has to prevail in these issues. I support any move to enhance fire prevention. If a fire is burning, I support any moves to curtail its spreading, and adequate firebreaks are one way of doing this.

The Hon. I.F. EVANS: In principle I support what the member for Stuart is trying to do: he is trying to introduce an appropriate firebreak regime to the areas covered by the act. No-one could possibly argue against the philosophy of having an appropriate firebreak regime. Tonight's debate illustrates that every member would have a different view on what is an appropriate firebreak in the area. I would not try to tell the

members for MacKillop and Mount Gambier how to develop firebreaks with the big forests in the South-East, and I bow to the experience of the member for Stuart in respect of firebreaks in his electorate. I suspect I would have a bit more experience with firebreaks in the Adelaide Hills, being a fifth generation Stirling resident. Indeed, this point illustrates the need for local input into the firebreak issue.

The member for Stuart raises some valid points. I understand that he is encouraging the minister to deal with it through regulation, as am I. The answer may be (and the minister may want to think about this between houses) that people could apply for a firebreak and you can now extend it from five to 15 metres with local approval, but it takes longer than necessary to get the approval. It may be simply a matter of putting into the bill a requirement that the local committee must make a decision within 45 days, otherwise the application is automatically approved. That would give the land-holder some guarantee that the matter would be dealt with quickly, bringing a local judgment more quickly on the issues the member for Stuart raises.

The Hon. J.D. HILL: I thank members for their contribution to this element of the debate. I acknowledge the wisdom, good sense and great concern expressed by all members in relation to this issue. Members opposite may be surprised, but for a short part of my life I lived in rural communities and experienced bushfires as a young child. I went out and fought fires and understand what they do to communities.

The Hon. I.F. Evans: Going on a Scouts camp doesn't count as living in the bush.

The Hon. J.D. HILL: You are so cynical—you offer bipartisanship and cooperation and you get sarcasm—it is shocking! I understand the concerns you have. The point I make is similar to that made by the member for Davenport. Trying to put sophisticated detail into a bill is the wrong way to go. We should try to address some of these issues by way of regulation. I take the point the member for Davenport made about putting a time limit into the approval process: I would be prepared to look at that. It also occurred to me while members were talking that by regulation we could set up a fire committee as a subcommittee of the Native Vegetation Council to look at some of these issues and develop some fine grain policy. Maybe that could be the approving body in relation to the issues that the honourable member is talking about. I do not want to pre-empt any proper process or discussion, but I am happy to talk to members and have my officers talk to members. I know that the honourable member is expressing sincere positions and I am happy to engage on that basis with him and, over the course of the next month or so, do some detailed work.

The Hon. G.M. GUNN: I do not want to delay the committee unduly and I do not think that we want to participate any more than necessary tonight, but has the minister given an undertaking that he will actively examine the matters that have been put to him and that he is prepared to enter into discussions with us with a view to resolving these matters? I would far sooner do that than go through the process of having a series of divisions on this clause, which would take a lot of time, but it is a matter that we cannot ignore and it is a matter that will not go away. It requires a little commonsense.

What has brought this to a head is the absolute stupidity of some of the enforcement officers. When I drove down here on Monday to attend this august and esteemed place, I had it on my mind to start naming these people. The minister has given me that assurance so I will not go through that process now.

Members interjecting:

The Hon. G.M. GUNN: I am trying to be reasonable and sensible and my earnest colleagues are trying to urge me on. I do not know why because I am usually somewhat hesitant when dealing with these matters and, unaccustomed as I am to holding the attention of the chamber, I do seek from the minister those assurances and I am happy then to engage with him and his office to resolve this matter in the public interest.

The Hon. J.D. HILL: I am more than happy to give that undertaking to the member, and I do so willingly. I ask him to also undertake to engage on an open basis, too, and not come with a fixed agenda.

The Hon. I.F. Evans: I can guarantee you that he will be frank.

The Hon. J.D. HILL: I understand that he will be frank and earnest. I also give that undertaking on the rabbit burrow question that he raised. I do not want to prolong the debate, either, but he raised the issue of the behaviour of certain officers. If he has problems with officers, I can have them investigated. If there are problems and particular officers are doing things the wrong way—

The Hon. G.M. Gunn: Some of the amendments would fix that.

The Hon. J.D. HILL: The honourable member has been here 32 years but I think he must be more naive than I am if he thinks that amendments are going to fix human behaviour, but perhaps that is the case. If there are problems with particular officers, we can try to work through those concerns, too.

Amendments negatived; clause passed.

Clauses 22 to 24 passed.

Clause 25.

The Hon. I.F. EVANS: I move:

Page 17, lines 20 to 36, page 18, lines 1 to 6—Leave out all words in these lines.

This amendment deals with the issue of allowing third parties to take action against people who have allegedly been involved in illegal clearance. If the Native Vegetation Council does not take action within a certain time, the third party would have to write to the Native Vegetation Council and say that they intend to take action if the Native Vegetation Council has not. I understand that there is no restriction on who the third party is, so the most ludicrous case would be that an organisation from London could take action, in theory. The most likely result is that one of the local environmental groups such as the Environmental Defenders Office, the Conservation Council or a group like that might take action.

I understand where this is coming from, but the opposition does not believe it is an appropriate power for a third party to make that judgment about illegal clearance. We believe that the parliament has set up a mechanism through the Native Vegetation Council to get the right balance, through the appointment of people on to the committee, to deal with the matter of illegal clearance. As the minister knows, there is a range of skills on the Native Vegetation Council.

I accept the fact that the Environmental Defenders Office and the Conservation Council play their role within the community structure, so I do not criticise those organisations, but I do not think it is a power that the parliament needs to give third parties so they can take action if the government's appointed group, based on the evidence, decides that it will

not take action. What concerns us also is that we will end up having government funded organisations taking landowners to court over a range of matters where the taxpayer funded Native Vegetation Council has already decided on the basis of the evidence that there is not a good case for a prosecution.

I understand what the minister is doing. It may well be that he is seeking to woo the support of certain groups through offering such a power—I am not making that allegation—so I note the intent of the clause, but the opposition is totally opposed to this matter and hence the amendment.

The Hon. J.D. HILL: I am glad the honourable member is not making any accusations against me. There is great interest in this and the debate has been going on for years about what are the rights of a third party in relation to environmental issues. The Tasmanian dams case was the most potent example in Australian legal history where third party rights were dealt with. There was great difficulty in that case in gaining access to the courts system by interested but non-involved parties. So, this is a very modest proposition.

To actually get involved on the basis of this provision, a third party would have to wait 12 months while the council made up its mind whether it was going to pursue the matter, put an application in writing and then wait another three months. It is a provision that is unlikely to be used very often, and only in most unusual circumstances: where a strong view might exist about an issue on which the Native Vegetation Council did not take appropriate action. I think it is an important principle that the right of third parties—that is, the general public—to have an involvement and have a say in environmental protection is recognised. So, it is a small step in going down that track.

Mr WILLIAMS: I totally agree with what the shadow minister has said about this matter. At each of the second reading and committee stages, I have been trying to emphasise that one of our problems is this divide between the people who are responsible for managing land in South Australia and this legislation. There is a divide, and I believe we are missing some golden opportunities to build on the cooperation that exists. There is very fertile ground with the land managers on which to build so that we can move forward for the benefit of the environment. I keep emphasising that we need to put a little bit of a carrot into this bill and lessen the impact of the stick.

I believe that by allowing for third parties to be able to take action will only encourage vexatious action to be taken. There have been many examples in recent history where the modus operandi of some of the more way-out conservation organisations—and I do not want to paint them all with too broad a brush—has been to take out a vexatious action purely to raise their profile in the community. They may be seeking more funding or more membership, for instance.

I do not think we should be encouraging that sort of behaviour by anybody when it is putting a huge burden on the poor landowners, who are sitting at the other end having these organisations, in some cases with quite a deal of resources behind them, putting the landowners through a great amount of grief while they try to prove their innocence, just because those organisations can do so in a lot of instances. If the parliament does not accept that the Native Vegetation Council has the will to carry out the role that this legislation gives it, I think it is time that we tore the whole damn thing up and started again.

I think we should do two things. We should send a strong signal to the Native Vegetation Council that the parliament trusts it to perform the role it has been given under this piece of legislation. Also, we should send an equally strong message to those land managers out there that we will not make them suffer from vexatious claims by way-out conservation groups and put them to the task of having to defend themselves against a well-resourced conservation group. We should be saying to those landowners that we want to see some cooperation from them and engage with them in good faith.

The committee divided on the amendment:

AYES (20)

Brindal, M. K.	Brokenshire, R. L.
Buckby, M. R.	Evans, I. F. (teller)
Goldsworthy, R. M.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L. J.
Kerin, R. G.	Kotz, D. C.
Lewis, I. P.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
McFetridge, D.	Meier, E. J.
Redmond, I. M.	Scalzi, G.
Venning, I. H.	Williams, M. R.

NOES (21)

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

PAIR(S)

Brown, D. C.	Conlon, P. F.
Penfold, E. M.	Foley, K. O.

Majority of 1 for the noes.

Amendment thus negatived.

The Hon. G.M. GUNN: I accept the minister's undertaking that we will further discuss those matters at the appropriate time prior to the legislation going further up the corridor. I move:

Page 22—

Line 23—Leave out 'or is likely to breach this Act,'.

Lines 27 and 28—Leave out ', or would constitute,'.

Lines 33 and 34—Leave out 'or likely breach (as the case may be)'.

It is a very bad principle to legislate in a manner which allows people to have 40-40 vision into the future as to what someone may do. If you give officers that sort of discretion, you are creating dangerous precedents which can really make life unnecessarily difficult for people. I do not think it is either desirable or necessary. The real difficulty here is that most of the people who will be confronted by these officers are unaware of their rights, they are unaware of the requirements of the law and they are unaware that they are not required to participate in certain ways, and therefore I do not think this is necessary. It does nothing for the act, but it certainly has the possibility of making life exceptionally difficult for people who should not have to go through that trauma.

The Hon. J.D. HILL: The member is effectively trying to stop properly authorised officers from being able to prevent someone breaking the law who looks as if they are about to do so. In other words, if somebody is in a bulldozer, revved up, facing a stand of trees and about to plough into

them, an authorised officer can come along and say, 'Stop'. If we supported these amendments it would mean they cannot say, 'Stop' but must wait until they have bowled over the trees. That would make a nonsense of the operation of legislation. We want to stop people breaking the law. If they obey the officer in that circumstance and they stop doing that act—that is, they do not bowl over the trees—they will not be guilty of an offence, so they will not be prosecuted. However, if they do bowl over the trees they will be guilty of two offences: first, the intrinsic offence of illegally clearing native vegetation; and, secondly, the offence of not obeying the proper instruction of an officer. This is a perfectly reasonable set of provisions, because it allows properly authorised officers to protect native vegetation, and that is what their job is all about. We do not want to see people knocking trees over and then having to go through a long process before the Native Vegetation Council or perhaps the courts to be prosecuted. We would rather stop them in their tracks.

The Hon. G.M. GUNN: I think the minister has misunderstood the process. Farmer X is stone rolling in his paddock, one of Sir Humphrey's inspectors comes whistling down the road in his brand new, taxpayer funded four wheel drive, sees the fellow rolling, thinks, 'There are some trees over there; he's going to knock them down,' and he comes in and tells the farmer to stop what he is doing. That is what will happen. That is exactly what will happen in these circumstances. What right does the farmer have in that situation? You are 500 kilometres from Adelaide and by yourself. One or two of these officers normally are not very nice to farmers. Many of them have an anti-farmer/anti-developer attitude. They come down the road and give the farmer a direction. What right does the farmer have? He has to stop carrying out his legitimate and proper functions as part of his normal farming practices. What the minister says is not correct, because I know of situations where these officers have invited themselves into people's homes against their wishes. That is why I move these amendments. That is why the Deputy Mayor of Ceduna (today, in this building) complained to me about them. Do not push me or I will name them.

The Hon. J.D. HILL: I do not want to antagonise the honourable member. I just say that this provision is not designed to stop a person going about their normal business. If that is ploughing a field or driving down a road, an officer cannot stop them. This is to stop people either in the act of breaking the law if they are about to break the law, that is, to bowl over some native vegetation. I think either the honourable member does not understand what this provision is about or he is unduly worried about how it might be used by an officer.

The other point I make is that this is a provision which the Liberal government had in its legislation last year and which was supported unanimously by the house at that stage. I am not sure what has happened between then and now to make the honourable member change his mind.

The Hon. G.M. GUNN: Perhaps I have greater wisdom and have thought the issue through. This provides a discretion which can be misused. We must raise these issues and question them now, because once this legislation leaves this place we will have no further control over it. In many cases, the individuals in question have no understanding of their rights in relation to these issues. I have asked questions about these powers in respect of other issues. I say to the minister that it is dangerous to give this unfettered discretion to people. We will pursue this issue vigorously in another place unless we are given an assurance that these powers will not be misused.

The Hon. J.D. HILL: It is hard to give a blanket assurance that no-one at any time will ever misuse a power. There are police officers, army officers, fire officers—a whole range of officers—who have powers. No-one could ever say that they will never be misused, but as far as I can give that assurance I will do so, because we want to see properly authorised officers behaving within the law and achieving the purposes of this act. I bear in mind what the honourable member says and, as I said to him before, if there are particular officers that he would like me to have investigated, if there are things that he believes they have done incorrectly, I am happy to do that.

Mr WILLIAMS: I have considerable sympathy for what the member for Stuart is endeavouring to do, purely because I think this is a very strange piece of law which would enable someone to take action if a person was likely to breach the act. If we extended this measure to the Road Traffic Act, half of the people with a driver's licence would have their vehicles confiscated before they hopped into them.

The Hon. J.D. Hill: We do that if someone is drinking and they are about to get into a car—you can stop them.

Mr WILLIAMS: What if they are about to speed or if you believe they will go through a red light in five minutes' time? I have a lot of sympathy for what the minister is trying to achieve, but I think it is a dangerous precedent to put this on the statute books. I do not disagree with what the minister is trying to achieve; I just disagree with enacting this sort of a law, because I think it is bad law. If we start making bad law, we will continue to make bad law and it will grow like a cancer. For that reason alone (notwithstanding that I do have sympathy for the member for Stuart's position also), I will vote with the member for Stuart on this.

Amendments negatived; clause passed.

Clauses 26 and 27 passed.

Clause 28.

The Hon. I.F. EVANS: I move:

Page 24, line 23—Leave out 'a person' and insert 'an officer or employee of the Crown or a local council'.

I thank the minister for indicating his support for the opposition's amendment. This amendment gives credit to the member for Stuart, who raised this issue. The government's original bill contained a provision to allow the minister to appoint inspectors at short notice by fax or other method. The minister's bill provided that the minister could appoint anyone at his discretion, and the member for Stuart quite rightly raised concerns about appointing people with appropriate qualifications.

The minister has kindly agreed to the opposition's amendment (based on the suggestion of the member for Stuart) that officers who are appointed by this method should be limited to 'an officer or employee of the Crown or a local council officer'. At least then we will know that the people who are appointed under this new instrument actually have some training in their role and responsibility generally as local government officers. Given the rarity with which this provision will be used, at least we know that the person who uses it in those instances will have some training in how to deal with the powers bestowed on such a person. It is a good suggestion by the member for Stuart, and we thank the government for supporting it.

Amendment carried.

The Hon. G.M. GUNN: I move:

Page 25—Lines 25 and 26—Leave out ', or is suspected by the authorised officer of having been used in,'.

That is far tighter than it has been in the past. It is quite unreasonable that anyone can remove any documents or computer disks from any person if it does not relate to the provisions of this legislation. There is no reason whatsoever why anyone would want to take these documents anyway. It is really a figment of people's imagination.

Mr Chairman, as a fair-minded person you would understand that if someone were to go in and remove someone's computer, which may have a person's total 12-month business documents and information stored on it, unnecessary disruption can be caused to a person's business, particularly where a limited number of people are involved in administering the business and there was no reason whatsoever to have such a wide provision. The questions to be asked would be: who else has access to it, and what guarantee is there that that information will be secure and that it will not be lost? Particularly when dealing with the GST today, people have to keep records updated all the time. They do not do their figures annually but every three months. This is an important fundamental principle in a democracy with respect to a person's right.

The Hon. J.D. HILL: I indicate that I do not support the amendment. The bill contains a provision that allows an officer to stop a vehicle of some sort which may carry brush that could appear to have been cut down illegally. If there is evidence leaving the scene of the crime, it makes sense to be able to capture some of that and get a sample which can then be used to prosecute someone who has done something illegally. I am not quite sure why the member objects to that, but it seems a sensible provision to me. If someone has some evidence, it would be sensible for the authorised officers to get hold of it.

Amendment negatived.

The Hon. G.M. GUNN: I move:

Page 25, lines 34 to 38—Leave out paragraph *(d)* and insert—

(d) with the authority of a warrant issued under section 33C require any person to produce any documents as reasonably required in connection with the administration or enforcement of this Act; and

The Hon. J.D. HILL: I do not support the amendment. If somebody has data that can aid an investigation, whether it be in hard copy or in electronic form, it should not matter these days what form it is in. The point is that is it data that is valuable and can help in a case. If it is in electronic form, what is the difference between picking up a book, a schedule or a folder of some sort and picking up a CD or a disk which contains the same information? It is really the form of the information that you are objecting to rather than the content. We are arguing that an authorised officer should be able to take evidence which is appropriately taken to aid in gaining a conviction. The form of that data should not be relevant.

The Hon. G.M. GUNN: You have failed to understand. This is an absolute outrage in a democracy. It is an absolute outrage that one of these inspectors can go to an isolated farmhouse, walk in, take the one computer in that home and walk off with it. The owner then has no records left and does not know where the computer is going. There is no reason whatsoever why any person should either need to be allowed to do that. You cannot think that this is good in a democracy. Your officers who can laugh about this should be careful, otherwise you will stay a long time tonight. Minister, this is absolutely outrageous and unnecessary. There is no reason whatsoever for it. Why would you want to take the complete records of a farmer and his spouse? That is what your bill provides.

The Hon. J.D. HILL: I can understand the point. We do not want to take computers. We do not want to—

The Hon. G.M. Gunn: Well, that's what you're doing here.

The Hon. J.D. HILL: Perhaps you are reading it in a different way, but that is not what we want to do. I have an amendment which provides that the officers can enter into a property only with a warrant, and I make that point to you first. I think that was the point you made to me when we had a private discussion. We want to take a copy of evidence which may be relevant. If it is possible, perhaps we could leave this provision and I will get a further amendment which will make it clear that all we want to do is take copies of electronic information that is stored in whatever form it happens to be stored in. Certainly, I agree with you that we do not want to take the computer: it would be like taking the telephone system. I understand what you are saying.

According to the advice I am getting, the officers are saying that the clause only talks about the documents or the copies of documents. It is not talking about the machinery on which those documents are stored. I am happy if you disagree with the provision, but it should not be on the basis that it is allowing officers to take computers. It is not allowing officers to take computers. If it is not explicit enough, I am happy to try and make it more explicit, but that is the intention of the provision.

The Hon. G.M. GUNN: I am no expert on computers, but I know enough that if someone has their computer—remember, their home is their office—and Sir Humphrey comes and does not necessarily know but says, 'We think you have records', it is an outrage that they have the ability to go through, switch the computer on and search through every file. Am I correct? If they think they can search through and go through every piece of information on that computer, and say, 'Well, this is all stored on a hard disk, we will take the hard disk.' That is what they can do. They can take the hard disk.

The Hon. J.D. Hill interjecting:

The Hon. G.M. GUNN: Yes, they can. They can take the hard disk. If that is democracy, it is my job in this parliament to test and question this legislation. And I am going to do it. You have no right to go through and scan the whole of the person's private affairs. These are unheard of powers. The minister or his officers would not like it if someone went to their homes and invited themselves in and went through all their records. It is an outrage!

The Hon. J.D. HILL: I will just read the provision to the house. Proposed section 33B states:

(1) Subject to this Division, an authorised officer may. . .

(d) with the authority of a warrant issued under section 33C require any person to produce any documents, including a written record that reproduces in an understandable form information stored by computer—

It does not say anything about taking the computer. It says:

. . . including a written record that reproduces in an understandable form information stored by computer, microfilm—

and so on—

. . . as reasonably required in connection with the administration or enforcement of this Act;

So, this is not a general search warrant. It is not a warrant which allows somebody to take a computer. What it is is a warrant that an officer can acquire to obtain a copy of

particular information stored, in whatever form that may be relevant and reasonable under the circumstances. It might well be a receipt, or an order form, or something like that. I can assure the member for Stuart that this is not about taking computers out of people's homes. It is taking, under warrant, copies of particular sets of information. I cannot say it any more plainly than that, but perhaps—

The ACTING CHAIRMAN (Mr Snelling): In order to keep things moving smoothly, member for Stuart, you need to wait for the Chairman to give you the call.

The Hon. G.M. GUNN: The member for Stuart has had a little practice in dealing with things in committee. I think we are getting on fairly well, and I would sooner not be here any longer than necessary. But the question that I pose to the minister is this: how do you know what material you are looking for if you do not search through it? I say to you, minister, the need to want to search through someone's files and things is a nonsense anyway. It is not necessary. But how do you know?

The Hon. J.D. HILL: All I can say to the member is that I do not think we should get hung up about whether it is stored electronically or whether it is in hard copy, because the same argument can be raised in relation to hard copies. If the member for Stuart is opposed to an officer with a warrant going into somebody's house or business to obtain particular evidence, then I guess you are opposed to that. But, to make it a focus of it being in electronic form instead of in hard form, in the form of a book or something, I just do not see the point. But, in any event, in order to get a warrant, as I understand it, the officer would have to go to a magistrate, in the same way that an officer under different legislation would have to go to a magistrate, and indicate what grounds they had for seeking this evidence; and I think they would have to be reasonably explicit. It is not just a general search warrant to go in and go through everybody's records. They would have to know what they are looking for. I would imagine they would go in and say, 'We are wanting receipts which we think you may have,' or order forms or work sheets, or something of that order which would indicate that some illegal clearance had happened. Whether it is in a book, or it is on hard drive, or on a CD is not the point. It is whether they have that information and then a copy can be obtained.

The Hon. I.F. EVANS: I am trying to assist both the member for Stuart and the minister to find a way through this. I think we have clarified that officers cannot take the equipment and that the member for Stuart is happy that the clause does not indicate that power. So, as I understand his argument now, the member for Stuart is concerned that officers, particularly in very remote communities, will be able to go into people's homes with a warrant and essentially ask to roll through their computer to search for particular documents. The minister would argue that the officer should have the right, with a warrant, to ask for invoices or contractors' invoices, or whatever.

I am wondering whether it gives more protection to the property owner if we actually put a provision in this section of the bill that: with the authority of a warrant issued under section 33C the officer can require, in writing, certain documents. So, the officer would not then have the power to sit over someone's shoulder and roll through the computer saying, 'Oh look, we want a copy of that, and we need a copy of this, and we want a copy of that,' but, rather, they could go to the magistrate, get the power for a warrant, they could then write a letter to the landowner saying, 'We now want any documents in relation to invoices,' and so on. So the officer would have to have a very clear mindset as to what they want and request. What that would do is give the officer the power that they need, and give the landowner the opportunity to protect other private matters on their computer.

The Hon. J.D. HILL: I can understand where the member is coming from but, on the advice I am getting, if you are to give written notice it then gives plenty of opportunity for somebody to get rid of evidence which might be incriminating; and that would just negate the point of having this provision. But, the advice I am getting from parliamentary counsel is that we could perhaps put in the words 'specified documents' or 'specified kinds of documents', so that the warrant would have to make it clear what was being looked for, so it would not be a general search warrant for everything. Would that be a reasonable compromise?

The Hon. I.F. EVANS: Yes.

The Hon. G.M. GUNN: I would agree to that.

Progress reported; committee to sit again.

SEXUAL OFFENCES

The Legislative Council passed the following resolution to which it desired the concurrence of the House of Assembly:

1. That, in the opinion of this council, a joint committee be appointed to inquire into and report on the question whether the immunity from prosecution for certain sexual offences committed before 1 December 1982 conferred by the former section 76A of the Criminal Law Consolidation Act 1935 remaining after its repeal by the Criminal Law Consolidation Amendment Act 1985 should be removed in whole or in part ('the removal of immunity') and, in particular, to consider and report on—
   (a) the Criminal Law Consolidation (Abolition of Time Limit for Prosecution of Certain Sexual Offences) Amendment Bill 2002;
   (b) whether it is right, in principle and in policy, that legislative immunity from prosecution, once conferred upon a person, should be retrospectively removed by act of parliament;
   (c) whether the importance of bringing alleged offenders to the attention of the criminal justice system should override the difficulties (if any) of the removal of immunity;
   (d) whether the removal of immunity should be limited to offences allegedly committed against children under the age of 12 years; and
   (e) the relevance (if any) of the issues of contaminated or repressed memory in determining the question of the removal of immunity.
2. That, in the event of a joint committee being appointed, the Legislative Council be represented thereon by three members, of whom two shall form a quorum of council members necessary to be present at all sittings of the committee.

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

That this house concur with the resolution of the Legislative Council for the appointment of a joint committee on prosecution for certain sexual offences, that the House of Assembly be represented on the committee by three members, of whom two shall form the quorum necessary to be present at all sittings of the committee, and that the members of the joint committee to represent the House of Assembly be the members for Hartley, Reynell and Enfield.

Motion carried.

STATUTES AMENDMENT (THIRD PARTY BODILY INJURY INSURANCE) BILL

The Legislative Council agreed to the bill without any amendment.

NATIVE VEGETATION (MISCELLANEOUS) AMENDMENT BILL

In committee (resumed on motion).

(Continued from page 1491.)

Clause 28.

The Hon. I.F. EVANS: I indicate that the member for Stuart and the opposition are happy with the redrafted amendment, so I move:

Page 25, line 35—Leave out 'any documents' and insert 'specified documents' or 'documents of a specified kind'.

Amendment carried.

The Hon. G.M. GUNN: I move:

Page 26, line 4—Before 'take out photographs' insert—with the authority of a warrant issued under section 33C

I believe that this gives people protection in the knowledge that this information is being collected with good reason, and it is a fair and reasonable proposal that people should not be able to wander around other people's farms without authority. We are aware, unfortunately, that some people do not respect other people's privacy or property, so we are entitled to ensure as much as possible that any of these actions are carried out under strict guidelines and supervision.

The Hon. J.D. HILL: I do not accept this amendment from the member, and I will explain briefly why. He is suggesting that before a photograph can be taken a warrant should be issued. Any member of the public can take a photograph at any stage pretty well anywhere. To say that, in this particular case, you would have to have a warrant before you could take a photograph of someone clearing native vegetation or a field which was emptied just strikes me as being pretty absurd.

It also ends up getting to a catch 22 situation, where an officer potentially could go to a magistrate and say, 'I think that person down the road has done some illegal clearing and I seek a warrant to take a photograph'. The magistrate could ask, 'What's your evidence there has been clearing?' and the officer could say, 'I'm sorry, I can't provide you that evidence because I need to get a warrant in order to collect it, so I can then come back to you and get a warrant.' It becomes a circular argument. Taking a photograph would seem to be the most benign of acts one could envisage and a useful way of collecting evidence, so I urge the committee to reject this amendment.

Amendment negatived.

The Hon. I.F. EVANS: I move:

Page 26, lines 7 to 10—Leave out paragraph (g).

Paragraph (g) provides:

(g) where an authorised officer reasonably suspects that a person has committed a breach of this act to the extent to which it is reasonably required, take equipment on to any land and dig up, dismantle or remove anything that the authorised officer reasonably suspects may constitute evidence of the breach;

In fairness to the minister, he has put an amendment on file to this clause, which removes the sections about dismantling or removing anything. Even so, we will debate my amendment and the minister's amendment in the same argument to save the time of the committee. If we lose this vote we accept we will lose the vote on the minister's amendment, which will save some time. The opposition does not agree with giving the authorised officers this power. We have had some debate about it and accept that the minister has been genuine in his attempt to try to find more neutral territory with his amendment to his own bill. The opposition's view is that it is an extraordinary provision to give an authorised officer the power to go onto someone's private property, taking equipment onto that property to dig up the land or any part of the land in the search for evidence. I understand that it is essentially about digging up buried native vegetation that has been stripped and buried for whatever reason.

That is all well and good, but a whole range of issues arise from this. Do they have to give notice to the land-holder that they are going to do it? Do they have to repair the fences, and at what cost, if damage occurs in the process? If the equipment is large and will not fit through the gate and they cut the fence, will the government repair it? If they dig an Olympic swimming pool size hole in the middle of someone's wheat paddock, who pays for restoring that property to its original condition? Can they do it in the middle of harvest? Can they stop harvest and dig out the evidence, if it exists? Even if they dig out the evidence, does that prove that the land-holder is responsible and put it there?

There are a whole range of issues associated with this power. As the minister and officers know, I have worked through a whole range of these issues over a long time and I cannot on balance accept this provision, even with the minister's amendment. The other powers the bill has given the officers are reasonably balanced, although I know the member for Stuart will raise the issue of the residential home. That aside, the opposition does not believe that officers should have the power to go onto private property and dig to their heart's content in searching for evidence. I know the advice to the minister will be that it will be a narrow search because there will have to be a reasonable suspicion that a breach has occurred and the evidence is there, and I can understand that advice being given. However, the practical reality is that there is huge potential here for a lot of problems to exist for the officer and the land-holder as to what is reasonable. What if they dig up the land and break the pipe or the Telstra cable? When we were builders, occasionally we used to dig up the cable—

The Hon. J.D. Hill: Big fines.

The Hon. I.F. EVANS: They were big fines. Who is liable for that? One assumes the government would be.

The Hon. G.M. Gunn: What about noxious weeds?

The Hon. I.F. EVANS: What about bringing phytophthora onto the property through equipment transfer and not washing down the equipment properly? There are issues associated with it, and on balance the opposition comes down on the side of rejecting this clause. As the minister is aware, even with his amendment we still reject this power.

The Hon. J.D. HILL: I thank the member for his comments. We are aware of the opposition's concerns and have tried to go some way towards addressing those concerns. Issues in the first of my amendments to remove the words 'dismantle or remove anything' and the requirement that the officer or the department would have to restore the land to the state it was in go some way towards doing that. We have to talk about why that provision is in the bill. The provision is there because it is quite a common occurrence for somebody who has illegally cleared land to dig a hole and bury what they have cleared as it is an easy way of disposing of the evidence. I gather, from talking to my officers, that the occasions when they may wish to take a sample is when the evidence has not been properly covered and a branch or leaf may be exposed and the officer wants to go in and, using a

small hand shovel or even his hands, pull away the soil and get a branch which can be used as some evidence.

The Hon. I.F. Evans: Put in an amendment to restrict it to hand digging.

The Hon. J.D. HILL: I would prefer to put this through tonight, but I am happy to have another look at it if we can come up with a sensible way of restricting it. The member makes some points about equipment, fences, bringing in diseases, and so on. I am happy to have another look at this matter. We will look at it in the other place, come up with a sensible amendment and bring it back here when completed.

The Hon. I.F. EVANS: To assist the minister, the opposition indicates that, if the minister restricts it to hand digging, we would have some sympathy for the clause between houses as that would take away a lot of the arguments. Given the advice the minister is receiving from his officers, if that is the purpose we would have some sympathy between houses.

The Hon. J.D. HILL: I can give that undertaking.

Amendment negatived.

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

Page 26, line 9—Leave out ',dismantle or remove anything' and insert 'the land, or any part of it, for the purpose of taking samples'.

Amendment carried.

The Hon. G.M. GUNN: I move:

Page 26, lines 17 to 20—Leave out paragraph (j).

Paragraph (j) requires:

a person who the authorised officer reasonably suspects has knowledge in respect of which information is reasonably required for the administration or enforcement of this act to answer questions in relation to those matters;

It was always my understanding that a person is not required to answer questions, and that is one of the hallmarks of a democratic society. The officer only has to reasonably suspect, and he could suspect anyone. This is overboard stuff, and it is not desirable, necessary or wise. Are we going to start locking people up or taking them to court because they decline to answer a question from one of these Sir Humphreys? People do not have to answer questions, and the minister knows that. It is a nonsense to even attempt to make them do it. It is an absolute outrage.

The Hon. J.D. HILL: The government does not support the amendment. We are not intending to put people in gaol, but there is a fine. I point out to the member that this is a reasonably common provision. I understand that there is a similar provision in the Food Act, the public transport legislation, the Petroleum Act and in the Air Transport (Route Licensing-Passenger Services) Bill, which was passed by the parliament on 10 July. Clause 14 of that bill provides:

An authorised officer may, as may reasonably be required in connection with the administration, operation or enforcement of this act, require a person to answer questions.

This is a common provision. However, I am prepared to go further than the provisions in the measures that I have referred to and include in the bill the clause which the member for Davenport has moved and which provides that the officer who is seeking the information must inform the person that, if they may tend to incriminate themselves, their rights have to be read to them, which is a standard provision, and that goes further than the legislation to which I have just referred.

The Hon. G.M. GUNN: That fixes the problem.

The Hon. I.F. Evans: Are you accepting that?

The Hon. J.D. HILL: Yes.

The Hon. G.M. GUNN: In that case, I will withdraw my amendment.

Amendment withdrawn.

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

Page 26, after line 27—Insert:

(2a) An authorised officer must not exercise a power conferred by subsection (1)(a) or (2) in respect of residential premises except with the authority of a warrant issued under section 33C.

This amendment provides the requirement for a warrant to be obtained before someone's residence can be entered. It picks up the concerns that were expressed to me in private meetings with the member for Stuart, and it requires a warrant to be obtained. I hope that addresses the concerns that he may have.

The Hon. G.M. GUNN: The minister said that they can still enter a house with a warrant. Why would any officer need to enter a farmhouse? In my view, this provision is the most fundamental argument that we are going to have tonight. We have argued in this house over service stations with homes attached because any reasonable person could not suggest one reason why any officer would need to enter any person's home under the provisions of this act. In all but a few homes, a person's office is attached to the home. In many cases the spouse and one or two children are left at home by themselves in a house and, if an offence had been committed, the person who committed that offence could be many kilometres away from the home. The spouse may be at home alone.

The two government officers would show their warrant and say, 'We are going in there.' The spouse could say, 'No, I don't want you to come in,' so they could force their way in, tip the house upside down looking for things, upset the spouse, leave the children in tears—that is what would happen—or wake up the little children. Does the minister think that is a nice situation?

When we were having a briefing, I put the same scenario to one of the officers that I am putting to the minister now, and he could not give me an assurance that they would not do it. He was not sure. That is a disgrace. It is indecent, it is improper and in a democracy it is unnecessary. There is no need for this provision. The people who are putting forward this provision either have something wrong with them or have a twisted sense of decency, because you do not need to go into people's homes and, if you think you do, we will go to the barrier on this one. Can the minister tell me why these officers would need to enter someone's home? I want to know why.

The Hon. J.D. HILL: I thank the member for his remarks. Let me make two points. First, this provision in a stronger form was in the bill that was agreed to by the Liberal Party in government and put through this chamber last year. In fact, I am weakening it, if you like, by putting in the requirement that there ought to be a warrant in place. Under the provision introduced by the former government, which the honourable member's party room agreed to, no warrant was required. I am doing the reasonable thing here.

The second point I would make is that we previously had a discussion on another clause where we agreed that it was okay to get electronic copies or other forms of information, and we changed the words, and I understood the honourable member to be in agreement with that. The only way that we can obtain that information is to go onto the premises where that information is stored.

That is what this provision is about. It is a much more modest provision than was agreed to during the last parliament. I think it would be a bit strange if the opposition were

to oppose this now, having supported it in government, especially when it is arguably a weaker provision. The answer is that the provision is there to allow officers to go into a property, particularly the office part of the property, in order to collect the information which we have already agreed was a reasonable way of describing that information.

The CHAIRMAN: I point out to the member for Stuart that the amendment on the table standing in his name is exactly the same as the minister's amendment except for all words after 'premises'. I am just pointing that out to the member for Stuart. He can proceed whichever way he wants, but I am just pointing that out to him.

The Hon. G.M. GUNN: My amendment provides:

Page 26, after line 27—Insert:

(2a) An authorised officer must not exercise the powers conferred by subsection (1)(a) or (2) in respect of residential premises.

That says he cannot go into a person's home. I do not know whether the minister forgot, but he did not answer the question that I posed which was fundamental. A spouse is in the home with her two children and the officers arrive. Will they enter the home, yes or no? If that is what the bureaucracy wants, they must then accept what will follow. An officer could enter the home of a person on their own, without that person having any recourse or knowing what their rights are, and without the recourse of having a friend or lawyer present, or in fact there could be no-one else there. There is already grave concern about vandalism and things being pilfered from isolated properties. I cannot understand why it would be recommended that any officer should have that power to enter a home under those circumstances. The minister would not like it to happen to his spouse and his family in his absence. It is an indecent suggestion.

I do not care about what has happened in the past. I have been forced in the past to argue cases on behalf of people. I know what happened to poor Denton. Without a warrant, the fellow invited himself into the home. The man is suffering as a result of serving this country in Vietnam. He has a sick child, whom they left in tears. That is what you are talking about. That is why some of us are so annoyed. I have had the former chairman of the Le Hunte council complain to me, and the deputy chairman of Ceduna council complained to me and the member for Flinders today. That is why we are pursuing it. Surely no-one would want to enter that home under those circumstances.

With one person by themselves and two bureaucrats arriving unexpectedly, surely in a decent society we would say, 'Of course that's not fair, just or reasonable.' No-one would think it is; no-one should, and we will go to the wire on this in both houses of parliament, and so will the Farmers Federation. If you proceed with this, you will get the rural community offside, because we will tell them. We will have no alternative but to tell them: be aware that is what those people will do to you. I ask the minister to reconsider under those circumstances.

The CHAIRMAN: Before I call the minister, I will repeat what I have said to the member for Stuart. If the minister's amendment succeeds, then the amendment on the table standing in your name will be redundant. I suggest to the member for Stuart that he may want to amend the minister's amendment so that it becomes the same as the amendment that he has tabled. I just invite him to do that. If he does not, and the minister's amendment succeeds, we will not be able to return to his amendment.

The Hon. G.M. GUNN: Surely I can formally move my amendment? I put it on file yesterday.

The CHAIRMAN: I am trying to help the member for Stuart. This is not a conspiracy.

The Hon. G.M. GUNN: I greatly appreciate that. You guide me as to how I should do it.

The CHAIRMAN: I suggest that you formally move to amend the minister's amendment so as to leave out all words after the word 'premises'.

The Hon. G.M. GUNN: In accordance with your advice, I move accordingly.

The CHAIRMAN: Very good. Minister.

The Hon. J.D. HILL: How could I answer the question again? I just say to the member again that he threatens to—

The Hon. G.M. Gunn: No, I stated a fact.

The Hon. J.D. HILL: You stated a fact? The fact you stated was that you would make it known to all the people in the rural communities what a ratbag I am.

The Hon. G.M. Gunn: I did not say that.

The Hon. J.D. HILL: No, you did not say that. I was summarising your point. The point I make back to you is that it was your party that introduced this provision in the last parliament. In fact, the provision you introduced was a harsher provision because it did not require a warrant. That is what your party did. If you want a scare campaign, it can work both ways. I am not interested in doing it. I want to get a good provision up. One can always create an emotional scenario and say, 'You can't do this because what happens if there is a small child alone in this particular circumstance?' Well, you could say that about police officers entering houses as well. There have been some awful examples over the years of police officers entering houses without warrants and doing a whole range of things.

This provision relates to a duly authorised officer who has gone to a magistrate and has been able to demonstrate there is good reason for collecting the evidence from a person's home, who has turned up with the warrant, knocks on the door, shows the warrant and says, 'I have authority to go and look for this particular information', which we have already specified in another clause will have to be described. It is a much more limited power that we are proposing in this bill tonight than was passed by the parliament last year without any objection made by anybody on your side of the house. I just find it hard to understand why it is now suddenly an issue.

The Hon. I.F. EVANS: I can explain to the minister why it is an issue. I do not mind saying—and the officer would advise the minister of this—that it was an oversight that our provision did not include the warrant. That was certainly the position of the party room. As the then minister responsible, I take that error on the chin. Certainly the party's position was that the provision that the minister is now moving would be the furthest we would go. The minister is quite right in saying that we have agreed tonight with a new set of words to give officers the power to get a warrant to seek certain documents. That is a power we have agreed to with the handwritten amendments earlier through parliamentary counsel—the 'no-name' amendment.

The minister has just given an example. The reason we need this clause is so that the officer can knock on the door and say, 'Here's the warrant to get information', and then go inside and get it. I put to the minister that, with the power given under the previous clause where the landowner is by warrant required to produce the information, the officer simply has to deliver the warrant and they will get the information. They do not need to go into the home itself to get the information. They are legally bound by the previous

clauses to produce the information. If they do not produce the information according to the warrant, they are indeed in contempt of the court. I will hold my debate while the minister seeks advice.

The Hon. J.D. HILL: In the spirit of bipartisanship, for which I am well known, I will accept the amendment pro tem of the member for Stuart. I will remove this provision, have a closer look at the former amendment to which the member for Davenport referred and consider whether or not that may need to be strengthened in some way to achieve the goal. I accept the logic of the member for Davenport that someone knocking on the door with a warrant saying, 'I come here for this information' does give considerable power to that person. Would it necessarily help them if they entered into the office and started rummaging through the desks for themselves? I am not convinced, but I will withdraw it and look at it again, and we may well come back to it in another place.

Amendment to amendment carried; amendment as amended carried.

The Hon. G.M. GUNN: I do not intend to proceed with my further amendments to clause 28, because I think I have achieved a considerable amount in this matter. In the spirit of progressing the legislation I accept that I have had a win and leave it at that.

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

Page 26, after line 41—Insert:

(5a) Where an authorised officer digs up any land under subsection (1), the authorised officer must, after taking such steps as the authorised officer thinks fit in the exercise of powers under that subsection, insofar as is reasonably practicable, take steps to ensure that the land is restored to such state as is reasonable in the circumstances.

I have spoken to this previously, so I will not go through it again.

Amendment carried.

The Hon. I.F. EVANS: I move:

Page 26, after line 41—Insert:

(5b) Before an authorised officer requires a person to answer questions under subsection (1)(j), the authorised officer must inform the person if his or her right to decline to answer any question that might tend to incriminate the person or to make the person liable to a criminal penalty.

This is simply getting the officers to inform those they are interviewing of their right to remain silent or not answer questions if it might tend to incriminate that person. We think it is an appropriate request of an officer when interviewing or prior to interviewing.

The Hon. J.D. HILL: The government supports that amendment.

Amendment carried.

The Hon. I.F. EVANS: I move:

Page 30, after line 17—Insert:

Offences by authorised officers, etc.

33EA. An authorised officer, or a person assisting an authorised officer, who—

(a) addresses offensive language to any other person; or

(b) without lawful authority, hinders or obstructs or uses or threatens to use force in relation to any other person,

is guilty of an offence.

Maximum penalty: $5 000.

This is commonly known as the 'member for Stuart clause'. This is the clause that provides for offences by authorised officers. This has been placed into a number of pieces of legislation at the insistence of the member for Stuart. The minister seeks to delete it; we seek to reinstate it. Given the bipartisan nature of the minister tonight, I am hoping that he will support the amendment.

The Hon. J.D. HILL: You can push your luck so far; you have had a pretty good night, as has the member for Stuart. I do not accept this. I point out that, if there are concerns about officers, a range of provisions can apply, including, for example, the Summary Offences Act, common assault provisions, the Public Sector Management Act and a whole range of internal government disciplinary procedures. I think this is an unnecessary and redundant clause. I do not accept it and will not vote for it.

The Hon. I.F. EVANS: Has the minister received any advice from the officers that any issue has been raised with the minister by any officer with regard to this provision? Have there been any complaints by any officers saying that this is an unfair provision?

The Hon. J.D. HILL: I cannot think of any specific written or recent complaints. I think I have had conversations with officers about it, but I do not recall a particular set of circumstances where that has happened.

The Hon. I.F. EVANS: The minister has been around this place for about five years, and he has been shadowing the portfolio for almost all of that time. This clause has been inserted in a number of bills over the last eight years or so. It has been a long time—

The Hon. G.M. Gunn: Susan Lenehan.

The Hon. I.F. EVANS: The Susan Lenehan days. So, this clause has been around for a long time, but the parliament is not aware of one argument that has been raised to delete the clause as proposed in the minister's bill. Not one argument has been presented to the house by an officer of the Public Service Association, and there has not been one case of unfair treatment of an officer under this provision. All the provision asks is that the officers go about their normal duties with manners and an appropriate approach. There are all sorts of provisions in the bill that go the other way for the poor landowner. The officers have extraordinary powers, which we have debated, but all this clause does is provide that an officer cannot use offensive language, and the provision contains the words 'without lawful authority, hinders or obstructs, uses or threatens'. It really says to officers, 'Please act within your normal duties', and in that sense we do not think it is unfair.

The Hon. J.D. HILL:I do not want to delay the bill. The member has given a spirited defence of this provision, but he made the point that we are asking officers to behave in a normal way in accordance with their duties; unfortunately, I do not remember the exact words. They are obliged to operate in this way now, and there is a range of provisions to ensure that they do so, including disciplinary provisions, common law and particular statutes, all of which apply and help to direct officers in that way. If they breach the law, there are plenty of ways in which they can be disciplined. I am not aware of any instance where this provision has ever been used in any of the acts in which the member for Stuart has had it included. I repeat: I do not support it tonight.

Amendment negatived; clause as amended passed.

Clauses 29 to 31 passed.

New clause 31A.

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

Page 34, after line 32—Insert:

Amendment of section 35—Proceedings for an offence

31A.Section 35 of the principal act is amended by inserting after subsection (4) the following subsection:

(5) An authorised officer cannot issue an expiation notice to a person alleged to have committed an offence against this act unless the authorised officer has referred the matter to the council

and the council has specifically authorised the issuing of the notice.

This proposed new clause imposes a restriction on the expiation notice so that the expiation notice must be issued with the authority of the council. The member for Stuart raised with me that it would be unreasonable for an officer just to turn up and invent an expiation notice, saying that it must be done with due authority. There are two versions. The member for Davenport constructed a version with the same intent. I asked for a similar amendment. I think the same parliamentary counsel drafted both new clauses, but he thinks that his second version, which is the one that I asked for, is superior. So, by agreement we will support that new clause.

The Hon. I.F. EVANS: The opposition supports the government's amendment. The opposition's amendment was that the officer would have to get the Native Vegetation Council to agree to issue the notice, and the council itself would do so. Under the minister's amendment, the officer gets the Native Vegetation Council to agree that a notice should be issued, and it is issued by the officer. However, it still needs the approval of the Native Vegetation Council. We support the amendment.

New clause inserted.

Remaining clauses (32 to 36), schedule and title passed.

Bill reported with amendments.

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

That this bill be now read a third time.

I will not keep the house, but I want to make a couple of brief observations in conclusion. In particular, I thank all members for their contribution to the debate and I think they were made in a good spirit. I think it is fair to say that there is a large amount of agreement across the chamber in relation to protection of native vegetation. There are some issues that are in dispute, but I think we have resolved most of them reasonably well tonight.

I have undertaken to look at two or three separate issues, and I will certainly do that before the bill goes to the other place. I thank parliamentary counsel, Richard Dennis, and the Native Vegetation Council officer, Tim Dendy, who assisted me tonight. In conclusion, I say: steady the buffs when this bill goes to the other place.

The Hon. I.F. EVANS (Davenport): I place on record my thanks to the parliamentary counsel and departmental officers who worked not only long hours in the lead-up to this debate but also the previous debate. They undertook a lot of work under the previous government to reach the stage of getting the bill in. I will not go through the number of meetings, but the officers know that there were many.

I thank the minister for his approach to the issue, both in this and previous debates. I also thank my portfolio committee and members in the previous government who put in an enormous amount of work to reach a reasonably balanced outcome in what is always a difficult bill.

The Hon. G.M. GUNN (Stuart): I thank the minister for the way in which he approached this measure. We have had a constructive outcome, which is a good thing in a parliamentary democracy. We have one or two other matters to discuss further, and I look forward to doing so at the minister's convenience. I thank the officers who have been involved; I am probably one of their most difficult characters to deal with—and I own up to that. Like you, Mr Speaker, the member for Flinders and one or two others, I represent an area where people still have considerable amounts of native vegetation, and this legislation, if it is not sensibly implemented, may make life difficult for people in some cases as it affects the day-to-day management of their properties.

We have made some improvements, and I am very pleased about that. I thank the minister for taking that attitude; hopefully, it will save a lot of time when we come back in October. I thank the officers for the discussions I have had with them to ensure that I fully understand the bill. I also thank the parliamentary counsel.

In conclusion, I hope that the legislation is implemented and administered in a cooperative manner with the landholders concerned, whose predecessors did not knock all the trees down, unlike people who may have acted differently in certain other parts of the state. If the bill is implemented with an attitude of cooperation, I am sure it will be very successful.

Bill read a third time and passed.

RECREATIONAL SERVICES (LIMITATION OF LIABILITY) BILL

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

No. 1. Page 3 (clause 3)—After line 10 insert definition as follows:

"negative"—a motion before the House of Assembly or the Legislative Council is, for the purposes of this Act, taken to have been negatived if the motion is defeated or the notice of motion lapses;

No. 2. Page 3, line 16 (clause 3)—Leave out ""recreational activity" means" and insert:

"recreational services" means services that consist of participation in

No. 3. Page 3, lines 21 to 25 (clause 3)—Leave out the definition of "recreational services".

No. 4. Page 3 (clause 3)—After line 27 insert the following subclause:

(2) It is Parliament's intention that recreational services should be interpreted in the same way as the corresponding definition in the *Trade Practices Act 1974* (Cwth)[1].

[1]The Second Reading Speech given in the House of Representatives on the introduction of the *Trade Practices Amendment (Liability for Recreational Services) Bill 2002* implies that "activities such as horse riding, bungee jumping and other similar activities" would fall within the definition of recreational services.

No. 5. Page 4, lines 6 and 7 (clause 4)—Leave out subclause (4) and insert:

(4) Before registering a code, the Minister—

(a) may require a proponent to obtain a report on the code's adequacy from a nominated person or association; and

(b) must publish an advertisement in a newspaper circulating generally throughout the State—

(i) giving notice of the application; and

(ii) identifying the recreational services to which the code relates; and

(iii) stating a place (which may be a website) at which the code may be inspected or from which a copy of the code may be obtained; and

(iv) inviting interested persons to make submissions on the adequacy of the code within a period specified in the advertisement (being a period not less than 21 days from the date of publication of the advertisement); and

(c) must consider any responses received to the advertisement within the time allowed in the advertisement.

No. 6. Page 4, lines 8 to 15 (clause 4)—Leave out subclauses (5), (6) and (7) and insert:

(5) Unless the Minister refuses to register a code (which the Minister may only do for good reason) the Minister must—

(a) register the code by entering it on a website determined by the Minister and publishing notice of its registration in the *Gazette*; and

(b) ensure that a copy of the code is laid before both Houses of Parliament (together with copies of any reports on its adequacy submitted by the proponent).

(6) A registered code takes effect as follows—

(a) if no notice of a motion to disallow the code is given in either House within 14 sitting days after the code was laid before the House, the code will take effect at the expiration of that period (or if the period is different for each House, on the expiration of the later of those periods);

(b) if notice of a motion to disallow the code is given in either or both Houses during that period, the code will take effect when the motion is negatived (or if notice is given in both Houses, when the motion is last negatived),

(unless the code itself fixes a later day for its commencement).

(7) The Minister must ensure—

(a) that the register of codes can be inspected at a website determined by the Minister; and

(b) that the register differentiates clearly between the codes that are in force and those that are not.

(7A) The Minister—

(a) may cancel the registration of a code if satisfied that there is good reason to do so; and

(b) must cancel the registration of a code if—

(i) either House of Parliament passes a resolution disallowing the code; or

(ii) either House of Parliament at some later stage passes a resolution to the effect that registration of the code should be cancelled.

(7B) On cancellation of the registration of a code, the Minister must—

(a) publish notice of the cancellation in the *Gazette*; and

(b) remove the code from the relevant website.

No. 7. Page 5 (clause 7)—After line 33 insert new clause as follows:

(3) The duty to comply with a registered code is a relevant statutory duty of care within the meaning, and for the purposes of, the *Law Reform (Contributory Negligence and Apportionment of Liability) Act 2001*.

No. 8. Page 6—After line 12 insert new clause as follows:

Report on implications of these amendments

11. As soon as practicable after the expiration of 2 years from the commencement of this Act, the Economic and Finance Committee must investigate and report to the Parliament on the effect of this Act on the availability and cost of insurance for providers of recreational services.

WRONGS (LIABILITY AND DAMAGES FOR PERSONAL INJURY) AMENDMENT BILL

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

Page 13, after line 18 insert new clause as follows:

Report on implications of these amendments

7. As soon as practicable after the expiration of 2 years from the commencement of this Act, the Economic and Finance Committee must investigate and report to the Parliament on the effect of the amendments on the availability and cost of public liability insurance.

APPROPRIATION BILL

The Legislative Council agreed to the bill without any amendment.

Mr MEIER: Mr Chairman, I draw your attention to the state of the house.

A quorum having been formed:

RECREATIONAL SERVICES (LIMITATION OF LIABILITY) BILL

Consideration in committee of the Legislative Council's amendments.

Amendment No. 1:

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

That the Legislative Council's amendment No. 1 be not agreed to.

Motion carried.

Members interjecting:

The CHAIRMAN: Order! It is important that the minister speaks to the whole committee, because there are more members to the committee than simply the member for Bragg.

Amendments Nos 2 to 5:

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

That the Legislative Council's amendments Nos 2 to 5 be agreed to.

The Labor government will not be supporting the amendments of the Hon. Robert Lawson in another house which relate to the ability for disallowance of codes of practice. What the honourable member in another house wants to do is allow codes to be registered by government, but then be laid before the house for disallowance. That is not acceptable to the government because that creates further uncertainty. Waivers are an element of trying to get some certainty in the system. There is not much sense in registering a code and then for the next three months having uncertainty. I have tried to contact Helen Coonan, the Assistant Treasurer, tonight—and I am not verballing her because I have not spoken to her—but I doubt whether she would be supporting this.

We are the first state to legislate: it is important that we get it right. I would rather lose this bill than put it into place in an unsatisfactory manner. I am trying to give some explanation to the whole committee. We have voted on amendment No. 1, which is an administrative amendment because the main amendment comes shortly.

Motion carried.

Amendment No. 6:

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

That the Legislative Council's amendment No. 6 be not agreed to.

This is the main issue. This is the issue about the code. What we said is that we are trying to create certainty in the area of public liability insurance. One way in which you do that is by putting waivers in place. We are saying that a code of practice must be registered; the government will put a structure in place to deal with that. In an attempt to offer more certainty and to try to appease the shadow attorney-general, we did put in place an amendment (and it has been successfully moved in another place) that would require the minister, before registering a code—and the member for Davenport would appreciate this—to advertise the application in the press.

It would allow interested parties an opportunity to inspect the proposed code and to make submissions as to its adequacy. It would require the minister to take these into account before a code can be registered. We are actually allowing widespread public input into the code, so that no codes are done secretly within government and they will be widely advertised and widely consulted. What the Hon. Robert Lawson then wants us to do is provide for these codes to be disallowed. What that then does is create a whole period of uncertainty. The codes cannot be registered. My advice

tonight from my insurance advisers is that this will create uncertainty and instability, because an insurance company will have to wait to see whether the code is disallowed, and there is always the prospect of the parliament's having a view on the code, so there will be ongoing uncertainty.

Of course, you run the risk of politicisation. You run the risk of codes wanting to lobby politicians as to whether or not their code should be allowed or disallowed. I do not believe it is good policy in a situation where we are trying to have certainty. We are the first state to legislate these waivers; we have to get it right. Tonight I have tried to contact the Assistant Treasurer, Helen Coonan, because I do not believe this is what she would want. It is not what my colleagues in other states would want, and I will not be the first state to legislate and have this anomaly in place. My appeal to the parliament is to agree with the government. I have tried to accommodate the Hon. Robert Lawson's views by putting in the public advertising. I hope there is some other way in which we can get some resolution to this matter but, as it stands, it allows too much uncertainty in an area where we are trying to get certainty.

The Hon. I.F. EVANS: As I understand what the Treasurer is saying, we should reject the request of the upper house, as this will create uncertainty. As I understand the debate in this place on this very bill, we are the first state to legislate. The Trade Practices Act would not have been amended as yet through the federal parliament, so in fact this provision cannot commence because that act contains the definition of 'recreational service'. Therefore, there will be a period of uncertainty, anyway, over the next few weeks in relation to that matter until the Trade Practices Act is passed, and then proclaimed. Nothing happens until then. There is uncertainty until then, anyway, and there has been uncertainty on this matter in the insurance industry for the last 15 years, because there have been no codes.

So, what is the urgency? There has been uncertainty in the industry for 15 years and uncertainty will continue until the Trade Practices Act is passed through the federal parliament. It makes not one skerrick of difference to that. It comes down to this point: should the parliament have a say over the codes for recreational activities? If we have a say, we delay it for all of 14 days. So, there has been uncertainty for years within the insurance industry about all sorts of public risk matters and we are now debating tonight whether we should give the parliament the power to delay the code for a mere 14 days so that the elected public officials, the politicians, can actually have a say over the codes of recreational activities. There are some in the house, Treasurer, who have dealt with senior sporting organisations that deal with recreational activities that do have concerns about what implications it will put on small country organisations about adopting codes for recreational activities.

I can tell the Treasurer that I met with Senator Coonan in the last week and the final definition of the Trade Practices Act amendments is not yet finalised in the commonwealth's mind. The Treasurer is saying that the only reason we should vote against the upper house amendment is because of uncertainty. I mount the argument that the only uncertainty that exists is that it will be delayed 14 days longer than it normally would have had the Treasurer had his way and done public advertising in the Treasury registers. I do not see where the delay is. It is 14 days—we can disallow it. It is a disallowable instrument in 14 days, as I understand it. I urge the committee not to accept the Treasurer's position.

The Hon. K.O. FOLEY: You have missed the point. I said in debate that these waivers do not come into effect until the federal government legislates and the federal law change is assented to. That is not the uncertainty I am talking about. Once we reach that point where federal law allows our waivers to work, we have 14 sitting days to lodge a disallowance. It then has to be dealt with. So the period could be some months, depending on the cycle or timing of that disallowance. It does not mean 14 days. An insurance company will not insure a category of sport or risk activity whilst there is a disallowance. The Hon. Rob Lawson's motion allows the parliament at some later stage to pass a resolution to the effect that the registration of the code should be cancelled.

So, hanging over the code is some parliamentary move. This is the insurance advice I am getting as much as anything. We are trying to create stability and certainty once the code is operational. I am not talking about what happens in the federal parliament but post federal parliament legislation. All we want is certainty. If you have the parliament overseeing this and being able to disallow, we are creating further unnecessary uncertainty. I have allowed for our amendment, which I appreciate the honourable member has supported: it gives the ability to advertise the application in the press. Interested parties, including politicians, would have an opportunity to inspect the proposed code and make submissions to its adequacy. That is a very fair move. I do not know why the honourable member would be insistent upon the parliament having the power to disallow. I am appealing to members to try to get certainty and let us not lose this bill tonight because we are trying to impose parliamentary disallowance mechanisms, which create uncertainty for the insurance industry.

The Hon. I.F. EVANS: Under the minister's original bill, did the minister have the power to vary the code or, indeed, cancel the code?

The Hon. K.O. FOLEY: Yes, that is correct.

The Hon. I.F. EVANS: This is my point. If the minister has the power to vary the code or cancel the code, and the parliament has the ability to vary the code or cancel the code, is not the uncertainty for the industry the same? I will repeat that for the officer. If the minister, under his original bill, has the power to vary or cancel the code—and the Treasurer advised me that the answer to that was yes—and if the shadow attorney's amendment in another place gives the parliament the power to vary or cancel the code, the uncertainty for the insurance industry is the same, because the minister might cancel the code any day the minister so chooses, through a process, or the parliament could cancel the code any day it wishes, through a process, and the same could happen with respect to the variation. The only difference is that the people who get to vary or cancel are the elected representatives, and not the minister. We would argue that the uncertainty for the insurance industry is the same, except it is a different entity that is cancelling or varying the code.

The Hon. K.O. FOLEY: If you allow the Lawson plan to come into play, you then have two sets of uncertainty—if you want to put that in as uncertainty. But the reality is that the minister of the day, having agreed to a code, is unlikely, without due cause, to change it.

The Hon. I.F. Evans interjecting:

The Hon. K.O. FOLEY: No, the parliament has 69 members. The insurance market will view the unpredictability of a legislature far more significantly than it will the executive government. That is a known fact. I am only giving the member the advice that I am given. Why are we arguing

about such a point? If the member wants to negotiate an alternative, if he wants to find a way in which politicians can have a role in the process, let us have a talk about that. But let us not bring it into the parliament, because you are creating uncertainty.

I am happy, if the member wants to go to a conference, to talk about the way in which members of parliament can have access to our public process. Let us have a talk about that. My strong advice is that, if we have disallowance, we are putting in a degree of uncertainty. I say to members opposite—to the member for Kavel—that we are trying to deal with your constituents, your recreation bodies. I am trying to give certainty.

The Hon. I.F. EVANS: I suggest that, rather than go to a formal conference, we adjourn the debate for a short time. I am locked into a party room position, as is the minister. For the sake of everyone trying to come up with a reasonable procedure, I suggest that we adjourn the debate for a short time so that we can have some informal discussions.

The Hon. K.O. FOLEY: Yes.

Progress reported; committee to sit again.

The SPEAKER: Order! If the minister wants to adjourn the chamber and go into private discussion, then I suggest that he do so. It is highly disorderly to engage in discussions with members of the general public, however sincere and expeditious the minister may wish to be in the manner in which that is proceeding. Either suspend the house until the ringing of the bells, or I will suspend the sittings of the house until 2 p.m. on 14 October.

The Hon. K.O. FOLEY (Treasurer): I move:

That the sitting of the house be suspended until the ringing of the bells.

Motion carried.

[Sitting suspended from 11.04 to 11.43 p.m.]

RECREATIONAL SERVICES (LIMITATION OF LIABILITY) BILL

Consideration in committee of the Legislative Council's amendments (resumed on motion).

The Hon. K.O. FOLEY: I appreciate the committee's allowing a brief period for negotiations. During those negotiations I was heartened to hear that the first Labor budget—my first budget—was passed in another place. I must say, on hearing that news, I felt it was time to be generous. One of the hallmarks of this government and one of my true qualities, if I can indulge the house briefly, is that I can be persuaded by good argument, sensible policy and a generous deed in the passing of my budget.

Members interjecting:

The CHAIRMAN: Order!

The Hon. K.O. FOLEY: Whilst a strong part of me thinks the views of all members opposite and one or two Independents—or three or four Independents—and the majority of the upper house on balance are wrong (and they may live to regret their decision) in the spirit of generosity and just showing the inequality you see so frequently in this place and, notwithstanding the rhetoric and politics of all members opposite, they had to agree that my budget was a good budget and they passed it. Because they did that, I will deliver one good deed: I am happy to support these amendments.

The Hon. I.F. EVANS: I thank the Treasurer for accepting our generous argument that 24 beats 23 on this occasion.

The Hon. K.O. FOLEY: I do not accept that. You will never know.

Motion carried.

Amendment No. 7:

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

That the Legislative Council's amendment No. 7 be agreed to.

That is our amendment, and I understand the opposition also likes our amendment in the spirit of generosity and bipartisanship.

Motion carried.

Amendment No. 8:

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

That the Legislative Council's amendment No. 8 be agreed to.

Again, that is a very fine amendment put up by the Hon. Robert Lawson in another place—although I find it amusing that he would put up an amendment which we support and which refers something to the Economic and Finance Committee, because that is a committee of the lower house. From what I have just been hearing, that really is a substandard option—to have something referred to a lower house committee without some precious input from those members in another place. However, somehow this will suffice, and again we will support it.

Motion carried.

Amendment No. 1—reconsidered:

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

That amendment No. 1 be agreed to.

Motion carried.

WRONGS (LIABILITY AND DAMAGES FOR PERSONAL INJURY) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendment.

(Continued from page 1497.)

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

That the Legislative Council's amendment be agreed to.

Again, the Economic and Finance Committee is getting a reference for a two-year review as to the impact of our amendment. I wish the Economic and Finance Committee good luck in two years' time in its work. I am sure the government will be happy to assist the committee in any of the work that it chooses to undertake.

Motion carried.

ADJOURNMENT

At 11.59 p.m. the House adjourned until Monday 14 October at 2 p.m.