HOUSE OF ASSEMBLY

Thursday 1 May 2003

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

RADIOACTIVE WASTE REPOSITORY SITES

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

That this house calls on the federal Leader of the Opposition to explain why the former Keating Government released a paper identifying eight regions in Australia as possible sites for a national low level radioactive waste repository and acknowledging that five of these regions were either totally or partially located in South Australia.

The reason I move this motion is that I think it is an interesting dilemma in which the current federal Leader of the Opposition finds himself. Of course, it was Simon Crane who, as the then energy and primary industries minister, released the discussion document that set out that five of the eight possible sites for the location of a low level repository were either totally or partially located in South Australia. I find this rather interesting because, as the current federal Leader of the Opposition, Mr Crane did me the courtesy of paying me a visit in my electorate in the last five or six weeks—something that I do not think he will do again in a hurry—and he said at a news conference that he believes the federal government needs to go back to the date when the then federal government released that discussion paper and restart the whole discussion process about the low level radioactive waste repository; in other words, go back about eight years and start the whole process over again.

The problem with that is that, if you believe Mr Crane—and I do not—he says they would not place it in South Australia. If you go back and consult on the eight sites as proposed by Mr Crane, of course, five of those are totally or partially located in South Australia, so one would assume that—on his theory, at least—you would have to consult only with the states that have the other three sites. There is no way that Simon Crane will go to Queensland and New South Wales and suggest that the radioactive storage facility should go there. Simon Crane is playing straight politics on the issue and trying to appeal to the South Australian vote.

The reason this motion is important is that the now federal Leader of the Opposition, Mr Crane, released the discussion document in relation to these eight possible sites for a low level repository. Why did he do that? The document makes clear that the then Labor federal government—Mr Crane, in particular—believed that it was in Australia's best interests to have a single storage facility for low level waste. That policy of the federal Labor government has not changed. Senator Kim Carr, who is currently the federal opposition spokesperson on this issue, is on record as saying on radio that the federal opposition still believes in the policy of having a single low level storage facility somewhere in Australia. So, to combine that policy with Mr Crane's policy, we believe that the federal Labor Party is saying they believe there should be a single low level storage facility for waste.

However, if you believe Mr Crane, they think that it should not be in South Australia and that we should go back eight years and start the consultation process about the eight regions mentioned in this motion, five of which are either totally or partially in South Australia. So, we are going to undertake the total consultation process again—something which has taken about eight years and which was started by Mr Crane as the then energy and primary industries minister. We will go through that consultation again but, if you believe Mr Crane, because it will not be in South Australia, that basically leaves three sites.

No-one believes that the federal Labor Party will do that, because Mr Crane could have announced it during the New South Wales state election campaign in only the last two or three months. He could have said that a federal Labor government intends to open up consultation with the New South Wales people about taking low level or medium level waste. Of course, Mr Crane did not make that commitment, and he will not make that commitment to the Queensland people.

So, I think Mr Crane's position is very shallow on this issue. It was Mr Crane's government that set up the group of scientists that went through the process of establishing the safest site in Australia for the storage of low level waste, and they have come down to three sites in South Australia. Now, for political opportunism, Mr Crane is trying to wiggle into a position where he will not be held accountable in any circumstances. I therefore think the parliament should call on Mr Crane to explain this matter. He is in town tomorrow, I think, speaking to the Press Club. It will be a good luncheon for him, I would think. He might get a few questions—

Mr Meier: Do you reckon the press will turn up?

The Hon. I.F. EVANS: I think the press will turn up. I think the press will ask him whether he will be leader at the next election; I think the press will ask him whether he will vote for Kym or whether Kym will vote for him. All of those sorts of questions I think will be there for Mr Crane to answer.

But the reality is that at every step along the way the federal Labor Party has supported the establishment of a low level waste repository. It is only at the last hurdle, for politically opportune reasons, that the federal Labor Party is now trying to change its spots, if you like—change its policy. So, if the federal Labor Party did not intend South Australia to be considered as a possible site for a low level waste repository, why were five of the eight sites in its own discussion paper totally or partially located in South Australia? The reason is that their advice was that those were the eight best sites in Australia for a low level waste repository. So, if you believe him, even though they received advice at the time he was minister that those were the eight best sites, Simon Crane is now saying, 'We will just discount five of those sites for political reasons. When the scientists come back and say that the three sites at Woomera are the safest of those sites, we will ignore that and we will go back and start the consultation process back at the eight year mark and renegotiate just the three sites that happen to be totally outside of South Australia.'

No-one believes that. You cannot run a policy for eight years and then suddenly change direction at the last hurdle. It does not work like that. I think one of the problems that Kym Beazley had as federal leader is that no-one knew what he stood for: and, in fact, no-one knows what Simon Crane stands for, because he is changing his policy. It was he as minister who brought the policy to the Australian people. And, in a bipartisan way, the then federal opposition (the Liberal Party) supported the view that Australia's radioactive waste was best stored in purpose-built facilities in one central facility, and it agreed to go through the process to establish where that facility will be. This motion simply calls on Mr Crane to explain to South Australia and to the parliament

why he released a paper that had five sites identified totally or partially in South Australia as sites that were quite good for storing low level radioactive waste. Why did he release the paper if his policy now is that South Australia is not going to be used? Why go through that consultation process?

We could have probably had it down to about two years if we had to negotiate with only two states. It seems to me that Mr Crane is changing his policy. Every time he comes across a hard decision he will simply change his policy based on polls. I think he is going to run into exactly the same problem that Kim Beazley ran into, that is, that people will not know what he stood for. This motion simply asks the house to call on Mr Crane to explain why, then, he went through that whole charade as a minister, why he went through that process? Why did he sign off on a document that identified five out of the eight sites in South Australia as appropriate places in which to store radioactive waste if his view is that it should not be stored here?

It was certainly his view as the federal minister. He wrote to the then deputy premier, Don Hopgood, suggesting they set up this process. The then state Labor government agreed to go through the process of establishing a national repository—it supported the process. It knew that South Australia was going to be considered; and why did the then Labor South Australian government know that South Australia was going to be considered for a low level waste repository? The reason we know that is because this document was then released by the then Labor federal minister for energy and primary industries, Simon Crane, the now Labor leader federally.

He released the document clearly identifying five of the eight sites in South Australia. The previous state Labor government did not write back to the federal Labor leader saying, 'We agree with the process but do not put it in South Australia.' It did not say that at the time. At the time the state Labor government agreed that we should go through a process to find the safest place to store it. Again, for politically opportune reasons, the Labor Party is now changing its view at the last minute. I think that South Australians are slowly but surely seeing that the Premier is more a Premier of spin than substance—a comment made on the radio this morning. I think it was quite a good observation.

I call on the house to support the motion, which calls on the federal Leader of the Opposition to explain why he released that document that identifies five of the eight sites for the storage of radioactive waste. They happen to be in South Australia, and I ask the house to support the motion.

Mr CAICA (Colton): I have been here only a short while, and the likelihood is that I might stay a little longer. I have been observing things as they go along and I find very interesting this particular component of our parliamentary life, that is, private members' bills. Sometimes exceptionally good motions have been put before the house and others—and particularly the motion we are debating now—have no substance at all. I find this an absolutely ridiculous motion, and I will elaborate on that a little as I go along. The question the member for Davenport wishes to put to the house is, in my view, yet another stunt. There is no substance to it.

I will deal with the history of this matter a little later, but from my observation in my time here I think the member for Davenport has shown some skill. He appears to be a fairly good parliamentarian and will, most likely, work his way up that greasy totem pole towards the leader's seat. But I think that he has to bring to this house motions with a little more substance than this, otherwise history will show that he was known as the member for filibustering and the member for lack of substance, and that is what this resolution is all about. From my inexperience, I would urge the member for Davenport to work a little harder.

He should chase up matters that do have substance and it is quite likely that, in the not too distant future, he will become a serious challenger for the leadership of his party. He is moving up very quickly. I talked about stunts and I want to talk about cheap stunts a little longer because this motion is a stunt. The member for Davenport talked about the federal Leader of the Opposition attending his electorate just recently. I saw only the television report of that visit but it reminded me of the worst aspects of those reporters who work for shows similar to *A Current Affair*, that is, hiding behind a tree, waiting for the federal leader or someone to come out—

The Hon. I.F. Evans: Careful.

Mr CAICA: I am saying that is what it looked like on the television. It looked as though they were hiding behind something and coming out and confronting our federal leader. I thought these aspects were a very cheap stunt that did the member for Davenport no good at all. If that does not depict the facts, I suggest that he take it up with the media that portrayed it in that way. It did not reflect well on the member for Davenport or, indeed, our profession. I just hope that, when the federal leader comes to town again this week, he will not be confronted by a similar cheap political stunt and that there will be some substance about any dialogue that occurs between our federal leader and the member for Davenport.

What makes this motion ridiculous in the extreme is that we should be dealing with the here and now, not yesterday. This parliament has a responsibility to deal with the issues of today, not yesterday. If we look at what makes it ridiculous, why do we not have a resolution that asks the Prime Minister to explain why Peter Reith maintained, for many months during a federal campaign, that people were thrown overboard? Why do we not have the member for Davenport asking the Prime Minister to explain why he did an about-face on the GST after promising to the people of Australia that this would not be the case?

Why do we not have the member for Davenport putting forward a motion asking his leader—the Leader of the Opposition in this state parliament—to explain to the house why it was that the government of the day built the Holdfast Shores, the Wine Centre or the Hindmarsh Stadium? That is how ridiculous this motion is. Why do we not have a motion from the member for Davenport that asks Nick Minchin why, as a senator representing the people of South Australia, he is urging the people of South Australia to support a federal dump in this state when 90 per cent of them do not want it? That is shallow.

The member for Davenport reflected upon policy over the last eight years and deviating from that policy. The member for Davenport realises that in 1992 it was the position of the state opposition not to have a nuclear dump in this state; that was the position of the opposition at that stage. I see the member for Davenport either shaking his head in agreement or disagreement. The policy of the Liberal opposition at that time—

Ms Thompson interjecting:

Mr CAICA: —as the member for Reynell points out, was that it would not be built in South Australia. So, things have

changed. Policy does change and the honourable member's policy seems to have changed.

It has changed to the extent that he is acquiescing to his federal colleagues. I would suggest that what the honourable member should do is support and represent the people of South Australia and do what it is they want, because that is what the honourable member is here for—not to support his federal colleagues in parliament. The member for Davenport should actually represent the best interests of the people of South Australia. What the people of South Australia want is not to have a national nuclear dump. That is a bit of history upon which the honourable member should reflect.

That is probably far more relevant than some of the matters on which the honourable member touched during his presentation. As another matter of interest, in 1992 we were in government and the Hon. Lynn Arnold was the then premier. I paraphrase, but if I recall correctly the policy was that, if they think they can make South Australia into a national rubbish dump, they have another think coming. Our policy has not changed over that period. What is relevant is what the parliament of South Australia believes is important for the people whom it represents. We were opposed to that position at that point in time.

I believe that in 1992 both the Hon. Lynn Arnold and the Hon. Michael Armitage ruled out a radioactive waste dump for South Australia. Mr McGauran the then Liberal Party spokesperson on science called for a chain of nuclear dumps across Australia. He said that would be far more practical than a single dump. Far from its being the federal Labor Party that seems to be all over the shop on this particular issue, it has been the federal Liberal Party that has carried on in exactly the same way, if that is the case.

There seems to be no constant throughout this process. The only constant is that our party (now in government) does not want the dump in this state. At least 90 per cent of South Australians do not want this dump in this state. I urge the member for Davenport to drop this issue: it is not a winner for him. The honourable member will work his way up the front bench. He should get on a winner—get onto something that will help him: he should support this government's position on the nuclear waste dump. The member for Davenport should do that for the benefit of the people of South Australia and for his own self-interest as well. The obligation that the member for Davenport has to the people in South Australia is to support this government's position, and I urge this house to oppose this resolution.

Mr MEIER (Goyder): I support this motion moved by the member for Davenport, whom I thank very much for moving it. I should hope that all members of this house, despite the comments from the member opposite, would support this motion. Surely, it is not difficult for the federal Leader of the Opposition to explain why that is the situation. That is a very simple request and surely one that the state government should ask, rather than its going around the countryside threatening a referendum and not doing anything about the storage of radioactive waste for South Australia or for Australia as a whole.

In relation to this matter, I identify that on my trip to Scandinavia last year, amongst various issues—and I think all our reports are on web these days, so I assume most members would have read my report, just as I have tried to read other members'—

The Hon. M.J. Atkinson: I haven't been short of a talk-back topic lately!

Mr MEIER: At least the Attorney got a headline, didn't he, by interfering in the court system yesterday.

The Hon. M.J. Atkinson: Interfering?

Mr MEIER: Since when has the parliament, or the Attorney-General, decided to do the reprimanding? Whenever I took up issues with the former attorney, he said, 'There is a clear distinction between the parliament—

The Hon. M.J. Atkinson: But he was the most hated Attorney-General in the history of this state.

Mr MEIER: Is the Attorney saying that what he was doing was wrong? It is funny, as the Attorney has identified many things on which he supported him. However, I had better return to the topic. In respect of the storage of nuclear waste in Sweden, it is interesting to know that Sweden has 12 nuclear reactors, 11 of which are currently operating. Apparently Sweden was one of the very first countries to construct a nuclear reactor. At present, though, one of them is not operating, and the current political scene is such that they will not allow it to restart. Sweden has its own storage for low and intermediate waste, and it has had it for more than 10 years. I say that again: Sweden has its own storage for low and intermediate waste—much better than Australia and South Australia. Members would think that, with Sweden being such a small country, it would have found it terribly difficult to find a place to store its low and intermediate nuclear waste, but not so—

The Hon. D.C. Kotz interjecting:

Mr MEIER: As the member for Newland interjects, 'Don't they have a clean green image?' Very much so. I was very disturbed to hear a news report (I think it was on the radio earlier this week) in which someone said that we do not want even to contemplate storing nuclear waste in South Australia, because it will detract from our clean green image. I cannot believe that sort of thinking, because where is our nuclear waste stored at present? It is stored in our universities, hospitals, homes and central Adelaide. If anything detracts from the clean green image, it is having nuclear waste all over the place. How do we know when we are close to it? We do not. In theory, it could be a real worry, but of course we know that the amount of reaction from some of those products is very minimal.

It upsets me that we do not want to store waste, yet we want the benefits of the nuclear industry. How many thousands of people, if not tens of thousands, would be dead today except for nuclear medicine—

The Hon. I.F. Evans: Some 300 000 a year are treated.

Mr MEIER: According to the member for Davenport, 300 000 a year are cured or kept alive because of nuclear medicine. Yet the argument almost is 'Let us forget nuclear medicine; let us not use it and let another 300 000 a year die.' Is that what we are saying? I would hope not. Yet we refuse to try to tackle this issue, other than in a political way. We have a Premier who wants to have a referendum. Of course, we know that probably 90 per cent would say, 'No, we do not want a nuclear waste dump.' The results are just so obvious: it is a political stunt—that is all it is. It is a similar to—and I highlighted this a few weeks ago—the argument about the waste dumps at Dublin and Inkerman. Do members think that anyone in my area wants those dumps? I have not come across anyone—definitely not. Everyone is totally opposed to it. And it is not surprising that everyone is opposed to it, because no-one wants a dump in their backyard.

We are happy to continue being a consumer society, yet we do not acknowledge the need to be able to safely dispose of that rubbish. If Sweden can safely dispose of its low level

and intermediate nuclear waste, why can we not take the lead from it, a much smaller country? I believe that most European countries store their own nuclear waste, but in Australia it is a different situation: no, we are above that. It was the Labor government which put forward these proposals first, and now, for political reasons again, the federal Labor opposition is seeking to stir up the issue and not face reality as it should be faced.

As I said, most of us directly or indirectly encounter medical, industrial and scientific use of radioactive materials. It does produce a small amount of radioactive waste such as lightly contaminated soil, paper, plastic, laboratory equipment, smoke detectors and exit signs. Perhaps we are suggesting that some of the exit signs disappear, too, and if a fire occurs the people will burn. No, I suppose, we are not suggesting that, are we? With the radioactive waste being stored at some 100 locations around Australia—research institutions, hospitals, government and industry stores, basically in facilities that are not purpose built—something has to be done. I compliment the member for Davenport for at least doing the very best that we can to try to get a resolution to this problem.

It is one which I find hard to understand. If we were a small country, there might be some logic in it, but we are one of the largest countries on the earth. Our health services are probably some of the best in the world—we have benefited from nuclear medicine probably more than most other countries—and our scientific research is of such a standard that we have benefited enormously. Every time there is a fire in a domestic house, the police or the emergency services personnel say, 'Thank goodness they had a smoke alarm, because it allowed those people to escape'; or, when a tragic situation occurs where the people are seriously burnt—or, worse still, killed in that fire—the question is asked: 'Why didn't they have a smoke alarm operating in their house?' That is the most obvious question. Of course, without the nuclear powering of those smoke alarms, we would not have them.

So, let's get real, let's face the challenge, let's stop the political one-upmanship that we have seen for too long now simply to try to take a higher position than someone else. Obviously, as I said earlier, any referendum on nuclear waste disposal will receive overwhelming majority support, because no-one likes the dumping of anything, but the truth is that we as legislators ought to take a much more responsible position and make the hard decisions.

The Hon. G.M. GUNN (Stuart): This is an important issue.

The Hon. M.J. Atkinson: Albeit in his last term.

The Hon. G.M. GUNN: Well, there's one thing the Attorney has no influence or say over and that is how long I'm going to stay in this chamber or how long any of us are going to stay here. Let me say to him that I am feeling particularly fit and invigorated by the challenge of helping to get rid of the Attorney-General.

The Hon. M.J. Atkinson: You said I'd never be Attorney-General.

The Hon. G.M. GUNN: The difference between the honourable member and me is that I can make a living outside this place, but I doubt whether he can. The Attorney-General and I can trade barbs across the chamber, but the Attorney-General could not represent a large district because he does not drive a motor car. So, it is no good him throwing barbs at me because—

The Hon. M.J. Atkinson: I like my electorate very much. I have a bigger majority than yours, too.

The Hon. G.M. GUNN: I've had up to 75 per cent of the vote, too.

The Hon. M.J. Atkinson: Yes, but it's down now, isn't it?

The Hon. G.M. GUNN: It's getting better.

The Hon. M.J. Atkinson: Why do you get seven percentage points less than Barry Wakelin in the same booths?

An honourable member: The voters are getting to know him.

The Hon. G.M. GUNN: The voters know when they are well served. I have digressed from the motion before the house, which is not normally my way, but I would like to relate my comments to this important issue, because I think it brings clearly to the attention of the house the contradictions in which the Labor Party in this state has been involved. When I first came to this parliament, the argument was over whether we should have a large dam built at Chowilla or Dartmouth. They were wrong about that. Then we had the controversy in relation to Roxby Downs, and they were wrong about that. They are also wrong in relation to the attitude to the storage of low level nuclear waste in South Australia.

The thing that concerns me is that they do not appear to have any alternative program to safely and effectively, and without excessive cost to the taxpayer, store this material, which is going to be produced in ever increasing amounts. It is no good making out that we do not have a problem; this problem will not go away. I take the view that, if the commonwealth wants to provide the money to safely store this nuclear waste, it is far better for us to spend our meagre resources on more productive enterprises which will benefit the people of South Australia.

I am very concerned about the cost to the taxpayer but, bearing in mind that the previous state Labor government (in cooperation with the Keating government) stored all this material at Woomera under an unsatisfactory set of arrangements, what is all the argument about? This is nothing more than a well orchestrated political stunt at the behest of a few minority pressure groups with which the government is trying to shore up its preferences at the next election. That is all this is about; it has nothing to do with commonsense or reality—

Ms Breuer: When 87 per cent of people oppose it, that's not a minority group.

The Hon. G.M. GUNN: That is the same sort of nonsense your colleagues used about Roxby Downs. You had to organise a rent-a-crowd. I well recall that rent-a-crowd in the sandhills outside the gates of Roxby Downs. It cost the taxpayers thousands of dollars, the same as with the mates you had at Baxter the other day, disrupting the people of South Australia, disrupting my constituents—wasting a million dollars which should have been spent on other things. The honourable member should go back and look at the newspaper cuttings and the attitude that her colleagues took in relation to Roxby Downs. You were wrong on that, you are wrong on this, and history will prove you to be wrong.

The Hon. D.C. Kotz interjecting:

The Hon. G.M. GUNN: That's right; now they are trying to take credit. I well recall the occasion of the opening of Roxby Downs. We all got our invitation from Hugh Morgan and the board of Western Mining saying that the then premier (Hon. John Bannon) was going to open the Olympic Dam development. Some of us who had been through this exercise

decided we should get up a little welcome party for friend Bannon. So, we went back through the newspapers and prepared a nice little flyer containing all his quotes and delivered it around the town of Roxby Downs two days before the opening. Suddenly, I am walking down the corridor on the second floor, and the then leader of the opposition called me in and said, 'I've had Hugh Morgan on the phone. He's about three feet off the ground because he's had the Premier saying that the Liberal Party has been involved in spreading malicious material about him.' I said, 'It's nothing malicious; it's pure fact.'

The interesting thing is that when we got to the official opening people were coming up and saying, 'You haven't got any more of those dodgers, have you?' I just happened to have a pocketful of them. The then premier was far from pleased on that occasion. I think it was one of my better efforts; I got a great deal of pleasure out of it. Let me say that we will have the same result in relation to this particular exercise, because this is right and sensible. I support the motion.

Mr SNELLING secured the adjournment of the debate.

RADIOACTIVE WASTE, WOOMERA STORAGE

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

That this house condemns the former Keating government for transporting more than 2 000 cubic metres of radioactive waste and storing it in an old hangar at Woomera.

I move this motion because I think it is important that the facts about the radioactive waste issue be put on the table. I note that even the Minister for Environment and Conservation yesterday made a similar point about making sure there is truth in this debate. The facts are that the former Keating Labor government trucked into South Australia, from memory, 2 030 cubic metres—certainly, over 2 000 cubic metres—of radioactive waste. It is stored in 44 gallon drums in an old hangar at Woomera. From memory, the brief I read stated that something like 10 000 drums of radioactive waste is currently stored at Woomera.

The missing link from the whole debate about radioactive waste is what the Labor Party, both federal and state, proposes to do with the waste that is already stored at Woomera. As we will hear today, when the Minister for Environment and Conservation responds to the Leader of the Opposition's question, about 56 or 58 per cent, by volume (to my memory), of the low level radioactive waste that exists in Australia is already stored at Woomera; it is already here. So, for those who express the concern that it will damage our clean, green, image, guess what? It has been here since 1994, and our wine exports have blown out of all proportion in that time: we have had the strongest growth in wine exports in the history of the state, even though we are already storing the majority of the radioactive waste.

What is missing from this debate about radioactive waste is what the state Labor Party proposes to do with the waste that is already at Woomera (thanks to its federal colleagues) and, indeed, what the federal Labor Party intends to do with it. Mr Crane (and for the benefit of the member for Colton, I will come to my meeting with Mr Crane in a minute, when he did me the courtesy of visiting my electorate), according to the transcript, said that they will not store it in South Australia. That means, of course, that they will take that waste at Woomera and put it somewhere else. That is what the federal Labor Party is saying. I suggest that the member for Colton obtains the transcript from Mr Crane's staff and reads what he said. He said that it would not be stored in South Australia.

Where will Mr Crane put the 10 000 drums of waste that currently exist at Woomera? The answer is that he intends to do absolutely nothing with it. He intends to let the federal Liberal Party go ahead with the program that he put in place, and then he intends to use it. Even when they do Simon Crane in, when they get rid of Simon Crane between now and Christmas, Kym Beazley will adopt exactly the same approach. They will say, 'We will not put it in South Australia.' They will not declare to the South Australian public where they will move the waste that is at Woomera and then, ultimately, they will use it: if they ever win power federally again, that is exactly what the Labor Party will do. This motion helps expose that to the people of South Australian.

What is missing from this debate is what the state Labor Party intends to do with the waste at Woomera. It will say, 'That is on commonwealth land, and we have no jurisdiction.' But, of course, the federal Labor Party can have a policy on that. The federal Labor Party can say whether it intends to leave it here or move it. For those who have concerns about moving radioactive waste, if one believes the federal Labor Party when it says that it will not store it in South Australia, it will have to move it out. What it will move out is more waste; it will move the majority of the waste out of the state. It has already trucked it in once. Do people really think the federal Labor Party intends to truck it back out again? I do not think so. This motion helps expose the fact that the Labor Party is doing nothing but playing petty politics with respect to this issue.

I return to the issue of what the member for Colton said about Mr Crane's visit to my electorate, and I will clarify it for the benefit of the member for Colton. I read in the *Advertiser* that morning that Mr Crane was doing me the courtesy of visiting my electorate. It was unfortunate that he did not let me know. But, as luck would have it, I read it in the *Advertiser*. So, I rolled up to the doctor's surgery that had closed, or was about to close. I arrived early, because I was not sure whether Mr Crane was coming at 9.30 or 10.30. So, I arrived at 9.30 and I waited around. And who should roll up but the hapless member for Kingston, Mr David Cox? He rolled up to Blackwood (it is not his electorate), obviously, to meet Mr Crane. He asked me what I was doing there and I said, 'I might want to speak to Simon about radioactive waste.' David Cox knew that at about a quarter to 10. The media rolled up just after that. I spoke to the media and said, 'I am here to speak to Mr Crane about radioactive waste. I will not interfere with his press conference. Do his press conference, let him get his message out, as a courtesy to him; then I will come in after the press conference.' I stood to one side. Mr Crane rolled up. David Cox met him, and guess what David Cox did? He said to Mr Crane, 'Simon, have you met the local member, Iain Evans?' and he walked Simon Crane across to me, in front of all the cameras, and all the media followed him. So, I thought at that point that I would present him with the letter. It was not at my initiative that Mr Crane's press conference was interrupted, although to some it may have looked like that on the media that night.

I ask the member for Colton to obtain a transcript of Simon Crane's interview, because his federal leader contradicts his state leader. His state leader commented about a newspaper article in 1992 in which Lynn Arnold said that the state Labor government would not support a low level

repository. Simon Crane, only eight weeks ago, said to all the media outlets (according to that transcript) that he had the agreement of every state government when he was the minister. Indeed, the transcript reports him as saying, 'I had the agreement of every state government.' So, either Simon Crane or the Premier is not telling the truth to South Australians.

I do not need to go down that path any more, but there is a clear conflict. Certainly, the federal minister at the time believed that he had the support of every state government. And, nearly a decade after that, he still believes that he had the support of every state government at the time. He believes it so strongly that, when asked about it in South Australia, in front of every media outlet, that is what he said; that every state government agreed with that process and the concept. 'Every state government' includes the then state government here, which happened to be the Arnold State Government—or the Bannon state government; take your pick. I clarify that for the member for Colton.

The point of this motion is that the public needs to understand that the majority of low level radioactive waste, by volume, is already here at Woomera. It is not stored safely according to international standards. It is in an old hangar. I put to the government: if it will not support the national repository, where do we store it? Or is it really saying, 'It does not matter. We will just leave that there because it is on commonwealth land, and we do not have jurisdiction. We will not even think about that policy issue and about what we do, as a country, with the waste that is already there.' I do not think that South Australians will accept that view. I think South Australians are saying, 'We want the nuclear medicine and we want to be treated with updated technology; we want the benefit of all that. We therefore need somewhere to store it.'

The minister has been on radio saying that the waste should be stored at Lucas Heights. I think the language he has used is, 'The most sensible place to store the waste is at Lucas Heights, because that is where most of the waste is created.' But, of course, yesterday he talked about honesty in the debate—making sure that we are honest.

An honourable member interjecting:

The Hon. I.F. EVANS: No, what we all need to understand (this is my understanding, and he can correct me if I am wrong) is that the federal Labor government moved regulations to the appropriate act so that Lucas Heights could not be used as the permanent storage facility for radioactive waste. The Labor government moved that federally—that Lucas Heights cannot be used for the permanent storage of radioactive waste—and the minister of the Crown here peddles that line to the media outlets on a regular basis. The only interpretation to the listener or the reader of that comment is that it must be a legal option to store it at Lucas Heights. Why would a minister be floating an option that is not legally possible under the act? That might be giving the public the wrong impression. But my understanding of the federal regulations (which were moved by the then Labor government) is that they prevent the permanent storage of radioactive waste at Lucas Heights.

It is not the making of the current federal government. Those regulations were made by the previous federal Labor government. This minister continually says that it is a political problem of the federal government. Most people would interpret that as a problem of the making of the Liberal federal government. That is not true. The Labor government made the regulations, with the support of the Liberal opposition, if my reading is correct. Certainly, we admit to supporting the regulations because it was all about responsible management. If the minister wants an honest debate, then he should say that Lucas Heights is not an option for the permanent storage of low level radioactive waste, because the federal parliament passed a law that made it illegal. As I understand it, that is the truth of the matter.

This motion calls on the house to condemn the federal Keating government for moving the radioactive waste here and storing it in an old hangar, because they have not stored it properly. We have heard lots of rhetoric about the way in which the waste should be stored—that it should be stored safely—and all the dangers of the waste. This waste has been unsafely stored. When I say 'unsafely stored', I mean not stored according to international standards. It has not been safely stored for something like the eight or nine years it has been there. I believe that we should condemn the Keating government for moving the waste without a proper storage facility. At least the federal government, both Liberal and Labor, put in place a process to deal with it. We are at the tail end of that process, and the group of people who are totally opposing it are members opposite. They do not have a management strategy for the waste.

This Labor government will use the low level repository when it is built—I have no doubt about that—and South Australians will see the hypocrisy of it when that move happens. I call on the house to condemn the former Keating government for trucking the waste here to South Australia. It is stored in an old hangar and it is not stored safely. South Australians need to understand that the majority of the low level waste is already here, and there needs to be a strategy to manage and deal with it.

Mr WILLIAMS (MacKillop): It is my great pleasure to support this motion, with some qualifications. I support the motion because I think that the former Keating government, indeed, should be condemned for the action it took some years ago. It took that action and, as some members opposite have said, there is some disquiet in the South Australian community about this. It took that action notwithstanding that disquiet, and it took that action without going through the process that has since been gone through in the Australian community, the long and arduous process of selecting the most relevant and the safest place to store this sort of material anywhere in the nation. That is the process that has been gone through over a long time. To use one of the famous terms of the Premier, it is a process that was established in a bipartisan way. How often have we seen members opposite, both in government and in opposition, enter into a process and, at the end of the day, generally for a political reason, throw up their hands and say, 'No, we don't agree with this and we won't go along with it.' It is the sort of thing that has happened a number of times, in my experience.

A process was entered into in a bipartisan way to select the most appropriate place at which to store this waste. There is one thing that we have to realise in this debate, and I think a lot of members opposite remain in a state of denial over the fundamental fact. The fundamental fact is that we are generating nuclear waste. We are generating radioactive waste, which is a derivative of a whole host of things we do to maintain our lifestyle. We are generating that waste at a reasonable rate. At some stage, somewhere, somehow, we have to come up with a policy to store it.

Let me describe the waste that is currently stored at Woomera. As the member for Davenport said earlier this

morning, he expects that the minister will come back into the house today to answer the question, which he was asked yesterday and about which he undertook to give a detailed answer, concerning the percentage of Australia's low level waste that is, in fact, already stored at Woomera. The minister, I suspect, will come in with a fudge answer. He will come in and say that by volume there is something like between 50 and 60 per cent of Australia's low level waste already stored at Woomera, but he will say that in terms of its radioactivity it is only a small percentage of that material.

If we are going to have a realistic debate on this matter, we must understand what we are talking about. I suspect that members opposite, by and large, do have some understanding of what is going on here but, again, they choose not to show their understanding. They choose to blunder on in ignorance because they believe it suits their political purposes. The sort of waste about which we are talking and which is proposed to be stored at a site near Woomera—the sort of waste which is already stored in an old hangar at Woomera, courtesy of the former Keating government—is known as low level short-lived nuclear waste. That means that it has a low level of radioactivity in the first place. It means it is the sort of radioactive waste that one has to take only limited caution with when handling it. 'Short-lived' means it has a half life of less than 30 years. If we store a couple of thousand tonnes of it there, and it has a certain amount of radioactivity, within 30 years, which is a relatively short time, half the radioactivity has dissipated.

When the minister comes into the house today, he will more than likely say that there is only a small percentage of radioactivity. I think that, if he were going to be completely honest with the house and the people of South Australia—and when I say 'completely honest' I like that term 'the truth, the whole truth and nothing but the truth', something that quite often goes missing in this place—he would talk about what percentage of the total radioactivity in Australia in 1994, when it was transported to Woomera, that material represented. Of course, 10 years down the track, its radioactivity has dissipated somewhat, which only goes to show how benign this material is.

This material is very benign, and this debate has been allowed to run right off the rails in the other place for crass political reasons. As I said once before in a similar debate on this issue, the trouble with the government today is that it cannot distinguish the difference between a common household smoke detector and an atomic bomb. It chooses deliberately to confuse, as the member for Giles acknowledged in an interjection a while ago, about 85 per cent of our population who do not want this material put in South Australia. The government deliberately wants to mislead, if it can, 100 per cent of the population into believing that we are storing plutonium at Woomera. You can fool some people some of the time but you cannot fool all the people all the time. At the end of the day the people of South Australia will learn the truth about this material and the hypocrisy of this current government with regard to its policy on this issue.

I opened my remarks by saying that I supported this motion conditionally. The condition on which I support it is that the Keating Labor government deserves to stand condemned for the actions it took, because it failed to go through the process and failed to consult with the South Australian people.

I do not condemn them in retrospect, because the process has now been gone through. I am convinced that this is at least as good as any other place in South Australia to put this material. I am convinced that there is not one scrap of danger to people in South Australia. I am outraged when I read reports in the Adelaide *Advertiser* purported to be made by someone who has an interest in the wine industry suggesting that the reason why we should not support this facility in Woomera or in Outback South Australia is because it will tarnish our clean and green image and harm our wine exports.

Traditionally, one of the biggest wine exporters in the world has been France. It just shows the crass ignorance and lack of understanding of people who make those sort of comments. Seventy-two per cent of electricity generation in France is generated from nuclear power. Just imagine what sort of issues the French face not only with having nuclear power stations dotted all around the countryside—if members have been fortunate enough to visit France, they would have seen them—cheek by jowl with premium winegrowing areas that are household names right across the world—but also with the disposal of the waste generated out of those nuclear plants. That is medium level, long-lived waste. We are talking here about low level, short-lived waste. I do not believe that it poses any threat to any person, to any part of the environment, to any part of the industry in South Australia. I think that it is high time, as the minister said yesterday, that we got some honesty and intelligence into this debate.

Dr McFETRIDGE (Morphett): I rise to support this motion. I have spoken on this matter before in this house, because it is an important issue for the people of South Australia. We have seen this government using its 'weapons of mass distraction', and their ministers for misinformation over there getting up and giving spiel after spiel, spin after spin and then not giving the people of South Australia the open and honest government that it promised.

Let us have a look at some of the history of the Labor Party on this issue. I will start with a quote from the *Advertiser* of 14 May last year. Rex Jory, in an article entitled 'Nuclear dump: matter of geology, not politics', said:

> Mr Rann has been a consistent opponent of most elements of a nuclear cycle. As an adviser to the then Labor opposition leader, John Bannon, in the early nineties, his opposition to the establishment of the now Roxby Downs uranium, copper and gold mine was well known.

What does he think now? Is he still opposed to it now? Mr Jory went on to say:

> But there is a hint of popular politics, even hypocrisy, in Mr Rann's outspoken opposition to the low level nuclear waste repository.

Remember Roxby Downs? Roxby Downs pours millions of dollars in royalties into the state's Treasury. I wonder what Mr Foley thinks about that. Mr Jory continued:

> If this waste material is deemed to be too dangerous to bury in rock, clear of artesian water, then how can it be safe to be stored in [our hospitals], Adelaide University, the Women's and Children's Hospital, and in the many other places around South Australia?

Let us have a look at the history of the involvement of the Labor Party and its history of consulting with the people of South Australia on where nuclear waste is to be stored. The Labor Party is proud of its history, but I am not so sure that it is proud of this part of its history.

It was in 1994 that a Labor government moved 2 000 cubic metres of low level waste to Woomera without any public consultation. It was in 1995 that the federal Labor government moved 35 000 cubic metres of intermediate level waste to Woomera without any public consultation. We hear constantly that the government wants consultation after

consultation on various issues. This morning, the Minister for Transport said that he would put out the latest version of the MATS plan. This is once again a re-run government over there. Nothing is new. It is re-running what Dunstan did back in the 1960s.

We do not have any high level waste in South Australia. Nuclear waste classified as high level comes from nuclear power plants and nuclear weapons. In January 1968 and again in February 1968, the Premier's mentor Don Dunstan was looking forward to the building of a nuclear power plant in South Australia. Don Dunstan wanted this nuclear power plant so that it could provide cheap electricity and be a significant part of the desalination of water process in South Australia. So, Don Dunstan would have had us having to cope with high level nuclear waste and not low level or intermediate level that we are talking about here. So, there is a bit more than just the pathetic record of shifting low level and intermediate level waste to South Australia without any public consultation.

If you look at the definition of 'nuclear waste', you will see that it is categorised as A, B or C radioactive waste:

> Any waste material that contains a radioactive substance that is derived from—

and listen to this—

> the operation or decommissioning of a nuclear reactor; nuclear weapons facilities; radioisotope production; uranium enrichment, testing or decommissioning of nuclear weapons; and the conditioning or reprocessing of spent nuclear fuel.

That list scares me. No wonder 87 per cent of the people out there who are given this misinformation by this government are running scared, too. I bet that if you said to the people out there, 'Would you like free hospitals and free public transport, and never have to pay for car registration again? You can have every want you ever desired. This could be a utopia here, but the only way we can pay for it is by storing the world's nuclear waste and charging them high levels?' I wonder what sort of answer you would get. I bet there are a significant number of people who would say, 'Yes, let's store the world's nuclear waste in the safest geological site in the world and not just Australia.' I am not saying that we do that, but that sort of argument is similar to what the government is saying here, such as, 'We're going to put retired nuclear bombs at Woomera.' That is the sort of scare tactics and intimidation that this government is using. It is just not fair; it is not open; it is just not honest.

This government is acting on fear and greed. Every time they get up, the ministers for disinformation give us the wrong information and half truths. We saw it yesterday in relation to the Barcoo Outlet, but I will have more to say about that at another time. It is a disgusting way to treat the people of South Australia.

Low level waste has a half life of 30 years. Who knows what we will be doing in 30 years? Today's nuclear physicists are having to cope with low level nuclear waste with a half life of 30 years and intermediate level nuclear waste with a half life of hundreds to thousands of years. We do not know what technology will be available in five or 10 years. We cannot just ignore the fact that we have low level and some intermediate level waste stored in South Australia. No-one is going to truck it out of there. The other day, the Minister for Urban Development and Planning said when at Holdfast Bay, when talking about the Holdfast Shores development, that it is there. He did not agree with it. I think that he is wrong on that, but we are not going to knock it down. Nuclear waste is a problem that we have to cope with. I wish it was such a wonderful problem to cope with as Holdfast Shores, because the only problem we have down at Holdfast Shores is managing the traffic on the very busy weekends when all the tourists visit.

Nuclear waste is a very serious issue and should not be trivialised and covered up with disinformation and 'weapons of mass distraction'. It is a very important issue. If this government does not continue to be open and honest with the people of South Australia, it deserves to be chucked out in the polls in 2006, and I will be doing my very best to achieve that aim.

Mrs GERAGHTY secured the adjournment of the debate.

BAXTER DETENTION CENTRE

Mr BROKENSHIRE (Mawson): I move:

> That this house acknowledges the excellent work of all South Australia Police officers on duty at the Baxter Detention Centre during the recent Easter protest and condemns all protesters who caused damage to property and who burnt the Australian flag.

I will talk about the great work I see the police doing, but in the motion I am condemning all the protesters who caused damage to property and who, very sadly, burnt the Australian flag. First, on a positive note, as former police minister and now as shadow police minister I want to put on the public record my personal appreciation for what I saw as very good policing work in what was clearly—

Ms Breuer: Did you go?

Mr BROKENSHIRE: I didn't have to be there. In fact, I would not have been at the protest because I think there are more important things to do at Easter than go up there and damage property and burn the Australian flag. I watched the media, both print and electronic, with a great deal of interest over that time. Almost every night Assistant Commissioner Graham Brown was on television, and I commend and congratulate him and the men and women under his command for the way in which they went about the most difficult of work.

It was interesting to see the way that the protesters wanted to have a go at police when the STAR Division (the Special Tactical and Rescue section of SAPOL) went into their camp because they thought there may have been a weapon there. We have seen what has happened previously when people have got carried away and there have been weapons around. I personally believe that the police were very proactive in going in there to ensure that there was no weapon where those demonstrators were camping. I believe that being forewarned is being forearmed and that the police did the right thing.

We do not know what was reported to the police about the vision they initially saw with respect to what was supposed to be a tripod for a camera, but for the protesters to try to pick that up and have a go at police I thought was taken completely out of context. I personally believe that the protesters got far too much media attention when it came to the way in which they went about this business on the weekend.

So, I want to place on the public record again my sincere appreciation for the police and also for their families. As members would know, many of those police officers were actually on leave and would have wanted to take the Easter period as a special sacred time and a time with their families, yet they had to be up at Baxter because a group of individuals decided they were going to disrupt a community and attack the federal government over the very special and sacred time.

In a democratic society, I do not have a problem with people demonstrating: that is an Australian right. But I do have a problem with the way in which this mob indulge almost in professional protesting. It has been reported that these people were actually paid to go up there to do this. First, I would like to know whether or not they were paid and, if they were, who paid them. I would certainly also hope that, if they were paid, the money they were paid was not coming through the back door or was money that was taxpayer-funded. I would like some answers to that, if at all possible.

Ms Bedford: Whom might you ask, do you think?

Mr BROKENSHIRE: I will be doing some homework. There is a range of people who have, I am sure, some intelligence about some of the organisations that purport to be behind that protest. I am sure that there are ways in which we might be able to check that out, because it would be even more condemning if that were the case. It is interesting that many of the people who went there were not even from South Australia. Yet among those who went from South Australia one or two who were very vocal were also, from memory, involved in the Woomera protests, which were appalling protests, when they actually pulled down the perimeter fence and allowed people to escape. I know that the majority of good-minded Australian citizens absolutely condemn—

The Hon. M.J. Atkinson: Feral Victorians!

Mr BROKENSHIRE: As the Attorney-General said, he condemns what he said here were feral people—a small percentage of feral people—who were on a mission that was not in the best interests of South Australia or Australia. We all know that it is an offence to damage property. These people were appealed to by SA Police before the protest started and told that, if they were going to protest, they had to abide by the requirements of the police, and they certainly were not to damage taxpayer-funded property. But what did we see on the second night of the protest? We saw many of them pulling down and smashing fences around the general area of the Baxter Detention Centre. We saw them ignoring—

The Hon. M.J. Atkinson: Democrats and Greens!

Mr BROKENSHIRE: The Attorney-General says that possibly some of them were Democrats and Greens. That is possibly the case. I think those people who support those parties should be asking the Democrats and Greens what the hell those people were doing up there. I agree with the Attorney-General's comments. May I also say that what saddened me the most was that this occurred at a sacred time like Easter. But it does not matter whether it is Easter or whenever: it was also on the eve of 25 April, the Anzac Day public holiday, that these feral protesters were actually burning an Australian flag.

One of the things that I intend to do over the break, after we get the budget and estimates out of the way, is spend some time seeing what the offences are with respect to people who burn the Australian flag and, if there are no offences or if they are minimal with respect to penalties, I intend to consider strongly whether or not we need to look at bringing into the parliament a serious bill to deal with those who decide to burn the Australian flag. As an Australian I cannot think of anything worse than burning your own country's flag.

Dr McFetridge: Shameful!

Mr BROKENSHIRE: It is shameful, as the member for Morphett said. It is totally disrespectful, and if they do not like the Australian flag, if they do not like the country in which they live, they can leave, because I do not believe we need those people in this country. Maybe they want to go to Iraq. Maybe they want to go to Iran. Maybe they want to go to other countries and see what it is like over there living under the flag of those countries. But how dare they come into our state and burn the flag that we love—the flag that has given us all the opportunities that we have in this country; the flag that has encouraged multicultural development (which I strongly support); the flag that has given us freedom and liberty, opportunities for economic growth, opportunities for families to have picnics in the parks whenever they want to, opportunities that allow our families to go to the movies at night, to sleep safely at night, and to be able to walk to school without the fear of being gunned down?

I could go on all day with the opportunities that the Australian flag has given each and every one of us who is so proud, passionate and privileged. As we often say, we thank the Lord that we were born in this country. If my father was alive today (and many other colleagues have had families involved in the war), I know that it would have ripped his heart apart to watch television and see these thugs, these feral people whom I call un-Australian, burning the Australian flag.

I want to put on the public record a couple of other things about this. Hopefully, they have at least the ability to read the *Hansard*.

Mr Goldsworthy: They should be gaoled!

Mr BROKENSHIRE: As the member for Kavel said, they should be gaoled. The member for Kavel did not hear me say that I intend to assess all legislation with respect to what can be done when we catch someone burning the Australian flag in the future, because it is simply not on. To give an example of what people have done, I use my own family. My ancestors travelled to South Australia in 1840 with two young boys to go and clear scrub in an unknown country and to develop opportunities. They then went through the First World War, with two of my father's uncles dying in that war and his own father being gassed in the trenches and dying at 45 years of age. However, they were prepared to make those sacrifices, because they believed in this country. My family is no different from most families in this country. These protesters should think about the reasons why they have been able to enjoy what we all enjoy—and often take for granted—in this great country. How dare they go there and protest as they did!

I hope that I will get absolutely unanimous support from this parliament for this motion. I hope that some of these protesters get a chance to read what I have had to say. I would love to think that the media might report some of these points as to how we should deal with people who burn the Australian flag in the future. It is not the sort of thing I expect to see. From memory, I did see it as a young person. Indeed, I also saw other shocking incidents of violent protest during the Vietnam war. I will never forget the picture I saw of some of these totally irresponsible protesters near the corner of Parliament House involved with the police greys and using ammonia, tacks and things like that. I thought we had got past that, until this Easter long weekend when I saw the same sort of un-Australian people who went to Baxter—and I would suggest that some of them were probably doing this even during the Vietnam protest.

They not only damaged property but also cost the taxpayers an enormous amount of money, probably to the tune of about $1 million. That money could have gone into health, extra police resources or education. Where did it go? It had to go on overtime pay for those great policemen and policewomen who were protecting the centre. In my opinion those protesters should never have been there in the first

place. We as a parliament need to have a look at what—and I hope the Attorney-General has his staff doing this now—we can do before next Easter to ensure that, together with the commonwealth government, we have in place the toughest possible legislation and administration to try to keep these feral people away from South Australia and from the Baxter detention centre. As I said, if they do not like Australia, they should find somewhere else to live, because the rest of us in Australia enjoy this country and do not appreciate people burning the Australian flag.

Ms BEDFORD (Florey): I would also like to acknowledge the work of the South Australian police in this case with specific regard to their deployment at the Baxter detention centre during the recent Easter period. Like the member for Mawson, I condemn the action of a few protesters who caused damage to property. I will make some comments about the destruction of the Australian flag at the conclusion of my remarks. I was present at Baxter. I was perhaps the only member who ventured forth. I was there on the Saturday. I had advised the local police officer in charge of my intention to attend the protest as an observer in my capacity both as a state MP and a member of the South Australian Council for Civil Liberties. I had undertaken this course of action not because I had nothing else to do over Easter but because, like a lot of others, I had concerns about what might have happened there, particularly as the South Australian protesters who would have come from Adelaide had been asked to stay away because of the problems that had been experienced last year.

The Hon. M.J. Atkinson: The refugee association asked them to stay away, didn't it?

Ms BEDFORD: That is right. The reason they were asked to stay away is that the people who work on behalf of the refugees knew that the detainees would be locked down—or whatever the correct terminology is—during the period of the protests to prevent the emotion surfacing that had been witnessed the year before. There is no doubt about it: it is a very emotional experience to be locked up in gaol for whatever reason, and to hear people outside protesting in a manner that I understand none of us would condone. Last year was a very important turning point in the way South Australia and Australia in general deals with these sorts of things.

It became apparent that the 3 000 protesters who were expected were not going to be at Baxter so police were dealing with only around 500 people. I must admit I was a little concerned that it was deemed necessary for the large build-up of police personnel to remain. While I did not witness any of the things that happened on Good Friday, I have been given accounts by people who were present that day and who were very concerned about what they felt were unnecessary actions. I will not read these statements, as I have not been given permission to do so by these people. However, I can assure the house that they are well regarded people in the community, and they had concerns that are valid. Perhaps they can be raised in this chamber later, when I have had the opportunity to speak with them directly and have their permission to repeat their remarks. These people are not ferals, which I believe—

Mr Brokenshire interjecting:

Ms BEDFORD: The people I am talking about are not ferals. I ask the honourable member to bear in mind that I was present, and I certainly am not feral. So, we will just have to leave it at that. Because so many people had stayed away from Adelaide, the profile of the protest was actually changed. So, although a lot of people were present—and they represented all sorts of people from the community—they were nearly all from interstate. I spoke to them as they walked down on the Saturday morning to assemble at the gates of Baxter. It is fair to say that I also spoke to a lot of people who were of my vintage and older, and there were children present, as well as a lot of dogs—although I believe the dogs must have been local. As I arrived, I noted that it was a camp of people who were busily talking about peace, the problems in Iraq and how we reached this situation in the first place—

An honourable member interjecting:

Ms BEDFORD: Hardly! These people were also indicating their utter disgust at the federal government's policy on detaining refugees.

An honourable member interjecting:

Ms BEDFORD: Asylum seekers, or whatever. In any case, the highlight of this was what we all considered to be a policy that could be looked at again and dealt with in a much fairer fashion. As the member for Mawson said, the right to protest is something that was hard fought for and won initially by the ANZACs whom we so rightly remembered and celebrated only a week or so ago. Their fight gave us civil liberties such as the right to gather in protest—and, yes, this protest at Baxter was a very loud protest—and make our feelings known about all sorts of issues. This demonstration was about immigration policy. These 'detained' people came to Australia, and Australia is now highlighted because of the *Tampa* incident. The international rules governing behaviour at sea are now being looked at. Very much like a motor vehicle accident where you are asked to stop and render assistance, if you are at sea, those laws that govern how you assist people in sinking vessels will be examined and strengthened. We will find that interesting as it unfolds in the international courts. I hope that we all here support our basic civil right to allow us to gather, and this ability to put our points forward is a cornerstone of Australian society.

An honourable member interjecting:

Ms BEDFORD: I will move to that now, because I want to talk about the damage that was caused. As I said, I was there only on the Saturday, and I will talk about what I saw. Nobody condones the acts of damage to property. However, it was very minimal and over exaggerated, as far as I can tell. I saw a group of people break two pieces of wood on a fence.

Mr Goldsworthy interjecting:

Ms BEDFORD: We are talking about what I saw, which was two people breaking a piece of wood on a fence. However, I saw a couple of officers break ranks, and they were surrounded by the people who were protesting. I think that is perhaps a small point within the full gamut of what happened, but operationally I would have thought that it was perhaps not the best thing to do because it would have allowed those protesters to surround those officers. However, that is an operational issue and I am sure the police will look at it.

The only other thing that I can talk about is that I heard first-hand from the two people who flew the kite within 5 kilometres of the airport. The kite was a Harmony Day kite which was given out by the Department of Immigration, Multicultural and Ethnic Affairs at a function in Rundle Mall which the Attorney-General and I attended. That was the kite that was flown.

I also spoke to the man who was arrested for carrying a knife. He had a knife with his bread and lunch. He should not

have been carrying a knife. Perhaps he should have left his lunch at the compound in the camp. However, this man was not a 'feral feral', for want of a better expression: this man looked just like me. So, I am sorry, but the man with the bread knife was not a huge problem.

As for the helicopter and the tripod incident, I have not been able to verify that, but I will be doing some detective work, as will the member for Mawson, and perhaps we will be able to report back to the house in due course on that.

On the subject of the burning of the Australian flag, no-one necessarily likes to see the flag burned, but we must understand that we see it happening all over the world on our TVs nightly. It is done as a symbol of protest, as is the gathering of people. If we could stop burning flags—

Mr Goldsworthy interjecting:

Ms BEDFORD: There is no law against burning the flag, though—

Mr Goldsworthy: There should be.

Ms BEDFORD: Well, this is entirely up to the member and the house at a later stage. I, like many before me, reiterate the point that all Australians are actually boat people, and the burning of the flag does not mean that some Australians are less Australian than others. Neo-conservative politics has hit our shores through a tidal wave not only threatening our Australian way of life but also threatening the very civil liberties to which we have grown accustomed. Let us not be part of a generation which contributes to the regression of Australian thinking and the curtailment of democratic rights.

I put to members that the protest at Baxter may have been handled and ended differently had we encouraged people to actually attend the camp, march to the fence and allow a delegation into the compound. We may have had a completely different result. I urge all members to perhaps think about what they might do to help change the policy on immigration that caused the protest in the first place.

Mr HAMILTON-SMITH (Waite): I rise to support the motion, which has to do with the excellent work of all South Australian police officers at the Baxter Detention Centre during the Easter protest and which condemns protesters who caused damage to property and who burnt the Australian flag. The motion does not condemn all protesters: it condemns those who sought to injure or cause damage to property or to show disrespect to this great nation. The motion talks of the sacrifice and the efforts of our police.

I think it is important for the house to acknowledge the context of the Baxter protest, which was one in which, in the years preceding, there had been the most violent of demonstrations at Woomera involving serious injury to police, weapons, the ripping down of commonwealth built facilities, and quite unfortunate and calamitous events that received global media attention. For good reason, the police and the government saw fit, this time, to prepare so that the terrible events caused by a rabble of protesters at Woomera was not repeated at Baxter.

I think it is quite reasonable to expect that in a democracy such as ours people can enjoy their civil liberties. They have a right to protest. But that right to enjoy civil liberties and the right to protest does not extend to causing physical injury to police officers, damaging commonwealth property and springing people out of detention, no matter how fervently some may feel that needs to be done.

I remind the house and members opposite that in Baxter we have people who have been deemed not to be refugees. In fact, they have failed all the tests—not only our own tests, which are perhaps the most liberal of any western democracy: in many cases these so-called asylum seekers do not even pass the United Nations test. In fact, the United Nations test on a legitimate refugee status is far more onerous than ours. We are one of the most enlightened democracies in the world in terms of defining who is and who is not a refugee.

These people are not refugees. They are people who have sought, predominantly for economic reasons, to come to this country in search of a better life. The unfortunate fact of life is that in refugee camps—and I have visited some of them in my travels around the world—there are people eminently more deserving than those who have come here illegally, and Australia has a record of being overly generous. In fact, nearly 20 per cent of Australians were born in a country other than Australia and, with such a multicultural and diverse community as we have, founded as it is on immigration, Australia has good reason to be proud of its record.

We simply make the point as a nation that if you want to come and live here you should stand beside the many other deserving applicants who seek to come and live here as refugees and who seek asylum, and gain entry on the merits of your argument. In Africa, Cambodia, the Middle East and other countries around the world there are thousands of people who would literally chop off their right arm for the right to live in this great country and who have gone through the proper process.

I have had several people visit me in my office in recent weeks. They include two Lebanese brothers who are trying to get their mother here from Jordan (they have been waiting for years); and some German immigrants who are trying to get their next of kin here. If you want to prioritise, in order of need, the applicants to come here, then you are welcome to reset the criteria. If getting on a boat and buying and smuggling your way out here is the only criterion required to gain immigrant access to the country, you run the risk of completely abandoning border control. I say this to some members opposite: if you want to go down the road of abandoning control of your borders—

The Hon. J.W. Weatherill: Your mob will be remembered in history.

Mr HAMILTON-SMITH: The Minister for Local Government has a view on this. He clearly wants to throw the doors open to all and sundry. If you want to go down the road of abandoning the protection of your borders, you will unleash within this country pressures that will shame us all. The Labor Party purports to understand the concept of a fair go but fails to understand that most Australians are opposed to illegal immigration for the very reason that it defies the fair go, and for the very reason that the people who seek to jump the queue are spitting in the face of those who have gone about it in the right way. They are queue-jumping and rorting the system. That is why the vast majority of Australians do not agree with you; that is why the overwhelming number of Australians support the Howard government's position on illegal immigration; and that is why this futile cause of allowing economic refugees—which is the only description they can be given, because they are people who have failed not only the Australian test but also the UN test and who have proven to be, for one reason or another, not worthy of immigrant status—has been rejected. That is why it has occurred.

But moving on and getting back to the point of the motion, I commend the police. No police officer should be subjected to physical injury and abuse. No police officer should have to put his or her life at risk in the execution of their duties so

that anyone can intentionally or deliberately attack them with firearms or knives, iron bars, or whatever. No police officer should be exposed to that.

I have considerable sympathy for police officers when, in the face of the most horrible insults and terrible provocation, they occasionally lose their temper or feel inclined to put the odd person (who has attacked and abused them and spat in their face and caused all sorts of grief) in the paddy wagon. I have considerable sympathy for them, I think they show incredible restraint, and we should be proud of their service.

Of course, police officers have families too, and they have a right to enjoy their Easter vacation, but hundreds and hundreds of them were called to duty to prevent the recurrence of this sort of feral—and it is feral—activity that occurred at Woomera in the years that preceded the Baxter demonstration at Easter. We ought to take time out during the course of this motion to thank them for their sacrifice and for the sacrifice of their families who did without their husband, wife, son or daughter over the Easter break.

I note that the minor parties and the left wing of the Labor Party are scrambling over each other to capture this sort of protest vote. The Greens, the Democrats, the new party launched by Meg Lees, and various other minor independents and certain left wingers in the Labor Party want to affiliate themselves with this group of protesters who seem to pick up every little lost cause left over from the 60s, attack the police and rip down the walls of Baxter—or whatever the cause may be at the particular time. One could be forgiven for thinking that demonstrations such as the one at Baxter sometimes appear to be annual general meetings or some sort of a tribal gathering for the Greens, the Democrats and other protest parties.

I caution some of the minor parties about their relationship with some of these protest groups. I take the point raised by other members that the vast majority of these protesters are decent people exercising their democratic right. They have every right to do so but, when demonstrations become violent and irresponsible and when a ratbag element gets control of them, that is the time for all Australians to stand up and say no.

I oppose the burning of the Australian flag. I recognise the right of people to protest in such a way, but I think that was an unfortunate demonstration of things going too far. I commend the motion. I think the police are to be congratulated. I think damage to property, burning the Australian flag and violence is to be condemned. It behoves all members of this place to act responsibly on behalf of the people who put them here.

Time expired.

Ms BREUER (Giles): The motion before us today has some merit, and I acknowledge the excellent work of the South Australian police officers who were on duty over the Easter weekend. I want to read an email that was sent to me last week by Mr Allan Nield, a constituent of mine who lives in Whyalla. He is one of these so-called 'feral protesters' that we are hearing about today. Mr Nield comes from good farming stock on Eyre Peninsula. He is a fitter and turner and has worked for OneSteel in Whyalla for probably 40 years. He was my Sunday school teacher 40 years ago in Whyalla, and he has remained a friend ever since. So, I think it is important to understand the nature of these 'feral protesters' who went to Baxter. Mr Nield writes:

I want to write this while it's fresh in my mind. This is a memorable Good Friday. At an ecumenical service this morning we sang:

Jesus Christ is healing, healing in the street;
Curing those who suffer, touching those he greets,
Listen, Lord Jesus, I have pity too,
Let my care be active, healing just like you.

In the afternoon I went to Port Augusta to meet some of the people converging there over Easter. What a great lot of people of all ages! Precisely because it was 'grass roots' there were no overall leaders, just busy people who had tried to coordinate some of the basic things like water and camping. Decision making was complicated by the demands of police who insisted that the camp-site be behind their roadblock which was perhaps 3 kilometres from Baxter. The police however allowed people to CARRY (not drive) their camping equipment through the roadblock and set up tents about 1 kilometre closer to Baxter. I walked through with no problem while carrying things for some campers.

After perhaps an hour or two the impressive line-up of foot and mounted police told campers they had to go back to the first site and advanced, the mounted police beginning to trample tents and camping gear (possibly people) which were not removed. I was rudely shoved from behind by another line of police which I had not noticed moving. It was shocking to witness. Dust being stirred up, people disappearing from view in front of the horses. It just seemed so senseless and brutal.

It seemed to me that the campers were in no way violent and showed quite a bit of restraint. What was 'frightening' was the lack of personal conscience of the police. Little regard for people's possessions and rights, let alone their humanity. It seemed that they would have trampled a baby if it happened to be in the way. What for? Was it just for the pride of the police boss? I don't think it was to insist that police be respected and obeyed. They lost a lot of respect and credibility today. To my knowledge there was no violence from the campers, only the police. A wise onlooker said that the only 'rent-a-crowd' was the police force.

I will not comment on that email but, as I said, it is from a person who has been a friend of mine for some 40 years, someone whom I respect but who has been labelled 'feral' because he attended that protest on Good Friday. I watched the reports on television and read the reports in the newspapers because I was very concerned that damage would be done at Baxter or that they would try to let the people escape again. That does no good, certainly not for the Baxter detainees or for anyone else. I read and watched those reports, and I expressed concern about them at the time, but I have to say that on reading this email I had to rethink what happened on that day.

Mrs GERAGHTY secured the adjournment of the debate.

AUSTRALIAN DEFENCE FORCE

Mr BROKENSHIRE (Mawson): I move:

That this house congratulates all Australian Defence Force personnel, and especially all South Australian personnel, for their excellent work and effort in the Iraq conflict.

It gives me a great deal of pleasure to rise in the house today to move this motion, a motion that I hope will be strongly supported by my colleagues in the Parliament of South Australia. The motion is that this house congratulates all Australian Defence Force personnel, and especially all South Australian personnel (given that we are a South Australian parliament), for their excellent work and effort in the Iraq conflict.

There was obviously a great deal of debate and discussion about whether or not the federal government should have made the decision to be part of a coalition that went in to get a dictator, to free a country that has been living under some of the worst situations you could ever imagine for at least 28 years. Again, being a democratic and diverse multicultural

country—one that I support and am proud of in every way—I commended the debate. I congratulate Prime Minister Howard on a number of fronts with respect to this whole issue—and, in fact, in time, Prime Minister John Howard will go down in Australian political history books as being one of the absolutely greatest prime ministers that this country has ever witnessed lead us. I hope that the Prime Minister continues to lead the Australian parliament and the Liberal Party for a long time to come.

More and more people every day see how good, strong, committed, forthright, intelligent and determined is John Howard, as Prime Minister, in leading Australia. More people in my electorate say to me, whenever I am talking to them about federal politics, that they hope the Prime Minister will stay on for a great period of time. At the end of the day, the economic prosperity which we have experienced and which we continue to enjoy (and Australia has lead the way for several years now as the fastest growing country, economically, in the world) is as a direct result of his policies and his commitments. I think we have to think for a moment, as I move this motion, just how strong Prime Minister Howard is.

I also congratulate all the members of the Liberal Party who supported the Prime Minister during these most difficult decisions. I particularly want to put on the public record my thanks and appreciation to a very close friend and colleague of mine who federally shares the seat of Mawson with me, Alexander Downer, Minister for Foreign Affairs, and the Leader of the Government in the Senate and Minister for Defence, Robert Hill. Both of them have done an outstanding job, as has the Chief of the Australian Defence Force, General Peter Cosgrove.

Whilst it was fine, fair, reasonable and democratic that there should have been debate on whether or not we joined the coalition, at times, I was disappointed by some media outlets—one or two in particular. Every time I listened to one particular outlet, there seemed to be about five to seven people who were anti us going to Iraq, as against two or three out of the 10 who came on to say why we needed to go to Iraq. I think it is sad. In fact, I believe there is another issue that we have to address as a result of this recent war, and that is to look at having a serious program in our schools throughout Australia when it comes to our history and how we enjoy the freedom that we have today. Because we have not been in a conflict as serious as Iraq for some time, many people have forgotten the reasons why we are able to enjoy what we enjoy in Australia. They take it for granted, they wipe it out of their minds, they forget about it.

I do not condemn those people for that, because many of them—and younger ones in particular, where their parents, or even their grandparents, may not have been directly involved in war—just do not understand the ultimate commitment that has been made by Australians ever since we were colonised. The only way that we will get that understanding is through the school system—not through the AEU, I might say, pushing a line that I was appalled at. The AEU has a democratic right to push a line, but not when it starts to influence children. If the AEU reps in our children's school had influenced our children to strike, they would have taken on a very great fight, because they do not have a role, as the AEU, in pushing one angle only. I want to see a balanced history of why we have the freedom and democracy that we have today being put into our schools.

One of the reasons why I keep a photograph of my father in naval uniform and his medals in a prominent part of our home is so that our children can ask me why grandpa was in that navy uniform, what those medals are, the books, and all the other information that we have at home with respect to World War II. I have been able, in I believe a balanced way, to educate my children on the values and the benefits of Australia and what many men and women have had to do over the years to ensure that we can enjoy that sort of future.

To come back directly to Iraq, those people could not enjoy that. People were being starved, women were being raped, men were being murdered, men were having their hands cut off, being tortured. The worst case I heard of was where Saddam Hussein and his dictatorial savages murdered a man and then took the man back to his home. They dumped the body at the home and told the family that, if they buried that man, if they had any sort of service with respect to the commemoration of that man, they would then be murdered.

That is the sort of person that those people had to live with for 28 years. In this respect, we have only to look at the empire that Saddam Hussein built for himself and his spoilt, rotten, brat sons, and what they did. People all over Iraq, especially the Kurds, were terrorised, tortured, condemned, starved, raped and mistreated in the worst ways one could possibly imagine since Hitler in Germany. Yet we have people who did not understand that, and did not understand that we had to have people with the courage of the US President, George W. Bush, the courage of the Prime Minister of England, Tony Blair, and the courage of the Prime Minister of Australia, John Howard, to get the message across.

At the same time, there was the opportunity for the useless (as I put it) United Nations Security Council to show what it should have shown with Zimbabwe and many other tragic situations throughout Somalia and the world. But they could not get their act together. Within the UN Security Council and within the United Nations per se we had greedy countries doing back deals with Iraq at a time when the ultimate pressure should have been put on Iraq by all members of the United Nations. Probably then there would not have been the war we have just seen.

As the Prime Minister said, if you have a bunfight with the fact that the federal Liberal government has decided to go to Iraq with defence personnel, take it up with the government: do not take it up with the defence personnel. Those defence personnel are now coming home, and I am pleased to see that they are being warmly congratulated and accepted back home. I am pleased they have come home safely. I also thank the families of those defence personnel. As hard as it was for those highly trained, professional Australian defence personnel (and we must remember that both men and women were there for the first time on the front line for Australia), they had a fair idea what it was about, but at home their husbands, wives, children and parents were fearful and concerned. Yet it was those parents, more than anyone else, who had to come out, particularly in the early days, to support the actions of the Prime Minister, the government and their own family members—members of the Australian defence service who are prepared to pay the ultimate sacrifice. I thank the Lord that on this occasion they did not pay the ultimate sacrifice, that is, losing their lives to protect each and every one of us in order to allow us to go on, not only with the great opportunities we have in Australia but also to continue to be a leader for a Christian-based democracy and to continue to be one of the countries that is prepared to stand up to show the rest of the world that if someone is going to be a dictator or the most savage of terrorists, whether it be Osama bin

Laden or Saddam Hussein, or whoever the next one might be, their future will be as grim as Saddam Hussein's is today.

I also want to touch on a couple of other points. It was interesting last week to note an advertisement in the Messenger press down my way from a federal Labor MP, David Cox.

Mr Rau: A good member.

Mr BROKENSHIRE: I personally get on reasonably well with David. I know David has a job to do to hold a marginal seat. I know, too, that most federal MPs have a much greater electoral allowance than we will ever have in the state parliament. I know that those MPs buy the space for these advertisements and put them in the local paper. I wonder whether this advertisement is paid for from his electoral allowance or by his fundraising committee—and that is a question David might like to answer for our community. The advertisement, headed, 'Congratulate our troops', states:

> Australia's army, navy and air force have served with distinction in Iraq. Their primary military objective, to stop the Iraqi regime threatening its own citizens and other countries with weapons of mass destruction, has been achieved. Despite great risk, that has been done without Australia suffering any military casualties. We congratulate them on a job well done and look forward to their safe return to their home and families.

The last sentence in this advertisement from David Cox, the federal Labor member for Kingston, states:

> The people of Iraq can now hope for a peaceful, democratic and prosperous life.

That is right, they can. That is what this was about as much as it was about keeping the world a safe place. But I ask—and David has the opportunity to answer this in the *Messenger*, or any other media outlet that he wishes to use, or he can answer it in the federal parliament—where was David Cox and where were the other federal Labor MPs when his leader, Simon Crane, was out there making the job most difficult for our leader, John Howard, when John Howard had to make the most difficult of choices any prime minister would have to make; that is, to send his men and women to war?

David, I am disappointed that you were so quiet during all of that period, and if ever you wanted to win the seat of Kingston again, or become a minister, or have any other aspirations in the federal Labor Party, you should have been out there like many of us in the community—as I was and as I know Liberals on this side were—telling constituents the reasons why the Prime Minister, John Howard, had to make this decision. David Cox should not have been silent or allowed his leader, Simon Crane, to make an absolute mess of it, thus making it difficult for the Australian Defence Forces, making it very difficult for the Prime Minister of Australia and confusing the Australian community. When John Howard and those magnificent men and women did the job they did, we now have in our local newspaper this federal Labor member saying that the people of Iraq can now hope for a 'peaceful, democratic and prosperous life' and thanking the troops.

Mr Goldsworthy: Absolute hypocrisy!

Mr BROKENSHIRE: As my colleague the member for Kavel says, it is absolute hypocrisy. David, if you believe this—and I am sure you do—in future, I call on you to support good decisions from the beginning and not to be silent.

Finally, I again say thank you to every one of those men and women who went to do that magnificent job in the most professional manner, in a manner that the Australian Defence Forces have been showing the world ever since we have had to take on conflicts, which have been many, sadly. If we did not have those people doing that great job, we would not even have the opportunity to congratulate them in this parliament today.

Time expired.

Mr RAU (Enfield): I am also very pleased to support the member for Mawson's motion we are debating today. It is very significant that the motion addresses the real people who deserve praise; that is, the men and women of the Defence Force. I think that it is important that we bear in mind, not only in relation to this particular motion but also when we come to consider the way in which we as Australians deal with Anzac Day and other days when we have regard to those people who have given service over many years, that any form of military conflict involving this country requires two kinds of commitment. The first kind of commitment is a political commitment at a national level. That political commitment is made by the men and women who, from time to time, make up the political parties and government in Canberra.

As I look over history there are many times in my lifetime and before when I would have had a difference of opinion with the government of the day about that commitment. For example, if we go back to a time before I am pretty sure any of us were here when the great conscription debate occurred in 1916, I would have found myself very much in the camp of those who opposed conscription for a war in which we did not need to be involved in the first place. That is the way I view that through the telescope of history. But the fact is that many people were conscripted, ultimately, and went off to war and to other wars as well.

To have an argument with the political commitment that is made by the government of the day is a completely different question to having an argument with the personal commitment, which the member for Mawson so properly brings into sharp relief in this motion. That personal commitment is the personal commitment of each individual who signs on the dotted line and says that they are going to be a member of the defence force. That is a personal commitment to be available to assist their community as directed and to actually suffer the vagaries of the political commitment that sits above them. For all those individuals know, they could have an insane government—and I am not suggesting that the present government is insane, before anyone starts making a noise—that would direct them to put their lives in danger, but those individuals make that commitment. What I am honouring today, and what I think the honourable member honours in his motion, is that commitment that those individuals have made.

It is a splendid commitment: they are all volunteers. They have made a remarkable impact on those other forces with which they have been engaged. They are, as I understand it, well regarded in all the fields in which they have been involved, and for the very small force that we have I think all of us can be very proud of what they are doing. I know that the environment in which we now live in an international context is one that will probably see more resources put in to support what those men and women are trying to do, and maybe we will see more men and women join them in the defence forces. That is all to the good, as far as I am concerned.

But having now, I hope emphatically, praised the member for Mawson in every single thing I have said about his motion so far, I must now take a few points of difference with him.

Those points get back to the distinction I was trying to draw in the first place between the political commitment and the personal commitment. The member for Mawson very cleverly slipped into the political commitment, then back into the personal commitment and then back into the political commitment, and I am trying to tease these out a little bit. I am moving quite squarely—for anyone who is bothering to follow this—onto the political side of the agenda and leaving out the personal side. I have given as much praise as I can for that.

Now that I am on the political side of it, I would like to remind everyone here that the reason we went to Iraq, according to George W. Bush—who, after all, was the man who decided to call the shots in this thing—was that we were going to save freedom, or introduce or promote freedom, whatever that is. We were going to get rid of weapons of mass destruction because there is this crazy man out there in Iraq and he is loaded to the back teeth with these weapons of mass destruction and, if we do not go out there and sort this character out, he is going to come after us, and who knows what will happen then?

Well, we have been there for over a month. Americans and British have been crawling all over the place, poking their telescopes down holes and their torches up all sorts of different other places, and what have they found? Not a sausage! They have not found a tin of derris dust. They have not found a pyrethrum spray. They have not found any Ratsak. They have not found a sausage! They have found a couple of empty Ratsak tins. They found an invoice that said 'Ratsak ordered—never delivered.' They found things like that but otherwise found absolutely nothing.

So, having conclusively established that the excuse for our being there is, in polite terms, rubbish, non-existent, another straw man such as the one we heard about the other day, here we have this straw man that was established; we have knocked him over—coincidentally we have now occupied Iraq—and what are we left with?

We start focusing again on what a ratbag Saddam Hussein is. And again I find myself in agreement with the member for Mawson. Yes, I agree with him: what a ratbag! If the truth is that we are in Iraq because he was a ratbag and deserved to be removed, then I wish to goodness that everyone, including our Prime Minister, had had the courage to tell us that is why we are doing this and focused on the real issue, instead of inventing the story about the derris dust and Ratsak and going in there to knock over these non-existent tins of derris dust and Ratsak.

If that is the point, the situation we come to now is that we have an arbitration court set up by George Bush which consists of George and a couple of his mates. They got on the phone and asked, 'What do you think of that bloke in Iraq?' 'I don't like him much.' 'Reckon he's a tyrant?' 'Yeah, he gets a tick in that box.' 'Okay, let's take him out.' That is what we are down to. I say to the member for Mawson that that is what worries me about this: who is next? North Korea? They have been a bit careful with them, because they have come out and fessed up. They have got the nukes. They are not messing around with Ratsack and derris dust. They have the big fire crackers. Everyone is backing off, because they have the real big stuff. What about Zimbabwe? Let us not worry about that. We have a bloke who is a dictator, a murderer and who has gone around terrorising his country, taking it from being a country that was one of the most prosperous countries in Africa to being a basketcase. What are we doing about him? Nothing! Our attitude is that he is in Africa, is not important and we do not have to think about him. What about the rest of Africa? How many countries are there in Africa led by people who would fit into the same category as Saddam Hussein? He used gas on people, and they used machetes.

Members interjecting:

Mr RAU: Yes, but he has used it all; it has all gone. He attacks his own people with gas. These characters are out their chopping them up with machetes. It is more organically sound, and there is less pollution: I accept all that. However, it is not really good, is it? What are we doing about them? Absolutely nothing. My question to the member for Mawson on the political front is, 'Who is next?'

The last point I would like to make is this: we are now in there and have given them freedom. We have told them, 'You can have this freedom; you can have lots if it; you can have bucketsful of it, but don't pick the bucket with Shiite freedom on it, because we don't like that kind of freedom; and don't pick the bucket with Kurdish independence freedom on it, because we don't like that one either. Don't pick any of those buckets. The sort of freedom we have in mind for you is the sort that Mr Garner has in mind. He is here with his ten-gallon hat and his microphone and he'll tell you what will happen.'They will be there in 20 years, and it will cost them a fortune.

Before we start crowing about the political commitment, let us get back to the main point—and I will finish on a high note for the member for Mawson. I congratulate him. This is a great motion, and I realise that he accidentally strayed into the political thing. That was not what he intended to do. He was really talking about the fine men and women of our defence forces. I warmly endorse what he has had to say.

Members interjecting:

The ACTING SPEAKER (Mr Snelling): Order!

Mr HAMILTON-SMITH (Waite): I rise to commend the motion to the house which congratulates the Australian Defence Force and its personnel, especially the South Australians, for their excellent work and effort during the Iraq conflict. There is little question that our people did a wonderful job. I will talk about that briefly, and then I might pick up some of the remarks made by the member for Enfield. First, in addressing the motion itself, the house should be reminded that this was a most significant contribution. For the Royal Australian Air Force, it was the first time that fighter aircraft had been deployed—an F18 squadron—a very expensive and important capability that was used in anger for the first time since the Korean conflict. We had some strike aircraft in Vietnam, but they were not fighters. So it was a very significant contribution. The C130 and P3 Orion crews were also deployed extensively and performed credibly, moving huge quantities of stores and undertaking surveillance and intelligence gathering for the coalition.

The Navy was engaged in its first sea to land gun fire support missions since Vietnam, and was involved in a range of operations detecting mines, intercepting ships at sea, naval gun fire support, as I have mentioned, and various other operations. The Army, with the special air service regime of which I was a member and the commandos of which, again, I was once a commanding officer, were deployed and performed credibly. I had the great honour of attending a farewell of one SA squadron in Perth with the Minister for Defence, the Hon. Robert Hill. It was a terrific occasion, and it is pleasing to see that they performed so creditably. The operations that they were engaged in in Western Iraq were

extremely dangerous and would have involved intelligence-gathering, strategic strike, harassment operations, recovery operations and a range of other missions. They have extremely flexible capabilities and are a credit to the nation. They are a group of very capable young people, very well trained and very well prepared for their mission.

I think the fact that our people did so well is a credit to the courage of the Howard government in the predeployment of those forces. There was quite a controversy about that but, unless you are prepared to send your people into the area to acclimatise, prepare, train, link up with the other forces and undertake operational planning, you cannot expect them to perform creditably in operations. The fact that none of our people has been killed or seriously injured during operations and that our operations were so effective is a credit to the courage of that decision to predeploy. It was also an absolute nonsense not to predeploy, and I think the Leader of the Opposition in Canberra is now paying the price for that in the opinion polls. It was certainly nonsense.

It was a very bold strategy but, before going on to that, I mention the headquarters staff of the Australian contingent, the communications people, the logisticians and the clearance divers, who all performed creditably. Considerable back-up and support would have been required.

Getting back to the strategy, it was indeed a bold strategy. I expected a re-run of what we saw in 1991 but in a scaled-down way. I expected to see an air campaign followed by a ground campaign but, in fact, we saw a ground campaign in concert with the air campaign with the by-passing of Basra and other objectives such as Nasiriyah. To move straight on Baghdad was the right strategy and ensured that the conflict was over quickly. It echoed the use of similar strategies during World War II and other conflicts by creative generals who understand that you must get to the vital ground and the ground of strategic importance—that is, the crux of the conflict—as soon as possible and bring it to account and not be held up along the way by what are, essentially, distractions. I think it was a very bold and clever strategy.

As I mentioned, the coalition as a whole performed creditably, but particularly the Australians, and it is pleasing to see the recognition of that by the commander of the coalition and by all levels in our coalition partners, the United Kingdom and the United States. Of course, our people have worked very extensively with both those nations during training and operations. This is not the first time that we have stood together and it will not be the last, I am sure.

I am very pleased to see that our people will return home to a warm welcome. I am very pleased, particularly, to see that on this occasion—unlike the occasion of the Vietnam war—the Labor Party has decided to get behind the troops. During the Vietnam conflict there were images of Bob Hawke, Don Dunstan and other Labor Party leaders leading the moratorium marchers and encouraging the protests, some of which were quite ruthless and depressing, even here in Adelaide, with blood being thrown at troops and vicious fights between police and demonstrators. Much of that was encouraged and supported physically and philosophically by the Labor Party. I am encouraged to see that on this occasion that will not occur, and I give credit to the Labor Party for it. I think that it has learnt from the mistake of Vietnam. It is not right to punish the soldiers. Soldiers die bravely for their country and will perform the duties and tasks required by the democratically elected government, whatever the call may be.

Regarding the political issue of whether or not we should have been there in the first place, I want to pick up a few of the points made by the member for Enfield. The honourable member made the point that the war was largely about weapons of mass destruction. He concluded—almost as a matter of fact—that there are no weapons of mass destruction in Iraq. I hope for the member for Enfield's sake that he does not have to swallow his words in some weeks' time when those weapons of mass destruction turn up. I remind him that Iraq has a proven track record in the use of weapons of mass destruction on its own people, with nearly 180 000 Kurdish people killed during the persecution of the north-eastern sector of Iraq by Saddam Hussein, a very proven track record of UN inspectors having sighted, counted and measured these weapons, that it has developed nuclear capability—in fact, it was bombed by the Israeli Air Force at one stage—and, not only that, that under Saddam Hussein Iraq had form: it was prepared, and threatened, to use those weapons.

There is a very well-established route to weapons of mass destruction under Saddam Hussein's Iraq. The quantity of chemical warfare equipment (including biological warfare suits) that has been uncovered by the coalition, or the means for defending the Iraqi army from such weapons, clearly points to the fact that this capability was still current in Iraq. I am sure that it will turn up and that all will be revealed in due course.

Even so, Iraq's track record and form pointed to the need to take action. I am confident that had we not acted we would have ultimately seen some sort of weapon of mass destruction used perhaps on the mainland of Australia—a Bali bomb involving chemicals or biological weapons. It was only a matter of time before we or one of our close allies suffered such a strike.

I share some of the concerns expressed by others about 'where to from here'. I think there are some serious concerns in regard to the Shi'ite population of the south, the Sunni population of the centre and centre west, and the Kurdish population in the north-east. There are many with an interest in seeing peace fail in Iraq. There are Shi'ites and Kurds who would happily break away and revisit the persecution of Saddam Hussein and dominate other minorities within their area. There are people in Iran and other countries such as Turkey who would happily dismantle Iraq as a nation and revisit the evils of Saddam in a new form.

It will require considerable courage from the United States and the coalition to ensure that Iraq is not dismembered and that those vested ethnic, religious and sectional interests that purport to want simply to get America out of Iraq do not have a hidden agenda to revisit the persecution implemented by Saddam.

Our people did a wonderful job, and we should be proud of them. This was a just cause, one which has made the world a safer and better place in which to live.

Time expired.

Mr VENNING (Schubert): I will not speak for long; I just want to say a few words in support of this motion. I congratulate the member for Mawson for bringing this motion forward. I was encouraged to stand by the member for Giles.

Members interjecting:

Mr VENNING: The gallery has just answered with one voice. I also want to congratulate the member for Enfield, who made a very good speech, to which I actually listened. I think his summation was very true, particularly the political side. A lot of us tend to do that. The honourable member obviously listened with a very analytical mind, and I appreci-

ate that, because we are all here to put a case and do a job. Well done; it was a good speech.

I also take off my hat to the member for Waite, because he is a man of vast experience. I doubt whether there has ever been a member of this house (or of the other house) with the experience that this person has had as a Lieutenant-Colonel in the Special Air Service. That is no mean feat. Just to get into that service, you have to be a very elite person and a gifted soldier. All I can say to the member for Waite is: well done, congratulations. He speaks with passion not only in this place but also at public meetings. Wherever he goes, he draws a crowd. We saw that at Kapunda only a few weeks ago, when a record number of people came along to hear him, and he spoke again today with commonsense and compassion and gave us a lot of insight and information.

I wear my RSL badge here today with pride, as an ex-national serviceman. I knew a lot of soldiers—and still do—and I appreciate the role that they play. In this motion we are congratulating the Australian Defence Force. We are not congratulating the politicians: we are congratulating the soldiers—those who did not have a choice. They went because the politicians said, 'You will go. The people of Australia have decided, through their elected members, that you will go and perform a defence job for us in a foreign country.' They have done that, and they have done it with great esteem. The son of a friend of mine is in the advance forces—I think in the Special Air Services. These people just leave Australia; no-one knows that they leave. No-one knows for eight or nine weeks on end where they are, because there is total silence. Not even the parents know what the operations are, or even whether their children are alive.

These people went in before the media were onto the story, before the war began, and this is where all the vital information came from before the war started. Our Special Air Services—our special forces—are unique in the world. I think they rank with the Gurkhas and others as being the best in the world at this type of warfare, not only here, but also in every other sphere of war, beginning with the First World War.

I think it is fitting that we move this motion. I will take task with the member for Enfield in relation to the topic of weapons of mass destruction. Iraq has had them, it has used them; there is no doubt about that. The question is: where are they now? I believe that they are either buried in the desert or, if not, they have been moved—because the weapons of mass destruction could probably fit in 10 to a dozen large shipping containers. They could be moved quite easily by ship, and they could still be at sea, or they could have been taken to Syria overnight. Who knows? I would be a lot more confident in saying that they do exist somewhere else than saying they are not there and no more action needs to be taken. I think that the time should be used now to seek them out. If any country is harbouring them, they should suffer the same peril as the Iraqi regime. We do not want these weapons of mass destruction. I congratulate the member for Mawson for introducing this motion, and I congratulate the speakers, whose contributions I have appreciated. However, most importantly, we congratulate the Australian Defence Force personnel, especially the South Australian personnel, for their excellent work and effort in the Iraqi conflict.

Mrs GERAGHTY secured the adjournment of the debate.

STATUTES AMENDMENT (EQUAL SUPERANNUATION ENTITLEMENTS FOR SAME SEX COUPLES) BILL

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

No. 1. Page 3, line 22 (clause 5)—Leave out 'section is' and insert:

sections are

No. 2. Page 4 (clause 5)—After line 15 insert the following:

Restriction on publication of court proceedings

7B. (1) Protected information is information relating to an application under section 7A (including images) that identifies, or may lead to the identification of—

(a) an applicant; or

(b) a person who is related to, or associated with, an applicant or is, or is alleged to be, in any other way connected in the matter to which the application relates; or

(c) a witness in the hearing of the application.

(2) A person who publishes protected information is guilty of an offence.

Maximum penalty: $5 000 or imprisonment for 1 year.

(3) A person who discloses protected information knowing that, in consequence of the disclosure, the information will, or is likely to, be published is guilty of an offence.

Maximum penalty: $5 000 or imprisonment for 1 year.

(4) This section does not apply to—

(a) the publication or disclosure of material—

(i) by the District Court or an employee of the Courts Administration Authority (so long as such publication or disclosure is made in connection with the administrative functions of the Court); or

(ii) for purposes associated with the administration of this Act; or

(b) the publication in printed or electronic form of material that—

(i) consists solely or primarily of the reported judgements or decisions of the Court; or

(ii) is of a technical nature designed primarily for use by legal practitioners.

(5) In this section—

"newspaper" means a newspaper, journal, magazine or other publication that is published at periodic intervals;

"publish" means publish by newspaper, radio or television, or on the internet, or by some other similar means of communication to the public.

No. 3. Page 4, line 27 (clause 7)—Leave out 'section is' and insert:

sections are

No. 4. Page 5 (clause 7)—After line 17 insert the following:

Restriction on publication of court proceedings

4B. (1) Protected information is information relating to an application under section 4A (including images) that identifies, or may lead to the identification of—

(a) an applicant; or

(b) a person who is related to, or associated with, an applicant or is, or is alleged to be, in any other way connected in the matter to which the application relates; or

(c) a witness in the hearing of the application.

(2) A person who publishes protected information is guilty of an offence.

Maximum penalty: $5 000 or imprisonment for 1 year.

(3) A person who discloses protected information knowing that, in consequence of the disclosure, the information will, or is likely to, be published is guilty of an offence.

Maximum penalty: $5 000 or imprisonment for 1 year.

(4) This section does not apply to—

(a) the publication or disclosure of material—

(i) by the District Court or an employee of the Courts Administration Authority (so long as

such publication or disclosure is made in connection with the administrative functions of the Court); or

(ii) for purposes associated with the administration of this Act; or

(b) the publication in printed or electronic form of material that—

(i) consists solely or primarily of the reported judgements or decisions of the Court; or

(ii) is of a technical nature designed primarily for use by legal practitioners.

(5) In this section—

"newspaper" means a newspaper, journal, magazine or other publication that is published at periodic intervals;

"publish" means publish by newspaper, radio or television, or on the internet, or by some other similar means of communication to the public.

No. 5. Page 6, line 2 (clause 10)—Leave out 'section is' and insert:

sections are

No. 6. Page 6 (clause 10)—After line 28 insert the following:

Restriction on publication of court proceedings

3B. (1) Protected information is information relating to an application under section 3A (including images) that identifies, or may lead to the identification of—

(a) an applicant; or

(b) a person who is related to, or associated with, an applicant or is, or is alleged to be, in any other way connected in the matter to which the application relates; or

(c) a witness to the hearing of the application.

(2) A person who publishes protected information is guilty of an offence.

Maximum penalty: $5 000 or imprisonment for 1 year.

(3) A person who discloses protected information knowing that, in consequence of the disclosure, the information will, or is likely to, be published is guilty of an offence.

Maximum penalty: $5 000 or imprisonment for 1 year.

(4) This section does not apply to—

(a) the publication or disclosure of material—

(i) by the District Court or an employee of the Courts Administration Authority (so long as such publication or disclosure is made in connection with the administrative functions of the Court); or

(ii) for purposes associated with the administration of this Act; or

(b) the publication in printed or electronic form of material that—

(i) consists solely or primarily of the reported judgements or decisions of the Court; or

(ii) is of a technical nature designed primarily for use by legal practitioners.

(5) In this section—

"newspaper" means a newspaper, journal, magazine or other publication that is published at periodic intervals;

"publish" means publish by newspaper, radio or television, or on the internet, or by some other similar means of communication to the public.

No. 7. Page 7, line 4 (clause 12)—Leave out 'section is' and insert:

sections are

No. 8. Page 7 (clause 12)—After line 30 insert the following:

Restriction on publication of court proceedings

4B. (1) Protected information is information relating to an application under section 4A (including images) that identifies, or may lead to the identification of—

(a) an applicant; or

(b) a person who is related to, or associated with, an applicant or is, or is alleged to be, in any other way connected in the matter to which the proceedings relate; or

(c) a witness in the hearing of the application.

(2) A person who publishes protected information is guilty of an offence.

Maximum penalty: $5 000 or imprisonment for 1 year.

(3) A person who discloses protected information knowing that, in consequence of the disclosure, the information will, or is likely to, be published is guilty of an offence.

Maximum penalty: $5 000 or imprisonment for 1 year.

(4) This section does not apply to—

(a) the publication or disclosure of material—

(i) by the District Court or an employee of the Courts Administration Authority (so long as such publication or disclosure is made in connection with the administrative functions of the Court); or

(ii) for purposes associated with the administration of this Act; or

(b) the publication in printed or electronic form of material that—

(i) consists solely or primarily of the reported judgements or decisions of the Court; or

(ii) is of a technical nature designed primarily for use by legal practitioners.

(5) In this section—

"newspaper" means a newspaper, journal, magazine or other publication that is published at periodic intervals;

"publish" means publish by newspaper, radio or television, or on the internet, or by some other similar means of communication to the public.

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

PAPER TABLED

The following paper was laid on the table:

By the Minister for Urban Development and Planning (Hon. J.W. Weatherill)—

Adelaide Cemeteries Authority—Report 2001-2002

PENSIONER CONCESSIONS

A petition signed by 3,127 residents of the City of Whyalla, requesting the house to urge the government to provide a financial concession scheme in future budgets to assist pensioners with electricity and gas charges, was presented by Ms Breuer.

Petition received.

POLICE NUMBERS

A petition signed by 1,278 residents of South Australia, requesting the house to urge the government to continue to recruit extra police officers, over and above recruitment at attrition, in order to increase police officer numbers, was presented by Mr Brokenshire.

Petition received.

VOLUNTARY EUTHANASIA

A petition signed by 166 residents of South Australia, requesting the house to support voluntary euthanasia legislation which enables terminally ill people, who have been assessed by two doctors and an independent representative appointed by the government, to be allowed to die, was presented by Dr McFetridge.

Petition received.

QUESTIONS ON NOTICE

The SPEAKER: I direct that the written answers to questions Nos 127 and 128 on the *Notice Paper* be distributed and printed in *Hansard*.

VOLUNTEERS

In reply to **Dr McFETRIDGE** (27 March 2003).

The Hon. M.D. RANN: The Volunteer Support Fund, a small grants program to benefit volunteers, was offered through the Office for Volunteers for the first time in 2002.

I can assure the member that support for the volunteer community is a priority for this government and I am sure the member will be pleased that the Government will continue to provide funding for a range of programs through the Office for Volunteers and other agencies of government.

The government's support will be highlighted in the Compact being developed between the government and the Volunteer Sector. This document is currently being finalised after 12 months of community consultation and will be released shortly.

DOMESTIC CO-DEPENDENT SUPERANNUATION BILL

In reply to **Mr SCALZI** (2 April 2003).

The Hon. M.D. RANN: I have received letters advocating a conscience vote on the Domestic Co-dependent Superannuation Bill. I have also received letters in favour of the Statutes Amendment (Equal Superannuation Entitlements for Same Sex Couples) Bill.

SPEAKER'S STATEMENT

The SPEAKER: There are two matters to which I want to draw the house's attention. The first is a matter of grave concern, inversely proportional to the brevity with which I will deal with it, and I assure all members of this chamber that I will use my best endeavours, with the honourable President of the other place, to ensure that the foul abuse directed at members of this chamber by the Hon. Robert Lucas, and others, ceases forthwith. This institution of parliament cannot within its conventions and standing orders continue to tolerate such behaviour where the remarks made are not in consequence of and support of a substantive motion. In this place, that is the way in which we conduct our affairs, and the standing orders of the other place and the conventions of all other parliaments, as adopted over many centuries, are likewise more decent than the practice has been in recent times.

The second matter is a matter of privilege arising from a letter from the member for Newland about answers she received from the Minister for Recreation, Sport and Racing. At the outset, let me point out that my remarks must not be taken as a finding that the minister has deliberately misled the house.

The member for Newland has written to me and raised several questions with me, the most significant of which is whether or not the Minister for Recreation, Sport and Racing has breached privilege in the nature of the answers and the substance of the answers he gave to questions without notice about the Aquatic Centre asked by her in the house on 18 and 19 February and 25 March. The member for Newland also sought my advice, by correspondence, as to how to handle this matter.

I have given extensive consideration to her letter and the material in *Hansard*, and I regret and apologise to the house and to her that I was unable to deal with it in a more timely manner (the factors affecting that I will not attempt to go into now). Whereas it was possible for me, in response to a similar request from the Leader of the Opposition, to examine both the *Hansard* record and the written documents relevant to the matter he had raised in connection with questions asked of the Minister for Health and come to a conclusion as to whether privilege had been breached and advise the house accordingly. In this matter it is not possible. For that reason, I give precedence to the matter raised by the member for Newland in her correspondence received by me just prior to the house rising over a month ago but with which it was not possible for me, as I have said, to deal with any earlier in a more timely manner than today.

The chair has a responsibility to determine whether or not privilege has been breached in the prima facie context. If the chair cannot do that on the evidence available to it, it is left to the house to decide whether it wishes to establish a privileges committee to make such a determination on facts obtained from evidence provided to any such committee and then provided by that committee in its report to this house.

Let me repeat some of the things that I said to the house on 2 April. The house itself is too cumbersome in its composition (that is, the whole number of members) and in its procedures to investigate these matters and discover events, scrutinise evidence and determine the nature of any such inquiries as may be necessary to reveal to itself (that is, the house) what kind of breach of privilege may have been committed and the reasons for it and such like details. In the Westminster model, the house establishes a committee to do that, providing the committee with the necessary powers and authority to do it with expedition, and to do it with certainty, and to report back to the house. The committee is known as a privileges committee.

May I remind the house and all citizens, whether or not they are public servants, that the powers and privileges delegated to its committees are the same as those of the house itself. Equally, I remind them, then, that the seriousness of telling lies, misleading the committee in any way, shape or form is a more serious crime than perjury in any other court. Honourable members acknowledge that parliament is itself not only a court but the highest court in its constituted jurisdiction. Hence, the whole house and all members of it must be able to rely on the integrity of the information provided to it by its servant, which is the committee. It will then be necessary for the house to decide whether the breach was of material consequence to the proceedings of the house. In this instance, from a review of *Hansard* the chair cannot determine from the written record when the minister might have provided the information which he was unable or unwilling to provide to the house in response to questions the member for Newland asked about the matter of funding and arrangements for the work on the Aquatic Centre which was otherwise provided at a similar time to elements outside the house, in particular, the media.

For the chair to go further in remarking upon the questions asked by the member for Newland and the answers given, and the information provided to the press, is to engage in unwarranted speculation on the part of the chair. Moreover, in the event that the house decides to establish a Privileges Committee it encroaches upon and prejudices the work that committee would then be able to do. The chair will go no further. It is regrettable that the incidents complained of did not occur after the remarks made by the chair on Wednesday 2 April for, in that circumstance, I would have been able to take a different tack in dealing with it. Let me point out why. It is quite simply that, up to that time, the rulings of Speaker Oswald obtained, not those of the incumbent in the chair.

In the circumstances, though, I urge all members to make use of standing order 141 and the conventional role of the Speaker in the exercise of that standing order as detailed in the tomes to which we refer as our authorities, especially as it relates to the prevention or prompt resolution of quarrels between members, and of course the same applies to misunderstandings. More especially, may I point out to the house

and to all members of the press that it is not proper for anyone to speculate upon what the house may do in its deliberations, should it decide to establish a Privileges Committee, before that committee has reported to the house and the house dealt with the report. This is a court: any such remark would be a contempt of the court and, in any other court, would result almost certainly in a serious sentence.

Whilst that may have fallen into disrepair until recent time, it is now well and truly repaired, and I leave it to the house and the people at large to determine whether they want (and the house in particular wants from amongst its members) to respect the fact that the house is charged constitutionally with those duties. I give precedence. The member for Newland.

The Hon. D.C. KOTZ (Newland): On this matter of privilege I seek clarification from you. The statement that you have made is quite lengthy and, obviously, quite complex. I would particularly like to seek your understanding on whether, if the matter is not raised now, it can still be raised at a point when I have had time to peruse the statement that you have just made.

The SPEAKER: No. However, the honourable member can do it on notice.

The Hon. D.C. KOTZ: Then I move to bring up the matter of privilege on notice.

The SPEAKER: Can I help the honourable member understand what I think it is she seeks to do, that is, to give notice of her intention to move a motion accordingly at some point in the future when it is orderly for her to do so? I alert her to the fact that the consequences of doing that may vary from the consequences of doing something now or not doing anything at all.

The Hon. D.C. KOTZ: Would it be quite proper to move to put on notice that I would seek, after the period of question time, to move the motion on privilege?

The SPEAKER: I will recognise the member after question time.

The Hon. D.C. KOTZ: Thank you, Sir.

SARS

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

Leave granted.

The Hon. L. STEVENS: On 29 April 2003, I outlined to the house actions taken to ensure that South Australia is SARS safe. This included details of our involvement in national quarantine measures—

The SPEAKER: Order! The member for Mitchell is out of order. Should the member wish, the member knows that he may leave the chamber to have a conversation with such people as he chooses but may not converse with people from the floor of the house.

The Hon. L. STEVENS: —placing our hospitals on full alert, briefings for general practitioners, nursing staff at the Adelaide International Airport, powers under the commonwealth Quarantine Act for South Australia's medical officers to detain or control the movement of any person who might be infected, and infection control guidelines for workplaces, including all government departments.

I can now inform the house that, in addition to these controls, the Governor, in Executive Council this morning, approved the making of a regulation to prescribe SARS as a controlled, notifiable disease under the Public and Environmental Health Act 1987. This step has been taken after consultation with the chief medical officer of the commonwealth, and will complement the extensive power already held by South Australian officers under the commonwealth Quarantine Act.

The state legislation provides standards of review of administrative decisions, and gives medical practitioners and other persons who are obliged to notify protection against civil liability. Where there are reasonable grounds to suspect that a person is or may be suffering from a controlled notifiable disease, the South Australian Health Commission has the power to require the person to present for examination or to issue orders relating to their treatment, movement or activities. A magistrate may also issue a warrant for detention at a suitable place of quarantine. I understand that Tasmania and Western Australia have taken similar steps and that other states are planning to do the same.

BARCOO OUTLET

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: I apologise to the house; I do not have a copy of this statement, as it was put together just a few minutes ago. I rise to give further information to the house in relation to my statement yesterday on the Barcoo Outlet. I have asked the head of the Department of Water, Land and Biodiversity Conservation to further investigate this issue, and to advise me on whether the matter should be referred to the Auditor-General, Crown Law or the prudential management group. My department has also advised me of its reasoning behind its appointment of KBR to investigate the Barcoo Outlet. I am advised that—

Mr Brindal interjecting:

The Hon. J.D. HILL: Thank you—it was engaged because it was believed the Barcoo Outlet had failed and the department needed the expertise of the original designers to determine how that failure had occurred. Yesterday, I also stated in the house that I had been advised that, at the time the Barcoo Outlet was being considered, the former government was told that it would need to build a second outlet to divert all stormwater away from the Patawalonga. I have checked with departmental officers, who yesterday raised this matter in discussions with KBR, and I can confirm that consideration was given to diverting the other major stormwater drain, drain 18, which enters the lake.

LASER INJURY

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

Leave granted.

The Hon. J.D. HILL: I wish to inform the house of a serious incident in which a young man received eye damage following exposure to laser lights at an Adelaide nightclub. The EPA has advised me that last Thursday an eye specialist contacted the authority's radiation protection division after he had seen a patient with an eye injury that he believed was caused by exposure to a laser. The patient had reported that he had been exposed to a laser beam at a nightclub during the previous weekend. I am told that at this stage it is not known whether the injury is permanent. However, it is described as very serious.

I am advised that there are currently no regulatory controls on lasers under the South Australian Radiation Protection and Control Act. There is, however, a code of practice for the safe use of lasers in the entertainment industry published by the National Health and Medical Research Council. The code requires that owners and operators of lasers must ensure the public is not exposed to potentially hazardous levels of radiation. Lasers are not uncommon entertainment lighting equipment and are often featured at Adelaide nightclubs and dance parties. The equipment is also available for hire to the public. Therefore, any report that the operation of lasers has led to injury has to be seriously investigated.

Public safety is always the government's highest priority. The EPA's investigation into this case is under way. The reported victim, his eye specialist, the nightclub owner and the laser operator will all be interviewed. Today, I have asked the EPA to advise me if new regulations or guidelines are needed to better protect the public from potentially dangerous exposure to lasers. In the meantime, I issue a general warning to the entertainment industry to operate lasers strictly in accordance with the code of practice for the safe use of lasers. I also caution the public to be careful if visiting places where lasers are present. Care needs to be taken by both operators and the public to ensure that a person's eyes are not exposed to laser beams.

QUESTION TIME

WORKCOVER

The Hon. R.G. KERIN (Leader of the Opposition): My question is directed to the Minister for Industrial Relations. Did the minister or his staff, after being consulted on the five candidates and the recommendation by the WorkCover board for the CEO position, have any influence on the fact that an unsuccessful applicant, Mr Rob McInnes from New South Wales WorkCover, was subsequently interviewed? The minister stated on Monday that the selection of a new CEO was a matter for the board. However, despite the board consulting the minister several months ago, no appointment has yet been made.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): The leader has asked a number of questions about WorkCover this week—I think in total we are now up to 10—and I am still not sure what he is alleging I was meant or not meant to do. I appreciate—and I do not say this in a derogatory sense—that the leader may not know the legislation precisely, nor is it his responsibility to do so. But it is relatively simple: the legislation states that the CEO is appointed by the board following consultation with the minister, and that is what has happened. I am not aware of names or those sorts of details, but I am happy to get that matter checked.

As I said earlier, it was some time ago that the consultation took place—obviously, with the chair of the WorkCover board, Mr Gunner. What has flowed from that is really something for the WorkCover board. This is not difficult. The legislation states that the CEO is appointed by the board following consultation with the minister. It is the responsibility of the board to appoint the CEO. I would have thought that the opposition would share the view that I have expressed publicly that we want the best possible CEO Australia-wide—internationally, if need be—with respect to the CEO of WorkCover. If he is trying to allude to the fact that I have someone who is my favourite, I do not. I do not know who is the best person for the job but I know that we need, particularly in the current climate, the best person Australia-wide, perhaps even wider if need be—and I would hope that the opposition leader shares that view.

COURTS, FREDERICK, Mr M.E., S.M.

Ms THOMPSON (Reynell): My question is directed to the Attorney-General. Does the Attorney believe that public confidence in the justice system has been damaged by the recent remarks of Magistrate Frederick made in the Port Adelaide Magistrates Court when sentencing a woman charged with breaking her bail conditions, and does he intend to take any action to repair any damage?

The Hon. M.J. ATKINSON (Attorney-General): The manner in which the courts have dealt with Magistrate Frederick's off-the-cuff remarks should reinforce our confidence in the justice system (in the checks and balances that are built into the process) rather than reduce public confidence. His remarks were intemperate and unfortunate, and the sentence handed down by the magistrate was clearly wrong in law in that it was a sentence for a breach of bail that was greater than the maximum permissible in law for the offence for which the offender was on bail. The sentence was appealed, and Justice Perry of the Supreme Court corrected the error. His Honour also publicly admonished Magistrate Frederick for his comments.

As I said last night, an erroneous decision has been quashed and intemperate and unfortunate remarks rebuked. The system is working as it should. Magistrate Frederick will be summoned by the Chief Justice to explain his remarks. In my opinion, he was wrong to use filthy language and curses. He should not have said anything that was conjectural or absurd or use language that is contemptuous of our Prime Minister.

These are not hanging offences. Magistrate Frederick will not be dismissed or suspended. Public admonition of a magistrate by a justice of the Supreme Court and being summoned to explain oneself by the Chief Justice are in order. I was surprised to hear the patrician shadow Attorney-General last night trying to ingratiate himself with Bob Francis and his listeners by criticising the Chief Justice and the Chief Magistrate for arranging a meeting with Magistrate Frederick to ask for an explanation of his remarks. I would have thought—

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

The SPEAKER: Order! I remind the honourable member that he has not been exactly orderly in the few minutes since the house sat. What is the member for Unley's point?

Mr BRINDAL: I raise a point that you, sir, raised at the beginning of question time in respect of remarks made in another house and quarrels between members. I ask whether the Attorney's reference to a member of the other place as 'patrician' might inflame the situation that we are trying to correct.

The SPEAKER: Order! There is no point of order.

The Hon. M.J. ATKINSON: I should have thought that Magistrate Frederick would be eager to give his version of the remarks alleged, whether the text is accurate and whether the impression that the remarks created would be changed if Magistrate Frederick's full remarks were known. Magistrate Frederick was, in his misguided sentencing, attempting to help and rehabilitate the offender.

An honourable member interjecting:

The Hon. M.J. ATKINSON: That's right. There is no excuse for a magistrate or a judge to use filthy language or curses in court. There is scope for a magistrate or judge to use earthy language (short of expletives) or to be blunt with an offender. A magistrate or judge may express society's disapproval of criminal conduct—and I think they should do that. I understand Magistrate Frederick's frustration in dealing day after day with habitual criminals, people with addictions, people who disregard their obligations to society and their family, people who make life miserable for their neighbours and people who are contemptuous of the court's authority. I have seen it myself when, as Attorney-General, I have been sitting in magistrates courts and watching their day-to-day proceedings. I also understand the very heavy caseloads with which our magistrates valiantly struggle.

Magistrate Frederick has become the subject of intense national media scrutiny today. Any judgment of the magistrate in the court of public opinion needs to be balanced. Being a magistrate is tough work that takes a toll, and Magistrate Frederick is a dedicated and hardworking person who has excelled in his work in our court-based domestic violence program. I do not believe that this episode shows any systemic failure that needs addressing. Indeed, it is illustrative of a system that is able to correct its errors speedily and satisfactorily.

WORKCOVER

The Hon. I.F. EVANS (Davenport): Has the Treasurer requested or received advice from Treasury regarding possible Treasury action to rescue the WorkCover Corporation from potential financial disaster?

The Hon. K.O. FOLEY (Treasurer): I can say that recollection would be that I do receive advice from Treasury on all public corporations in government, and WorkCover is one of them. It is one of the largest corporations within the government, and I do receive advice on it. Clearly, as the minister has indicated, we are concerned about the performance of WorkCover, particularly given the actuarial advice provided to the board under the regime of the former government and the decision by the former minister to quite actively, I understand, support and be particularly pleased with the decision of WorkCover to reduce the levy under the former government, as the minister has outlined to the house—

The Hon. I.F. Evans interjecting:

The Hon. K.O. FOLEY: All I am saying is that the action of the former government as it relates to WorkCover has been commented on at length, and that has clearly added to the financial situation in which WorkCover currently finds itself. It is totally appropriate that I be briefed on a number of corporations. When I came into office I instigated some work in a number of areas of government, and I will continue to do it, as a prudent, careful Treasurer.

RADIOACTIVE WASTE

Mr RAU (Enfield): My question is directed to the Minister for Environment and Conservation. What information is currently available about the total volume of low level and short-lived intermediate level radioactive waste stored in South Australia?

An honourable member interjecting:

The Hon. J.D. HILL (Minister for Environment and Conservation): Come on, crusty, you did that one yesterday.

An honourable member interjecting:

The Hon. J.D. HILL: Does the member want to get up and say that publicly, by motion? Yesterday, the Leader of the Opposition asked me a question about the amount of radioactive waste that was stored in South Australia. I undertook to obtain a detailed answer for him and for the house today. So, I hope he listens to this explanation and this information that I am about to provide.

In the draft EIS for the national radioactive waste repository, the commonwealth gives estimates of the quantities of low level and short-lived intermediate level radioactive waste stored in South Australia. The EIS states that an estimated volume of 2 228 cubic metres of low level and short-lived intermediate level radioactive waste is stored in South Australia. The government of South Australia has responsibility for managing some of this waste. Commonwealth agencies are responsible for managing the remainder. The EIS states that, as of April 2002, South Australia has responsibility for about 20 cubic metres of its own waste.

CSIRO holds 2 010 cubic metres of waste soils stored near Woomera; Defence holds 20 cubic metres of waste from the St Marys site in Sydney, also currently stored in the Woomera area; and Defence in other locations in South Australia, Victoria and New South Wales holds 190 cubic metres. This is a total of 2 240 cubic metres of waste. There is a discrepancy between this figure and the EIS estimate of 2 228 cubic metres. I am advised that it could be deduced from these two figures that the waste that is described as 'Defence' in other locations, which is stored in South Australia, Victoria and New South Wales, may actually be largely stored in South Australia. If this presumption is made then 178 cubic metres of the 190 cubic metres of other Defence waste is stored somewhere in South Australia. This gives the estimated total of 2 228 cubic metres of waste stored in this state.

South Australia has responsibility for an estimated 20 cubic metres of waste, that is, its own waste. While the remaining 2 208 cubic metres of waste may be physically stored in South Australia, it is largely on commonwealth controlled land at Woomera and the responsibility for managing it belongs to the commonwealth agencies that are looking after it. These volumes of South Australia's waste are waste in conditioned form, which means the waste is processed and packaged and is suitable for handling, storage and/or disposal at a near surface radioactive waste repository. The volume of waste may be increased by a factor of approximately five when it is in a conditioned form. I am advised that when this is taken into account the total volume of unconditioned low level and short-lived intermediate level radioactive waste, for which South Australia is responsible, is around four cubic metres—only four cubic metres.

The use of volume as a measurement of waste does not tell the whole story. It is my understanding that measuring levels of radioactivity is possibly more useful in understanding how to manage radioactive waste. For example—and this is the bit the leader wants to hear—I am advised that although the CSIRO soils waste stored at Woomera comprises more than 50 per cent of Australia's total by volume, the EIS states that by radioactivity it is extremely low. To put this into perspective, the total gigabecquerel level in Australia is 6 367 and the CSIRO soil level of activity is only 0.3 Gbq; in other words, there is 6 000 odd across Australia but 50 per cent plus of CSIRO soil by volume, which is stored at Woomera, is less than 1.0 Gbq—that is 0.3. For the sake of absolute clarity,

when I refer to the radioactive waste which amounts to four cubic metres that does not take into account what waste may be stored at places such as Radium Hill and some of the other sites in our state.

PORT RIVER EXPRESSWAY

The Hon. M.R. BUCKBY (Light): When will the Minister for Transport be issuing tender or expressions of interest documents for stages 2 and 3 of the Port River crossing project? If he cannot give a date, what time frame does he envisage for the start of stages 2 and 3? At a public meeting at Port Adelaide last week, the Treasurer assured Port Adelaide residents that the building of the opening bridges would commence as soon as possible and without delay.

The Hon. M.J. WRIGHT (Minister for Transport): A very good meeting was held at Port Adelaide, which was attended by the Treasurer. Unfortunately, I was not able to attend because I was interstate on other commitments relating to the forthcoming ATC meeting. A lot of good work has been done in regard to the Port River Expressway. Stage 1 is under way. In relation to Stage 2, the road bridge, and Stage 3, the rail bridge, a round of discussions and consultation has taken place. This is a demonstration of the difference between this government and the previous government. We do not run off and make cheap political announcements: we go out and engage with the major stakeholders, work with the local community and get good positive outcomes. We will continue to have those discussions. I can assure the member for Light that when decisions have been made about those specific details for which he asked, he will be the first to know.

TRANSPORT PLAN

Mrs GERAGHTY (Torrens): My question is directed to the Minister for Transport. With today's release of South Australia's draft transport plan, will the minister advise whether there are any aspects that the government considers non-negotiable?

The Hon. M.J. WRIGHT (Minister for Transport): I thank the member for Torrens for her question and her ongoing support of the transport system. It is with great pleasure that I release today the first transport plan for South Australia since 1968. This has been delivered on time by a Rann Labor government and is an election commitment that we have delivered on time.

The 15-year plan is an honest assessment of the strengths and weaknesses of South Australia's transport system which will now be the focus of a three-month public engagement process. It identifies three areas that demand serious attention, namely, the ongoing commitment of a Rann Labor government to road safety, improved asset management, and making better use of the community's investment in public transport.

Mr Brokenshire interjecting:

The Hon. M.J. WRIGHT: I know that I have the support of the member for Mawson. While the government is looking to engage the community on all aspects of the plan, we are not prepared to settle for less than the targets laid down in these critical areas. We are not prepared to compromise on our goal of achieving a reduction by 2018 of at least 50 per cent in the rate of road fatalities and serious injuries. One of the ways to reverse the state's shameful road record during the past 10 years is to improve the standard of our existing roads.

A serious backlog of works is needed across the state's road system. In the past, too much investment has been directed away from the basics. The target in the plan commits the government to tackling this backlog of roadworks, with the objective of eliminating it by 2018. The community has made a substantial investment in public transport over many years, but the level of usage of these assets is low by interstate standards, and there is significant potential to accelerate the growth in patronage that has occurred in recent years.

The draft transport plan sets an ambitious target that would see public transport's market share double by 2018. It is a challenging target, but we must aim high for South Australia to establish its standing internationally for environmentally—

Mr BROKENSHIRE: I rise on a point of order, Mr Speaker. I believe that this is clearly a ministerial statement. It was pre-empted in the media this morning and should be dealt with after question time.

The SPEAKER: There is no point of order, but I remind the minister that, if there is information of this kind, it ought to be provided to the house prior to question time, thereby enabling all members to decide whether they wish to ask the minister a question for clarification of any of the items about which information is provided but considered by that member to be inadequate. That is the purpose of having ministerial statements, but not to the exclusion, of course, that the ministerial statement provides facts for the house and the general public. The minister.

The Hon. M.J. WRIGHT: In winding up, there will be a three-month community engagement phase starting this month. All South Australians are encouraged to contribute to the next 15 years of transport system and asset development.

CRIME PREVENTION

Mrs REDMOND (Heysen): Will the Attorney-General confirm that no additional staff have been employed by the Office of the DPP since 1 July 2002, notwithstanding that funding for crime prevention was cut to allow additional staff to be appointed? At an Estimates Committee hearing on 1 August the Attorney-General stated that the $800 000 cut to crime prevention in 2002-03 was because a higher priority was 'giving money to the office of the DPP' (*Hansard* p156). The Attorney-General said (page 146):

> There will be funding for additional staff in the Office of the Director of Public Prosecutions to address a large increase in workload.

Since that statement the staffing levels in the DPP's office have fallen. The opposition has been advised that nine staff members have left or gone on maternity leave and only six replacement appointments have been made but, at the same time, councils have had to sack local crime prevention officers.

The Hon. M.J. ATKINSON (Attorney-General): It is a matter of record that when I became Attorney-General, in the first budget after this government came in, funding was increased in real terms to the Office of the Director of Public Prosecutions. I hope it will be further increased. There is good reason to increase funding to the Office of the Director of Public Prosecutions, and that is that in 1999 the then Labor opposition forced the Liberal government into a humiliating backdown over the question of a dedicated offence of home

invasion, because the then Liberal Attorney-General (Hon. K.T. Griffin of blessed memory) thought there was no difference whatsoever between a house break and a home invasion. Only a rally—

The Hon. W.A. MATTHEW: On a point of order, the question from my colleague was clearly about the staffing in the Office of the Director of Public Prosecutions and not about home invasion laws.

The SPEAKER: As I recall, that was the case. Will the Attorney address himself to those matters?

The Hon. M.J. ATKINSON: I am happy to, Mr Speaker, because it is a matter of record that the Office of the Director of Public Prosecutions has been under enormous pressure, principally owing to the introduction of the dedicated home invasion offence, which meant that conduct that could previously be treated as a summary offence had to be treated as an indictable offence and, therefore, had to be handled by the Office of the Director of Public Prosecutions, so there was a change in the way that office had to work. It was under enormous pressure. I gave it more money. I hope to give it even more money, and it is a matter for the Director of Public Prosecutions how his resources are deployed and how that money is spent. Promise fulfilled.

Members interjecting:

The SPEAKER: Order! The member for Mawson is out of order.

The Hon. K.O. Foley: Double or nothing.

The SPEAKER: It is probably going to be nothing, I can tell the member for Mawson.

HOSPITALS, FUNDING

Ms BREUER (Giles): My question is directed to the Minister for Health. Has the commonwealth government provided South Australia with a detailed offer for the 2003-08 health care agreement for funding public hospitals following the announcement by the Prime Minister on 23 April 2003 that states would receive up to $10 billion extra from the commonwealth?

The Hon. L. STEVENS (Minister for Health): The commonwealth government has been engaged in a media campaign now for over a week about the new five-year health funding agreement. Following the announcement on 23 April 2003 that an additional $10 billion would be available over five years, the Prime Minister wrote to the Premier outlining the commonwealth's proposal. The day after the Prime Minister's statement, the shadow minister was on the airwaves demanding the government accept the commonwealth's offer, saying that it was 'a significant increase'. Unfortunately, the devil is often in the detail. On 29 April 2003, just five days after the shadow minister waded in, the Prime Minister admitted that the $10 billion increase he had announced was actually a cut of $1 billion. A report in the national media on 29 April 2003 stated:

> John Howard confirmed yesterday that the states would receive $1 billion less in funding for public hospitals than was previously budgeted for by the commonwealth, saying the shortfall reflected the shift towards private facilities.

I have not yet received any detailed offer of or draft for a new agreement from the commonwealth Minister for Health and Ageing. I can say that the information we have received so far indicates that the commonwealth is proposing to cut funding for public hospitals. So far, the commonwealth has ignored the joint submission by states for funding to correct indexation shortfalls in the last agreement, funding to meet demographic growth, capital consumption, increased emergency department activity and compensation for aged care being provided in our public hospitals. The commonwealth has also ignored 12 months' work on reform by the commonwealth and state health ministers, supported by leading clinicians and other health experts.

Tomorrow, I and the other state and territory health ministers will be meeting with the commonwealth minister when I hope the commonwealth offer will be spelt out in detail. I caution those who have been barracking for the Prime Minister's media campaign, including the shadow minister, to wait until all the cards are on the table.

ANAESTHETIST'S FEE

The Hon. DEAN BROWN (Deputy Leader of the Opposition): How does the Minister for Health justify the Department of Human Services paying a short-term locum GP anaesthetist $120 000 for nine weeks at the Mount Gambier Hospital, that being about three times the level of payment at which previous contracts were signed with medical specialists? In her written response to me last Monday, the minister acknowledged that, except for one physician, contracts for medical specialists at Mount Gambier have not been finalised. Therefore, short-term locum services are being used. The $120 000 for nine weeks for the locum anaesthetist is equivalent to an annual payment of $640 000. Another specialist was engaged as a short-term locum to fill his own position as his contract had not been signed, and that specialist was paid a higher rate for significantly less work.

The Hon. L. STEVENS (Minister for Health): This is a very important question, and I am pleased to provide some information to the house. I will give some initial information, and I may follow up with more later. As people would know, Mr Speaker—

The SPEAKER: Order! The honourable minister has the call. There is too much audible conversation in the chamber.

The Hon. L. STEVENS: As the house may recall, the South-East regional hospital board has been negotiating with a number of medical specialists over a number of months now. I have outlined a number of initiatives and issues that have confronted the South-East regional health services, and I have outlined these matters over recent months. These included the ongoing blowing of the budget by the Mount Gambier hospital to the tune of several million dollars. It also included the fact that in the South-East region no clinical services plan was in place.

The regional board has endeavoured to remedy these matters, and this included ensuring that a sustainable health service was developed. The board, chaired by Mr Bill DeGaris, plus the members of all the other boards of units, have done their best to try to get things on a sustainable basis in that region. In return, the Department of Human Services forgave debt.

In relation to the matter that the deputy leader raised today concerning the payment of an anaesthetist at locum rates during January, I am advised that the particular anaesthetist's contract expired in December 2002—and members should bear in mind that these new contracts have been in the process of being negotiated for some months now. My advice is that the gentleman concerned agreed to continue his work in the hospital only if he was paid as a locum. This is surprising, because most people in a situation such as that would agree to continue on the same basis on which they were being paid. Unfortunately, in this case, this person

decided to virtually hold the community to ransom and refused to continue working unless he was paid as a locum. I am advised that he was paid $120 000 for three months' work and the normal salary for one of these specialists is $460 000 per annum.

It has been a very difficult situation for the board of the South-East Regional Health Service. As the former minister knows, this is not a new situation: this has been going on for a number of years. This is a situation that he was not prepared to take on and deal with. I acknowledge the support and help given by my ministerial colleague, the Hon. Rory McEwen, the boards and many people in the South-East region. Unfortunately, the shadow minister was not prepared to be constructive.

SCHOOLS, TECHNOLOGY

Mr SNELLING (Playford): My question is directed to the Minister for Education and Children's Services. Has there been progress on new initiatives to enhance the use of information communication technologies in our public schools?

The Hon. P.L. WHITE (Minister for Education and Children's Services): I thank the honourable member for his question. Indeed, he is a very strong lobbyist on behalf of the schools in his own electorate.

Mr Snelling interjecting:

The Hon. P.L. WHITE: Yes, indeed. In March this year my department completed an audit of computer hardware in our state's schools, which was the first phase of a two stage process. Stage two, which the department is working on now, is an audit of teachers' information, communication and technology skills, and use of computer technology in the classrooms.

The key finding of the hardware audit in our schools is that there are schools that have not achieved the benchmark set by the previous government of one computer to every five students, and there is a large number of schools with quite old computers. The audit showed that 40 per cent of school computers are now more than five years old and, of course, older technology is slower, more prone to breaking down and not suitable for many of the curriculum multimedia applications of modern schooling. Today, I have approved the distribution of $3.4 million for 4 768 subsidies for the purchase of new computers for our state's public schools. That money will be shared amongst all of our state public schools. The results of the hardware audit have been used to develop the criteria for the distribution of this funding based on the computer to student ratio of each school and, importantly, the age of those school computers. There is a weighting on those subsidies for the Index of Educational Disadvantage.

SCHOOL BUSES

The Hon. P.L. WHITE (Minister for Education and Children's Services): In response to a question asked yesterday of the Minister for Transport by the member for Goyder on the subject of school buses, I have just received a note from my department. My advice is that there are only two bus drivers in South Australia awaiting police checks, and these have now been expedited. Therefore, there does not appear to be an issue of the magnitude indicated by the member at this point in time.

HOSPITALS, MOUNT GAMBIER

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is again directed to the Minister for Health. How does the minister justify the reduction in surgery at the Mount Gambier Hospital by 23 per cent in the first three months of this year, and is the minister aware that a Millicent man had to travel 400 kilometres to Ballarat to have a cancer tumour removed after unacceptable delays at the Mount Gambier Hospital?

Mount Gambier Hospital records show that surgical cases using a general anaesthetic dropped from 693 in the first three months of last year to 536 in the first three months of this year (a drop of 23 per cent). General surgeons were told that they had to reduce their surgery budget by up to 25 per cent. It appears that the state government has achieved its objective by not signing new contracts. There are other stories to tell similar to that of the Millicent man.

The Hon. L. STEVENS (Minister for Health): I invite the deputy leader to give me the details of the patient to whom he refers. I ask that he give those details to me after question time, because we have had the experience before of the deputy leader choosing to play a little political game in order to reveal information. I invite him to provide me with the information about this specific patient, and I will look into it. We will not play political games; we will just get to the facts.

I would like to provide some information in relation to the general issues that the deputy leader raises. Mount Gambier and District Health Services continually overspent its allocated budget under the former minister. The cumulative deficit for the last four years amounts to $6.88 million with a 2001-02 overspend contributing $2.54 million to that total. Overspending in the area of surgery amounted to approximately $600 000 in the 2001-02 year. This level of budget overspending is unsustainable, and the government has waived the debt to give the South-East a clean slate on the basis of introducing the necessary reforms that it needs to bring into its health services.

We are committed to maintaining and improving services, and I have every confidence, as I said before, in Mr Bill de Garis, chair of the regional board, and the members of the hospital board to manage this situation. The 2002-03 budget does not represent a reduction on the previous budget; there has, in fact, been a $272 000 increase. The government is not prepared to build in budget overruns as part of the base funding for the following years. The department will continue to work with the regional board to make sure that proper levels of surgery are carried out within the budget and within proper clinical planning frameworks, which of course did not exist under the former minister.

The department will work with the regional manager to determine appropriate levels of activity and to implement a range of efficiency measures. Other health services throughout the state have had to make the hard decisions and impose discipline and contain their activity within allocated budgets. With respect to all other members sitting opposite with the deputy leader, their health services have done the right thing. We expect the same at Mount Gambier. I would like to get the house perhaps to think about what the deputy leader's role in all this has been, because I think we all know—

Members interjecting:

The SPEAKER: Order!

The Hon. L. STEVENS: —that he could not wait. He has known of the issue at this hospital and this area; it is not new.

He could not wait to get down to spoil, to wreck, to intervene and cause trouble, rather than being constructive and helping the regional board to solve a very difficult situation.

PATAWALONGA LAKE

Mr BRINDAL (Unley): Will the Minister for Environment and Conservation confirm to this house that, by forgoing the $30 000 per annum payroll tax it will be collecting from the Patawalonga Catchment Board, the problems of overspill into the Patawalonga Lake can be reduced by one-third? The report released yesterday anticipated increased flooding in the Novar Gardens area if the water height was kept at 2 metres, the designed parameter. The report recommended the temporary lowering of the height to 1.5 metres until the problem was resolved. The consequence of this lower level was to increase spillage into the lake by about one-third. By installing a sump and a pump in the Novar Gardens area (a strategy employed in other areas of Adelaide, particularly Port Adelaide), the water height in the Barcoo Outlet can be raised to the original parameter of 2 metres, reducing spillage by one-third. Consequently, the time taken between lake clean-outs would be increased by one-third. It is believed that the whole project would cost the board less than the amount that the government intends to collect from the environment through its indirect taxation on the catchment levy.

The Hon. J.D. HILL (Minister for Environment and Conservation): I always knew that the member for Unley was a man of many talents: I did not realise that engineering skills were included amongst them. I could not possibly say whether what the member for Unley has put to me by way of question is or is not possible.

Members interjecting:

The Hon. J.D. HILL: Baldrick and associates, he tells me. I will have to take that engineering advice from the member for Unley and have a look at it. But I guess the point could be made that, if the member for Unley's engineering skills were such, why did he not use those skills when he was the minister responsible for this matter? I would also ask the member for Unley why he has taken ownership of this issue—because it was the former member for Adelaide (Hon. Michael Armitage), of course, who was the great advocate for this scheme.

I would also like to correct something that the member said on radio this morning, when we were talking about the number of flood events, or the number of events, which might close down the Patawalonga. The Patawalonga is closed to the public every time the rainfall in that area is above 10 millimetres. I understand that that happens, on average, about 11 times a year. Representatives of the Bureau of Meteorology have told me that the gauging station at Adelaide Airport since 1955 indicates that on an average 11.3 times a year the rainfall has been above 10 millimetres. So, the Patawalonga is closed, I am advised, approximately 10 or 11 times a year, and each time for about three days. It is not one, two or three days a year: it is up to 35 or so days a year.

Mr Brindal interjecting:

The Hon. J.D. HILL: I am not saying that it is because of the Barcoo Outlet, but it is closed anyway because the Barcoo Outlet does not address all the stormwater issues associated with the Patawalonga. So, to sell the Barcoo Outlet as a project that would keep the Patawalonga open every day of the year (which is what the member was suggesting on radio this morning), except for one day every two years when there would be a spill, is not correct. It will be closed approximately 11 times each year.

ROSE FESTIVAL

Mr HAMILTON-SMITH (Waite): My question is directed to the Minister for Tourism. Has the promised economic benefit analysis of future funding for the Adelaide International Rose Festival been completed? If not, when will it be completed? When will the minister give a final commitment to next year's festival?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): As is the custom within Australian Major Events and the tourism portfolio, we always commission economic impact statements to try to get the best return for our events. The returns that we get are variable and may depend on the nature of the event. It is much easier to determine a yield where there is a gated product rather than a free street event. I believe the rose festival dates are in November. An investigation has been discussed within the commission and we are looking at how we might progress the rose festival in the future.

NATIONAL WINE CENTRE

Mr HAMILTON-SMITH (Waite): My question is directed to the Treasurer. What are the full details of the financial arrangement between the government and the University of Adelaide regarding the National Wine Centre? What are the unresolved issues? When will an agreement be signed? Can the Treasurer give the house an assurance that the agreement is in line with his commitment that no more public money will be spent on the site?

The SPEAKER: I leave it to the Treasurer to decide which of those questions might warrant his attention.

The Hon. K.O. FOLEY (Treasurer): I can say that the government is in the process of finalising arrangements with the University of Adelaide. As is the case with such negotiations, the university representatives are tough negotiators. We are negotiating through the services of Ferrier Hodgson, which we have retained to assist us in that process. There are a couple of sticking points, which we are working our way through. I hope to be in a position to resolve it shortly. It will probably necessitate some minor legislative change, and I look forward to the honourable member's assisting us to facilitate passage of that legislation.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: The member for Bragg asks how much more money. I am normally a critic of the member for Bragg, but this time I want to congratulate her. At least, a member opposite is concerned about money when it comes to the National Wine Centre. Her colleague the member for Waite always wants me to spend more money. I am pleased that the member for Bragg is showing some fiscal responsibility. Perhaps she is keen about the treasury portfolio—and I welcome it. I am trying to minimise money to the wine centre, as much as we can.

An honourable member interjecting:

The Hon. K.O. FOLEY: To have sorted it out a year ago, under the member for Waite's plan, would have meant giving them millions. That is not my plan or the government's plan. Nonetheless, we should negotiate as soon as we can reach agreement with this tough negotiator in the University of Adelaide.

BARCOO OUTLET

Mr BRINDAL (Unley): What action will the Minister for Environment and Conservation take now that it is probable that the professional advice given to the last government in respect of the design parameters for the construction of Barcoo Outlet was deficient? The minister asked why I did not take the engineering advice. The government commissioned and built the Barcoo Outlet based on modelling and professional advice given by outside experts. In the report tabled yesterday by the same firm that did the original designs and modelling parameters, errors have been admitted, which the minister chose yesterday in this house to describe as 'serious flaws'. In accepting the minister's statement, I believe that this house has a right to expect the government—

The SPEAKER: Order! The member for Unley knows that he cannot debate the question in the course of his explanation. Notwithstanding his belief that the house has such rights—and I reassure him it does—it is not necessary for him to tell the house what its rights are in the course of his explanation. I think I understand the question, and I am sure that other members have even greater aptitude at that than I have. Accordingly, I invite the minister to respond.

The Hon. J.D. HILL (Minister for Environment and Conservation): I indicated to the house, by way of ministerial statement at the beginning of today's session, that I have asked the head of the Department of Water, Land and Biodiversity Conservation to further investigate this issue and to advise me on whether the matter should be referred to the Auditor-General, crown law or the Prudential Management Group. The issue raised by the member for Unley is indeed a serious one. A group was commissioned to design a particular facility, and there was a report. KBR itself indicates a report was produced in 1999 by the council. They say they were not aware of that report. If they had been aware of that report then, presumably, Barcoo Outlet would have been designed in a different way. The difference in cost between what we have and what we would need in order to satisfy the former government's design criterion, which was that there would be a spill-over into the Patawalonga only once every two years, I am advised is in the order of $10 million or $15 million. I take the point the honourable member has raised. I am pursuing that matter in the appropriate way.

BIOSCIENCE

Ms CICCARELLO (Norwood): My question is directed to the Minister for Science and Information Economy. What are the latest developments in South Australia's bioscience industry?

The Hon. J.D. LOMAX-SMITH (Minister for Science and Information Economy): I know the honourable member's interest in science and innovation and, quite rightly, she raises the matter of change in the way in which biosciences are maintained within our state. Of course, science has a range of impediments in South Australia, much as in the rest of Australia, in that there is a high cost of research, difficulties in commercialisation and venture capital acquisition, problems in obtaining skilled staff and difficulties in obtaining wet areas for laboratory work.

One of the other problems in science is the high cost of the technology. The equipment changes constantly and is regularly out of date and unserviceable. To the chagrin of many laboratories, when they do acquire very expensive pieces of equipment they are often used for small percentages of time. The opportunity to use equipment in multiple ways by different people in different parts of town is obviously a smart way to go to save money. The AIB laboratory system that is being set up in South Australia is called the Adelaide Integrated Bioscience Laboratory. Its underlying premise is that, since the equipment is very expensive, it is smart if universities across Adelaide, as well as key bioscience research institutes and industries, have an opportunity to utilise equipment, maintain core expertise within one institution, allow users to use that equipment and, therefore, share the cost of both purchase and maintenance.

The lab concept is possible only because of the close knit and well networked system of bioscientists within South Australia, and the relative geographical proximity of the researchers across the city who are able to travel with their samples and materials easily to other sites. The virtual laboratory, if you like, will be set up as a database. It will be launched so that those people within the South Australian community will know where the relevant and modern equipment is housed, how it can be used, how it can be booked, and how their research can be carried out cost effectively using shared equipment.

This is a smart way to utilise limited resources, and a smart way within a small town to make sure that the scientists, universities and the research centres do not have to waste hard to get funds to buy equipment which inevitably becomes out of date. Of course, you realise that very often equipment is needed for only small parts of a research program and is under-utilised in a laboratory for the rest of the time.

The idea of having multiple users for expensive equipment is, of course, not a new one. A barrier to this concept in other jurisdictions and states is often the ill-will and lack of cooperation of the scientists. The advantage in South Australia and Adelaide, of course, is that, through the work of Bio Innovation, the networking processes and the understanding that our government does not have enough funds to resource every laboratory for every piece of equipment it might need has allowed people to work together and to work with the government to utilise their equipment all the time, 24 hours a day, if possible.

It is only by using this equipment and husbanding it wisely that we will have more money available for other important actions to be performed by both the faculties within our universities and the research sponsors, that are often industry sector and the government. Certainly, my department, working through both Bio Innovation and Playford, is delighted that the major costs of infrastructure can be spent and used wisely.

MATTERS OF PRIVILEGE

The Hon. D.C. KOTZ (Newland): I rise on a matter of privilege. I move:

That this house establish a privileges committee to investigate the circumstances relevant to answers provided by the Minister for Recreation and Sport relating to the payment of funds to the Adelaide City Council to subsidise swimming sports at the Adelaide Aquatic Centre and whether the minister has misled the house, by omission, through his failure to be open and frank in his answers to the questions put.

The SPEAKER: The committee itself cannot determine, as a privileges committee inquiring and doing the work of the house, whether the member (in this instance, the minister) has misled the house. The house itself does that on receipt of the report. However, the report may contain a recommendation of that nature. Accordingly, within that framework, and without wanting to be pedantic, I will accept the motion.

The Hon. D.C. KOTZ: As the spokesperson for the opposition for recreation and sport, I asked the Minister for Recreation and Sport during question time in the House of Assembly some six questions relating to funding and agreement provisions for the Adelaide City Council for aquatic sports. The questions and answers are recorded in *Hansard* on 18 and 19 February and 25 March.

Each of the first two questions sought to elicit an answer from the minister on when he would commit, by action, the promised funding and the attendant agreement to the Adelaide City Council. On both occasions, the answers given by the minister failed to address the specifics of the funding arrangements or of the agreement and its current status. However, the minister, on leaving the chamber after being asked these questions, was approached by a member of the media who questioned the minister on when the $210 000—

The Hon. M.J. Atkinson: Who was that?

The SPEAKER: Order! The member for Newland has the call.

The Hon. D.C. KOTZ: On leaving the chamber, the minister was approached by a member of the media.

The Hon. M.J. Atkinson: Who? Come on! The member is making a case.

The Hon. D.C. KOTZ: That is available to anyone who wants that answer at a later date, but it is not hidden.

Members interjecting:

The Hon. D.C. KOTZ: I am quite happy.

The SPEAKER: The honourable member might choose to make some remarks of his own when and if he gets the call. The member for Newland has the call.

The Hon. K.O. FOLEY: I rise on a point of order, Mr Speaker. The allegation of members opposite is that a minister has omitted information to this house. The person laying that charge has just openly admitted that she knows the name of the person, and we can all find out about it later, but she will not tell us the name of that journalist now. You have to be consistent.

The SPEAKER: There is no point of order. The member for Newland.

The Hon. D.C. KOTZ: Good try! The minister, on leaving the chamber, was approached by a member of the media who questioned the minister on when the $210 000 funding would be provided to the Adelaide City Council. The minister allegedly replied that the $210 000 payment to the Adelaide City Council had been initiated and was being processed. This information was provided to me when I spoke to the media member after question time. That information was the basis of my fourth question asked the next day on 19 February. *Hansard* records show that the minister used extremely derisive language when answering the question and later had to return to the house and apologise to me for incorrect comments.

Once again, on each of these occasions, the minister had avoided providing factual information to the house on the matters raised in my question, although the minister was now known to have provided the information sought by the house to a member of the media outside of the house the previous day.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order! The Attorney-General will simply shut up.

The Hon. D.C. KOTZ: Therefore, I put to the house that the minister possessed knowledge of factual information which he withheld from the house and which I believe constitutes contempt of the parliament. The minister deliberately withheld information from the house, and this act of omission constitutes a breach of privilege by misleading the house.

In first considering the information that I have now put to the house, I found myself in a personal dilemma which directly related to a ruling by the Speaker immediately after the report of the previous privileges committee that was tabled in this house. The Speaker had made it clear to the house that any member who may have knowledge of a breach of privilege should bring that matter before the house expeditiously. To fail to do so could place that member in a similar circumstance, primarily to also be accused of a breach of privilege.

This was the reason why I then documented my concerns and provided the information to the Speaker to seek his advice and opinion on this matter. I believe that a privileges committee is the only proper and appropriate means that will enable the minister to clear the situation which has been identified and which I still hold as a contempt of parliament and certainly a possible breach of privilege. I therefore ask the support of this house that a privileges committee be established to investigate all the circumstances that have been alleged.

The Hon. P.F. CONLON (Minister for Government Enterprises): As I think anyone who has heard the attempt at a case made out might expect, the government does not support establishing a privileges committee, and for two reasons. First, it is on the grounds not that the minister misled but that the minister had information and failed to provide it. In my view, that is a test that has never been taken to a privileges committee of this parliament before. But even more importantly, secondly, the case is that not only is it hearsay but hearsay from an anonymous source. If we are to establish a privileges committee of this parliament every time the opposition provides hearsay from an anonymous source that a minister has omitted, it is obviously open for them to have a privileges committee of the parliament on a weekly basis, if they wish.

The difficulty I have is that in the history of this parliament there have been two privileges committees, and I simply refer to the practice of this house in the last parliament, when we were in opposition, relating to the matters on which privileges committees were refused. From memory, in the case of the former member for Bragg, his defence for having misled was that he had not read the annual report of one of the agencies for which he was responsible; and on numerous occasions the former premier's answers on Motorola questions were plainly seen to have been incorrect. Privileges committees were refused until, ultimately, two separate inquiries took care of the truthfulness of that matter.

How far divergent from that example it is to accede to the member for Newland's request to establish a privileges committee on the basis of omission, the basis for establishing that omission being anonymous hearsay. That is not a case: that is wishful thinking. I do not have much more to say

except that, were this to be sufficient ground on which to establish a privileges committee, it would so cheapen the currency of privileges committees as to make them laughable.

The Hon. DEAN BROWN (Deputy Leader of the Opposition): First, Mr Speaker, you have made a judgment on the facts that were presented to you and you have had time to consider those facts, much more time than any member of this house has had, with the exception of the member for Newland. In looking at those facts, you have made a recommendation that a precedence should be established today in referring this matter to a privileges committee.

The Hon. K.O. Foley: He said it was up to the house.

The Hon. DEAN BROWN: He said he would immediately give precedence to the house to refer the matter to a privileges committee. That is exactly what the member for Newland is doing: referring this matter to a privileges committee. You pointed out that it is inappropriate for this house to sit here, with the little information we currently have, to try to make a judgment, and that the only way you can ascertain the facts is to establish a privileges committee. That is exactly what this motion does: it establishes a privileges committee to ascertain the facts and then report back to the parliament for the parliament to make its final judgment.

It is interesting to contrast what the Minister for Government Enterprises says today compared to what he said on 31 March this year. On that occasion he acknowledged the fact that we needed to establish a privileges committee to ascertain the facts and to report back to this parliament. This afternoon he has argued just the opposite. So, you can see that his argument is down to the straw man that blows in the wind, depending on the circumstances. When it suited him on 31 March to have a privileges committee, he said it should be done. Now it is another issue, and I will not go into the debate as to whether or not that committee did its job, but the issue is that this government made a great deal of it and the minister made great play of it in his speech on 31 March when he spoke about the honesty, openness and accountability of the government.

Today, when faced with the same situation, he has taken exactly the opposite line. Therefore, if this house is to be consistent, this house needs to be able to examine the facts, and the only effective way of doing that is through a privileges committee. Obviously, that committee would look at who the journalist is, what information was passed on, etc., but the case is there for a privileges committee, and I and the other members of the opposition support very strongly this motion moved by the member for Newland.

The Hon. M.J. ATKINSON (Attorney-General): What is the allegation here? It seems to me that the allegation is that the Minister for Recreation, Sport and Racing provided an answer to the house in question time in response to the member for Newland. It then turned out that there was more information regarding the question, and that the minister or someone acting on behalf of the minister (although I take it the member for Newland says it is actually the minister), provided this supplementary information to a member of the media. You might say, 'What's wrong with that?'

I understand that you, Mr Speaker, think that it is a discourtesy to the house for a minister to provide information to the media without coming back to the house first and telling the house that information. I understand your point of view that that is a discourtesy. The minister does not accept that those are the facts, but if those were the facts, that is the height of the allegation: that the minister has acted with discourtesy towards the house. I assert that nowhere in the world where there is a British-style parliamentary system has that ever been held to be a breach of privilege. It may be regarded as a discourtesy, but it is not a breach of privilege.

Let us assume for a moment that the allegation is true. What harm has been done? The question was asked on 18 February. The information is alleged to have been provided by the Minister Recreation, Sport and Racing to the media that same day after question time, and the information in question is that the government had paid $210 000 to the Adelaide Aquatic Centre. Having discovered that the $210 000 had been paid by the government, was the member for Newland outraged that this information had not been shared with the parliament? In fact, the member for Newland issued a media release on 19 February, the next day, and, far from being outraged that the information was not shared with the parliament, the member for Newland gloated in the news release as follows:

> Mrs Kotz said the success in securing the funds is great news for the many South Australians who participate in swimming.

So, the member for Newland is delighted at the news that she has gained from the media. I add that there was no story published, screened or broadcast about this matter: there was a little item in Samela Harris's column about the argy-bargy in the house, but nothing on the substance. The press release, quoting the member for Newland, continues:

> I question why the minister refused to meet face to face with the Coalition of Swimming Sports for over seven months and it took a drilling in parliament for him to meet his commitments.

So, no-one has been misled. All the relevant information is in the public domain. But I accept your point, sir, that if the member for Newland's allegation is correct—and I hasten to add that the minister denies the allegation—the worst thing he has done has been discourteous to parliament by giving information to the media instead of to parliament. Why will the member for Newland not name the journalist concerned? Because the journalist was a staff member of hers!

Mr BRINDAL (Unley): The Attorney, as he often does in this house, makes a rather cute argument. He is very good with words but he often—

Members interjecting:

The SPEAKER: Order!

Mr BRINDAL: —misrepresents, in my opinion, what should be the position taken by this house. The deputy leader put it quite eloquently, and you, Sir, ruled on this matter—and I am seeking to get your comments—following the last select committee. It is a fact that this place is a court and demands the highest standards. In any court in the land, an oath is taken to tell the truth, the whole truth and nothing but the truth. Mr Speaker, you have previously ruled that you can be guilty of a contempt of this house—a breach of privilege—by having information and choosing not to share it with the house.

If what is alleged by the member for Newland is correct, if the minister knew that which he was asked, refused to answer and then, if the minister was asked a question in this house, refused to share that information with the house and went outside and shared that information with a journalist, he is clearly worthy of examination in terms of a contempt of this parliament and a breach of privilege. I do not care where

you sit on this house—whether you are temporarily on this side or that side—the privileges—

The Hon. J.D. Lomax-Smith interjecting:

Mr BRINDAL: I assure the member for Adelaide that in time all things change. Mr Speaker, you know as well as any of us that it does not matter where you sit in this chamber, the chamber will endure, and what needs to be guarded is the privilege of this place. If we have people coming in saying, 'Well, I knew but I chose not to tell you, but that is not a crime,' we diminish parliament's right to full and accurate information to act on. If you want to do that, that is fine. If you want us to be rubber stamps for the executive government, to let it get away with whatever it likes in whatever other circumstances, vote this down. But I, for one, have a memory of other privileges committees and of what other people have said on occasion. I remember a deputy premier who lost his job because he said something which the house later judged not to be correct. That had no material interest to this house either. The member for Newland is quite right. I support the deputy leader. If this house is to do its job properly, it will vote to establish a privileges committee. If it does not, then the government's numbers have prevailed, but let them not talk about open and accountable government.

The Hon. R.B. SUCH (Fisher): I would like to make a brief contribution, having the luxury of not belonging to either of the major parties. I can see this type of issue occurring on a regular or frequent basis if, as an adult parliament, we do not deal with these things under standing order 141. This is the place, in vigorous debate and through question time, to explore something a minister did or did not do. We cannot have a privileges committee every few weeks or every few days to examine something that someone raises in this place. In this case, I have had a look at the material from the member for Newland—her media release and all the documentation that has been supplied—and I have also looked at the material from the government side.

A couple of things are relevant here, and the member for Unley touched on the first one, relating to the former member for Bragg. In that case, someone came forward and signed a stat dec or an affidavit which was used in evidence against that member. In this case, we have an anonymous person to whom the minister allegedly spoke. From my investigation I understand that a press officer from the government may have spoken to a media person, but not the minister. I guess press officers can say various things. Whether or not they are authorised to say them is a matter for debate.

An honourable member interjecting:

The Hon. R.B. SUCH: No, it's not proof. The issue is that anyone who knows anything about the workings of government knows that media officers talk a lot to the media, and so do members of parliament, and they do backgrounding and all sorts of things. It is part and parcel of political life. What is very dangerous in this situation in terms of the media—and I believe I know who the media person is—is that I believe it will seriously damage that media person's career. I am not sure whether that person is aware of the consequences—and I am not going to name that person—but some people would say that that is part of the price. But the name of that person will come out if there is a privileges committee. It may came out, anyway.

Members interjecting:

The Hon. R.B. SUCH: The name of the journalist is known.

Members interjecting:

The Hon. R.B. SUCH: In the papers lodged with the Speaker there is no mention of the name of the person. As I said, I contrast it with the case involving the former member for Bragg, where Rob Hodge came forward with a stat dec, and that was known. On that basis, the former member for Bragg was found to have misled the parliament. Members would be well aware that media personnel are reluctant to divulge sources or to be in any way questioned. It is my understanding that they would prefer to go to gaol. I am not sure how a privileges committee could proceed without that journalist damaging their own career, or, alternatively, that journalist may refuse to cooperate, which I suspect would be the likely course of action.

On the basis of what has been put, I do not believe that there is a case for a privileges committee. With due respect, my view is that the parliament has a right and a duty to find the truth, but we should not become a branch of the CIB. We should not engage in witch-hunts or operate on the basis of anonymous and unidentified allegations.

I conclude by saying that I have looked at all the material, and I do not believe there is any substance in it to justify a privileges committee. I note that the member for Newland had opportunity subsequent to 18 February and could have followed up with more specific questioning. She did in relation to some aspects of aquatic funding. But she did have the opportunity to pursue this matter with vigour on any sitting day subsequent to 18 February. I do not believe a case exists, and I think we should avoid what seems to be the frequent occurrence now of canvassing the possibility of privileges committees. We should be dealing with these matters in an adult way, in the normal processes of parliament.

Mr HANNA (Mitchell): Mr Speaker, I have read the member for Newland's letter to you. I have also read through the *Hansard* to which she has referred, and I listened carefully to her remarks when she moved today to set up a privileges committee. Essentially, the allegation is that the minister knew something and did not say what he knew when he was asked a question about funding for the Aquatic Centre. I suggest that it is not sufficient, on a mere allegation of another member and without the slightest bit of corroborative evidence, to base a privileges committee on the suggestion that a minister misled by omission. In other words, if the member for Newland seeks to show that the minister misled the house—and that is what she would need to do to warrant the setting up of a privileges committee—there would need to be some evidence, apart from the say of one member, for that case to be established. I say that with due regard for the honour of the member who brings the matter forward, but I think it would need more than the say-so of one member.

Even if there was that sort of evidence, however, there is a problem for the member for Newland in bringing this motion because, on the face of the *Hansard*, there is no contradiction, as I read it. There is no suggestion that the minister said he did not know what the answer was when in fact there is evidence to establish that he did know what the answer was; and there is no suggestion that he said money had not been paid when it had been paid, or the converse.

So, on the face of it, there is no contradiction and there is no misleading of parliament. What the member for Newland might well accuse the minister of is not answering the question but, to draw a parallel with the old terminology for criminal offences, that might be said to be a misdemeanour but it is far from being a felony. The remedy for that offend-

ing behaviour, if that is what it was, is a political remedy—taking the matter to the media, and highlighting the matter in this place—but a privileges committee is not the remedy for that level of offence, if offence is taken.

There is one other aspect, and that is in relation to what the minister said about the matter on 25 March in an answer on the same topic. But there were more qualifications in his answer than Albert Einstein would have given and there was more hedging than in the foreign currency market with phrases such as 'as I best recall it' and 'to the best of my knowledge', etc. There is actually nothing offensive in that, and one can only accept it as a sincere attempt to answer the question.

I say, then, that the case for setting up a privileges committee is not established and that there are consequences which would follow in practical terms if ministers were to be held up and placed before a privileges committee every time they failed to answer a question. We all know that it happens every day of the week, and we need to deal with that through political discourse, not through setting up privileges committees.

Finally, I simply note that the member for Finniss, despite his 30-odd years in parliament, seems to have completely failed to register the degree of significance to be accorded to a Speaker's ruling that a matter be given precedence. It is in no way a judgment upon the facts that are alleged: it is simply giving a member the opportunity to bring a serious question before the parliament.

The Hon. D.C. KOTZ (Newland): It is always interesting to hear the contributions from members of this chamber when dealing with a matter of privilege. I guess that there are many of us—

The Hon. P.F. Conlon interjecting:

The Hon. D.C. KOTZ: I do not need the Minister for Energy's contradiction: just listen for a second. There are many different opinions about how we as parliamentarians deal with the matter of public perception of our behaviour in this place and when a minister of the Crown takes a deliberate step to withhold information from the people of this state. It is not Dorothy Kotz who is standing here making this allegation in that sense and it is not Dorothy Kotz who is asking the minister for sport a particular question for no reason—it is the member for Newland, as the opposition spokesperson for recreation and sport who, on this occasion asked these questions of this minister on behalf of 33 000 people in this state. This minister chose to withhold information from this parliament for no good reason. The minister could have settled the whole debate, and I would have had no further questions to ask of him if he had stood in his place and said, 'Yes, I have actually paid this.' It made a difference to 30 000-odd people out there who would not have been able to continue the swimming sports that they had enjoyed for many a year in this state.

More important is the behaviour of ministers in this place. More and more, there are ministers who are prepared to give opinions rather than facts when dealing with answers to questions. There is an integrity-based necessity for behaviour in this chamber to be given an uplift and to uphold certain standards. The proof in this instance is when a minister is not prepared to give relevant, factual information to a member of parliament who is duly elected to ask those questions and seek that information in the public interest.

The minister refused to give that information to this institute of public redress; he walked outside this chamber and, when questioned by a member of the media, gave a different answer—in fact, the answer we were all waiting to hear—but in the next 24 hours never came back to give this chamber the advice that he had withheld.

An honourable member interjecting:

The Hon. D.C. KOTZ: No, until the minister himself discloses that information, I do not know whether or not that is correct.

The SPEAKER: Order! There is too much audible conversation!

The Hon. D.C. KOTZ: The Attorney-General would remind us that comments that are heard from someone else—as happened to me—are purely hearsay. So, until the minister himself comes into this chamber and advises this august house and the public of South Australia, with it being recorded in the *Hansard* of the state, that knowledge is not absolute, because the minister on no occasion in the next 48 hours gave that information to this house, even though he had to come and apologise for incorrect statements that he had made against me at that time.

I guess, as the Minister for Energy keeps telling me across the chamber, obviously he can count and the government has no intention of supporting this motion, but it is a real disgrace to the state when the government itself, which should be setting standards, enables ministers of the Crown to hide behind the role of minister in regard to their responsibilities. There are times when even I agree that a code of conduct should be brought into the parliament, and I suggest that the actions of this particular minister would not have sat well with the code of practice that the Premier has talked about in the past.

I call on this house to look at this motion once again because I believe, regardless of the opinions presented by some of those who profess to have legal standing, that this minister has indeed, by omission, misled this house.

The house divided on the motion:

AYES (20)

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

NOES (24)

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.	Lomax-Smith, J. D.
McEwen, R. J.	O'Brien, M. F.
Rankine, J. M.	Rann, M. D.
Rau, J. R.	Snelling, J. J.
Stevens, L.	Such, R. B.
Thompson, M. G.	Weatherill, J. N.
White, P. L.	Wright, M. J.

PAIR(S)

McFetridge, D.	Koutsantonis, T.

Majority of 4 for the noes.

Motion thus negatived.

The SPEAKER: the remarks I make now do not reflect on the decision that the house has just made, but I believe it important whilst it is fresh in the minds of all members to remind them that privileges committees are for the purpose of doing what the house itself cannot do: that is, establish what the facts are in relation to any matter. In simple terms: what happened, when did it happen, who did it, and what material evidence is there relevant to the event to which the attention of the house has been drawn and which it in turn authorises (through the establishment of a privileges committee) that committee to investigate and, on its behalf, report back to it.

The second matter I wish to point out to the house will enable honourable members in future to understand that omitting to provide to the house in response to a legitimate inquiry made of the minister or member the information being sought is, of itself, a commission of an offence. I direct the attention of members to the remarks made by Cramond in his report on matters relating to the Motorola affair (in simple terms). I think they are to be found on page 42 where the answer given by the then premier (Cramond observed), whilst itself not being unfactual, failed to provide the information sought. Cramond's observation of that was that it denied the opposition the opportunity to continue to pursue its inquiries. That was found to be a significant misdemeanour of the premier at that time: I found it so, Cramond found it so, and so did other commentators who later reviewed that information and those remarks.

I could go on, but let this be a salutary lesson to all members (particularly ministers). It is not only ministers who are asked questions: members can be asked questions also, but when a question is asked it ought not to be debated in the asking and, more particularly, when it is answered it ought not to be debated in the answering, and the information that is sought, if it is available, should be provided so that the house itself can debate that matter either in a grievance debate or in the course of contemplation of legislation. It is not proper to score points off each other (when we are here with delegated authority not as individual human beings with our own names and in our own right) by denying each other information which we should properly provide to all honourable members so that our constituents, too, can have the same understanding of the matters under contemplation by us at any time.

GRIEVANCE DEBATE

KENO TICKETS

The Hon. G.M. GUNN (Stuart): I am pleased to have the opportunity to raise a couple of issues which are affecting my constituents and others. The first is the suggestion that has been put forward through government agencies that newsagents in South Australia should not be able to sell Keno tickets in the future. That appears to me to be a somewhat heavy-handed, unnecessary and most unwise suggestion which has greatly upset newsagents in my electorate and I understand elsewhere, because there appears to be no logical reason for this decision. In my time as a member of parliament, I have not received any complaints about the sale of Keno tickets. I have never bought one myself, so I am not familiar—

Ms Breuer: You're not a gambling man?

The Hon. G.M. GUNN: I gamble against the weather. This concern which has been expressed to me—and I have no doubt to other members—needs to be addressed by the government so that it can put an end to this controversy immediately. I draw to the attention of the minister in charge of this area of government the concerns and frustration of these people. The very salient point which they made to me was that many people come into their newsagencies to buy Keno tickets because they do not wish to go into licensed premises such as hotels.

I am not saying that there is anything wrong with them, but they are not people who traditionally go into hotels, and this is their one opportunity to have a slight flutter. This parliament has given those in the hotel industry who wish to participate a very lucrative form of income from poker machines. It was not something with which I concurred. However, the parliament has agreed, it is the law, and they are quite within their rights to continue to operate them. I do not know who is behind this suggestion that newsagents should be deprived of this part of their income.

Keno tickets have traditionally been sold from newsagents' premises for a long time. When many people purchased their premises, that was part of the business. It will certainly affect their turnover and the number of people who come to their agencies. I call on the minister to end the speculation, to stop the nonsense and to assure newsagents that the government has no intention of stopping them from selling Keno tickets.

The second matter that I want to draw to the attention of the house today is that, with respect to the government's drought assistance program, one of the requirements to obtain the $10 000 is that, before the applicants can receive this money, they must make themselves available to participate in a three-day course. I do not know the purpose of this requirement. Many of the people have been involved in agriculture and the pastoral industry all their lives. They do not have the time to do this course. One could do a 20-day course, but that will not make it rain. Their difficulty is that the good Lord has not shone his benign influence over the land. One can do as many courses as one likes, but it will not make it rain and it will not fix the prices.

I have made a submission to the Minister for Primary Industries on this subject, following representations from my constituents, who are expressing concern, amazement and bewilderment that anyone would put up this suggestion, because it does not appear to have much sense or logic about it. It may suit the bureaucracy and others (I do not know why) but, as I said earlier, people do not have three days to sit down at a particular location, and they do not want to pay overnight accommodation. As one farmer put to me yesterday, because of the drought conditions, they really cannot be away, because they have to be out there trying to maintain and look after their stock. If they are genuine in wanting to help these people, they should not put a lot of unnecessary barriers, obstacles, bureaucracy and red tape in front of people. Let us show a little commonsense and compassion and help these people, so they can then go ahead in the future and make a contribution towards the economy and the people of this state.

Time expired.

SCHOOLBAGS

Mr CAICA (Colton): Recently in a grievance debate I talked about some of the costs that could be saved by the federal government with respect to health expenses if there were subsidies and a proper education program to make people aware of the dangers of being in the sun and contracting skin cancer. Today I want to talk about what I believe is a very serious issue that, again, will have a serious health impact on our future population unless it is addressed.

Members of this house are aware that I have two boys, James and Simon, aged 15 and 12 respectively. James is at high school and Simon is at primary school. What has always fascinated me since James has been at high school is the fact that, when he comes home from school, he carries in his bag on his back books weighing up to 15 kilograms.

Whilst James is special to me (as both my boys are), they are not really unique, and he is no different from any of the other students who attend high school. My research has shown that they are carrying home an enormous weight on their back with their backpacks and the books they bring home. Interestingly, if I take James as an example, he will not use too many of those books! But my argument is that, over the long term, he is doing serious damage to his back, as are the tens of thousands of schoolchildren who adopt the same approach to bringing home their schoolbooks.

I am not quite sure why they do this. When I was at school, it was okay to use your school locker, and there were no problems with it. Today I am told that it is not cool to use it, or that things are stolen from the school locker. Those things can be remedied. When I was at school, I brought home the bare essentials, the minimum amount that I could do to make sure that I learnt, and was able to do my homework. But this involves serious manual handling issues and I believe that, unless they are addressed, the future population—our schoolchildren of today—will have serious back problems. Indeed, the bags (the brand name bags that they often buy because they like to have bags that have names on the back) are not suited for the weight that they are carrying; the positioning on the back is less than useful. So, there is a problem. Well, what can be done, or what is being done?

I am pleased to report to the house that, in October last year, the minister announced new guidelines to avoid overloading with respect to schoolbags worn on the back and slouching at computers, and unveiled a new set of guidelines that will be in the long-term best health interests of students. A pamphlet entitled 'Spinal health for South Australian studies' was issued to all schools. So, things are being done, but other things need to be done at schools in conjunction with the department.

This morning, I spoke with a principal from one of the very good schools in my area. I have in my district three excellent high schools—Findon High School, Henley High School and St Michael's High School—and there is a problem at each of those schools. Indeed, there is no difference between the public sector and the private sector with respect to children coming home with excess weight, in the form of schoolbooks, in their bags.

So, what can be done? A host of strands are being adopted at schools to bring this together. Flinders University is undertaking a survey and using physiotherapists and other medical practitioners to talk to students and assess the data and the associated long-term problems. That can be a good thing, and it will then allow the schools and the department to further address this problem as it continues. The various health and physical sports components of the school curriculums are educating the children about the problems associated with excess weight on their back through the carrying of schoolbooks to and from school.

The other thing that can be achieved over a period of time, of course, is ICT (information communication technology). When we were at school, we had no choice but to bring home books. Today, a lot of the information is provided on CD-ROMS and through the internet. I was very pleased today to hear the minister's answer to a question with respect to additional computers being installed at schools, because a lot of the work can be done at school. Schools are also open longer. For example, the computer learning centre at Henley High School is open until 6 p.m. So, whilst people might argue that some children will be disadvantaged if we move to CD-ROM programs, there is the ability to access those resources at many schools within South Australia.

Something needs to be done, and I commend the work being undertaken by Henley High School. It has not yet addressed the problem. It is a matter of education and of children realising that they are doing damage to themselves. Banning this practice will not help. For the future welfare, health and wellbeing of our children, we must make sure that we put in place processes that they understand will need to be adopted for their long-term health and welfare. We need to create an environment through education while changing the requirements with respect to ICT so that this problem can be addressed.

BARCOO OUTLET

Dr McFETRIDGE (Morphett): There would not be too many people in this place who are not familiar with the name Mohammad Said al-Sahhaf, the minister for misinformation—Comical Ali—from Iraq. I feel as though we have a number of ministers for misinformation on the other side! In this respect, I am talking about the Barcoo Outlet. I am sick to death of coming into this place and hearing fragments of information being put up as if they were the whole truth. This is not an open and honest government.

We are getting fragments of very managed information being put out to the media—the beat-ups, about being tough on law and order. We only have to hear what the Labor lawyers are saying about the Attorney-General at the moment. What is really going on in South Australia is just media management and misinformation—as I said this morning, weapons of mass distraction.

If one was to believe the Barcoo Outlet report which the minister read yesterday and which he then had to correct today, one would think that the Barcoo Outlet was an absolute failure. I have in front of me print-outs from the web pages of the Department for Environment and Heritage.

Time after time they give reports of the pollution levels in the Patawalonga Lake and the beach area around Barcoo Outlet at West Beach. Sure, the Patawalonga gets closed for a couple of days after rain. It is better than being closed for 17 years, as it was when no-one could use it. Continuing on from the summer we have had this long wonderful autumn, particularly down at the Bay. On Sunday morning I was at the Broadway and people, some of them with dogs, were having a cup of coffee and al fresco dining, while a seal and dolphin were frolicking off the beach. That is how good the water is there.

If we get a heavy rain, drain 18 empties into the lake, and so do some other stormwater run-offs. The lake gets some

levels of pollution. I refer here to the Eureka Engineering and Science Award winning design of the Barcoo Outlet, and the seawater recirculation system, which was not something that was built for the Holdfast Shores project but which was first put up back in 1954, although I stand corrected there. In 1954 they first talked about seawater recirculation. It is nothing to do with the Holdfast Shores outlet. It was to correct the most polluted waterway in Australia—and it has done that. I walked around the Patawalonga Lake, over weir two at the Barcoo Outlet this morning. The water is as clear as it would be after several flushes, yet we had rain yesterday. According to the reports from the Department for Environment and Heritage, the lake is shut for two or three days maximum, not 17 years. Big deal if it was shut for a month of the year because of flooding. That is better than being shut for 17 years.

In the past few months, we have had the National Wakeboarding Championships, two water skiing championships and rowing, and we had the milk carton regatta last year. The Patawalonga Lake is the best thing that has happened to South Australia. It is a pristine picnic area for families. The Holdfast trainers from the Adelaide Sailing Club were down there for the first time in 30 years. There were 40 of them sailing on the lake because the water is safe and clean and it is a readily accessible area for families. Surely that is what the government should be about, namely, looking after the people of South Australia and their families.

The Barcoo Outlet project is doing it. It has not failed. Information that was not available with the initial design has come out later. Perhaps they can improve the design, but the actual seawater recirculation system and the bypass stormwater system from the Sturt catchment is working well. For anyone to say that it is not a huge improvement is going along the lines of Mohammad Said al-Sahhaf. They are the ministers for misinformation. It is not true. The spin doctor of the Iraqi regime needs to stay in Iraq. He should not have a representative, model or spokesperson here who tries to mislead the people of South Australia. All I ask for is open and honest government.

ELECTRICITY PRICES

Ms BREUER (Giles): Today, I presented a petition to this parliament containing almost 3 200 signatures, which is certainly no mean number and one of the largest petitions we have had for some time. The petition requests 'the members of the House of Assembly in parliament to be made aware of the outrage and disgust at the action of the state government to impose the full cost of the recently increased power charges. . . to the pensioners of this state'. The petition further seeks:

> That the House of Assembly agrees that the decision to pass on all the extra financial costs of the increased power charges to our pensioners as from 1 January 2003 was wrong, and therefore should be rescinded, and not be introduced in the state's 2003-04 financial year's budget or any future budget. . . Your pensioners therefore request that your honourable house will abolish the recently excessive electrical and gas charges on our pensioners and in any future financial budget.

These are honourable sentiments and wishes but, unfortunately, it does not lay the blame at the true culprits—members opposite—who allowed the sale of ETSA after promising the people of South Australia—the pensioners in my electorate who are suffering as a result of the miserable decision—that they would not sell and then making the disastrous decision, which has hyped up power prices to the levels where 3 127 people will sign a petition asking for help for pensioners. I want to quote from a couple of articles in my local paper in recent times. One article states:

> Cost of life support rises. . . Lynne's husband Peter has a form of complicated diabetes that requires him to be on oxygen 24 hours a day and seven days a week, and he must be cool in summer. The family's electricity bill for this summer quarter was a massive $500, but Lynne is expecting this to increase by more than $100 which will only make her already tough situation harder.

Another article states:

> Electricity bill jumps $200 for the quarter. . . Sue's husband Charlie is also unwell and now has to go on oxygen each night, further exacerbating the household electricity costs.

Another article states:

> Rise worries elderly. . . 'A lot of elderly people are living by themselves and can't afford to put it [electricity] on,' Mr Wells said. 'Then they may get sick from the heat or even die. It's elderly abuse.'

A letter I received recently from one of the people who helped organise this petition states:

> How any politician can hold their head up and look this older generation in the eye is beyond me.

I am not happy with bearing the brunt of this petition because of decisions made by the previous, scheming state government. I am very angry about this. I am also concerned about many pensioners, who will suffer as a result of the new electricity prices. As a single mother who raised two children on a limited income, I know what it is like to worry about whether you have enough money to pay the electricity bill. I wonder how many well-heeled members of the opposition have ever been faced with that problem. How many can identify with that? Is that why members opposite sold out the pensioners in this state?

I commend my government and my minister for trying to put some public interest back into this industry. I commend the minister who amended the Electricity Act to ensure that electricity retailers have to justify any price rise; who legislated for penalties for companies that breach their licence conditions; who negotiated agreement with other states to support harsher penalties for generators' spiking prices in electricity; who is in constant negotiation with the big companies in the business of selling electricity to South Australia; and who is constantly trying to impress on them the need to consider the difficulties that will be experienced by consumers such as pensioners who are on fixed incomes and have the least flexibility when it comes to consuming electricity.

I regret the lack of control that the present government has in this privatised electricity market. I can assure my petitioners that we will be continuing to pull every lever to ensure the best outcome for all South Australians. Increases in concessions for pensioners are being considered, I know, but this Labor state government inherited a very difficult budget position from the previous government. We also inherited a bad decision by the previous government to privatise our electricity system and raise these prices. I assure my constituents that I will do everything I can to impress this on our members of government, and I agreed to present this petition on behalf of pensioners in my electorate.

ICE

Mr GOLDSWORTHY (Kavel): It is my pleasure to advise the house of what I regard as an important initiative

that is being undertaken in my electorate in the Adelaide Hills. Several weeks ago I attended a forum at Mount Barker in the Auchendarroch Convention Complex. Auchendarroch is a historic house that had fallen into—

Ms Ciccarello interjecting:

Mr GOLDSWORTHY: That is right, he did. It had fallen into a state of disrepair and Mr Bob Wallis of Wallis Cinema fame and his family bought it. They restored the home to its former glory and built a very impressive cinema complex, bistro and other entertainment areas at the centre. The forum was entitled, 'ICE in the Adelaide Hills'. Members might think that is quite an accurate description. We are coming into winter and into the colder months and there is certainly ice in the Adelaide Hills at times. In this instance, however, ICE is an acronym for interagency community education.

I will give the house a description of what this was about. It is about addressing the needs of young people at risk through this interagency community education program. It is a collaborative, community, capacity building initiative involving over 12 key youth stakeholders. It is a contextual and holistic educational approach and a socially inclusive learning environment. I am talking about the Adelaide Hills Vocational College, which is an educational alternative based at the Mount Barker TAFE. I note that the Minister for Education and Children's Services is here in the chamber with us. The minister made comments about the AHVC several weeks ago; I cannot recall whether it was answering a question or a ministerial statement. I appreciated the minister coming into the house and making mention of that matter. The minister and I have had our differences on a couple of occasions and, no doubt, that will continue over our time in the parliament. However, I commend the minister for raising that matter in this place several weeks ago.

The Adelaide Hills Vocational College and the ICE program offer another opportunity for young people to access secondary education in a TAFE adult learning environment, and that is very important. It redresses disconnection from schooling through the use of inter-agency support; it represents a paradigm shift in terms of educational delivery for youth; it involves and empowers young people in community development through YAC; it challenges SSABSA curriculum structure; increases regional understanding of youth issues across government departments and community organisations; and it attempts to pool resourcing for at-risk youth across government departments.

Today, I would like to share some of the successes enjoyed by the program to date. When I look at some of the attendance figures of these at-risk youth who are undertaking this alternate education program, I see that to date there has been an 85 per cent attendance rate with a 5 per cent unexplained absences rate and a 10 per cent explained absences rate. They are fairly good statistics.

In the limited time I have, I want to list some of the key stakeholders involved in the program: the Onkaparinga TAFE at the Mount Barker campus, obviously; Mount Barker High School; the District Council of Mount Barker; JPET; Mount Barker Community Police; Adelaide Hills Community Health Services; Shine; the Social Inclusion Unit; the Child and Adolescent Mental Health Service; Centrelink; and the University of South Australia. I also regard both me and the member for Heysen as stakeholders in this program.

I commend the program to the house, and I urge the government and the minister to provide a satisfactory level of funding to enable this vital work for youth to continue their education. I congratulate all the stakeholders involved.

NORTH ADELAIDE FOOTBALL CLUB

Mr RAU (Enfield): Today, I want to address a few remarks about a matter that is of concern to many constituents of mine. In so doing, I guess I am following in the footsteps of the members of Kavel and Morphett who have addressed matters of relevance to their area. I want to address today the North Adelaide Football Club, which is a matter of concern not only to constituents of mine but also, I can indicate to the house, is of great concern to my colleague, the member for Adelaide.

The situation is that some years ago a decision was made to introduce poker machines into South Australia. I have to tell the house that I think it is one of the most stupid decisions this parliament has ever made. If I had been a member of this parliament at the time that the evil of poker machines was introduced and let loose on this community, it certainly would not have received my support. Quite frankly, I hope that, during the time I am here, I will have the privilege of voting on a bill that will eliminate this evil from our community. So, I want to make my position very clear about poker machines: I despise them. Having said that, they are, unfortunately, a fact of life. People do have licences, which have been granted under legislation created by this parliament, and one of the licensees of these machines is the North Adelaide Football Club.

That club has sought to move the site of its licence from its clubrooms, which is in a relatively obscure position—other than for the cognoscente part of the world—to a main road. In so doing, the club hopes that it will be able to generate sufficient revenue through those machines that are already licensed to be able to support the football club.

I find myself in a very difficult situation because, although I despise poker machines, I am a realist; I know they are there. I also know that, if the North Adelaide Football Club does not receive the revenue—which is used for sport, community activities and the dissemination of healthy lifestyles amongst community people—from those machines, that that money will simply disappear into the coffers of a nearby hotel or somewhere else to no great benefit to the community. So, I rationalise what I am about to say in that way. It is the lesser of the evils that are available to me at the moment. For that reason, I want to place on record that I strongly support the North Adelaide Football Club in being able to go ahead with its project.

This club went through all the proper channels. It went to the licensing authority. There was an appeal; the club succeeded at the appellate level. The club went ahead and purchased property; it has gone into debt; and it has moved its licence. The club is now faced with a situation where, as I understand it, because a prerogative writ has been taken out against the whole process by which the club obtained its licence, it has now had a decision of the Supreme Court, which I understand will be reviewed tomorrow, by which the club will have a stay, if it is lucky, whilst it applies for special leave to appeal to the High Court.

The point is that this is an awful predicament for this club to be in. If something is not done about this, the situation will be that a sporting club that has been a part of South Australia's sporting life for 100 years or more will perhaps disappear, and it may not be the last. It is true that there are other problems aside from poker machines. The decision to get involved in the AFL is another that I could spend an hour on, but I will not. The point is that something has to be done to support the North Adelaide Football Club.

I indicate to the house that, within the next week, I will be doing something to move something forward in this place to give some relief to the North Adelaide Football Club and, in doing that, I indicate to this house the full support of the member for Adelaide, who has also met with me and representatives of this club as recently as yesterday to discuss the nature of this problem. It is a problem which will not go away and which must be solved. We are talking about a community club that distributes sporting activities and activities for youth throughout the suburbs I represent. It is important that something is done to protect this club and to sustain the active culture that the club represents.

Time expired.

CORONERS BILL

Adjourned debate on second reading.

(Continued from 19 February. Page 2324.)

Ms CHAPMAN (Bragg): I rise on this occasion to indicate the Liberal Party's support for the second reading of this bill. The bill is almost in the same terms as the bill introduced by the Liberal government in May 2001. In October of that year, that bill passed all stages in the Legislative Council, but it was not debated in the House of Assembly before the 2002 election. I know that seems a distant past. Coroners play an increasingly important role in our community. They continue to have a major function in the traditional role of determining the cause of death in individual cases.

They also have a significant role to play in relation to incidents such as the Whyalla Airlines crash and the Ash Wednesday bushfires. In these cases, the Coroner is called upon to examine evidence from a wide range of sources, much of it highly technical and complex. Inquests can be very long and expensive. However, the community is entitled to have answers from an objective source. The Whyalla Airlines disaster is a good example of a case where immense publicity was given to early theories by investigators and speculative conjecture about the cause of the crash. Only when the Coroner publishes his findings is the truth known.

One issue that does arise in relation to the Whyalla Airlines inquest is the interrelationship between the Coroner and the Australian Transport Safety Bureau. The bureau is the federal body with the responsibility for air crash investigations, and it makes recommendations to CASA, the aviation regulator. On this side of the house we would like to be assured that there is no duplication of effort in the field of aviation incidents.

Another example of the modern coronial function was the inquest into deaths, from petrol sniffing, of three Aboriginal men. The Coroner heard evidence and submissions from police, the Aboriginal community and health workers, medical people and many others. The report is a blueprint for action and we can only hope that the government will implement it.

One initiative introduced during the term of the Liberal government was the provision of internet access to the reports of coronial inquests. This service is commendable. It is of great benefit to the public, the media, the legal profession and members of parliament.

I now turn to the bill. Part 1 contains the formal preliminary clauses, including the definition of terms. 'Reportable death' is a death that must be reported to the State Coroner or, in some cases, a police officer. The term is defined broadly to ensure that the Coroner's Court has the jurisdiction to inquire into the deaths of persons in circumstances where the cause of death is unexpected, unnatural, unusual, violent or unknown, or is or could be related to medical treatment received by the person, or where the person is in the custody or under the care of the state by reason of their mental or intellectual capacity.

Part 2 of the bill sets out the administration of the coronial jurisdiction in South Australia. The position of State Coroner is retained. All magistrates are deputy state coroners. The functions of the State Coroner are largely the same as under the current legislation, with one important difference, namely, that relating to the administration of the new Coroner's Court. The State Coroner is provided with the power to delegate any of his or her administrative functions, and the Attorney-General is empowered to nominate a Deputy State Coroner.

Part 3, division 1, of the bill formally establishes the Coroner's Court as a court of record with a seal. The bill provides for the appointment of the court staff, including counsel assisting. The jurisdiction and powers of the court in relation to the conduct of inquests is generally consistent with the jurisdiction and powers of the State Coroner under the current legislation. Division 2 of part 3 of the bill sets out the practice and procedure of the Coroner's Court. These provisions are generally consistent with the current legislation. The court is given greater flexibility to accept evidence from children under the age of 12 or from persons who are illiterate or who have intellectual disabilities. This is a positive advance, I suggest.

Part 4 of the bill deals with inquests. It gives the Coroner's Court power to hold inquests into, first, reportable deaths; secondly, the disappearance of any person from within the state or the disappearance of any person ordinarily resident in the state from elsewhere; thirdly, a fire or accident that causes injury to any person or property; or, fourthly, any other event as required by the legislation. The court in these circumstances must hold an inquest into a death in custody. The court is prohibited from commencing or proceeding with an inquest the subject matter of which has resulted in criminal charges being laid against any person until the criminal proceedings have been disposed of or withdrawn. That is not a new initiative but it is an important continuation of a clear obligation to determine the finding of a criminal determination before the coronial inquiry is commenced or, indeed, concluded, if a criminal prosecution were to be initiated during that coronial inquiry.

With reference to the exhumation of bodies, under the current legislation the Coroner may issue a warrant for the exhumation of a body only with the consent of the Attorney-General. The position under the bill is a little different, as a reflection of the role of the Coroner's Court.

Under the bill, the consent of the Attorney-General is still required where the State Coroner is to issue a warrant. However, so as not to offend against the doctrine of separation of powers, the Coroner's Court does not require the consent of the Attorney-General to issue a warrant for the exhumation of a body in order to determine whether to hold an inquest.

Part 4 of the bill also provides the Coroner's Court with powers for the purpose of conducting an inquest. These include powers to issue a summons to compel witnesses to

attend inquests or to produce documents; the power to inspect, retain and copy documents; and the power to require a person to give evidence on oath or affirmation. The informal inquisitorial nature of coronial inquiries is maintained.

In an inquest, the court is not bound by the rules of evidence and may inform itself on any matter as it thinks fit. The court must act according to equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms. A person's privilege against self-incrimination is, importantly, maintained, and this is clearly as it should be. That privilege is one of the cornerstones of our legal system. Once an inquest has been completed, the court is required to hand down its findings as soon as practicable. As is currently the position with coronial inquests, the court is prohibited from making any finding of civil or criminal liability.

One important role performed by coroners is to assist in accident and death prevention. The bill maintains the power of a coroner to make recommendations that might prevent or reduce the likelihood of a recurrence of an event similar to the event that was the subject of the inquest. As under the current legislation, inquests may be reopened at any time, or the Supreme Court may, on application by the Attorney-General or a person with sufficient interest in a finding, order that the finding be set aside. Under part 5 of the bill a person, on becoming aware of a reportable death, must notify of the death the State Coroner or, except in relation to a death in custody, a police officer.

A new offence is created of failing to provide the State Coroner or a police officer with information that a person possesses about a reportable death. This is to ensure that all relevant information about a death is provided to the State Coroner or police in a timely manner. Part 6 of the bill contains a number of miscellaneous provisions, most of which replicate equivalent provisions in the current legislation. The State Coroner may now exercise any powers for the purpose of assisting a coroner of another state or territory to conduct an inquiry or inquest under that state or territory's coronial legislation.

I should mention, as this matter was raised specifically with me and with the now shadow Attorney-General, proposed section 23(6) of the bill, which provides that section 23 does not derogate from section 64D of the South Australian Health Commission Act. Section 23 gives the Coroner power to compel answers to questions. There is some background to this provision. The South Australian Perioperative Mortality Committee (SAPMC) is a professional medical committee which collects information about deaths under anaesthesia in hospitals. The committee has functioned for over 40 years. Anaesthetists and surgeons are required to report honestly and frankly to the committee the facts and their opinions. That is important if clinical errors are to be identified and improvements made. It is an important function of this committee, and it is important that it be facilitated to carry out that function. In order to encourage complete frankness in this process, section 64D of the Health Commission Act specifically provides that the findings, deliberations and evidence of the committee are confidential and cannot be divulged in proceedings before any court, tribunal or board. The SAPMC was concerned that the new Coroner's Act might override section 64D of the Health Commission Act. In a letter to the SAPMC, the Attorney-General has said that he did not agree that as a matter of law the new act will have that effect. However, the government has included an amendment to the bill to 'put beyond doubt the primacy of section 64D,' and we agree with that approach. I thank the Attorney-General for taking that into consideration and complementing this bill with the same.

It should be noted that this provision does not enable any doctor or nurse to avoid giving truthful evidence about events which lead to a death. What the existing law precludes is use by any court of the proceedings of the medical committee, and that is the distinction that is important. In the last parliament, the Labor Party supported the Australian Democrat sponsored amendments which embraced the recommendations of the Royal Commission into Aboriginal Deaths in Custody. In particular, the amendments required the Coroner's Court to forward the findings of an inquest into the death of a person, whether Aboriginal or not, who was in custody, to any minister responsible for the administration of the law under which the deceased was being held and to each person who appeared personally or by counsel at the inquest.

In addition, if the findings of the inquest included any recommendations, the Attorney-General was required to cause to be tabled in the parliament a copy of a report giving details of any action taken in consequence of the recommendations. These proposals were suggested by the Law Society of South Australia. As I just said, the Australian Labor Party supported these amendments when the bill was last before the parliament. The Attorney-General should explain to the public Labor's change of heart on this issue. I imagine there will be some members of the Labor caucus who will also be interested to know the reasons for the change.

In conclusion, this bill enhances the role of the Coroner in our legal system. It establishes the Coroner's Court as a court of record, and it updates the powers and procedures of the Coroner. It is with pleasure, therefore, that I indicate that the Liberal Party supports the second reading.

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

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

Motion carried.

Mr RAU (Enfield): I will not speak for any length of time on this bill, because it obviously has the support of the opposition and clearly should receive a fairly comfortable passage through the parliament. I want to make a couple of brief remarks about the Coroner's Court and raise an issue that I raise as a matter for further consideration not specifically as a matter to be dealt with in the context of this bill. The Coroner's Court is a very unusual animal in the legal system we have in this country. It is a court by name but, in comparison to the other courts that we have, it is a very different court. It is different in that its style and manner of operation has far more in common with the civil law jurisdictions of continental Europe than it has with the common law jurisdictions of the other courts. In particular, it is a court where the presiding officer of the court, the Coroner, has an inquisitorial function. That function enables the Coroner to become actively involved in the investigation of a matter, and the Coroner is not bound by the normal adversarial arrangements which typify the proceedings in all the other courts. So, it is a very special kind of court.

Something of concern to me arises as a direct result of that, that is, that the Coroner, whoever he or she might be, is in a very unique position. They have the power to inquire of their own motion, to summons witnesses and direct investiga-

tors. In doing these things, particularly having regard to the types of matters in which the Coroner might be involved—being deaths, arsons and so forth—it is conceivable that the Coroner may tread on a great many toes. We have seen in recent years a number of reports issued by coroners which have pulled no punches in identifying deficiencies in the behaviour of state instrumentalities, private corporations, and so on. And so it should be. A matter I would ask the Attorney to consider—not in the context of this bill but for further consideration in the fullness of time—is this: section 4 of the act provides for the method and duration of appointment of the Coroner. Section 4 provides that the Coroner shall be appointed for a term of seven years, that appointment to be on terms and conditions as may be determined by the Governor, and that individual, upon the expiration of that term, to be eligible to be reappointed.

The concern I have comes from a problem I have not quite resolved in my own mind, that is, balancing the independence of the judiciary with the importance of the government's retaining some control over important officers. Those two conflicting requirements are very difficult ones to balance. They are both legitimate points to have but they are very difficult in the balance. For example, if we look at the Supreme, District or Magistrates Courts, we see that we have appointments until a person reaches a retirement age. They are not appointments for a term of years. I realise that the current State Coroner is, incidentally, in any event a magistrate. He holds an appointment as a magistrate and, therefore, were he to cease being the Coroner and not be reappointed, he would presumably return to being a magistrate. In his case, I suppose—although I do not know the details of the salary difference between a magistrate and a coroner—I assume the only direct consequence to him would be a return to a different workplace and possibly an increment in salary.

The point I raise with the Attorney is that a person in the position of the Coroner may tread on a great many toes and may cause a lot of concern possibly for powerful individuals in our society. I am concerned that a person who is exercising powers without fear or favour should never be in a position where the fact that they have done their job properly could ultimately come back to visit them in terms of a failure to be reappointed. I say to the Attorney that I am not advancing this argument on the basis that I have a fixed view or am even foreshadowing an amendment to this bill—

Mr Snelling: That's a relief.

Mr RAU: —which would be a relief—but I do say to the Attorney, however—

The Hon. M.J. Atkinson: Because if you won that, I would not forgive you.

Mr RAU: I am not going to return to elephants and toenails, but I ask the Attorney, in the case of the Coroner—an individual who is doing an important job in our community—whether it is reasonable to say that the level of judicial independence which we are happy to confer upon magistrates, District Court judges and Supreme Court judges should not be shared by the Coroner. As I said, I do not have a fixed view about the answer to that question, but I invite the Attorney in the fullness of time and in a relaxed way to canvass views among his staff and those about him whose views he respects as to whether the balancing act of the independence of the judiciary and the capacity to have fresh blood coming through the Coroner's Court has been properly struck in the bill. I repeat again that I would be very disturbed to see a coroner doing his job—

The Hon. M.J. Atkinson: No, you repeat. 'Repeat again' is a tautology.

Mr RAU: It is a tautology, okay. I repeat that I would be very concerned to see a coroner doing his job who in the process steps on some very large and powerful toes being, in a sense, punished by a non-reappointment at the end of their term. It is the same argument as is applied to the appointment of judges, and so forth, until retirement age. It is all about the independence of the judiciary. The point I am making is that there are other people at his level, although his court is unique, who do not have term appointments. It may be worth considering whether in the future this is a matter that could be taken on board.

Otherwise, I think this is an excellent bill. The Coroner's Court is a marvellous institution which gives the community some satisfaction that an officer of the court will investigate matters which have resulted in serious injury, death or misadventure to members of the public. I indicate that, as an individual who in my professional life represented people in the Coroner's Court on a number of occasions, that court is an excellent institution. It runs very smoothly and has done tremendous work for the people of South Australia in many instances by revealing difficulties in our system.

To mention but one matter, after the dreadful instance of the bombing of the National Crime Authority office when there was, for whatever reason, no capacity to advance a prosecution through the courts, the Coroner was able to take on that matter and, using his powers, at least say to the people of South Australia, 'You may not have got a prosecution in this matter but I am able to put before you this material and I am able to draw, within the context of my act, these conclusions.' The same can be said of individuals who have the experience of having a loved one die in a hospital because something did or did not happen. They also are able to have this sort of relief. I have been involved in cases where parents who have lost children in very tragic circumstances at the Women's and Children's Hospital have been able at least to find out what happened, and the comfort that has given these people is difficult to explain. I have seen the weight lifted from these people's shoulders by the fact that the Coroner has investigated the matter and produced something that shines light on what, to them, has been a mysterious and unhappy circumstance. This is a marvellous institution. So, I commend the bill and wish it a speedy passage.

Mrs REDMOND (Heysen): I, too, rise to support this bill and I will be brief in my comments. However, there are a couple of things that I want to clarify with the Attorney. Unlike the member for Enfield, I have not had the privilege of appearing in the Coroner's Court on many occasions but, coincidentally, the only Coroner's Court case I was involved in, which was in the last couple of years, related to a death resulting from the taking of a drug which had received registration by the therapeutic goods authority because of what are called the grandfathering provisions. I am sure that most people in the community are not aware that, when the TGA legislation came into play in this country, anything that was already on the market was allowed to stay on the market under what were called the grandfathering clauses and, therefore, did not go through the rigorous testing that anything new now has to go through. Sadly, in the case of my clients, the wife and mother died as a result of the administration of a drug which has subsequently been withdrawn from sale. I am sad to say that people can still purchase it from India over the internet.

That aside, in commenting on the bill, it appears to me to largely cover the same jurisdiction as the current bill. Indeed, I was a little puzzled as to why we have a brand new bill instead of just an amending piece of legislation. I will make a couple of comments on what it does change. It seems to slightly broaden the jurisdiction of the Coroner to inquire into the circumstances of deaths. I note, in particular, that the provisions as to who can be appointed Coroner have been changed. The existing act says that a legal practitioner can be appointed, and the new act requires that it must be a stipendiary magistrate and, indeed, appoints every stipendiary magistrate in the state as a deputy state coroner. The new act also appears to give the Coroner power to delegate his powers not just to the deputy (as was the case under the old act) but generally, and pass them on, in terms of the administration, to an officer of that court.

The second major difference in this new legislation appears to be that it has greater flexibility to accept evidence from children under the age of 12 years and from people who are not literate or who have intellectual disabilities, and that seems to me to be a positive move and something that should be supported.

I ask the Attorney, in the interests of limiting the debate in the committee stage, to explain the difference, if any, between the provisions in the existing act and those in the bill dealing with the issue of warrants for exhumation of bodies. I note that under section 13(1)(d) of the act the Coroner may, if the Coroner believes on reasonable grounds that it is necessary for the purposes of an inquest or the determination of whether an inquest is necessary or desirable, with the consent of the Attorney-General, issue his or her warrant for the exhumation of the body of a dead person. Clause 22 of the bill provides:

(1) The following powers may be exercised—

and it gives two options as to who may exercise the powers:

(a) by the State Coroner for the purposes of determining whether or not it is necessary or desirable to hold an inquest; or
(b) by the Coroner's Court for the purposes of an inquest.

The power is contained in subclause (1)(h), which provides:

to issue a warrant for an exhumation of the body, or the retrieval of the ashes, of a dead person—

That is an exhumation warrant, and in subclause (2) it provides that that may be issued only with the permission of the Attorney-General. Can the Attorney-General clarify whether there is any difference in the intention of those two measures, other than the change to the reference to the ashes rather than just the body?

The next difference that I note is a new offence of failing to provide the State Coroner or a police officer with information that a person has about a reportable death. That information has to be reported in a timely manner. Again, that seems to me to be a positive move forward. Another extension of powers—and I think this is sensible and makes it easier to deal with (I think the current act is silent on this)—is that the State Coroner may now exercise any powers for the purpose of assisting a coroner of another state or territory to conduct an inquiry or inquest under that state or territory's equivalent legislation. Again, I think this is a good move.

I think the Attorney has already covered this quite well in clause 23(6), but I would appreciate it if the Attorney could comment on the record. This relates to section 64D of the South Australian Health Commission Act. I think the act makes it quite clear, but I simply want to place on the record—and I would like the Attorney to also—that the intention of clause 23(6) is to make it abundantly clear, if it is not already, that the Perioperative Mortality Committee will not be affected by the provisions of this new legislation.

I was personally contacted by a member of the committee who was concerned about the medical profession's ability to continue to conduct its peer review of incidents. My understanding of the intention and the effect of clause 23(6) is that that right is protected by this provision and that therefore the medical profession need have no concerns about its ability to continue to hold full and frank debriefings with its peers in relation to adverse incidents if anything occurs that may, in due course, involve or cause a colonial inquest. With those few words and with my compliments to the Attorney-General on his True Blue badge, I conclude my remarks.

The Hon. M.J. ATKINSON (Attorney-General): I thank the members for Bragg, Enfield and Heysen for their contribution to the debate and their careful study of the clauses. The member for Heysen asked a question about exhumation warrants. The answer is that under the current act the Coroner may issue warrants for exhumation only with the approval of the Attorney-General whether for the purposes of an inquest or to determine whether to hold an inquest. Under the bill, the State Coroner may issue warrants for the purpose of determining whether an inquest is necessary with the Attorney-General's consent, but the court may issue warrants without the consent of the Attorney-General for the purposes of the inquest.

The member for Heysen also asked whether it is the intention of the bill to make it clear that the Perioperative Mortality Committee's deliberations are not affected by the bill; namely, whether that committee can conduct a peer review of incidents without falling foul of the Coroners Act. The answer to that is yes.

Bill read a second time.

In committee.

Clauses 1 to 19 passed.

Clause 20.

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

Page 11, line 25—Delete 'suffers from' and substitute 'has'.

Clause 20(4) of the bill provides the Coroner's Court with greater flexibility to accept evidence from children under the age of 12, persons who are illiterate and those who have an intellectual disability. This subclause enables the court to accept as evidence from such persons a written statement taken by the Coroner or an investigator at an interview and verified by the Coroner or investigator by declaration in a form prescribed by the rules. Such a statement may be accepted as an accurate record of the witness's oral statement.

This provision has received support; it has, however, been brought to the government's attention that the phrase 'a person who suffers from a disability' may be considered by some members of the public to be derogatory. The government acquiesces to this objection. The amendment that I am moving will replace this phrase with 'a person who has a disability'.

Amendment carried; clause as amended passed.

Clauses 21 to 25 passed.

Clause 26.

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

Page 16, line 20—delete 'make a fresh' and substitute:
substitute a

It is a pity it comes up this way, because it is consequential on an amendment that we will move to clause 27, and

members do not yet know why I am going to do that. Trust me. This is a minor amendment to clause 26, consequential upon more substantial amendments to clause 27. It substitutes for the words 'make a fresh finding' the words 'substitute a finding' in subclause (2)(c). This will ensure consistency between clauses 26 and 27.

Amendment carried; clause as amended passed.

Clause 27.

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

Page 16—
Lines 22 and 23—delete subclause (1) and substitute:

(1) The Attorney-General or a person who has a sufficient interest in a finding made on an inquest may, subject to this section and in accordance with the rules of the appellate court, appeal to the Supreme Court against the finding.

(1a) The appeal lies to the Supreme Court constituted of a single judge (but the judge may, if the judge thinks fit, refer the appeal for hearing and determination by the Full Court).

Lines 28 to 35—delete subclause (4) and substitute:

(4) On an appeal, the appellate court may, if the interests of justice so require, re-hear witnesses or receive fresh evidence.

Page 17, lines 1 to 7—delete subclause (5) and substitute:

(5) On the hearing of the appeal, the appellate court may exercise any one or more of the following powers:

(a) it may confirm or set aside the finding subject to the appeal;

(b) it may substitute a finding that appears justified by the evidence;

(c) it may order that the inquest be re-opened, or that a fresh inquest be held;

(d) it may make any other order (including an order for costs) that may be necessary or desirable in the circumstances.

This clause repeats section 28A of the 1975 act. It gives the Attorney-General, or a person who has a sufficient interest in a finding made on inquest, a right to apply to the Supreme Court for an order that the finding be set aside. This is an important provision. Persons who are adversely affected by an erroneous finding of the Coroner's Court should have a right of appeal against that finding. Section 28A was inserted in the current act by the former Labor government in 1987. The then opposition supported the provision.

In the course of consulting over the bill, the Chief Justice expressed to me some concerns about the wording of clause 27. In particular, he advised that the nature of the appeal envisaged under the provision is not entirely clear, and he expressed concerns about the appropriateness of the grounds on which the Supreme Court may set aside a finding, specifically, subclause 4(a), which provides that a finding will not be set aside unless the Supreme Court is of the opinion that the finding is against the weight of the evidence adduced before the Coroner's Court. The few authorities on section 28A shed little light on the scope of the appeal to be conducted by the Supreme Court under the provision. His Honour recommended that clause 27 be replaced with a new appeal provision based on section 42 of the Magistrates Court Act, which provides for appeal from that court's criminal jurisdiction to the Supreme Court. The type and scope of appeals under section 42 are well established, and cover errors of law and errors of fact.

The government has accepted His Honour's advice. The amendments to clause 27 provide for a right of appeal to the Supreme Court by the Attorney-General or a person with sufficient interest in a finding made on inquest, appeals that have been conducted in accordance with the rules of the appellate court. An appeal lies to a single judge but, if the judge thinks fit, may be referred to the full bench of the court. The one month time limit is retained. This may be extended by the Supreme Court. Importantly, new subclause (4) makes clear that the appellate court may, if the interests of justice so require, re-hear witnesses or receive fresh evidence. The Supreme Court retains the power to confirm or set aside a finding, substitute a finding that appears justified by the evidence, order that the inquest be reopened or that a fresh inquest be held, and make any other orders, including an order for costs, that it considers necessary or desirable in the circumstances.

This new appeal provision clarifies the nature of the appeal and the role of the Supreme Court. It adopts familiar terminology and ensures that the Supreme Court will interfere with a finding on inquest according to well established principles. In doing so, it preserves the fundamental purpose of the provision, which is to ensure that the Attorney-General, or a person who has been the subject of an adverse finding of the Coroner's Court, has a right of appeal to the Supreme Court when the Coroner's Court was in error in making its finding or there is new and compelling evidence that renders the court's finding incorrect.

Members should also remember that the right of appeal under clause 27 is in addition to clause 26, which provides that the Coroner's Court may reopen an inquest at any time, and must do so if the Attorney-General directs. Where an inquest is reopened, the court may confirm any previous finding, set aside any previous finding, substitute a finding that appears justified by the evidence.

Mrs REDMOND: I would like some clarification with respect to clause 27, where the application can be made by the Attorney-General, or a person who has a sufficient interest in a finding made by the Coroner's Court. I am interested in the operation of that clause, and I would like to clarify it and have the Attorney correct me if I am wrong. My assumption is that, therefore, any person may apply, and the first job of the Supreme Court will be to decide whether, in the view of that court, the person has a sufficient interest in the Coroner's Court finding. I cannot find any definition within the bill of a person who has a sufficient interest.

The Hon. M.J. ATKINSON: Yes, the Supreme Court will decide that.

Amendment carried; clause as amended passed.

Remaining clauses (28 to 42), schedule and title passed.

Bill reported with amendments.

Bill read a third time and passed.

ANAESTHETIST'S FEE

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

Leave granted.

The Hon. L. STEVENS: In question time today I stated that a specialist in Mount Gambier had been paid $120 000 for three months' work as a locum. I wish to provide advice just received from my department that the GP anaesthetist, Dr P. Goodman, was paid $115 000 for 2½ months' work at the locum rate.

FREEDOM OF INFORMATION (MISCELLANEOUS) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendments.

(Continued from 24 March. Page 2452.)

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

That the Legislative Council's amendments be disagreed to.

It is with some disappointment that I move this motion and observe that the bill was not passed in its original form. The government intends to reject this bill in its amended form. Therefore, I take the opportunity to set out some of my concerns in relation to it. The first objectionable matter of the bill as it comes back to this place is the amendment to the objects clause. One should think it would be a simple exercise to provide FOIs with a clearer and simpler message that could promote the objects of accountability and openness in the act. Instead we had a degree of politicking over that clause. Now we have a fairly self-indulgence clause, which promotes members of parliament as having precedence of members of the public—not the right message, I would have thought, to be promoted in an act which is meant to encourage citizens' access to executive government. One would have thought that members of the public might rate a mention before MPs, but such is the message that is sought to be communicated.

Further, the amendments made to this clause introduce a layer of complexity by introducing concepts that are at odds with the scheme of the act, for example, the introduction of fairly ambiguous public interest, which does not match up with the way in which the act is expressed. One of the least attractive aspects of this provision is that it is basically modelled on the New Zealand legislation.

Ms Chapman interjecting:

The Hon. J.W. WEATHERILL: In this respect, while our Premier is an especially good export from New Zealand, unfortunately, the FOI legislation from New Zealand is not up to the standard of the bill which passed this place and which was promoted in the Legislative Council. Two points need to be made about it. There seems to be a myth getting about the place that the New Zealand legislation is nirvana and represents best practice in relation to freedom of information, and that is simply not the case. In relation to the New Zealand legislation, any decision on the review by the ombudsman in that case can be overridden by regulation. Therefore, the New Zealand regime is fundamentally under the control of executive government.

Secondly, the list of exempt documents in both jurisdictions, while similar, has a very different public interest test. In the New Zealand situation, there needs to be a public interest justifying disclosure, whereas in South Australia the formulation simply requires the public interest to be balanced. There is no obligation under the South Australian legislation to rebut a presumption of nondisclosure, such as exists in New Zealand, and that makes a world of difference.

The other clause we find objectionable is that we defined agency documents in the bill that we sent to the other place not to include personal documents. Our intention was to make clear that the act applies only to official information and not to personal information held by agency officers. That was simply a clarifying provision and it is mystifying that it was not accepted.

A further clause that was struck out was that concerning the ombudsman's powers to stand in the shoes of the agency to make the determination. This was a sensible conclusion and decision. It had a corresponding consequential effect of then limiting the appeal to the District Court on a question of law only. What exists at the moment is that the ombudsman simply reviews a decision of the agency and can direct the agency to make a determination. This is a strange situation, and one obvious difficulty with this is that, if an agency does not agree with the direction of the ombudsman and the matter is subsequently appealed to the District Court, the agency is placed in a difficult position of defending a decision with which it did not agree in the first place.

For the lawyers who remain in the room, there is an important distinction, obviously, in questions of appeal between a simple right of review and a fresh determination. We are now offering a fresh determination for the ombudsman. The ombudsman can now stand in the shoes of the agency, consider all the material and make his or her own decision. That then becomes the determination. It then becomes unnecessary to provide another merits appeal to the District Court. That is the gist of the changes that we sought to make.

What is also surprising about this amendment is that it is consistent with the select committee report tabled in the House of Assembly on 4 October 2000. That committee was chaired by the Hon. Angus Redford, and he made these points in his report. We are simply picking up that aspect of his report. It is bizarre in the extreme that we now find a different tack being taken by the opposition. It is bizarre unless they were simply mischief making, which seems to be the nature of the obstructive institution known as the Legislative Council.

Mr Snelling: Abolish it!

The Hon. J.W. WEATHERILL: Well, there is a Constitutional Convention afoot and, no doubt, the behaviour of the Legislative Council will come under close scrutiny. The further proposition with which we disagree is that there is an attempt to broaden, in a way which has been given no explanation, the District Court costs provisions. The existing District Court costs provisions are also presently in the act. They are very generous, and no justification was offered for the opposition's clause.

Fees and charges caused an enormous amount of heat and light in the last parliament. In this place we sent a proposition that MPs should be treated no differently from any member of the public. That seemed to cause alarm for members in the other place. They took the view that some privileged position should be afforded to members of parliament. They went further: they wanted to extend the privilege and abolish any semblance of a limit on the free work that should be performed for a member of parliament.

Members opposite would have departmental resources tied up forever and a day and they would not pay a red cent. It is an absurd proposition! Not only do they not want to pay a miserable $25 but also they do not want the $350 cap. They want FOI officers searching around, spending thousands of taxpayers' dollars—

Mr Snelling interjecting:

The Hon. J.W. WEATHERILL: Exactly, out of hospitals and schools—and crowding out ordinary citizens seeking to find out information under the FOI system. That is their vision of freedom of information: freedom for the privileged MPs to root around amongst the annals of the Public Service, trawling away for some spurious piece of material to make some cheap point—as they are wont to do in the other place. Cheap points, we have heard, are plenty this week. This is the institution that wants an unlimited right to empty up the filing cabinets of the whole public sector so they can rifle through them to make their cheap points. Well, we will not cooperate with that ridiculous proposition.

This house put a proposition to the other place that we wanted MPs' requests to be limited where they amount to an unreasonable diversion of agency resources. That is a fairly simple proposition. What did they do in the other house?

They would like the right to engage in FOI applications that amount to an unreasonable diversion of agency resources. That is a fairly amazing proposition, but that is what has emerged from the other place. Of course, this is a provision that means that, before you could reject an application on the basis that it was an unreasonable diversion of agency resources, you would be obliged to consult with the applicant in an attempt to narrow the request.

It is not as though they were going to be prevented from asking these things: they just have to exercise some degree of responsibility about the scope of the request. Despite having someone discuss with them narrowing the request—someone tapping them on the shoulder and saying, 'Calm down. If you could just limit your request to not every document that exists in government but just some small proportion of that'—if they still remained unreasonable in that context and we rejected the application on the basis that it was an unreasonable diversion of agency resources, it was somehow unfair; and they have rejected our proposition. It is difficult to follow the other place; they are a complicated institution in this regard. There are obviously some sensible people up there, but they simply cannot be heard.

The crowning glory has to be the rejection of our proposition that the protection of the unreasonable disclosure of personal affairs should be extended to someone's reasonable lifetime. Who would have thought that would be an exceptional proposition? Those opposite and their sword carriers upstairs require the unreasonable disclosure of personal affairs in the FOI regime. They would be content that, after 30 years, someone could make a Freedom of Information Act application and obtain a document that, on any view, was an unreasonable disclosure of someone's personal affairs. That is the right they stand to defend, and that is an amazing proposition.

Ms Rankine interjecting:

The Hon. J.W. WEATHERILL: That's right; MPs. It would be a shame if a member opposite had something in their past that was embarrassing—perhaps an embarrassing piece of medical history; they may have some medical records sitting in a hospital, somebody takes an application, it happens to be 30 years later, and that material then falls into the public sphere. There is no safeguard at present. We were simply offering that safeguard as a simple privacy measure. Indicative of the wrecking role that was played by members opposite with those who listened to them upstairs in the other place, we have this outrageous result.

They simply refused to consider the real harm that can be done to an individual by the disclosure of information of this sort. What is equally breathtaking about this proposition is that they bang on about the New Zealand and other legislation. However, in each of those pieces of legislation, you cannot get hold of documents that unreasonably disclose personal affairs, because there is a blanket exemption for those documents. In South Australia, bizarrely, you can get hold of them after 30 years. The agencies that ask for this within government in the Department of Human Services wanted a blanket exemption. We said, 'No, there might be some historical reasons that after 80 years this material might be useful to archivists for exploring some historical matter.' So, we chose an extension from 30 to 80 years, which we thought would cover any reasonable person's lifetime, unless they are particularly lucky and live beyond those years.

There are two further matters to which the upper house refused to accede in relation to the view of this place. They concern a declaratory effect of the free and frank advice on the public interest test and the outrageous abuse of the estimates documents process.

I conclude by saying that one needs to remember that the Freedom of Information Act regime is about legally enforceable rights to obtain information. It sits alongside the government's entitlement to release documents of its own volition. That is the first thing that needs to be understood about this debate. We are administratively implementing many of these measures. We are providing documents to the opposition that have never before been provided to an opposition—certainly not when we were sitting in that position. We are making decisions that no longer perpetuate the abuses that occurred by executive government under the previous regime. We are administratively making many of the gains that we announced we were including in this act.

If those opposite do not want the best piece of FOI legislation in the western world, they can continue, with their colleagues in the other place, blocking this legislation, but we will not cooperate with them.

The Hon. D.C. KOTZ: On behalf of the opposition, we totally support the improved bill received from the Legislative Council. We certainly support the amendments, which have been argued well and intelligently in the Legislative Council. The minister has been somewhat disappointing in his contribution to the house this afternoon. I would suggest that when we are talking freedom of information we literally took that to be the case. Unfortunately, most of the amendments that had to be instigated through the Legislative Council have, in fact, made sure that freedom of information is far more readily available than it was under the original government bill.

The minister made quite a contribution on the extensive costs to government as opposed to the cost to MPs in accessing information. I remind the minister that, regardless of his nefarious comments in relation to MPs and FOI documents, the nature of our very existence as duly elected members representing the people of South Australia is such that we do not have a special status that the minister would have this house believe. We certainly have a representative status, and freedom of information is quite obviously a means by which we can carry out to the best of our ability the duties of members of parliament. The minister may not quite be aware, having entered parliament as a minister in a government rather than a member of the opposition, but the opposition is obviously there to make sure that the government maintains honesty, openness and accountability.

Unless certain access to information through government has been released to the opposition, it can certainly make it very difficult for the people of South Australia to understand that they do have an honest and accountable government.

In fact, all the arguments the minister has presented to the house this afternoon have actually been to reject the fact that honesty and accountability is the realm of this government. In every comment he made about every single amendment he actually wanted to continue to restrict freedom of information. Although costs to MPs might make it rather more difficult to access the type of information required to make sure that our representation of the people of South Australia is proper and certainly informed, the fact remains that members of parliament must have the ability to access that information.

The minister may also have forgotten that, in my second reading speech, I identified quite clearly the number of FOIs that had been sought through government and identified in

the annual report. I cannot say that I recall the exactitude of the figures, but I know that some 8 000 or 9 000 documents were sought through freedom of information in any given year but only a matter of several hundred, if that, were requests by MPs to access FOI. So, it would appear that the minister has sought again to exaggerate a point that he appears to want to continue to forget.

In terms of his comments on the disgraceful access to estimates documents and the supposed misuse of those documents, I can only suggest to the minister that the previous opposition was never of a serious mind even to consider that they could access estimates documents, and it seems to have been a shock to the system of this government and to its ministers that the opposition had the presence of mind to seek, to find and to have them delivered. Of course, that also gives a great deal of information to members of parliament, which of course is quietness. I am terribly sorry if the minister believes that estimates documents are not the province of opposition.

I remind the minister once again that all the information provided in those estimates documents is supposed to be of public interest and to be readily available to the public of South Australia, because the very premise on which estimates documents are put together is for ministers to come into this place with that tome of material which provides access to all information across their portfolio areas. If it is not prepared for the public interest, for public access, then those documents would not have been prepared in the first place. So, the mere fact that they are a de facto public document would put to rest the minister's rather tenuous argument.

In terms of the 30 years that already exists within the law in relation to access to private documents and the intention of this government to extend it out to 80 years, all the arguments have been explored quite considerably. The opposition has not heard from any minister any anecdotes which would prove that in the past there has been any abuse of the system as it stands, with the 30-year period of restriction placed on the documents that are now held by governments.

So, in terms of trying to add another 50 years before those documents can be accessed, no sensible, intelligent anecdotal evidence has been provided to the opposition which would make us believe that the government was not attempting to try to hold material out of the public view that might be of great interest in a 30-year period, but certainly there would be no-one around at the end of a term of 80 years to consider that a document release of that nature was of any interest whatsoever. Overall, the opposition has no sympathy for the minister's contribution and arguments not to support the amendments, and the opposition totally supports the amendments made by the upper house.

The Hon. G.M. GUNN: I listened with some interest to what the minister had to say when he responded to these amendments from the Legislative Council, and I was somewhat surprised, because he never actually addressed the contents of the amendments but gave us his views on the obstructive nature of the Legislative Council. Whether he and I or others like it (and I happen to like it), all wisdom does not reside in one house of parliament. If you want to ensure that governments do not become over-arrogant and insensitive—and we have seen it happen in other parts of the world—then the process of changing law needs to be somewhat slower and more cumbersome.

I know it annoys ministers and their Sir Humphreys, and I have seen people on both sides of the house get terribly frustrated and angry. Normally, when they do that they have some ulterior motive for why they do not like the amendment.

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

That the sitting of the house be extended beyond 6 p.m.

Motion carried.

The Hon. G.M. GUNN: The minister did not indicate to the committee what was contained in the amendment to clause 3. I think the house should take note. Paragraph (a) provides:

To promote openness in government and the accountability of Ministers of the Crown and other government agencies and thereby to enhance respect for the law and further the good government of the state.

Paragraph (1a) goes on to provide:

(a) ensuring that information concerning the operations of government (including, in particular, information concerning the rules and practices followed by government in its dealings with members of the public) is readily available to members of parliament and members of the public; and

(b) conferring on members of parliament and each member of the public a legally enforceable right to be given access to documents held by government, subject only to such restrictions as are consistent with the public interest and the preservation of personal privacy;

If you line up governments around the world and compare them with other forms of administration, you will see that a decent democracy is one in which members of parliament can access the appropriate information in order to properly discharge their duties. It is very simple. We all know that governments have a great advantage over oppositions—it does not matter who they are—because they have unlimited sources of assistance to provide them with advice and wise counsel. Opposition does not have that.

Ms Chapman: And backbenchers.

The Hon. G.M. GUNN: Particularly backbenchers. Therefore, members of parliament should have reasonable access to information. I have been in this place for a little time—some might say for too long—but I am here, and I will make the most of it.

Members interjecting:

The Hon. G.M. GUNN: You are being a bit unkind there. That is uncharitable. I have seen governments do absolutely disgraceful things to people who cannot defend themselves. I will give an example, and this matter has concerned me for years. In 1972 an abalone diver was attacked and killed by a shark in Streaky Bay. His widow was treated in a disgraceful fashion by the bureaucracy and the government. They took away her livelihood. The then director of fisheries who made that decision now continues to live in an opulent lifestyle on the public purse. The minister of the day is also living on the public purse. However, when we tried to pursue that issue for her, we could not get the information. I have pursued the matter since, and that strengthened my resolve to pursue these issues no matter what the personal cost. That is why I have a somewhat different view about bureaucracy than certain other people in this place. I could cite many other instances where people are absolutely squashed by the arm of insensitive, uncooperative bureaucracy. Unless they have reasonable access to information, they do not have any hope whatsoever.

In my experience as a local member appearing before the fisheries tribunal for people who had been treated badly and had lies told about them, unless I could get access to some of that material, I did not have a hope. I got the material before

I went to the tribunal. As soon as some knew I had the material, they caved in before we got before the magistrate. I must admit that I applied a little pressure, because I had more practice than these junior lawyers, whose efforts were pretty weak on many occasions. Unless you had access to that material, you could not have represented those people; you could not have done your job. So, let us not be under any misapprehension. Of course, you can make it available if you charge people huge amounts, but that prevents them from obtaining it. I have never made a freedom of information application. If I want to find out, I know enough people in the bureaucracy.

An honourable member interjecting:

The Hon. G.M. GUNN: I can find out; make no mistake about it.

Members interjecting:

The Hon. G.M. GUNN: No, without the Minister for Transport sending down an edict saying, 'You're not allowed to talk to the media or anyone else.' One of the interesting things was that that fax happened to hit my fax machine, too. The other day, I was in a town in my electorate and one of the senior bureaucrats said to me, 'I'm not allowed to talk to you any more.' I said, 'You want to be careful buying petrol; Sir Humphrey will be looking over your shoulder.' There are many instances where the bureaucracy makes wrong decisions, and this causes terrible personal hardship and anguish for people. This measure is absolutely essential. I agree with the minister's point about health records:

> I entirely agree that it is not anyone else's business to have access to people's private medical records.

I can think of no circumstances where those records should be made available. However, where people need information, particularly when governments make arbitrary decisions, whether it is in the field of planning or contractual arrangements, mistakes are made. I can say from experience that they get cooperative in many cases only when the person concerned—a member of the public—says, 'I'm going to see my member of parliament.' When you take it up, do you know what happens? They say, when a person goes back, 'Why did you go to the member of parliament? Don't you go to the member of parliament.' When I get hold of that bureaucrat, I say, 'In a democracy they have every right.' So, if you restrict information, you restrict people's democratic rights.

I do not think that some of these provisions are onerous on government. I also accept that the government has to be able to govern. However, some commonsense has to apply in these matters. The other thing I have learnt in this place is that every time governments try to cover up they get into trouble. You look at the history, whether it is Profumo or whoever it is—

An honourable member interjecting:

The Hon. G.M. GUNN: I said every time. Khemlani is another one. Whenever they try to cover up—

An honourable member interjecting:

The Hon. G.M. GUNN: I was here. I remember it well. I got the biggest majority in history at that election—76 per cent. In five boxes I got the lot.

The CHAIRMAN: Order! Is this relevant?

The Hon. G.M. GUNN: It is very relevant. The minister should carefully consider these amendments, because at the end of the day we need legislation that ensures adequate information in a democracy as well as protecting the privacy of certain individuals.

Motion carried.

ADJOURNMENT

At 6.10 p.m. the house adjourned until Tuesday 12 May at 2 p.m.

HOUSE OF ASSEMBLY

Monday, 28 April 2003

QUESTIONS ON NOTICE

RAINWATER TANKS

127. **Mr KOUTSANTONIS:** What would be the cost to government in providing a 50 per cent subsidy on the installation of rainwater tanks to metropolitan Adelaide households.

The Hon. K.O. FOLEY: The Minister for Environment and Conservation has provided the following information:

It is difficult to determine the exact cost to government of providing a subsidy on the installation of rainwater tanks to metropolitan Adelaide households, due to variations of size and type of tank. It is estimated that a 50 per cent subsidy to install rainwater tanks in metropolitan Adelaide would cost the Government anywhere between 110 to 200 million dollars. This calculation is based on an estimated 228,000 dwellings in metropolitan Adelaide without any rainwater tanks and a subsidy of $600 per rainwater tank plus on costs.

If the member for West Torrens is seeking to promote water conservation through a rainwater tanks subsidy scheme, greater conservation benefits at a reduced cost may be achieved through the installation of water efficient devices such as low flow showerheads and dual flush toilets in all houses and buildings.

Arguably, money might be better spent by the Government on buying irrigation licences from other states to contribute to environmental flows for the River Murray and environmental rehabilitation in catchments on subsidising rainwater tanks for metropolitan Adelaide.

Importantly the government encourages the use of rainwater tanks as part of its commitment to a water conservation ethic. Officers in the Environment and Conservation Portfolio are working with SA Water in determining the best way to achieve this.

The Water Conservation Partnership Project (WCPP) which is a joint Local and State Government, Catchment Water Management Boards and community project is undertaking an indicative cost benefit analysis on the installation of rainwater tanks compared with other water saving devices. The results of this study, although not conclusive, will provide additional guidance to State and Local Government, and individual households about the costs and benefits of installing rainwater tanks in South Australia.

The Water Proofing Adelaide initiative recently announced by the Government will take a long term strategic view of the use of alternative water supplies including rainwater tanks to reduce dependency on River Murray water and to ensure a sustainable water supply for Adelaide over the next 20-25 years. This study will more than likely build on the indicative study of rainwater tanks that will be completed by the Water Conservation Partnerships Project in the next few months.

STORMWATER CATCHMENT

128. **Mr KOUTSANTONIS:** What building codes are applicable to residential developments requiring planning for a one-in-one hundred year rain event and what powers do metropolitan councils have in refusing development applications for non-compliance?

The Hon. J.W. WEATHERILL: Residential development is required to be assessed in accordance with the provisions of the Development Act 1993. Under the act, a development approval is required, which will include consents for both planning and building (where building work is to be undertaken).

The Building Code of Australia and the Housing Code of South Australia (2002), contain both technical and performance requirements for residential construction. These requirements address, as a minimum, a 1:100 year rain event. For example, there are performance standards for damp and weather proofing; site preparation requirements dealing with earthworks and drainage; and roofing requirements. Generally, approval of a development application will be conditional upon these standards being met.

The planning aspects of a development approval may also deal with issues of flooding on a more general level. Applications are assessed against the provisions of the development plan applying to that area. Within most development plans, there are provisions which discourage 'development' within high flood prone areas. This would include division of land, new buildings or additions/alterations to existing buildings.

Recently, I approved the stormwater in urban areas plan amendment report applying to all councils within the Patawalonga and Torrens catchments. This plan amendment has resulted in the incorporation of catchment management principles for stormwater within affected council areas.

In most cases, the relevant council is the authority responsible for issuing a development approval and may refuse such applications or impose conditions relating to both building and planning matters. It is the responsibility of the issuing authority to ensure that conditions of approval are satisfied.