HOUSE OF ASSEMBLY

Tuesday 11 November 2003

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

ASSENT TO BILLS

Her Excellency the Governor, by message, assented to the following bills:

Administration and Probate (Administration Guarantees) Amendment,

Cooper Basin (Ratification) Amendment,

Dried Fruits Repeal,

Emergency Services Funding (Validation of Levy on Vehicles and Vessels),

Statute Law Revision,

Statutes Amendment (Anti-Fortification),

Veterinary Practice.

ZERO WASTE SA BILL

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

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. K.O. Foley)—

- Regulations under the following Acts—
  - Emergency Services Funding—Remissions
  - Public Corporations Act—
    - Industrial & Commercial Premises Corp Revocation
    - SA Athletics Stadium
    - World Police and Fire Games
    - Land Management Corp Revocation

By the Premier, on behalf of the Minister for Police (Hon. K.O. Foley)—

- Regulations under the following Act—
  - Firearms—Exhibitors Exemption

By the Minister for Energy (Hon. P.F. Conlon)—

- Regulations under the following Acts—
  - Electricity—ASCOSA
  - Gas—Ombudsman

By the Minister for Emergency Services (Hon. P.F. Conlon)—

- State Emergency Service—Report 2002-03

By the Attorney-General (Hon. M.J. Atkinson)—

- Attorney-General's Department Incorporating the Department of Justice—Report 2002-03
- Legal Practitioners Conduct Board 1 July 2002—30 June 2003
- Suppression Orders Report of the Attorney-General 2002-03—Section 71 of the Evidence Act 1929
- Regulations under the following Act—
  - Victims of Crimes—Fund and Levy

By the Minister for Consumer Affairs (Hon. M.J. Atkinson)—

- Commissioner for Consumer Affairs—Report 2002-03
- Regulations under the following Acts—
  - Land and Business (Sale and Conveyancing)—
    - Instalment Contracts
  - Liquor Licensing—
    - Long Term Dry Areas—Adelaide, North Adelaide Short Term Dry Areas—Victor Harbor Exemption North East Schools

By the Minister for Health (Hon. L. Stevens)—

- Adelaide Central Community Health Service—Report 2002-03
- Booleroo Centre District Hospital & Health Services Inc—Report 2002-03
- Bordertown Memorial Hospital Incorporated—Report 2002-03
- Ceduna District Health Services Inc.—Report 2002-03
- Central Yorke Peninsula Hospital Inc—Report 2002-03
- Child & Youth Health—Report 2002-03
- Crystal Brook District Hospital Inc.—Report 2002-03
- Eastern Eyre Health & Aged Care Inc.—Report 2002-03
- Gawler Health Service—Report 2002-03
- Hawker Memorial Hospital Inc.—Report 2002-03
- Independent Living Centre—Report 2002-03
- Kangaroo Island Health Service—Report 2002-03
- Kingston Soldiers' Memorial Hospital Inc.—Report 2002-03
- Leigh Creek Health Service Inc—Report 2002-03
- Lower Eyre Health Services Inc—Report 2002-03
- Loxton Hospital Complex Incorporated—Report 2002-03
- Mallee Health Service Inc—Karoonda, Lameroo & Pinnaroo—Report 2002-03
- Mid North Regional Health Service Inc—Report 2002-03
- Mt. Barker District Soldiers Memorial Hospital—Report 2002-03
- Murray Bridge Soldiers' Memorial Hospital—Report 2002-03
- Naracoorte Health Service Inc.—Report 2002-03
- Northern Adelaide Hills Health Service—Report 2002-03
- Northern & Far West Regional Health Service—Report 2002-03
- Northern Yorke Peninsula Health Service—Report 2002-03
- Nurses Board of South Australia—Report 2002-03
- Orroroo & District Health Service Inc—Report 2002-03
- Penola War Memorial Hospital Inc.—Report 2002-03
- Peterborough Soldiers Memorial Hospital & Health Service Inc.—Report 2002-03
- Port Augusta Hospital & Regional Health Services Inc.—Report 2002-03
- Port Broughton District Hospital & Health Services Inc.—Report 2002-03
- Port Lincoln Health Services—Report 2002-03
- Port Pirie Regional Health Service Inc—Report 2002-03
- Public and Environmental Health Council—Report 2002-03
- Renmark Paringa District Hospital Inc—Report 2002-03
- Repatriation General Hospital Inc.—Report 2002-03
- Riverland Regional Health Service Inc—Report 2002-03
- Rocky River Health Service Inc—Report 2002-03
- SA Dental Services—Report 2002-03
- St Margaret's Rehabilitation Hospital Incorporated—Report 2002-03
- Strathalbyn & District Health Service—Report 2002-03
- Tailem Bend District Hospital—Report 2002-03
- The Jamestown Hospital & Health Service Inc. 124th Annual Report & Statement of Accounts—13 October 2003
- The Mannum District Hospital Inc Incorporating Mannum Domiciliary Care Service—Report 2002-03
- The Whyalla Hospital & Health Services Inc.—Report 2002-03
- The Women's and Children's Hospital & WCH Foundation Inc—Report 2002-03
- Regulations under the following Act—
  - South Australian Health Commission—Outreach Services Private Patients

By the Minister for Environment and Conservation (Hon. J.D. Hill)—

- Land Board—Report 2002-03
- Wilderness Protection Act—Report 2002-03

By the Minister for Transport (Hon. M.J. Wright)—

- National Road Transport Commission—Report 2002-03

By the Minister for Tourism (Hon. J.D. Lomax-Smith)—

Regulations under the following Act—
Fisheries—Northern Zone Rock Lobster
Fish Processors
General
Quota System
Vessel Monitoring

By the Minister for Science and Information Economy (Hon. J.D. Lomax-Smith)—

Playford Centre—Report 2002-03

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

Adelaide Cemeteries Authority—Report 2002-03
West Beach Trust—Report 2002-03

By the Minister for Gambling (Hon. J.W. Weatherill)—

Independent Gambling Authority—Report 2002-03
Office of the Liquor and Gambling Commissioner—
Gaming Machines Act—Report 2002-03

By the Minister for Administrative Services (Hon. J.W. Weatherill)—

SA Water—Report 2002-03

By the Minister for Industry, Trade and Regional Development (Hon. R.J. McEwen)—

Department for Business, Manufacturing and Trade—
Report 2002-03

By the Minister for Local Government (Hon. R.J. McEwen)—

Local Government Grants Commission—Report 2002-03
Local Government Superannuation Board—Report 2002-03
Outback Areas Community Development Trust—Report 2002-03.

ABORIGINAL CHILDHOOD CENTRES

A petition signed by 64 members of the Aboriginal community and parents and staff of Aboriginal children's centres, requesting the house to urge the government to prefer Aboriginal staff for employment in early Aboriginal childhood centres; ensure support for Aboriginal directors in all centres; where possible, include Aboriginal languages in the curriculum for Aboriginal children and carry out an independent inquiry into why the Aboriginal director of the Kalaya Children's Centre was removed, was presented by Ms Bedford.

Petition received.

QUESTIONS ON NOTICE

The SPEAKER: I direct that the written answers to questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 114 and 154.

DIRECTOR OF PUBLIC PROSECUTIONS

The Hon. M.J. ATKINSON (Attorney-General): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.G. Kerin: What are you apologising for this time?

The Hon. M.J. ATKINSON: No apology. Being in government means never having to say you're sorry.

Mr Brindal: We'll repeat that; what was that again?

The SPEAKER: Order! The member for Unley will need to wash his ears out—interjections are out of order.

The Hon. M.J. ATKINSON: I advise the house that yesterday cabinet approved additional continuing funding of half a million dollars—

Mr Williams interjecting:

The Hon. M.J. ATKINSON: Yes, additional recurrent funding of—

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: No, not ongoing—of half a million dollars a year to the Office of the Director of Public Prosecutions, from this financial year. This is the biggest one-off increase in the last five years and comes close to meeting the need identified in 1997's Costello report for an immediate $1.5 million recurrent funding increase.

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: Wait for it. This $500 000 in extra funding makes up for years of financial neglect by previous administrations, who were aware, as a result of the Costello report, of the need for an urgent injection of funds to Office of the Director of Public Prosecutions. This comes on top—I hope the member for Bragg is listening—of an additional $2.3 million committed by our government in the last two budgets. The government recognises that additional funds will be necessary to deal with this government's commitment to crack down on organised crime, bikie gangs and pederasts. This extra funding acknowledges the increased demands on prosecution services of the government's law and order program and on the flow-on that the increased police announced yesterday will have on the prosecution service. With yesterday's announcement of increased police numbers, offenders will now be more likely to be apprehended and successfully prosecuted.

The Office of the Director of Public Prosecutions has done a marvellous job dealing with a large increase in work over the last few years, most notably as a result of the creation of the serious criminal trespass offence—the offence Trevor Griffin did not want. As one member of the opposition says, during your time in government the office was running on the smell of an oily rag. In the last financial year—

The Hon. DEAN BROWN: Mr Speaker, I rise on a point of order. We have granted leave for a ministerial statement, not a debate from the Attorney-General, and I ask you to bring him back to order.

The SPEAKER: The Attorney-General will provide factual information to the house and not engage in debate.

The Hon. M.J. ATKINSON: Sir, I was sorely provoked by the members for Bragg and Mawson. In the last financial year, the Office of the Director of Public Prosecutions dealt with about 1 500 cases—1 500. This extra funding will ensure that South Australians will continue to be served by an effective criminal prosecution service that is timely, efficient and just.

SUPPORTED RESIDENTIAL FACILITIES

The Hon. S.W. KEY (Minister for Social Justice): I seek leave to make a ministerial statement.

Leave granted.

The Hon. S.W. KEY: This government is committed to protecting and supporting the 1 200 vulnerable adults who live in privately operated Supported Residential Facilities (SRFs). Residents of the SRFs are often aged or suffer from a psychiatric or intellectual disability. For the last decade, privately operated SRFs have been struggling with financial viability problems and have been regularly closing. For years, the issues facing the sector were ignored by the previous

government. As a result of this neglect, there is now very limited capacity to accommodate residents displaced by closures within the SRF sector or within alternative mental health, disabled or aged accommodation.

Closures place a vulnerable group of people at risk of homelessness or, at best, relocation into facilities unable to provide adequate standards of care. The government is determined to ensure that residents of SRFs have the support they need and that, in the event of further closures, suitable services and alternative accommodation are available.

Cabinet has approved an $11.4 million package designed to slow the rate of closures by providing support that will improve the financial viability of the sector and ensure that residents can be placed in alternative accommodation where any future closure is unavoidable. Measures to improve the financial viability of the sector are also designed to achieve the best outcomes for residents.

A board and care subsidy is currently paid to six facilities. This new package provides for all residents in all facilities to receive a subsidy of $2 062 per annum to contribute to the cost of their accommodation and personal care. Targeted support services will also be provided to residents with high care needs. These services may include personal care, dentistry, podiatry, physiotherapy and behaviour management support. These measures will assist some facilities that do not have the necessary number of trained staff to service those residents with the most complex needs. The board and care subsidy and the additional targeted supports have a recurrent value of $5.253 million.

Whilst the government is taking these measures to support residents and the SRF sector, further closures will occur. Two recent research reports commissioned by the Department of Human Services—*Somewhere to Call Home—Supported Residential Facilities: The Sector, its Clientele and its future* (2003) and *Financial Analysis of Supported Residential Facilities in South Australia* (2003)—highlight the fact that some facilities provide substandard care, and cancellation of licences is likely. There are also ageing facilities on valuable property which are being sold to realise capital gains.

It is estimated that as many as 292 residents may be displaced as a result of closures by June 2004. While the measures to support the industry may reduce this number, the government has set aside a contingency fund of $6.349 million for 2003-04 to ensure that all residents and facilities that close will be assessed and assisted with transition to alternative accommodation and support. For many, this may include residential aged care. Specifically, these measures can include drop-in support for those people who may be able to live semi-independently, rising to more intensive levels of care for those people with greater support needs.

It is anticipated that some people may reside in group homes and other forms of congregate care and, in particular, funds will be made available to assist those people with challenging behaviours. This government is committed to ensuring that the transition arrangements for residents from facilities that may close are appropriately managed and that vulnerable residents have a say in their future accommodation and support. In particular, these measures provide for the active involvement of the Office of the Public Advocate to independently represent residents and their families to ensure their particular needs are met. Similarly, transitional arrangements will be coordinated through the Department of Human Services to ensure a whole of government approach and to make sure the proprietors meet all obligations under the current licensing arrangements. In summary, the government has made a commitment to some of the most vulnerable people in our community who, until today, have received little attention and assistance. This package is an important step forward in providing these people with a level of service that others in the community expect.

QUESTION TIME

MINISTERIAL CODE OF CONDUCT

The Hon. R.G. KERIN (Leader of the Opposition): Does the Minister for Transport agree that the ministerial code of conduct requires him to provide information about his portfolios to the public and the parliament in a timely fashion?

The Hon. M.J. WRIGHT (Minister for Transport): Yes.

DIRECTOR OF PUBLIC PROSECUTIONS

Mr O'BRIEN (Napier): My question is to the Premier. Does the government propose to take up the suggestion that the Director of Public Prosecutions Act be amended so as to prevent the Attorney-General from having the power to give any direction to the DPP? In *The Advertiser* published on Saturday 8 November 2003, Mr David Howard, President of the Law Society of South Australia, was quoted as saying that the legislation should be amended to prevent the Attorney-General from having the power to give any direction or guidance to the DPP.

The Hon. M.D. RANN (Premier): The honourable member is right to ask such a probing question. I was stunned after the decision that came down on Friday to see yet another totally facile statement from the Law Society of South Australia. So, let me put this very clearly to the Law Society. My government will certainly not introduce or support legislation to preclude the Attorney-General from giving directions to the DPP. The power to give directions—subject, of course, to the appropriate checks and safeguards—is an important aspect of the accountability of the administration of the act to this parliament on behalf of the people of South Australia through the Attorney-General.

It must be remembered that until relatively recent years it was the Attorney-General who had responsibility over criminal prosecutions, and when the DPP act was passed by this parliament that responsibility passed to the Director. But the parliament made it clear that that responsibility was subject to the directions of the Attorney-General, and the parliament was not, to use the words of Her Honour Justice Vanstone, 'prepared to give the director absolute control'. Absolute control is contrary to accountability and, of course, the power to direct is one that should only be used in extraordinary and exceptional circumstances and in the public interest, which includes, in my view, the interests of justice. I think we have to get the message across to the Law Society that while they might be interested in the status of the profession, and in the technicalities of the law, what we are more interested in is justice.

Of course, the power of direction is subject to clear safeguards: direction may occur only after consultation with the Director; the direction must be published in the gazette; and it must be laid before each house of parliament within six sitting days. The court also has jurisdiction to review the exercise of the power of direction, as occurred in the Nemer

case. Those safeguards ensure that the process is open and transparent, and reviewable by the court. The Director has an opportunity to make his or her views known. Indeed, the Director is not fettered from commenting fairly on the decision publicly or to the parliament in his reports. The parliament is entitled to consider the direction, and it may be the subject of debate or even censure. The public and the press may also comment.

Ultimately, of course, it is a matter for the public. The administration of the criminal justice system is, quite properly, a matter of public interest. The Attorney-General is accountable for the administration of the criminal justice system to the parliament. In those circumstances it is only proper and right that the Attorney-General should have the power to direct in exceptional circumstances.

On 6 August 2003, the then attorney-general, with my support and after consultation, issued a direction to the DPP to appeal the sentence handed down in the Nemer case. The decision of the then attorney-general to direct was taken only after detailed and comprehensive advice was received from the Solicitor-General, Chris Kourakis QC. That direction, I freely acknowledge, came in for criticism by some sectors. However, the Attorney-General's decision to direct an appeal has been vindicated: the appeal has been allowed.

So, my message to the Law Society is: read the judgment handed down in the court last Friday. The court found that the sentencing process was compromised and miscarried and the sentence manifestly inadequate. This should silence the critics, those who question the merits of the appeal and the Attorney-General's motives, and I cannot say more than that, given that the sentence has not yet been determined by the court.

But I want to point out, to those members who read the Law Society Bulletin, that in a recent major opinion piece it said:

> There is no room for political criticism of the judicial system, sentencing or the legal fraternity.

Where do these people get off? Where is their accountability? That statement does not hold true for any open society. Indeed, His Honour Chief Justice Doyle, in his judgment in the Nemer case, said:

> The public have a right to criticise and to hear the criticisms of others through the media.

He also says that:

> Ministers of the executive government have a right to criticise, and criticise strongly if they wish.

I acknowledge that, even though criticism of particular decisions is appropriate, there are proper bounds and such criticism should not been taken to be a criticism of the court itself or the absence of support for the court in the discharge of its functions.

Mr Brokenshire interjecting:

The Hon. M.D. RANN: That was very interesting. The question has been raised about Robert Lawson QC. I know that certain key members of the opposition support the Attorney-General's power to direct the DPP. The Leader of the Opposition and the shadow attorney-general wanted the government to intervene and direct the DPP to appeal in the Nemer case even before the Solicitor-General's advice had been sought on the merits of an appeal.

Members interjecting:

The Hon. M.D. RANN: That is right. I am not sure whether Robert Lawson is currently inside the club or outside the club, as we know that they stick together. Even though the DPP himself does not support the power to direct, he acknowledges that the parliament intended such a power and he was prepared to abide by a decision by the Attorney-General to exercise that power—and that was recorded on ABC Radio on 30 July. Let me make clear to the Law Society that, far from legislating to remove the power to direct the DPP, if required the government will act to clarify the position and enshrine the power in the legislation to ensure accountability.

ESTIMATES COMMITTEES

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Transport. Will the opposition have to wait another 16 months to receive answers to the five questions that remain outstanding from the 2003 estimates, given that we are still waiting for replies to seven questions asked during estimates in 2002?

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. Rann interjecting:

The SPEAKER: The Premier will come to order.

The Hon. M.J. WRIGHT (Minister for Transport): I thank the Leader of the Opposition for his question. Obviously, we will answer those questions as quickly as we can. There were some very serious questions asked in the main by the shadow minister for transport. They are being treated very seriously.

EDUCATION, LITERACY AND NUMERACY

Ms THOMPSON (Reynell): Will the Minister for Education and Children's Services advise how this government is supporting students who need extra help with their literacy and numeracy skills?

The Hon. P.L. WHITE (Minister for Education and Children's Services): The state government is about to allocate $2 million in grants to support South Australian school students who need a bit of extra help with their literacy and numeracy skills. The money will be targeted at some 6 000 primary school students according to their results in the new South Australian literacy and numeracy tests. The money will enable schools to target special programs for those students to increase their skills in reading and writing, spelling, number measurement, data and space. These students will be supported as they enter years 4 and 6 in 2004, so improvements can be made, and they will be tested again in years 5 and 7.

The results of the South Australian literacy and numeracy tests, which this year replaced the basic skills test, show that intervention makes a difference. For the information of the house, our year 5s this year improved upon their 2001 score of 49.2 in literacy. This year they achieved a score of 55.4. In numeracy that same cohort of students improved from a score of 49.4 up to 59.3 per cent. Our year 7s did particularly well. The students who in 1999 were in year 3 showed a 22 per cent improvement in literacy and a 32 per cent improvement in numeracy up to this year.

Our year 7 students improved in their literacy from their year 5 results in 2001 of 55.8 up to 60.1 this year, and they have improved in their numeracy from 56.7 in 2001 to an improved figure of 65.6. So, there is some demonstrable gain in the performance of those students. I am sure that gain will be further enhanced with initiatives such as the Premier's new reading challenge, which has been taken up with some gusto

by students and schools, and also the extra 160 junior primary school teachers whom the government provided at the beginning of this year to reduce by up to one-third junior primary class sizes in our most disadvantaged schools.

GAWLER TRAIN NOISE

The Hon. M.R. BUCKBY (Light): Will the Minister for Transport advise the house when I can expect an answer to correspondence regarding train noise at Gawler which was initially sent on 4 April 2002 and which remains unanswered, despite the fact that I have written eight separate follow-up letters on the matter to the minister's office, the most recent being on 13 October this year?

The Hon. M.J. WRIGHT (Minister for Transport): There is a very easy process to this.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. WRIGHT: I will follow that up for the member. I well remember when in opposition questions asked by opposition members simply falling off the *Notice Paper* on a regular basis.

Members interjecting:

The SPEAKER: Order, the member for Davenport!

The Hon. M.J. WRIGHT: If the member for Light is serious about this, I will first check the nature of what he refers to in regard to eight letters. I would like to check the detail before I come back to the member for Light, just to check the status of the way he has asked that question.

PNEUMOCOCCAL VACCINE

Ms RANKINE (Wright): My question is to the Minister for Health. What are the implications of the decision by the commonwealth government to fund only partially the latest recommendations by the National Health and Medical Research Council relating to the national immunisation program and, in particular, the failure to fund pneumococcal vaccinations?

The Hon. L. STEVENS (Minister for Health): I thank the member for Wright for her question and I acknowledge her work towards ensuring the health and safety of our children. On 28 October, I wrote to the federal Minister for Health, the Hon. Tony Abbott, expressing the concern of the South Australian government that the commonwealth has only partially funded the latest recommendations by the National Health and Medical Research Council relating to the national immunisation program. To date, I have not received an answer to that letter. As a consequence of the commonwealth's not funding the vaccination schedule, many children will continue to acquire pneumococcal infection, a disease that is not only potentially fatal but also when acquired may lead to significant brain damage. Since 2001, there have been 405 notified cases of pneumococcal and 26 deaths from the disease in South Australia.

This is the first time in 10 years that vaccine recommendations have not been closely followed by full funding from the commonwealth. There is substantial evidence that the vaccine uptake is directly related to access to free vaccines, and the failure of the federal government to fully support these recommendations is a backward step in a national immunisation program that has achieved enormous gains over the past six years.

The South Australian Department of Human Services has received correspondence from all major immunisation stakeholders in South Australia expressing strong disapproval of the federal decision. These stakeholders include the Australian Medical Association, the South Australian Division of General Practice and the South Australian Immunisation Forum, representing all immunisation service providers in the state. These concerns include the difficulties raised when providers are legally obliged to recommend vaccines that are unfunded to families who cannot afford the vaccine. Pneumococcal can be avoided, but unfortunately the potential has been created by the federal government for the development of a two-tiered system based on those who can afford protection against disease and those who cannot.

ROADS, EYRE HIGHWAY

Mrs PENFOLD (Flinders): My question is to the Minister for Transport. Can the minister advise the house whether the parking bays on the Eyre Highway are to be closed? On 15 May this year—

Mr Koutsantonis interjecting:

The SPEAKER: Order! The member for West Torrens does not have the Eyre Highway in his electorate, nor is he responsible for the Minister for Transport's portfolio.

Mrs PENFOLD: On 15 May this year I asked the minister whether there was any truth in what was then a strong rumour that a number of parking bays on the Eyre Highway are to be closed. At the time (nearly six months ago) the minister responded:

> I will obtain a detailed response with respect to the location that the member for Flinders has asked about and I will bring back the detail.

As yet, I have heard nothing, and I am most concerned because these parking bays are used by thousands of travellers and help to reduce the number of accidents from fatigue.

Mr Williams interjecting:

The SPEAKER: Order! The member for MacKillop is not the minister.

The Hon. M.J. WRIGHT (Minister for Transport): I have made the offer to members opposite previously that if they have specific questions about individual roads of the nature that the member is now asking or about train noise—

The Hon. I.F. Evans: We ask you and you do not answer: we write to you and you do not answer. Shall we telegram you?

The Hon. M.J. WRIGHT: Do you want to answer it as well as ask it? You are in opposition, in case you had not noticed.

Members interjecting:

The SPEAKER: Order! I underline what the minister has just said. Members in opposition will find that some of them will not be there for the duration of the day if they behave in the manner in which they just have. The honourable the minister.

The Hon. M.J. WRIGHT: Thank you, sir. Obviously I will follow that up for the member. I am concerned that I have not got back to her, and I apologise. We are now well aware of the tactics of the opposition today. Here they go nit-picking and cherry picking.

Members interjecting:

The SPEAKER: Order!

MOTOR VEHICLES, SAFETY

Mr KOUTSANTONIS (West Torrens): My question is to the Minister for Transport.

Members interjecting:

Mr KOUTSANTONIS: He always answers my questions very quickly. Minister, what is the government doing about potential safety implications associated with the installation and use of DVDs in motor vehicles?

The Hon. M.J. WRIGHT (Minister for Transport): I thank the member for West Torrens for his question. I know the member has a keen interest in road safety and is always looking to play a positive role in making our community safer. I am pleased to advise that the Australian Transport Council considered a paper on this issue at its meeting in Adelaide last Friday. I raise this matter because an increased use of visual display-based systems in vehicles is a threat to safety, because they can increase driver distraction and may result in distraction-related crashes.

We know that driver inattention is a major contributor to road crashes. Drivers can be distracted both by moving images on a display unit and during the physical operation of the device. DVD players are increasingly available as factory fitted equipment in new luxury vehicles and for after-market installation. In addition, technological advances mean that the availability and connectivity of electronic devices is potentially limitless.

Mr HAMILTON-SMITH: Mr Speaker, I rise on a point of order. The minister is reading from prepared text, a ministerial statement, and not answering a question without notice. I ask you to rule as to whether the minister should make this statement as a ministerial statement and not waste question time.

The SPEAKER: I understand the sentiments expressed by the member for Waite. Notwithstanding that, I am not in a position—nor, indeed, would anyone else in the chair—to know whether the minister is doing as the member for Waite alleges, other than that he might quite reasonably be using copious notes to ensure that he makes no mistake. However, in the circumstances, the minister would be ill-advised to embark upon a lengthy dissertation in response to the inquiry from the member for West Torrens.

The Hon. M.J. WRIGHT: Australian design rules prescribe safety requirements for new vehicles, and these apply from the date specified for each rule. However, this means that Australian design rules that specify the allowable mounting position of visual display units in new vehicles do not apply to older vehicles in the national fleet. Any standards or legislation to regulate the fitting and use of DVDs and visual display units need to be developed at the national level to ensure uniformity across Australia. The Australian Transport Council agreed that the adequacy of standards and regulations applying to DVDs and visual display units will be investigated nationally.

BRITANNIA ROUNDABOUT

Ms CHAPMAN (Bragg): My question is directed to the Minister for Transport. Given my initial correspondence to the minister regarding the Britannia corner roundabout, which dates back—

An honourable member interjecting:

The SPEAKER: Order!

Ms CHAPMAN: —to 2002, to which an answer was to be given early this year, and my correspondence of 31 March 2003, which remains unanswered, will the minister advise the house when he will be responding to that inquiry?

The Hon. M.J. WRIGHT (Minister for Transport): With respect to this question (like previous questions that have been asked), obviously, it does concern me that we have not got back with further detail to some of the questions that have been highlighted. Obviously, I will follow that up for the member, as I will for other members. But I would like to highlight what I have previously said to the house. There are obviously lots of roads out there, and there are lots of roundabouts. To the best of my knowledge—and it may well—

An honourable member interjecting:

The Hon. M.J. WRIGHT: That's right. And I get a lot, too—and a lot of the drivel is from you!

The SPEAKER: Order! I have never written a letter containing drivel to the minister.

The Hon. M.J. WRIGHT: My apologies, sir. Obviously, these issues that have been raised will be followed up, and I make the same offer that I have made previously. If members have a specific concern because a question—

The Hon. M.R. Buckby interjecting:

The Hon. M.J. WRIGHT: Well, come and see me privately. If this was such a big issue for the member for Light to write me eight letters, would you not think that he would have come and seen me personally?

Mr Brokenshire interjecting:

The SPEAKER: Order! The member for Mawson will put his finger back in its holster.

ENVIRONMENT, SUSTAINABILITY

Ms THOMPSON (Reynell): My question is directed to the Minister for Environment and Conservation. Is the government's strong commitment to the environment sending the message that sustainability is everyone's business, and what examples are there of green initiatives by business?

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for Reynell for her excellent question. There are many very good examples of businesses in South Australia that are contributing to improved environmental outcomes in this state. Recently, I launched an initiative by Chalk Hill Wines at McLaren Vale to help protect one of Australia's rarest cockatoos, the glossy black cockatoo, which is close to extinction. Currently, there are only 260 glossy black cockatoos surviving on Kangaroo—

Members interjecting:

The Hon. J.D. HILL: I cannot name each of them. We have not named them all yet; we might have a competition. Currently, there are only 260 glossy black cockatoos surviving on Kangaroo Island, although the glossy black cockatoo, as members would know, used to be quite widespread on the mainland, particularly in the electorate of the member for Finniss. Chalk Hill has donated $5 000 to Greening Australia to restore habitat for the glossy black cockatoo on the mainland. This is a very good news story. The Minister for Energy will like this.

A tree will be planted for every six bottles of wine sold by Chalk Hill, and that will result in the planting of about five hectares of drooping sheoak trees each year for the next five years. So, over the next five years, Chalk Hill will plant five hectares a year at Fisheries Beach near Cape Jervis to provide habitat for the glossy black cockatoo. That program will complement the government's recovery program which operates through the Department for Environment and Heritage (which has seen the glossy black move from the critical to the endangered species list), and will certainly fit in with the government's commitment to nature links—

Mr Venning interjecting:

The SPEAKER: The member for Schubert will come to order! I presume that the member for Schubert wants to see out of the rest of the day.

The Hon. J.D. HILL: It is marginal, I think, sir. Sir, I was telling you about the Chalk Hill environment, but there are a number of other businesses, too. Banrock Station, of course, in the River Murray is well-known for doing good works in wetlands in that area. Recently, on behalf of the government, I received a very generous gift from Mrs Elizabeth Law-Smith, who donated a parcel of 118 hectares of land from their Yaringa farming property. On 11 October, I joined with Mrs Law-Smith to announce the new Para Woodland Reserve, which was made possible by her very generous donation of land. Mrs Law-Smith has also pledged a donation of $120 000 each year for each of the next 10 years to the Nature Foundation of South Australia, and that generous donation is backed by extra resources from the government to manage and restore the Para Woodland Reserve to form a valuable natural corridor from Gawler to Para Wirra.

Some of the state's top businesses were acknowledged at the Good Business Environment Awards at a dinner in October attended by the Premier, and among the recipients—and I would like to congratulate these groups—were Michell Australia, Ecosol, Finsbury Printing, Origin Energy and Milford Industries. Business can play a part in restoring our environment, and I do commend those businesses that make a contribution.

SALISBURY TRAFFIC SIGNALS

The Hon. M.R. BUCKBY (Light): My question is to the Minister for Transport. When will the minister update the house on the progress of traffic signals at the corner of Salisbury Highway and Spains Road? On 31 July 2002, the minister announced that this intersection would have lights installed by the end of the 2002-03 financial year. On 14 May this year, six weeks prior to the minister's own deadline, I asked the minister to provide the house with an update of the project. He said, 'I am happy to bring that detail.' It is now November, some three minutes past the deadline: I have received no information and there are no traffic lights.

The SPEAKER: Order! What is the deadline—2.50 p.m. on 11 November?

The Hon. M.R. BUCKBY: The deadline announced by the minister was the end of the 2002-03 financial year.

The Hon. M.J. WRIGHT (Minister for Transport): I am concerned to hear that the honourable member's question has not been answered and that I have not provided that detail. I will check the status of that and have it brought to the house as soon as possible.

COMMUNITY HOUSING AWARDS

Mrs GERAGHTY (Torrens): My question is to the Minister for Housing. What recognition is being given to the work done by community housing associations?

The Hon. S.W. KEY (Minister for Housing): I was very privileged to be part of the celebrations at the third community housing awards night which was hosted by the South Australian Community Housing Authority last week. Members will be pleased to hear that housing cooperatives and housing associations are playing a more important role with regard to providing accommodation, particularly for groups of tenants who have special needs. The awards night recognised the achievements of community housing and its good management practices. In South Australia 78 housing cooperatives and 48 housing associations are registered with the South Australian Community Housing Authority. Respectively, they manage 1 409 and 2 605 dwellings (a total of 4 014) and the total assets are now valued at some $350 million.

The awards acknowledge particular instances of excellence within the overall sector. I would like to acknowledge the major winners: the Riverside Housing Cooperative; the Blue Lake Housing Cooperative; PARQUA (Para-Quad) Housing Cooperative; the NARU Housing Cooperative; and the Southside and PERCH Housing Cooperatives. An achievement award went to Ms Barbara Williams of the Mount Lofty Ranges Cooperative, while the winner of the Outstanding Personal Contribution to Community Housing Award for contribution to the wider community, team work and outstanding leadership went to Mr Brian Stanley of the Frederic Ozanam Housing Association.

I want to acknowledge all those who came to the awards night and the fact that the community housing and cooperative housing area is particularly successful because of the people in that industry volunteering their time, taking up responsibility and, I think, providing a tremendous example to the rest of us of how housing can work under this sector. But I would also like to acknowledge the fact that the awards were made available through the work between private, institutional and public bodies making sure that we have sponsorship for those awards.

MINISTERIAL CODE OF CONDUCT

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Premier. Given that the Minister for Transport currently has over 10 questions from the 2002-03 Budget Estimates Committees unanswered; over 100 pieces of correspondence from the opposition alone unanswered; over 50 questions on the *Notice Paper* unanswered; and approximately another 15 questions taken on notice but unanswered, does the Premier believe that his minister is competently fulfilling his obligations under the Premier's own ministerial code of conduct?

The Hon. M.D. RANN (Premier): I find this somewhat amusing. This was the government that left its questions on the answer paper for, it appeared, a millennium! Of course, one of its members even had 'millennium' stamped on his *Notice Paper*. It was his use-by date. But we did get some answers from the former government.

The Hon. W.A. MATTHEW: On a point of order, the Premier was asked a very specific question. He is seeking not only to not answer the question but also to debate other matters that are not related to the question.

The SPEAKER: I do not uphold the point of order. The Premier may set the background against which he proposes to address the explicit inquiry. That is okay, so long as he does not persist in the line of backgrounding to the extent that it becomes debate.

The Hon. M.D. RANN: When we did occasionally get answers from the former (Liberal) government, these are the sorts of answers we got. Here is one from *Hansard* that reads:

> The government is not considering nor ever will it consider privatising either in full or in part the Electricity Trust of South Australia.

They gave us answers, such as:

I have consistently said there will be no privatisation and that decision remains. This is obviously part of a Labor lie campaign.

The SPEAKER: Order! That is debate. The answer is out of order.

Mr BRINDAL: That was my point of order, sir—that and the fact that I believe standing order 98 requires the Premier to address the substance of the question. I am wondering how far the chair allows background as part of the substance of the question.

The SPEAKER: About 20 seconds.

The Hon. M.D. RANN: I guess the point is that year after year when the Liberals were in government we saw questions unanswered and left on the answer paper, but when they did put answers there, like their answers on ETSA's privatisation, in a less civilised society they would have been put in leg irons.

CLASSIC ADELAIDE RALLY

Ms CICCARELLO (Norwood): My question is to the Minister for Tourism. Given the recent public speculation about the future of the Classic Adelaide Rally, will the event go ahead this year?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I would like to thank the member for Norwood for her interest in this event. It is all systems go for the 2003 Classic Adelaide Rally. I am pleased to say that Silverstone Events and the Confederation of Australian Motor Sport (CAMS) yesterday secured a resolution of the stalemate over the insurance and events regulations. Both groups, I have to say, showed an enormous amount of goodwill and the conciliation was only possible because they were prepared to make concessions and negotiate a settlement. The latest negotiations mean that the event will be organised and run under the CAMS permit and insurance, and under the rules of both CAMS and the FIA.

This year's Classic Adelaide looks set to be one of the best ever. We now have 220 cars, up from about 190 last year, and 136 in 2001. The highlight of the event this year will certainly be the prologue twilight event in Victoria Park; the display of classic cars in Victoria Square; and, of course, the highlight for many people, who have no opportunity of owning such exquisite vehicles, but certainly enjoy getting up close and personal to them, in Gouger Street, a free event with a party atmosphere and access to good food and wine. That will be, as ever, on Friday evening.

It appears that this year's event will be very special. Those of you with an interest in motor sports and some inside knowledge will realise that bringing, as we are, Stirling Moss to Adelaide this year will add a certain shine to the event. In particular, the three times world champion Jack Brabham will be, once again, on the road with his sparring partner Sir Stirling Moss. In addition, our own Vern Schuppan and Jim Richards will be on the road, and it looks as if this will be an even better, bigger and more successful event than in previous years.

QUESTIONS, REPLIES

The Hon. G.M. GUNN (Stuart): My question is to the Minister for Transport. I ask the minister: when is it likely that I will receive an answer to questions I placed on notice as far back as 18 February this year? The house would be aware that I have some interest in the activities of in particular the Department of Transport inspectors, speed cameras, on-the-spot fines, and all those sorts of things, and therefore it is important that the parliament is brought up to the mark on what these people are up to. Today, the government had police officers hiding speed cameras and not putting signs up, to give an example. We want to know what the Department of Transport inspectors have been up to as well. I have been waiting nearly nine months for an answer and I now think my patience is rightly running out.

The Hon. M.J. WRIGHT (Minister for Transport): I certainly do not want to test the patience of the member for Stuart. I will bring back an answer very quickly.

ICT ARRANGEMENTS

Mr CAICA (Colton): My question is to the Minister for Administrative Services. How will the government ensure that it has the best ICT arrangements available once the current EDS contract expires in 2005?

The Hon. J.W. WEATHERILL (Minister for Administrative Services): The government thought that it would agree to the price before it signs the contract. That might be a good start. The state government is also preparing to go to the market with a range of ICT tenders, including tenders for the work that is currently covered by the EDS contract, which comes to an end in July 2005. The EDS contract amounts to about one third of our ICT needs and we have, outside of the scope of the EDS contract, telecommunications, internet services, desktop hardware and other support services, which are provided by the providers. We are pulling together all those things—the EDS contracts and those other arrangements—and timing the expiry of some of the arrangements so that they all come up at the same time and so that we can actually go out to market with a number of components.

The first round of approaches to the market will be ICT equipment. That will be released to the market on 8 December 2003, and will include a request to the market to propose new arrangements for the provision of desktop and mobile access devices, server equipment for the storage and processing of data, and peripheral equipment such as printers, photocopying and network devices.

The second tranche will be large scale computing, released to the market in March next year, and will include mainframe services, electronic messaging and associated services. The next one will be the management of network services, released to the market in April 2004, and, finally, support services for server-based computing infrastructure in the second quarter of 2004.

This is an extraordinarily large part of government expenditure, amounting to something in the order of $1 billion over the term of the arrangements. It is crucial, for a range of reasons, that we get this right. Obviously, we need to make sure that we get value for money. We are seeking—

Mr Hamilton-Smith interjecting:

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

The Hon. J.W. WEATHERILL: We are seeking to get value for money for our ICT buy but, crucially, the real advantage is to line up the way in which those services are provided with our government priorities. For too long, ICT has been seen as just a support service that sits in the back room, not managed at the top of the management structure. But it is now so essentially embedded in just about everything we do in government that it can assist us in meeting core business objectives. I know that the Minister for Health is looking carefully at the question of the way in which ICT can

deliver on the Generational Health Review, and I know that the Minister for Education is looking carefully at the question of ICT and how it can deliver better and more effective educational services.

There are massive opportunities here, and this important procurement process, which is being managed with resources out of the ICT section of the Department of Administration and Information Services, will achieve those objectives for the community of South Australia.

BUSES, HILLS

Mrs REDMOND (Heysen): My question is to the Minister for Transport. Will the minister advise the house when he will be replying to my correspondence regarding the extension of bus services in the Hills area? On 14 February this year I wrote to the minister regarding extension of Hills bus services. Three months later I had received no response, so on 14 May I wrote again to the minister. By 30 May I did receive an acknowledgment that my letter had been received, and I wrongly assumed that a response would be forthcoming, but it is now nine months since my initial inquiry and I am still waiting for a response.

The Hon. M.J. WRIGHT (Minister for Transport): I thank the member for Heysen for her question and apologise for not replying. I will check the status of her letter and convey that information to her office later today.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT

Mr SNELLING (Playford): My question is to the Attorney-General. Why has the government not implemented its election promise and given the Environment, Resources and Development Court greater sentencing powers?

The Hon. M.J. ATKINSON (Attorney-General): The government has been addressing this complicated matter both at both ministerial and officer level. The government needs to be careful when dealing with jurisdictional matters. Although reform in a particular area may be a government priority, it is important to retain a degree of consistency between courts and across matters. Regard needs to be had to the range of principles upon which sentencing is based.

In dealing with jurisdictional issues, the government seeks comments on a confidential basis from the head of each of the courts. It is not the practice of this government to raise these concerns publicly, neither was it the practice of the previous government. Therefore, I will not comment on any submissions I have received in dealing with the jurisdiction of the ERD Court. However, I remain confident that the jurisdictional issues raised can be dealt with in a manner which meets the government's commitment, will satisfy most stakeholders concerned, and will provide strong deterrents to those considering polluting or degrading our environment.

ELECTRICITY PRICES

The Hon. W.A. MATTHEW (Bright): My question is to the Minister for Energy. During their two lengthy meetings prior to 22 October 2002, did the chair of the Energy Consumer Council, Professor Richard Blandy, advise the minister to reject the 25 per cent electricity increase for 2003? If so, why did the minister dismiss this advice? On 22 October 2002, in response to opposition questioning about the work of the council, the minister told this house that he had 'two lengthy meetings with Professor Blandy' and that 'the purpose of Dick Blandy and his council is to provide high level policy advice for this year, next year and the year after'.

The Hon. P.F. CONLON (Minister for Energy): I rarely thank the member for Bright for a question, but I do on this occasion, because I was so keen to have it asked again. I was asked a question yesterday by the member for Bright in which he suggested that Professor Blandy had said to me that the price set for 2003 should have been rejected and sent back to the regulator. I indicated that I could not remember any such conversation, but I checked. I indicated that to the best of my knowledge the only recommendation was in the report recently printed by the Energy Consumers Council, which talks about electricity prices into the future. I inform the house that I have had a conversation with Professor Blandy and he informed me that he cannot recall any such recommendation to me, nor would he have made it. Again we have the member for Bright inventing an issue to pursue. It is tremendously ironic that we now have the member for Bright quoting as his support Professor Richard Blandy. South Australia would have been in a much superior position if the member for Bright and the previous government had started listening to Professor Blandy some years ago when he warned of the disastrous consequences of privatisation—disastrous consequences subsequently visited upon us.

Professor Blandy's report makes one recommendation about prices into the future. If members of the opposition want to talk about that, I refer them to the key conclusions from the report that made that recommendation. Conclusion No. 1 states:

> The privatisation of electricity assets in South Australia by the previous government and the accompanying revaluation of ETSA's distribution and transmission network assets, locked in by the privatisation agreements, raised the retail cost of electricity in South Australia and has been an important factor in the 2003 increase in residential power prices.

That is conclusion No. 1 of the key conclusions of Richard Blandy. I am happy to take on board the recommendations about prices into the future. I wish the fools on the other side had listened to Richard Blandy a couple of years ago.

AUSTRICS

The Hon. M.R. BUCKBY (Light): My question is to the Minister for Transport. Given that it has been over seven months since the minister assured the house that he was happy to come back with details as to when he was first advised by the staff of Austrics regarding their dissatisfaction with the direction of the government-owned company, will he now do so?

The Hon. M.J. WRIGHT (Minister for Transport): Yes.

KINDERGARTENS, COMPUTERS

Mr SCALZI (Hartley): Will the Minister for Education and Children's Services advise whether she consulted with kindergarten staff with regard to its recent decision to supply new computers to South Australian kindergartens and whether these funds could have been spent on alternative and more necessary equipment according to individual kindergarten needs? I was recently approached by a kindergarten in my electorate with concerns that the supply of new computers is not targeting the real requirements of kindergartens. This particular kindergarten already has two older and modest

computers, which are adequate for the introduction of computer skills, but it urgently requires outdoor shading over a sandpit area to extend the safe useability of their limited outdoor area and promote health and fitness for the children.

The Hon. P.L. WHITE (Minister for Education and Children's Services): I would be very happy to find out the name of that kindergarten, because it would be the only one out of the 308 or so kindergartens which received a computer and which wants to give it back. I would be very happy to see the member come forward and give me the name of the kindergarten, because I know that another user could be found for it. If that kindergarten does not want that computer, it could give it back.

This highlights the fundamental difference between the Liberal Party and the Labor Party on this matter: the opposition opposes this initiative of computers for every public kindergarten while the government believes that it is an important transition into modern-day schooling and that it is important to give young children a head start in their educational development. These days, computers are a part of the modern classroom and modern life. In fact, more than 60 per cent of our preschoolers have access to a computer in their home and elsewhere. The opposition seems to be against this initiative. In fact, the shadow minister has said that her party is against this initiative and against computers being provided for preschoolers. However, I can assure the member for Hartley and other members of this house that at least 307 kindergartens in this state have said to us, 'Thank you very much, Labor government of South Australia.'

TELEVISION NEWS

Mr BRINDAL (Unley): My question is directed to the Premier as Minister for the Arts. What discussions has the Premier had with the management of Channel 7 and Channel 10 and what plans does his government have in respect of the loss of local news services from Adelaide? Behind the production of every news service, as the Premier knows, is an army of technicians, journalists, camera people and graphic artists, and they are important to our film industry. A number of people who started in South Australia are now world players in Hollywood, yet this government seems to have been inordinately silent while two of the major players have left Adelaide—

The Hon. P.F. CONLON: I rise on a point of order. I have not taken any points of order on this matter but several times today reference has been made to debating the substance of a question. Suggesting that the government has been inordinately silent is not only comment but it is also phrased in hyperbole and is not appropriate in a question.

The SPEAKER: I uphold the point of order. The Minister for the Arts.

The Hon. M.D. RANN (Minister for the Arts): It seems that the honourable member must have been away because I have given a series of interviews on Jeremy Cordeaux's show and other radio stations condemning Channel 7 in no uncertain terms for cutting a third of its work force. Indeed, I wrote to Channel 7 nationally. However, the honourable member also asked what I did as Premier with respect to Channel 10. Perhaps he forgets who was in government at the time that Channel 10 changed its format and based its newsreaders in Melbourne and do not appear, except on very strange occasions, or turn up to any news conferences on the weekend. I cannot remember one single bleat out of the honourable member when he was a minister. I was prepared to take it up to Channel 7 and attack them publicly, and I do not resile from doing so.

HOSPITALS, COUNTRY

Mr GOLDSWORTHY (Kavel): Will the Minister for Health confirm whether she plans to amalgamate the boards of the Mount Barker, Mount Pleasant and Gumeracha hospitals into one board?

The Hon. L. STEVENS (Minister for Health): I do not have any such plan in mind. I am interested in the question because I am not sure whether the honourable member is trying to create confusion and concern in country areas. People know that, as a result of the Generational Health Review, the government did not accept the recommendation of John Menadue to remove all local boards in country areas. That decision is well known. However, we have said to country people that there will be reforms; and the principles of reform outlined through the generational health review in relation to better services, better systems and better governance will be done cooperatively with all country areas.

About two weeks ago, there was a very successful country summit attended by over 250 people from all walks of 'health life' in country areas where they discussed their progress in implementing those recommendations. So, I will be looking forward to having recommendations brought to me by country communities and boards in relation to their governance and better services and systems but, certainly, none of these things will be imposed by me in relation to any sorts of amalgamations. While I am on the topic of country health amalgamations, I would like to say that the previous government, under the current deputy leader, led the way in amalgamations of country boards. While I have this opportunity, I would like to outline some of those to the house.

Mr GOLDSWORTHY: I rise on a point of order, Mr Speaker. I specifically asked whether the minister planned to amalgamate hospital boards into the one board. She is entering into debate.

The SPEAKER: I uphold the point of order.

WATER RESTRICTIONS

Dr McFETRIDGE (Morphett): My question is to the Minister for Environment and Conservation. What mechanisms, circumstances or triggers would allow water restrictions to be completely removed in South Australia?

The Hon. J.D. HILL (Minister for Environment and Conservation): As the member knows, my colleague the minister responsible for SA Water announced the removal of water restrictions three or four weeks ago and replaced them with permanent water conservation measures. Members will recall that parliament debated that measure towards the middle of the year. Water restrictions will stay in place on Eyre Peninsula, of course, because of its particular problems, and I cannot foresee at what stage those restrictions would be lifted—it would not be until an alternative supply of water is found. In relation to irrigators in South Australia, as the member would know, towards the middle of the year the government announced that there would have to be water restrictions for irrigators using River Murray water this year because of the drought and the fact that the Murray-Darling Basin Commission was not able to give us our full entitlement for this year. As the season has progressed and as a result of good rains and additional storage in the dams

associated with the Murray-Darling complex, I have been able to lift the restrictions.

I answered a similar question that was asked of me by the member for Chaffey, I think in the last sitting week. I refer the member to that answer for details. I also arranged a briefing for all members of parliament in the Old Parliament House chamber, and that went into some detail about the processes and gave the predictions. I am not sure whether the member was at that meeting. If he was not, I can organise for somebody to talk him through the details of that process.

SOUTHERN CROSS REPLICA AIRCRAFT

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: Earlier this year, I announced that the government would seek to transfer ownership of the Southern Cross replica aircraft, which members would know was damaged in an accident. A notice to this end was placed in *The Advertiser* on 10 June this year seeking proposals from organisations to apply for the aircraft. Proposals were evaluated against the government's key requirements and included: demonstrated ability to repair the aircraft; the aircraft to be owned and operated from South Australia; the aircraft to be flown in South Australian skies; and demonstrated financial viability and sustainability of the bidding organisation. Four applications were received and reviewed by Arts SA and a recommendation was put to me.

Before I accepted the recommendation, I asked Arts SA to check with the Prudential Management Group about the process that it had undertaken, and I have already indicated that to the house. I did that to ensure that the process was fair and transparent. The PMG drew attention to some ambiguities in the process, in particular, that the amount of once-off government funding available to assist in the repair of the aircraft was not clear in the advertisement. However, as I made clear to the parliament on 17 June, the full amount of $186 000 provided by the plane's insurer following its crash landing in 2002 would be transferred with the plane.

Following PMG advice, I requested that Arts SA write to each applicant restating the government's requirements and conditions for transfer of ownership of the aircraft, specifying clearly the amount of once-off government funding to be available to assist in the repair of the aircraft and providing each applicant with a further two weeks in which to submit any amendments to their original offers or any additional information in support of their original offers. That process has now been completed and I have approved the recommendation that the ownership of the Southern Cross replica aircraft be transferred to the Historical Aircraft Restoration Society Incorporated (known as HARS). I am advised that HARS is best placed to repair, manage and operate the aircraft and generally comply with the government's requirements for the future of the aircraft. I am further advised that the organisation has an impeccable record in the operation and maintenance of historic aircraft. It is a mature organisation with a significant skill base, clear lines of accountability and a track record of financial success in generating operating income, sponsorship revenues and donations.

HARS is Australia's largest not-for-profit aviation organisation, with 70 licensed aircraft engineers among its membership. It currently maintains some 21 aircraft, such as the Lockheed Super Constellation, Lockheed Neptune, de Havilland Vampire, Cessna 310, Cessna Bird Dog, Douglas C47 Dakota A65, CAC Winjeels, de Havilland Drover, de Havilland Tiger Moth and the North American AT6 Harvard. This decision will mean that Australia's largest historic aviation society will, for the first time, have a chapter based here in South Australia. This will give local aviation enthusiasts better access to the HARS collection of historic aircraft. HARS will incorporate an association in South Australia and the aircraft will operate from a hangar (and I am sure you will be pleased to know this, Mr Speaker) at Murray Bridge.

POINT PEARCE COMMUNITY

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. LOMAX-SMITH: In line with a motion passed in this house on 28 May, I now report to the house on the work that has been done by the South Australian Tourism Commission (SATC) with the Point Pearce Aboriginal Community to develop tourism opportunities on Yorke Peninsula. A two-day tour of Yorke Peninsula looking at significant sites was conducted with members of the Point Pearce community. The SATC used this opportunity also to invite a touring company and a tourism industry representative to provide feedback on the trial run of a proposed tour. The tour visited several indigenous sites on Yorke Peninsula and heard many dreaming stories. The Innes National Park was a major focus of the tour, and the group also visited Point Pearce township and Wardang Island. On 29 September I also visited Point Pearce and held a meeting with community members along with representatives from the District Council of Yorke Peninsula, the YP Regional Development Board, the Department of Environment and Heritage and the SATC. The next day, I toured Wardang Island and was fortunate enough to be told some dreaming stories associated with the island.

The community, in conjunction with the SATC, has now developed Aboriginal Cultural Tours-Yorke Peninsula, incorporating Aboriginal stories, heritage and culture. Through Aboriginal dreaming and traditional ceremonies, tour guides provide an insight into the spiritual and physical connection of the Aboriginal people in this area with their land and the sea. Three one-day tours covering the east and west coasts and Innes National Park are offered, along with a half day that focuses on Point Pearce and its surrounds. Planning has also commenced for a low impact tour to Wardang Island. Aboriginal Cultural Tours-Yorke Peninsula has produced a splendid brochure and is listed in the *Yorke Peninsula Visitor Guide*, which also includes details about indigenous communities. Bookings can be made directly and eventually, we hope, will also be made through the Maitland Visitor Information Centre.

The Aboriginal Lands Trust, in June 2003, approved a 99-year lease for the Goreta Corporation to take over the care, control and management of Wardang Island. The Point Pearce community is delighted that Wardang Island has been returned to its traditional owners, and is keen to develop Wardang Island as a tourist attraction. The corporation has recently received a number of grants to assist with the development of the island; in particular, $139 000 to remove

box thorns, which will assist in restoring the island to its natural coastal landscape. This work is proceeding as we speak. In addition, $480 000 for a drug and alcohol program, which will be used to train and develop community members to develop infrastructure on the island, such as restoring accommodation and creating walking paths and lookouts. In addition, $70 000 has been given to produce a feasibility study for the development of the island as an eco tourism attraction, but this will ultimately require moorings or jetty redevelopment.

The District Council of Yorke Peninsula and the Yorke Peninsula Regional Development Board have also been working closely with the Point Pearce community. A series of economic development strategies has been developed to assist the community to produce employment and training opportunities and economic returns from oyster farming, agriculture and fishing. Strategies have been produced for health and housing for the community, and I have given a commitment to seek out opportunities from within DFEEST to also assist in this area. Whilst there is still much work to be done, it is pleasing that good progress is being made towards the establishment of the first indigenous tourism product for the Yorke Peninsula, and I thank the member for Morialta for her interest in this topic.

GRIEVANCE DEBATE

CHILD ABUSE

Mr BRINDAL (Unley): Sir, I am sure you will recall the Premier rising in answer to a question a week or so ago in terms of sitting times and saying that there was nothing worse than the abuse of our children in this state, and that it is a matter this house must take seriously. After that, I spoke about the case of a Mr Keith Meekins, and others, who I have good reason to believe were abused, so far as my knowledge of the facts is correct, and that abuse was covered up by the state and agents of South Australia. Today, I want to talk about a different sort of abuse, again perpetrated by the Crown in the name of ministers—an abuse which I regard no less seriously and which I hope the public will consider.

Sir, I know that you happen to be President of the Richard Hillman Foundation. What other honourable members may not know is that the Richard Hillman Foundation takes its name, obviously, from a man called Mr Hillman who, having been accused quite wrongfully of abusing his child, took the matter to the High Court of Australia. He has not been the only one to do so: I believe that at least two or three other very similar cases have been taken to the High Court. In the High Court those parents insisted that their rights had been violated with respect to the manner in which allegations of child abuse had been investigated against their children, that they were wrongly accused, and that the state owed them a duty of care.

You will know, sir, that the High Court of Australia has held that the state only owes a duty of care to its children. So, what we have in this wonderful, enlightened state of South Australia is the state taking no responsibility for this, except in so far as it is responsible to the children. The children, conveniently for the state of South Australia, were all minors and were unlikely to be able to do anything, simply because they were minors. So, the state is all care and no responsibility.

Sir, I wish these grievance debates lasted for an hour or two, because I am quite sure that you could join in as well. I would like to draw your attention to the case of a Mr Crispin, who was tried before Justice Mohr in 1985. The case was against Ronald Maxwell Crispin, and it was No. 125 of 1998. Two charges of unlawful sexual were brought against this man as a result of allegations made to the Department of Community Welfare. When the child was examined (and I have all the court evidence should any honourable member want to read it), in the end, the examining counsel said:

> Isn't it just something that the doctors and the psychiatrists and the community welfare people have suggested to you. Isn't that right?

The answer given by the child, who was then 10, was 'Yes'. Counsel continued:

> Q. If they hadn't said that your daddy had done [and I will not go into the explicit detail] in the cubby house, you wouldn't have known anything about it, would you?
>
> A. No.
>
> Q. And, similarly, if they hadn't said that your daddy had done certain things in the house, you wouldn't have known anything about it, would you?
>
> A. No.

Quite rightly, the Crown case was withdrawn, and Justice Mohr instructed the jury to find Mr Crispin not guilty, but he said, 'The people responsible for this will have to carry it on their conscience'—and he was talking about social workers, police officers, psychiatrists and doctors in the employ of the state of South Australia. He said to Mr Crispin:

> Your conscience is clear. It is a dreadful tragedy that has happened, Mr Crispin. I don't know what can be done to put right what has happened in the last 2½ years. I hope something can be salvaged from the wreckage.

After that court trial, DCW, or the police, again interviewed the child and then went and took the third child away from these two people. These people have not seen their children for 17½ years, I think it is now, apart from custodial visits.

I say that the state has much to answer for with respect to the abuse of our children: firstly, for conniving with paedophiles and letting paedophiles get away with what they did, in some clear cases; and, secondly, by taking children who were never abused away from their parents, putting them in foster homes and subjecting them to a regime outside their family, all with the impunity of the law. Playing God is not something I believe this house thinks should be done by anyone, let alone social workers.

MOTOR TRADE ASSOCIATION AUTOMOTIVE TRAINING CENTRE

Mr CAICA (Colton): Last week I had the opportunity to visit the Motor Trade Association's Automotive Training Centre at Royal Park, and I was extremely impressed with what I was able to see there. The MTA purchased the old Royal Park High School in 1996 and moved into the premises in 1997. Just by way of interest for honourable members, that was the old high school of our Treasurer, the member for Port Adelaide. The school in those days, in its 20 years of existence, produced many outstanding students, and continues to contribute very well to our society through the training centre that the MTA has established.

The MTA's group training scheme had been operating since 1982 and, by the time of the purchase of the Royal Park

High School, it was clear that a new site was required to accommodate what was a successful and growing venture. When it commenced in 1982, the group scheme had 10 apprentice motor mechanics, and today the MTA group training scheme has in excess of 400 apprentices spread across South Australia in all the industry's declared vocations under contract. Since 1982, over 1 500 apprentices have graduated to full-time employment.

The most recent venture of the MTA group training scheme has been to provide entry level training to apprentices as a registered training provider in the areas of motor and diesel mechanics, panel beating and vehicle painting. Another facet of its operations is the sponsorship arrangement it has with private industry with respect to apprentices being trained at the training centre and simultaneously employed by private industry.

It is a fantastic set-up there. I enjoyed the tour and looking at the lecture rooms and workshops. The role played by private industry in sponsoring, in the form of a partnership, the paint shop and other aspects of the training centre is a credit not only to the MTA, but also of course we have the wisdom of private industry with respect to ensuring that we have adequate apprenticeships coming through the motor trades area.

The MTA Training Centre is the largest employer of automotive apprentices in South Australia, and in 1995 it won the Prime Minister's Employer of the Year Award in the large business category. It received this award in recognition of the initiatives it undertook in the employment of people with disabilities. It also undertakes an enormous amount of traineeships in addition to the apprenticeships, and I believe that roughly 22 areas of traineeship are offered, ranging from detailing to window tinting, through to steering suspension and a whole host of other aspects related to the automotive industry. It offers many advantages to those apprenticeships. It upgrades the standards of training to apprentices; it ensures employment and training for the full duration of the contract of training; and it improves the quality of automotive industry tradespeople overall. It is a credit to all the people involved, in particular Ian Horne, Dennis Boldock and Paul Good and all the others involved in the outstanding work—it really is something else.

In the short time I have left, Mr Speaker, I would suggest that we are roughly of the same vintage, and when I was growing up there were technical high schools. I lament, to a great extent, the demise of the technical high school, because the reality is that only 30 per cent of students studying at school will go on to tertiary education, the majority finding their way into other forms of employment. I am not quite sure that the VET system adopted by schools has been a proper replacement for technical high schools.

The other night I was talking about it with my wife, Annabel. We have specialist schools in sport, music and the arts. I think that is a good thing, but where are the specialist schools for those areas in which 30 per cent of students will find employment, that is, the trades and the allied employment opportunities associated with the trades? I think we have some work to do in that regard. I know that the MTA has a growing relationship with certain schools—Seaview High School, Minlaton and Maitland Area Schools and Mount Gambier—but it seems to me that much work can be done with schools in respect of their embracement of the VET program to prepare people properly for employment.

Interestingly, last Friday in *The Australian* a Senate review into this issue talked about schools dumping dirt on the blue-collar trades, and suggesting that some schools were not embracing VET programs as well as they could and that that will disadvantage these areas of employment into the future.

REMEMBRANCE DAY

Mr SCALZI (Hartley): Today I wish to commemorate Remembrance Day. I note that many members are wearing poppies, and no doubt they have attended the various ceremonies in their electorate. Unfortunately, it is a pity that the country members, the rural members, were not able to attend ceremonies in their electorate because of the sitting of parliament. Across the Hartley area today, as indeed at schools across Australia, schools participate in a range of activities to mark Remembrance Day, coming together to mark one minute's silence at 11 a.m. I attended a ceremony officiated by Father Alan Winter at the Cross of Sacrifice at Felixstow for the Payneham RSL, a site which I was able to assist the RSL to preserve and which is being heritage listed to safeguard it into the future.

This ceremony was attended by the Hon. Christopher Pyne, federal member for Sturt, and by students from East Marden Primary School (Principal Maggie Kay), Vale Park (Principal Marian Paleologos) and from St Joseph's Primary, Payneham South (Principal Mr Laurie Sammut). The Principal of East Torrens Primary School, Frank Mittiga, informs me that they also had a minute's silence (about which notice appeared in the newsletter), as well as class activities. Sunrise Christian School, Paradise (the Campus Principal being Margaret Law), held a special assembly, and year 7 students had made poppies for all. The flag was at half-mast and some students wore the medals of their grandfathers. They also had prayers, played the *Last Post*, had a minute's silence and sang *Advance Australia Fair*, the national anthem.

At St Joseph's School, Hectorville, Principal Sister Teresa Swiggs, informs me that various class activities took place, as well as a minute's silence. At St Joseph's Tranmere, I am informed by Principal Dianne Colborne, the day was marked with classes listening to radio programs and observing a minute's silence. Although the secondary school senior students are now in exam period and not at school, Norwood Morialta High School (Senior School Principal, Ms Panayoula Parha and Middle School Head, Ms Anne Wilson) marked the day with notices in the bulletin, class based activities and a special year 11 assembly. At Pembroke, I am informed by Principal Malcolm Lamb, and Middle School Head Mr Peter Deane, that a special service was held in the chapel and two minutes of silence were observed at the senior school.

Thanks must go to the RSL President, Mr Clarry Pollard, who was also at the ceremony which I attended and who has recently been awarded special recognition by the RSL for his services. I note the special connections that Clarry and Basil Burne made with the primary school students in remembering not only Remembrance Day ceremonies but also Anzac Day ceremonies. I would like to thank all the principals, staff and especially the students who took part in this important service today. I believe they have made Remembrance Day special. It is something that we should continue to commemorate and it should play a special part in our celebrations.

We know that the Armistice, which was signed on 11 November 1918, was to be the war to end all wars. Unfortunately, that has not been the case, but it is important to remember and commemorate the sacrifices that were made

by the servicemen and women not only in the First and Second World Wars but also in all the conflicts in which Australians have since been involved, because they have done so at great sacrifice. As I said earlier, it is a pity that we as a parliament could not allow our country members to take part in the ceremonies in rural areas.

SCHOOLS, DERNANCOURT PRIMARY

Mrs GERAGHTY (Torrens): I would like to take the opportunity this afternoon to speak about another of the excellent schools in my electorate, and today I am referring to Dernancourt Primary School. Dernancourt incorporates a junior primary school as well as a main primary school, and the principals of both schools—Lindsay Bowey and Helen Hofmann—do an excellent job in providing for the educational needs of their students. Dernancourt Primary School also benefits from an active and involved school community and is a wonderful example of a true community resource. In recent months, the school has had a particular focus on environmental concerns, and it has made a particular effort to teach students about the importance of caring for our environment.

As an aside, it is a great credit that the importance of an eco-friendly approach is so widely undertaken in our schools. The insight into how natural cycles work, as well as educating about its fragility, is of fundamental importance at a time when we are only just beginning to understand the damage caused to our environment and how to go about repairing and preventing it. That our young people are being so encouraged with environmentally friendly sensibilities augurs well for better environment and social management in the future.

An activity which has been undertaken by Dernancourt to raise environmental awareness is the 'Taddies for Kids' program, which was initiated by one of the members of the school community, Ms Lindy McCallum. Not only is Lindy keen to provide children at the school with an appreciation of the environment and science but also she is a tireless volunteer and a member of the school governing council. She brings with her a genuine willingness to be involved and, I might say, has a great love in doing so. The 'Taddies for Kids' program is an initiative of Greenleap, and also incorporates Watercare and the Northern Adelaide and Barossa Waterwatchers' Tadpoles and Frogs program.

The program is a means of addressing the declining frog population and educating children to understand why it is that our waterways need help. As part of the program, children receive a tadpole kit, which consists of four tadpoles and all the necessary infrastructure to facilitate their development into healthy frogs. The aim of the program is to provide children with the opportunity to observe the changes that occur when their tadpoles transform into frogs, as well as taking responsibility for the care of their tadpoles. When the tadpoles have transformed into frogs, students then release them into their local creeks and wetlands. Through the program, students learn about the importance of waterways and catchments and the crucial role that they play in environmental sustainability, as well as more about the frogs themselves.

Most people would be aware that frogs act as bio-indicators, creatures that provide information about the health of our environment and, as such, are a good reference point for determining whether the water that they live in is environmentally sound or otherwise. It is this type of information to which our Dernancourt students are gaining access, as well as more detailed information about catchments and the practical steps that can be taken to contribute to the health of not just our local waterways but waterways everywhere. The practical approach that this type of program takes is immediately appealing—and not only to the children. I recall a recent debate over ways to make learning more interesting for students, and this certainly seems to be a step in the right direction. It is wonderful that these types of programs are being made available for our primary school students.

It is at this stage that they are most receptive to new information and ideas, and it is certainly a credit to the Dernancourt Primary Schools community that the initiative has been taken to provide the students with these opportunities. My own children raised tadpoles in our fish pond. Unfortunately, some of the fish decided to make an appetiser of the tadpoles, but we did manage to raise a number of frogs over the years. Some of our neighbours complained about their croaking at 3 o'clock in the morning, but it was certainly an interesting and educational experience for my children, because they have now passed that on to their own children. So, I congratulate Dernancourt Primary Schools on this activity.

BAROSSA VALLEY FOOD AND WINE

Mr VENNING (Schubert): I rise on yet another occasion to congratulate the people of the Barossa Valley involved in the food and wine industry. The Minister for Tourism recently released figures from the South Australian Tourism Commission that proved again that the wine industry is the major contributor to tourism in South Australia. Wine tourism attracts higher spending visitors to South Australia. Wine tourists spend around half a billion dollars in South Australia a year, including $64.6 million on 3.9 million bottles of wine at cellar door. Over a million overnight or day-trip visitors to South Australia visited a winery while they were here. It is staggering that, of all the visitors to wineries in Australia, 23 per cent visit a South Australian winery.

Members do have certain parochial views, but the Barossa Valley is the centre of our wine and food tourism industry, and with very good reason. The Barossa Valley is home to the finest food and wine being produced in Australia. I do not just say that; I would like to run through just a selection of the awards that the people of the Barossa Valley have received in recent times, which reinforce and prove the point. The most prestigious wine industry award in Australia is the Jimmy Watson Trophy. The trophy, presented to the best one-year old red wine in Australia, has gone to many great wines over the years. This year's Jimmy Watson winner was Nigel Dolan of Saltram Wines, based in Angaston. The wine that won the trophy was the Eighth Maker Shiraz. This was Nigel's second Jimmy Watson, following his father, who also won the prestigious award. Nigel had a tremendously successful year, winning numerous trophies and medals across many shows throughout the year in most major wine shows.

On the international stage, Wolf Blass Wines was voted International Winemaker of the Year at the 2002 International Wine and Spirit Competition. It beat wineries from all over the world, and it had three medal-winning Barossa wines at that show. This the second time that Wolf Blass Wines has won the Winemaker of the Year award, having been awarded the title 10 years ago in 1992. So, again the Barossa Valley is the home of the internationally recognised Winemaker of the Year. Only last week, Peter Lehmann Wines received the

2003 award for International Winemaker of the Year, making it two years in a row that the Barossa Valley has been recognised with this award. Peter Lehmann Wines won numerous medals and commendations at this year's show and was recognised as the best in the world—a big statement.

On the local front, St Hallett Wines, maker of some great Barossa wines, was awarded the Advertiser Hyatt Wine of the Year. The winning wine was a GST. And no, it is not about the tax but the varieties of grape that are in it: grenache, shiraz and a little-known Portuguese variety called touriga. Winemaker Stuart Blackwell was awarded the title of Barossa Winemaker of the Year. Further to his numerous awards this year, Stuart joined the most illustrious company in the South Australian wine industry by being accepted into the Barons of Barossa. I could go through almost every wine show from around the country and highlight the awards won by Barossa Valley winemakers over the last year. This carries right through to the recent award given to Nuriootpa High School, recognising it as the School Winemaker of the Year at the Australian Amateur Wine Show.

Nuriootpa High School does a great job in training the students of the Barossa Valley in the art of winemaking and getting them ready to work in the industry. This award was achieved working in very cramped and archaic conditions and, although they continually apply for funding, the government continually knocks them back. It is sad, indeed. It has been a hugely successful time for the winemakers of the Barossa Valley, but the Barossa Valley is also the home of many great restaurants and exceptional quality produce. Vintner's Bar and Grill was named South Australian Best Regional Restaurant in the recent South Australian Restaurant and Catering Awards. Head chef Peter Clarke has been turning out stunning food, and Vintner's is capitalising on the great local produce.

Peter Clarke went on to highlight the beauty of Barossa food with a team of chefs from the valley taking on the rest of Australia in the recent Tasting Australia Lifestyle Channel Australian Regional Culinary Competition. The chefs were Mark McNamara, Leigh Nichol and apprentice Anika Gates, together with team manager Jan Krorner. This team presented a great meal and the judges agreed, naming them the winning team—again, the best in Australia. In all, I am hugely proud of the Barossa's food and wine and congratulate all the producers across the region. They go from success to success, and the sky is the limit.

CITY OF ONKAPARINGA

Ms THOMPSON (Reynell): This afternoon I would like to take the opportunity to congratulate the City of Onkaparinga and the management and staff of the arts centre at Port Noarlunga on its 10th birthday. While the arts centre in its current form has existed for only 10 years, its home has existed for nearly 80 years. It is in what used to be the old Port Noarlunga Institute. This was used in the early days of my association with the south, mainly for films of the surfing and Alby Mangels' World Adventure type, but in the early 1990s the then member for Kingston, the Hon. Gordon Bilney, seized the opportunity as part of the then Labor government's Working Nation initiatives to embark on a project to have the institute restored and refurbished and turned into a very important community facility.

Mr Bilney was able to secure approximately $1 million of funds to turn this run-down old fleabag house—that is not too unkind a description of it—into something that is truly a community facility. It would not be a facility if it were not well managed with a clear vision of its role in our community, an active management, and community support for its functions. There is a range of activities conducted by the management, as well as the fact that it is home to a couple of major local theatrical companies. There are constant exhibitions at the centre, and we are anticipating a new exhibition to be launched this Friday 14 November entitled 'Celebrating 10 Creative Years, 1993-2003.' This will remind us of some of the wonderful activities that have occurred in the hall over the last 10 years.

The Arts Centre is truly a centre, not just a building. It publishes the *Southern Artists Register*; holds arts events; compiles and displays the Southern Arts portfolio, which is a service to artists; it conducts seminars on art and design topics; and holds a list of musicians from the area who might be used by other community groups. There are children's art workshops, art classes for children, ballroom dancing and, as well as the sales that are available through the many exhibitions in the gallery, paper purchase sales of original unframed works of art are held periodically throughout the year.

Two of the major organisations that make their home in the Noarlunga Arts Centre are the Southern Youth Theatre Ensemble and the Noarlunga Theatre Company, both of which are excellent organisations catering to slightly different markets. The Southern Youth Theatre Ensemble, as well as conducting classes in drama, presents many productions which are on show at the Arts Centre but which mainly tour, including to a number of country regions, but particularly to the high schools in the area. They provide a vehicle for tackling some very difficult problems faced by the youth of our community. Some relate to teenage pregnancy, communicating with parents, conduct of safe parties, and the use and abuse of drugs—very practical things that our young people need support in considering.

The Noarlunga Theatre Company produces wonderful entertainment. Their recent production of 'Are you being served?' was completely booked out. I was not able to go on the day I originally intended and was unable to squeeze one single ticket to any performance. However, I have since heard much in the community about the excellence of the production and the admirable portrayals of all the characters. I understand that Mrs Slocum out-Slocumed Mrs Slocum. We would not be able to do that without the forethought of Mr Gordon Bilney and the City of Onkaparinga, and I thank them both.

Time expired.

AUDITOR-GENERAL'S REPORT

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

That the timetable for consideration in committee of the Report of the Auditor-General 2002-03 be amended, by interchanging the time schedule for the minister for Tourism and the Minister for Social Justice.

Motion carried.

STATUTES AMENDMENT (BUSHFIRE SUMMIT RECOMMENDATIONS) BILL

The Hon. P.F. CONLON (Minister for Emergency Services) obtained leave and introduced a bill for an act to amend the Country Fires Act 1989 and the South Australian Metropolitan Fire Service Act 1936. Read a first time.

The Hon. P.F. CONLON: I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

At the Premier's Bushfire Summit, on 23 May, 2003, there was agreement to support amendments to the Country Fires Act 1989 to allow for the issue of expiation notices by SAPOL officers and by local government enforcement officers.

At present, considerable investigation time is required to prepare the necessary court documents and the courts are required to spend time on hearing these matters. The use of expiation notices for minor offences can substantially reduce enforcement costs. It also allows alleged offenders to save the costs of appearing in court, and the benefit of expiating an offence rather than incurring a conviction.

The Premier's Bushfire Summit identified offences of failing to undertake hazard reduction on private property, and minor offences of misusing fire during the fire danger season, as offences suitable for expiation. Further consultation with metropolitan and rural fire prevention officers subsequently identified the precise offences of a minor nature that were most suitable for expiation. This Bill gives effect to the recommendations of the Premier's Bushfire Summit.

General principles of expiation

The expiation of an offence is not an admission of guilt. A person who expiates an offence is not thereby convicted. A person who receives an expiation notice may pay the fee, thereby expiating the offence, or elect to be prosecuted, risking a conviction. A person who does neither will be convicted when the expiation notice is later enforced.

Because expiation fees are set at a level well below the maximum penalty for an offence, most people elect to pay the fee rather than incur the risk and inconvenience of contesting the matter in court. Therefore, offences that can be expiated are usually dealt with in greater numbers, and with greater efficiency than offences that are prosecuted.

Expiation is appropriate for high-volume regulatory offences when penalties involved are not severe. However, expiation is not suitable for serious offences. For offences perceived as real crime, justice demands exposure to higher penalties, accompanied by the formality and procedure of a court hearing.

Nor is expiation appropriate for offences which depend upon a subjective assessment of a person's intent, or whether an alleged offender's actions were "reasonable". If there is room for disagreement over matters of this type, it is more likely that an alleged offender will want an impartial adjudication, and it is more appropriate that an assessment be made by a court. Therefore, the demands of both efficiency and justice dictate that expiation of offences ought to be reserved for minor offences that can be objectively measured or assessed.

Lighting fires in the open air during the fire danger season

In addition to general property offences such as arson, there are presently three separate general statutory provisions, relevant to bushfire risk, under which the lighting of a fire is an offence.

At the highest end of the scale, section 85B of the *Criminal Law Consolidation Act 1935* provides for a maximum penalty of 20 years imprisonment for causing a bushfire. This offence requires a mental element of either intention or reckless indifference. This offence came into operation on 31 October, 2002. It is an offence far too serious to expiate.

The next most serious offence, "endangering life or property" contrary to section 52 of the *Country Fires Act 1989*, carries a penalty of Division 5 fine (not exceeding $8 000) or division 5 imprisonment (up to 2 years). Statutory defences to this charge include taking "all reasonable precautions to prevent the spread of the fire." Both the serious nature of the penalties, and the fact that "reasonable" precautions are a defence suggest that this offence should not be made expiable.

Thirdly, the offence of lighting or maintaining a fire in the open air during the fire danger season, contrary to s36(1) of the *Country Fires Act* carries a penalty, for a first offence, of a Division 6 fine, (not exceeding $4 000) or Division 6 imprisonment (up to one year). For subsequent offences penalties are increased to Division 5 fine (not exceeding $10 000) or Division 5 imprisonment (up to 2 years). There are many statutory exceptions in s36(2), under which lighting a fire in the open during the fire danger season is not an offence.

Since 1990, there have been 427 prosecutions for offences of lighting or maintaining a fire in the open air during the fire danger season, contrary to section 36(1) of the *Country Fires Act*. 313 defendants (73%) were ordered to pay fines. 60% of fines exceeded $500. 40% of fines exceeded $1 000. Only 2% of fines were below $200. 34 defendants (8%) were sentenced to perform community service. Only three times has an offender been sentenced to a term of imprisonment, and on two of those occasions the sentences were suspended.

Section 36(1) is subject to subsection (2). In other words, subsection (2) provides a list of circumstances that constitute exceptions to the prohibition in s36(1). Therefore a person who lit a fire in circumstances permitted by s36(2) would not commit an offence against s36(1). The fires permitted by s36(2) include small camp fires, incinerators, welding, soldering, gas or electric barbecues, or a fire that is permitted by a permit obtained under s38. In most cases, however, fires permitted by s36 (including those authorised by a permit issued under s38) are subject to conditions that:

- the fires must be properly contained,
- land around the fire must be cleared of all flammable material to a distance of at least four metres,
- a supply of water adequate to extinguish the fire must be at hand, and
- a person who is able to control the fire must be present.

A person who breached one of these conditions would have committed an offence against s36(1). If a breach was of a minor nature, it would not necessarily be appropriate to pursue a conviction for an offence against s36(1). It would be more appropriate and convenient if local government fire protection officers or SAPOL had the discretion to deal with minor offences of this nature by the issue of an expiation notice.

This does not mean that every time a person lights a fire in the open air during the fire danger season, the offence ought to be expiable. A person who caused a bushfire with intent or reckless indifference could and should be prosecuted under s85B of the *Criminal Law Consolidation Act*. A person who caused a fire that endangered life or property could and should be prosecuted under s52 of the *Country Fires Act*. Likewise the more serious cases of "lighting a fire in the open air during the fire danger season" that do not fall under either of the other two provisions could and should be prosecuted under s36(1) of the *Country Fires Act*.

Therefore this Bill allows for the issue of an expiation notice only for a "prescribed offence" against s36(1). In an unusual step, I have instructed Parliamentary Counsel to draft proposed Regulations to indicate the offences that the Government intends to prescribe, so that they would become expiable under this provision. Copies of these draft regulations are available to Honourable Members. They indicate that expiation is intended to be possible only for offences of a relatively minor nature, when an offender has done no more than breach one of the specific conditions listed in s36(2), or one of a number of specific conditions of a permit issued under section 38.

The expiation fee for a prescribed offence is to be set at $210, which is a relatively minor amount compared to the serious penalties, including imprisonment, that would be available to a court if a person were to be prosecuted for an offence against section 36(1).

Restriction on the use of certain appliances etc

Section 46 of the Act provides that:

> A person must not, during the fire danger season, operate an engine, vehicle or appliance of a prescribed kind in the open air, or use any flammable or explosive material of a prescribed kind, or carry out any prescribed activity, except in accordance with the relevant regulations.

For the purposes of section 46, regulations 36 through to 45 prescribe:

36. Stationary engines
37. Internal combustion engines
38. Vehicles
39. Aircraft
40. Welders and other tools
41. Bee smoking appliances
42. Rabbit fumigators
43. Bird scarers
44. Fireworks

45. Explosive materials for blasting trees or timber

The Regulations also prescribe various conditions for the use of each of these prescribed appliances during the fire danger season. Some of the conditions are of a subjective nature and hence not suitable for expiable offences. However this Bill proposes that expiation be permitted for breaches of prescribed conditions. The draft Regulations prescribe a limited number of the existing regulatory provisions for this purpose. These conditions are

- that space immediately around and above the appliance is cleared of all flammable material to a distance of at least four metres, and/or
- that a shovel, or rake, and/or a portable water spray in good working order are at hand.

Contravening either of these existing requirements, when applicable, would be a "prescribed offence". In these circumstances, an expiation notice could be issued. The expiation fee proposed by this Bill is $210 which is, again, a relatively minor amount compared to the serious penalties that would be available to a court if a person were to be prosecuted for an offence against section 46.

Other Expiable offences

There are two other existing offences that this Bill proposes to make expiable. They are offences against section 45, requiring caravans to carry fire extinguishers, and section 47(1) which prohibits smoking in the open air within two metres of flammable bush or grass (outside the area of a municipality or township). In each case the expiation fee is to be set at $160.

Duties to prevent fires on private land

A major initiative of this Bill is to give local councils greater power to enforce a private landowner's existing obligation to reduce fire hazards.

Under both section 40 of the *Country Fires Act*, and s60B of the *South Australian Metropolitan Fire Service Act*, a council has the power to issue a notice to a landowner, requiring the landowner to reduce fire hazards, such as flammable vegetation, or any flammable material on the land.

A landowner who fails to comply with such a notice commits an offence. In these circumstances, a council might arrange to have the necessary hazard reduction work performed, and recover its costs from the landowner as a debt. However this would not necessarily be a deterrent to a landowner. In the past, councils have found it difficult to prosecute landowners for these offences, and as long ago as 1999, the Local Government Association requested the power to issue expiation notices for these offences.

In the past, this request was denied, on the grounds that the Government did not want to trivialise the offence, or reduce its seriousness in any way. Nevertheless, the Government now recognises that obtaining the power to issue expiation notices would significantly increase councils' capacity to enforce these offences. If failure to comply with a notice is made expiable, then some offenders who previously might not have been prosecuted would at least be invited to expiate their offences. This would presumably increase awareness of fire safety, and reduce the risk of bushfires.

Therefore this Bill permits expiation of this offence, without reducing the significant penalty that is to remain as a deterrent for a wilful offence of failing to comply with a notice. To achieve these dual purposes, the Bill proposes two significant changes to section 40 of the *Country Fires Act*.

First, the Bill provides that a council's power to issue a hazard reduction notice need not be dependent upon an assessment of the landowner's actions or lack of actions. Rather, the council's power is to arise in any circumstances where the council believes that there is an unreasonable risk. This is equivalent to the provision that already exists at s60B(2) of the *South Australian Metropolitan Fire Service Act.*

Second, the Bill abolishes the defence of "reasonable excuse" and instead creates two categories of offenders. Those who "wilfully" fail to comply with a notice will be subject to a maximum penalty of $10 000, as they are at present. For all others, the Bill proposes an offence of strict liability, and a maximum penalty of $1 250. An expiation notice may be given to the latter category of offender. The expiation fee is $160. The Bill proposes this change in both section 40 of the *Country Fires Act*, and in the equivalent section 60B of the *South Australian Metropolitan Fire Service Act*.

Who may issue expiation notices?

Section 6(3) of the *Expiation of Offences Act 1996* relevantly provides:

(3) An expiation notice may only be given by—
(a) a member of the police force; or
(b) a person who is authorised in writing by—
(i) the Minister responsible for the administration of the Act against which the offence is alleged to have been committed; or
(ii) the statutory authority or council responsible for the enforcement of the provision against which the offence is alleged to have been committed,

to give expiation notices for the alleged offence; or

It is proposed that the relevant statutory authority, being the CFS Board, would appoint only suitably trained fire prevention officers, employed by councils, as persons who may issue expiation notices for most of the expiable offences under the *Country Fires Act*.

For the sake of consistency, the Bill provides that where a council is responsible for the enforcement of particular provisions (as it is for offences against section 40) then the council may not authorise anyone other than a fire prevention officer to do so.

Expiation notices could also be issued by police officers, under section 6(3) of the *Expiation of Offences Act*. However there is no suggestion that either CFS (or MFS) firefighters will be authorised to issue expiation notices.

Conclusion

This Bill represents a commitment by the Government to one of the main recommendations arising from the Premier's Bushfire Summit. It is a sensible initiative to allow for the expiation of a limited number of offences, without reducing the penalties for serious bushfire-related offences.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause provides that the measure will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Country Fires Act 1989*

4—Amendment of section 34—Fire prevention officers

Under section 34(4) of the *Country Fires Act 1989*, fire prevention officers may delegate powers or functions. The amendment proposed by this clause has the effect of preventing fire prevention officers from delegating functions or powers provided under an Act other than the *Country Fires Act 1989*. This would mean, for example, that a fire prevention officer given the power to issue expiation notices under the *Expiation of Offences Act 1996* would not be able to delegate that power to another person.

5—Amendment of section 36—Fires during fire danger season

This clause amends section 36 of the Act, which prohibits a person from lighting or maintaining a fire in the open air during the fire danger season, by making the offence expiable in certain circumstances. The circumstances in which the offence is expiable will be prescribed by regulation. The amount of the proposed expiation fee is $210.

6—Amendment of section 40—Private land

Section 40(2) requires owners of private land in the country to take reasonable steps to protect property on the land from fire and to prevent or inhibit the outbreak of fire on the land, or the spread of fire through the land. Under subsection (4), the responsible authority (a council or the Board) may, if the owner of the land has failed to comply with subsection (2), require the owner to take specified action to remedy the default within a specified time. As a consequence of the amendment proposed to be made by this clause, the responsible authority will also be able to require an owner of private land to take specified action if the authority believes that conditions on the land are such as to cause an unreasonable risk of the outbreak of fire on the land, or the spread of fire through the land.

Under section 40(5), failure to comply with a notice under subsection (4) without reasonable excuse is an offence. This clause amends subsection (5) by removing the words "without reasonable excuse". This clause also inserts a new penalty provision. The new provision retains the existing penalty, a fine of $10 000, for a wilful failure to comply with a notice. The maximum penalty for a failure to comply with a notice in any other case is a fine of $1 250. An expiation fee

of $160 is also inserted. Expiation is not available in the case of a person who wilfully fails to comply with a notice.

7—Amendment of section 45—Fire extinguishers to be carried on caravans

Section 45 prohibits a person from using a caravan unless an efficient fire extinguisher that complies with the regulations is carried in the caravan. This clause inserts an expiation fee of $160 for the offence of failing to comply with section 45.

8—Amendment of section 46—Restriction on the use of certain appliances etc

Section 46 prohibits a person from using appliances of a prescribed kind, or carrying out prescribed activity, during the fire danger season, except in accordance with the regulations. As a result of the amendment made by this clause, the offence will be expiable in certain circumstances. The circumstances in which the offence is to be expiable will be prescribed by regulation. The proposed expiation fee is $210.

9—Amendment of section 47—Burning objects and material

Section 47(1) prohibits a person from smoking in the open air within two metres of flammable bush or grass (other than within a municipality or township). This clause inserts an expiation fee of $160 for the offence of failing to comply with section 47(1).

10—Insertion of section 62A

Section 6(3) of the *Expiation of Offences Act 1996* provides that a statutory authority or council responsible for the enforcement of a provision may authorise a person to give expiation notices for alleged offences against the provision. Proposed section 62A limits the power of a council to authorise persons to give expiation notices. A council may authorise a person to give expiation notices only if the person is a fire prevention officer.

Part 3—Amendment of *South Australian Metropolitan Fire Service Act 1936*

11—Amendment of section 60B—Fire prevention on private land

This clause amends section 60B of the *South Australian Metropolitan Fire Service Act 1936*. Under section 60B(2), a council that believes conditions on private land in a fire district are such as to cause an unreasonable risk of the outbreak of fire on the land, or the spread of fire through the land, because of the presence of flammable undergrowth or other flammable or combustible materials or substances may require the owner of the land to take specified action to remedy the situation within a specified time.

Under subsection (4), a person to whom a notice under subsection (2) is addressed must not, without reasonable excuse, fail to comply with the notice. This clause amends subsection (4) by removing the words "without reasonable excuse". A new penalty provision is also inserted. The existing maximum penalty, a fine of $10 000, is retained for the offence of wilfully failing to comply with a notice. A new penalty, a fine of $1 250, is inserted for any other case of failing to comply. An expiation fee of $160 is also inserted. The expiation fee does not apply in the case of a person who wilfully fails to comply with a notice.

Mr HAMILTON-SMITH secured the adjournment of the debate.

ZERO WASTE SA BILL

The Hon. J.D. HILL (Minister for Environment and Conservation) obtained leave and introduced a bill for an act to establish a statutory corporation, Zero Waste SA, with the function of reforming waste management in the state; to amend the Environment Protection Act 1993; and for other purposes. Read a first time.

The Hon. J.D. HILL: I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

On 22 January 2003 the Government announced its intention of forming a new waste management body, Zero Waste SA. This Bill is to establish that entity. It is a vital part of implementing the Government's election policy on waste management, which promised to establish a new legislative framework to:

(a) supervise a comprehensive statewide waste reduction and re-use strategy
(b) control landfills
(c) deliver a coordinated and mandated approach to waste management and recycling
(d) encourage the application of the latest waste management technologies
(e) better inform consumers and producers
(f) encourage industry to use recycled and renewable products
(g) work with KESAB and producers to reduce litter
(h) promote private sector on site treatment and recycling of waste
(i) increase recycling by government departments
(j) increase the re-use and recycling of construction and demolition waste
(k) develop a "Green Waste Action Plan" to divert garden food and wood waste from landfills
(l) support tough national packaging covenants to reduce unnecessary packaging.

This will be the purpose of Zero Waste SA. It will be an independent statutory body with a board made up of people with skills and experience in local government, environmental sustainability, industry, regional affairs and management. Its chief objectives will be to eliminate waste or its consignment to landfill and advance the development of resource recovery and recycling industries.

The Government has noted the comments of the Economic Development Board in its Draft Economic Plan on the need for waste management infrastructure and is investigating the feasibility of an eco-industrial precinct at Gillman. We need appropriate sites and infrastructure suitable for the recycling and resource recovery industries if we are to turn waste to resources and encourage a more sustainable lifestyle. Zero Waste SA will play a key role in identifying the need for waste management infrastructure and supporting its development.

Zero Waste SA will be funded by an increase in the levy collected on waste going to landfill, collected under the Environment Protection Act. The levy has increased to $10.10 in the city and $5.10 in the country. The Bill guarantees 50%of the levy being transferred to Zero Waste SA. The actual proportion of the levy transferred to the Fund will be reviewed each year.

The Local Government Association of South Australia offered its support when the creation of Zero Waste SA was announced, even though it would mean increased costs for councils. This support demonstrates the commitment of the local government sector to the implementation of the best possible waste management practices. This Government is aware that the Local Government Association would like to see even more of the waste levy used for Zero Waste SA. However, some of this revenue will be required for other agencies in the Environment and Conservation portfolio which play a vital role in regulating waste and developing better options for its use – particularly the Environment Protection Authority which has the task of regulating, licensing and monitoring waste activities. As the Bill requires, Zero Waste SA and the Environment Protection Authority will co-ordinate their activities for the development of waste strategies.

Zero Waste SA will be supported by a small office. It has commenced work on a draft Business Plan ready for the consideration of the board as soon as it is appointed by the Governor under this legislation. This Government has established a short term Ministerial Advisory Committee to guide and inform the activities of the office. It is this Government's hope that some members of the Advisory Committee will eventually be appointed to the board. One of the first key activities of the board and office of Zero Waste SA will be the development of a comprehensive State Waste Strategy.

The Government is moving quickly to implement its policy to reduce the amount of waste going to landfill and improve the recovery of resources from waste. This Bill is a vital plank in that policy. I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause contains definitions of words and expressions used in the Act.

Part 2—Zero Waste SA

Clause 4: Establishment of Zero Waste SA

This clause establishes Zero Waste SA as a body corporate and sets out its powers as such a body and its status in relation to the Crown and the Minister.

Clause 5: Primary objective and guiding principles

Subclause (1) sets out the primary objective of Zero Waste SA, namely the promoting of waste management practices that, as far as possible eliminate waste or its consignment to land fill and advance resource recovery and recycling. Subclause (2) provides that Zero Waste SA is to be guided by the waste management hierarchy, the principles of ecologically sustainable development, best practice methods and standards and principles of openness in communication with local government, industry and the community.

Clause 6: Functions of Zero Waste SA

This clause sets out the functions of Zero Waste SA. The functions principally relate to the development of waste policies and the waste strategy, also Zero Waste SA's role in the development of waste systems, regional waste management, research and other matters.

Clause 7: Powers of Zero Waste SA

This clause enables Zero Waste SA to exercise any powers necessary to perform its functions, including obtaining expert or technical advice and making use of the services of the administrative unit's employees and facilities under certain conditions.

Clause 8: Chief Executive

This clause establishes the office of Chief Executive of Zero Waste SA and provides that the CE is subject to the control and direction of the Board. The clause further provides for matters relating to the appointment of the CE and the appointment of an acting CE.

Clause 9: Board of Zero Waste SA

This clause establishes the Board of Zero Waste SA and sets out criteria for membership of the Board.

Clause 10: Terms and conditions of office

This clause establishes the duration of appointments of Board members and the entitlement of members to remuneration. The clause provides for the removal of members from the Board in certain circumstances. The clause further sets out when an office of a member becomes vacant and how such a vacancy is to be filled.

Clause 11: Proceedings of Board

This clause sets out the proceedings of the Board, including the appointment of a presiding member, the quorum, that a decision of the majority is a decision of the Board, and that the presiding member has the casting vote in the event of equal votes. Further, provision is made for Board meetings by telephone or video conference, and the validation of decisions made otherwise than at meetings in certain circumstances. The clause requires minutes to be kept, provides that persons other than members may, with the Board's consent, be present at meetings and that the Board may determine its own procedures.

Clause 12: Committees and subcommittees of Board

This clause enables the Board to establish committees and subcommittees and provides for the procedures of such committees.

Clause 13: Business plan

This clause requires Zero Waste SA to submit for approval to the Minister an annual business plan setting out its major projects, goals and priorities for the next 3 years, the budget for the next year and any other matters required by the Minister. The plan is subject to any modifications required by the Minister and must be made available for public inspection on a website and at Zero Waste SA's principal place of business.

Clause 14: Annual report

This clause requires Zero Waste SA to present to the Minister before 30 September in each year its annual report containing details of income and expenditure, directions given by the Minister to Zero Waste SA, the adequacy of the waste strategy and its implementation. The report must be tabled in Parliament.

Clause 15: Use and protection of name

This clause gives Zero Waste SA ownership of the names "Zero Waste" and "Zero Waste SA" as well as any other name prescribed by regulation. Use by persons of these names without the consent of Zero Waste SA is an offence attracting a maximum penalty of $20 000. The forms of redress available to Zero Waste SA in the event of unauthorised use of these names are injunction and compensation, as well as other civil remedies.

Part 3—Waste to Resources Fund

Clause 16: Waste to Resources Fund

This clause establishes the Waste to Resources Fund and sets out the various sources from which the funds are to come. The clause sets out that the Fund may be applied in accordance with the business plan or any other manner authorised by the Minister for the purposes of implementing the objects of the Act. The clause also enables Zero Waste SA to invest the money in a manner approved by the Treasurer.

Part 4—Waste strategy

Clause 17: Development of waste strategy

This clause provides for the development by Zero Waste SA of a waste strategy. The clause sets out what is to be included in the strategy, namely—

- objectives, principles and priorities,
- an analysis of waste generation levels and waste management practices,
- targets or goals for waste reduction, diversion of waste from landfill, waste management services, public and industry awareness and education, and research
- measures to implement the targets,
- criteria for assessing the adequacy of the strategy and its implementation.

The clause provides that the strategy does not take effect until adopted by Zero Waste SA, and further provides for the consultative arrangements that are required before adoption of the strategy. The first waste strategy is to be adopted within 12 months after the establishment of Zero Waste SA or at such other time as directed by the Minister. Subsequent waste strategies must be developed at intervals of not more than 5 years or at a time directed by the Minister. The clause also provides that the strategy must be made available for public inspection on a website and at Zero Waste SA's principal place of business.

Clause 18: Zero Waste SA and Environment Protection Authority to co-ordinate activities

This clause provides that Zero Waste SA and the EPA must co-ordinate their activities for the development and implementation of waste strategies.

Part 5—Miscellaneous

Clause 19: Immunity of persons engaged in administration of Act

This clause provides for immunity of persons engaged in the administration of the Act for acts or omissions done in good faith, and that liability for such acts or omissions lies against the Crown.

Clause 20: Regulations

This clause sets out the regulation making power, allowing any regulations contemplated or necessary or expedient for the purposes of the Act to be made.

Schedule —Related amendments and transitional provision

Part 1—Preliminary

Clause 1: Amendment provisions

This clause is formal.

Part 2—Amendment of Environment Protection Act 1993

Clause 2: Amendment of section 47—Criteria for grant and conditions of environmental authorisations

Clause 3: Amendment of section 57—Criteria for decisions of Authority in relation to the development authorisations

These clauses make consequential amendments to the Environment Protection Act, requiring regard to be had to the waste strategy in environmental authorisations and development authorisations granted under the *Environment Protection Act 1993*.

Part 3—Transitional provision

Clause 4: Payment by EPA to Waste Resources Fund of percentage of waste depot levy paid since 1 July 2003

This clause requires the EPA to pay to the Treasurer for the credit of the Waste to Resources Fund 47.5 per cent of the waste depot levy paid under section 113 of the *Environment Protection Act 1993* between 1 July 2003 and the date of commencement of the Act in respect of solid waste received at the depots.

The Hon. I.F. EVANS secured the adjournment of the debate.

NATIONAL ENVIRONMENT PROTECTION COUNCIL (SOUTH AUSTRALIA) (MISCELLANEOUS) AMENDMENT BILL

The Hon. J.D. HILL (Minister for Environment and Conservation) obtained leave and introduced a bill for an act to amend the National Environment Protection Council (South Australia) Act 1995. Read a first time.

The Hon. J.D. HILL: I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The *National Environment Protection Council (South Australia) (Miscellaneous) Amendment Bill 2003* amends the *National Environment Protection Council (South Australia) Act 1995* to implement mirror provisions to reflect those amendments made to the Commonwealth *National Environment Protection Council Act 1994* on 19 December 2002.

The Bill builds upon the commitment South Australia made to National Environment Protection Council processes when it signed the *Intergovernmental Agreement on the Environment* in 1992.

The National Environment Protection Council (NEPC), was established following a special Premiers' conference in October 1990 under the *Intergovernmental Agreement on the Environment*, which came into effect on 1 May 1992. The establishment of NEPC marked the commitment of the Commonwealth, States and Territories to cooperatively work together to address environment protection issues of national importance.

NEPC is a statutory body with law making powers established by the Commonwealth *National Environment Protection Council Act 1994*. Mirror legislation has been established in each of the States and Territories. In South Australia, the mirror legislation is the *National Environment Protection Council Act (South Australia) 1995*.

Members of NEPC include the Federal Environment Minister and Ministers appointed by first Ministers from each participating jurisdiction. South Australia is represented on NEPC by the Minister for Environment and Conservation.

The objectives of NEPC are enshrined in the NEPC Acts. The first objective is to ensure that all the people of Australia enjoy the benefit of equivalent protection from air, water, soil and noise pollution, wherever they live in Australia. The second objective is to ensure that business decisions are not distorted, and markets are not fragmented, by differing environmental standards operating across Australian jurisdictions.

The two primary functions under the NEPC Act are to make National Environment Protection Measures (NEPMs), and to assess and report on their implementation and effectiveness in participating jurisdictions.

NEPMs are measures through which national environment protection issues can be addressed in a co-operative manner by all Australian jurisdictions. They are framework-setting statutory instruments that outline agreed national objectives for protecting particular aspects of the environment. Once made by NEPC, NEPMs become laws that bind each participating State, Territory and the Commonwealth.

To date, five NEPMs are in place in Australia:

- The Ambient Air Quality Measure;
- The National Pollution Inventory Measure;
- The Movement of Controlled Waste between States and Territories Measure;
- The Assessment of Site Contamination Measure; and
- The Used Packaging Materials Measure.

In accordance with the requirements of the Commonwealth NEPC Act, a review of the Act was undertaken in October 2000, the *Report of the Review of the National Environment Protection Council Acts (Commonwealth, State and Territory) 2001*. The Review looked into the operation of the legislation to examine the extent to which the objects of the Act were being achieved. NEPC concluded that significant progress had been made on matters of national environment protection, and that only minor amendments to the legislation were deemed necessary.

The Commonwealth *National Environment Protection Council Amendment Act 2002* was enacted as a result of the Review. Amendments to the Commonwealth NEPC Act include a simplified process for amending NEPMs, a requirement for five yearly reviews of the NEPC Acts and provisions enabling the NEPC Service Corporation and NEPC Executive Officer to provide Secretariat services to the newly established Environment Protection and Heritage Council.

Relevant State and Territory Ministers in all jurisdictions agreed to amend legislation to mirror the Commonwealth amendments resulting from the Review. As a result, the South Australian Act needs to be amended to reflect the amendments made to the Commonwealth Act.

The Bill proposes to amend the South Australian Act to simplify procedures in relation to the variation of NEPMs. Currently, every variation to a NEPM no matter how administrative or procedural, must undergo an extensive, resource intensive consultation and impact assessment process. While this is imperative for more significant variations, a simplified, more streamlined process for minor variations will ensure that NEPC continues to be an efficient and effective vehicle through which environmental outcomes for Australia can be achieved.

The Bill also provides for the Act to be reviewed at further five-yearly intervals. The introduction of five-yearly reviews of the legislation will provide a mechanism through which the Australian community can become further engaged in shaping the roles and functions of an important forum for national environment protection. This will thereby ensure that NEPC's objectives continue to meet the needs and expectations of the community that it serves.

The Bill will also amend the Act to allow the NEPC Service Corporation, which provides secretariat services and project management for NEPC, to extend its support and assistance to other Ministerial Councils, including the new Environment Protection and Heritage Council. The Environment Protection and Heritage Council was formed following a review in 2001 of all Ministerial Councils by the Council of Australian Governments, and includes NEPC, parts of ANZECC and the Heritage Minister's Meeting. The Bill ensures there is no legal ambiguity with respect to the ambit of the NEPC Service Corporation's functions.

Finally, the Bill amends the Act to reflect changes to Commonwealth legislation, namely the *Public Service Act 1999* and the *Commonwealth Authorities and Companies Act 1997*. These are routine, minor amendments and are required to update the Act so that it remains consistent with relevant Commonwealth legislation.

All of the amendments in this Bill are mirror amendments that have already been made to the Commonwealth Act. Other States and Territories have commenced processes to make the required amendments to their respective legislation. It is time for South Australia to fulfil its commitment to NEPC by implementing amendments that will ensure that South Australia's legislation continues to be in step with its Commonwealth, State and Territory counterparts, and so that the legal jurisdiction to protect the Australian environment continues to remain seamless.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *National Environment Protection Council (South Australia) Act 1995*

4—Amendment of section 6—Definitions

This clause inserts two new definitions in the Act. The definition of ***Ministerial Council*** is consequential to clauses 5 and 8. Those amendments will enable the NEPC Service Corporation ("the Service Corporation") to service Ministerial Councils that include environment protection in their functions. The definition of ***minor variation*** is consequential to clause 7.

5—Amendment of section 13—Powers of the Council

This clause amends section 13 of the Act to provide that the National Environment Protection Council ("the Council") has the power to direct the Service Corporation to provide assistance and support to Ministerial Councils in addition to the Council.

6—Amendment of section 20—Variation or revocation of measures

Section 20 of the Act entitles the Council to vary or revoke national environment protection measures. This clause inserts a new subsection (5) into section 20 of the Act to provide that sections 20(2) and 20(4) do not apply to a minor variation of a national environment protection measure under new Division 2A.

7—Insertion of Part 3 Division 2A

This clause inserts a new Division 2A—Minor variation of national environment protection measures—into the Act. This Division provides for the making of minor variations to national environment protection measures by the Council and contains the procedures the Council must follow when making a minor variation.

New section 22A(1) sets out the conditions under which the Council may determine whether a variation to a national environment protection measure is a minor variation.

New section 22A(2) requires that the Council prepares a draft of the proposed variation and a statement explaining the reasons for making the variation, the nature and effect of the variation and

the reasons why the Council is satisfied the variation is a minor variation.

New section 22B prescribes the public consultation requirements that the Council must complete before a minor variation is made.

New section 22C provides that when making a minor variation the Council must have regard to any submissions it receives that relate to the proposed variation or explanatory statement, whether the measure is consistent with section 3 of the Agreement, relevant international agreements to which Australia is a party and any regional environmental differences in Australia.

8—Amendment of section 36—Functions of the Service Corporation

This clause inserts a new section 36(aa) into the Act to enable the Service Corporation to provide assistance and support to other Ministerial Councils as directed by the Council. This clause also inserts a reference to section 36(aa) in section 36(b) to enable the Service Corporation to do anything incidental or conducive to its provision of assistance to other Ministerial Councils.

9—Amendment of section 43—Leave of absence

This clause amends section 43 of the Act to clarify that the leave entitlements of the NEPC Executive Officer are not subject to section 87E of the Public Service Act 1922 of the Commonwealth.

10—Amendment of section 49—Public Service staff of Service Corporation

This clause amends section 49 of the Act consequentially to the passing of the Public Service Act 1999 of the Commonwealth.

11—Amendment of section 51—Staff seconded to Service Corporation

This clause amends section 51 of the Act consequentially to the passing of the Public Service Act 1999 of the Commonwealth.

12—Amendment of section 56—Application of money of Service Corporation

This clause amends section 56 of the Act consequentially to the passing of the Commonwealth Authorities and Companies Act 1997 of the Commonwealth.

13—Substitution of section 58

This clause amends section 56 of the Act consequentially to the passing of the Commonwealth Authorities and Companies Act 1997 of the Commonwealth.

14—Amendment of section 63—Review of operation of Act

This clause inserts additional sections 63(3) and 64(4) which provide for the Act to be reviewed at 5 yearly intervals after the first 5 year review and for the report of each further review to be tabled in Parliament within 1 year after the end of the period to which it relates.

The Hon. I.F. EVANS secured the adjournment of the debate.

NATIONAL PARKS AND WILDLIFE (INNAMINCKA REGIONAL RESERVE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 594.)

Mr HAMILTON-SMITH (Waite): I rise to indicate that the opposition intends to support the bill, although we will be asking the minister for some additional information during the context of this debate and that certain actions be undertaken before the matter is dealt with in the other place. I have read the minister's second reading explanation and later I will draw the attention of the house to some other references which members may wish to consult and to some other contributions by members that members may wish to read.

In essence, the bill deals with the Innamincka Regional Reserve which, as the house is aware, is a 13 800 square kilometre area of land located in the far north-east of the state. It was constituted under the National Parks and Wildlife Act 1972 to provide a framework to protect the significant area of natural habitat, while allowing use of the natural resources through petroleum extraction and pastoral production. The Innamincka Regional Reserve contains a diverse range of arid and wetland ecosystems: the Cooper Creek and the Coongie Lakes wetland district is listed as a wetland of international significance under the RAMSAR Convention. I had the pleasure of visiting this location with the local member, the member for Stuart, and some other members some months ago, and it is indeed a jewel for the state of South Australia, not only in terms of natural habitats and natural heritage but also as a tourism destination.

The reserve is underlain by the largest and most prolific hydrocarbon province onshore Australia, that being the Cooper and Eromanga Basins, which members will be aware is vitally important to the economic future of the state. To protect the environmental values of the area, a Coongie Lakes control zone was established within the Innamincka Regional Reserve at the time of its proclamation in 1988, under which petroleum activities, including exploration and production operations, were allowed to continue under certain conditions. Following the lapse of these pre-existing licences in 1999, the government undertook a lengthy process of reviewing the original control zone and since that time no petroleum tenements have been granted over the control zone or the associated wetlands. I point out to the house that that is a credit to the bipartisan nature of this matter, those actions having been carried out by the former government, particularly by my colleague the member for Davenport when minister for the environment.

Following the lapse of these pre-existing licences in 1999, it was clear that action was required. The Premier announced new management arrangements for the area on 11 July 2003 that result in the removal of the rights for exploration, prospecting and mining under the Mining Act 1971 and the Petroleum Act 2000 from the most environmentally significant portion of the Coongie Lakes area of the Innamincka Regional Reserve.

The new management arrangements aim to give a high level of legislative protection to the areas considered to have the greatest environmental value and to establish a management regime over the balance of the area that will facilitate petroleum exploration. The minister's second reading address and the bill itself make clear that the arrangements will involve: first, a new national park of 27 950 hectares over the core wetlands and there will be no mining and no grazing in that portion; secondly, a permanent no mining zone of 87 740 hectares over areas of high water bird habitat significance in the Innamincka Regional Reserve; and, thirdly, a special management zone of 25 938 hectares for walk-in geophysical surveys and subsurface petroleum/mineral exploration access created through a management plan for the Innamincka Regional Reserve.

In providing those details I mention that those parameters are not specifically spelt out in the act and I will be asking the minister to provide a statistical chart during the context of this debate so that the house and all with an interest in this matter can be certain of the exact precinct within the Innamincka Regional Reserve that this bill addresses, it not being appropriate to put all that information in the bill. At least we will have it on the public record.

To implement the permanent no mining zone, an amendment to the National Parks and Wildlife Act is required to provide that the government may create a no mining zone within the Innamincka Regional Reserve and the opposition agrees with that proposition. The legislative amendment that is constituted by this bill as section 34A of the act does not allow for a regional reserve to be proclaimed in a manner that

may exclude key areas from utilisation of the natural resources of the land. The amendments are specific to the Innamincka Regional Reserve in recognition of its special circumstances and to retain mining industry confidence in the regional reserve concept. Further, it is proposed that the Governor may not by subsequent proclamation expand the area within the zone or create a second or subsequent zone. The opposition will be seeking that that be tightened up to some extent during the context of the debate.

I thank the minister and the department for the briefing and for the maps they provided to me that show the Innamincka Regional Reserve (and the Strzelecki Regional Reserve close by to its south-west) and also specify the boundary of the Coongie Lakes Ramsar area, a wetland of international importance. Those diagrams, which obviously will not be put into *Hansard* or into the bill but to which I refer, clearly demonstrate an area that is to be a no mining and no grazing area. I mentioned its dimensions earlier. It is shaded in red, with a green area for no access for petroleum or minerals purposes but within which pastoral activities may be permitted. It is an area about twice the size of the red shaded area of no mining and no grazing. A third area shaded in pink is a special management zone under the regional reserve, with an exclusion for walk-in geophysical surveys and subsurface access in appropriate seasons provided for in the third zone. The broader zone is the Innamincka Regional Reserve.

It is in the interests of the public, the mining companies and all the other parties concerned to ensure that we pin down these zones because the township of Innamincka is within the regional reserve and we would not want at some later time the Governor, on advice from Executive Council, proclaiming a further area that might include the township of Innamincka or some other part of the regional reserve that we had not considered at the time of the introduction of this bill. That is the point of referring to the diagrams.

In consulting with the stakeholders interested in this bill, the opposition has dealt with Santos and has communicated with other petroleum and minerals research companies. We consulted with the local community in the region and, most importantly, I have consulted with the local member, the member for Stuart, within whose electorate this district falls. He better than anyone understands the issues and implications of the bill and has in his heart a desire to ensure that the bill is a step forward and not a step backwards.

I therefore draw members' attention to a contribution by the member for Stuart in the house on 16 October 2003, during which he made reference to the reserve and the Innamincka area and mentioned some of the local concerns there with regard to fire hazard reduction. I also draw to members' attention the minister's contribution on 22 October in the House of Assembly and a contribution by my colleague the shadow minister for minerals and energy, the member for Bright, on 17 September, during which he also raised the subject of the Coongie Lakes wetlands and this forthcoming piece of legislation. He made some important observations about the areas importance not only from a heritage and preservation viewpoint but also from a mining viewpoint. He specifically mentioned:

> Embarking upon a process of limiting exploration in the area could be significantly to the state's detriment. It is possible to be able to protect environmentally an area whilst at the same time laterally drill underneath the area.

During the committee, I will seek some clarification from the minister in regard to whether it is the government's intention that, should technology provide for it at some stage in the future, drilling be allowed outside this new zone that might penetrate beneath the zone and extract petroleum and minerals in some way whilst not imposing upon the surface of that land. I will be seeking that clarification and assurance during committee.

I also draw to members' attention the view of the Conservation Council of South Australia, as set out in its July 2003 bulletin entitled 'CCSA Briefs, Coongie Breakthrough' in which it supports this bill. Members will be aware that consultation has been going on between the Conservation Council, Santos and its joint venture partners on this matter for some years, that that consultation goes back well into the time of the former government and that, regrettably, the agreement or memorandum of understanding that has been entered into by Santos and its joint partners and the Conservation Council was not complete before the March 2002 election. Had it been, the former government may well have been putting this bill forward. As it turns out, and as we have seen, so much of the good news is announced by the incoming government and the hard work of the former government is opened, if I can use that expression, by the incoming government. Such is the nature of politics in our wonderful democracy, and the opposition understands that.

I also draw members' attention to the Conservation Council web site, www.ccsa.asn.au, where there is further information and advice on the Conservation Council's view of this proposition, all of which is generally pretty supportive, this bill having flowed from the memorandum of understanding entered into between the Conservation Council and Santos.

I also draw members' attention to the Santos web site, www.santos.com.au, on which they will find two media releases from Santos. The one released on 13 October 2002 has the title 'Santos welcomes protection for the Coongie Lakes' and states that Santos welcomed the government's announcement that it would move towards protecting the Coongie Lakes. The media release also points out that Santos has brokered a memorandum of understanding with the South Australian conservation groups, recommending permanent protection for the Coongie Lakes. The media release goes on to talk about that MOU recommending that the government makes the Coongie Lakes control zone a no-go area for new petroleum activity and nearly trebling the size of the Coongie Lakes control zone to capture all the important wetland areas.

The Santos media release mentions petroleum exploration, and that is the focus of Santos. However, it is important to draw to the attention of members that the bill itself refers to restrictions on mining more broadly, not only petroleum mining exploration and extraction. It is important for parties and stakeholders to note that this goes beyond petroleum extraction to a broader restriction on mining as a whole.

Santos acknowledges that the Coongie Lakes are a South Australian icon, and on behalf of the opposition I congratulate Santos Managing Director, John Ellice-Flint, and all at Santos who have worked in such a cooperative way with the Conservation Council to reach this memorandum of understanding, which has its conclusion today with the passage of this bill through the house.

Santos has carried out environmentally sensitive exploration activity in the area, which is currently not under licence following the relinquishment of the exploration acreage by Santos in 1999. However, the memorandum of understanding which Santos constructed with the Conservation Council and which was presented to the state government as part of a

multidisciplinary review of the future of the Coongie Lakes wetland had at its heart regard to oil and gas exploration and a compatible future for the interests of both mining and the environment.

I also draw to members' attention a further media release from Santos on 11 July 2003 titled, 'South Australian environmental icon protected'. In this release, Santos Limited welcomed the government's decision to protect the unique Coongie Lakes wetland, which the media release pointed out is located 110 kilometres north of Moomba on the Cooper Creek flood plain in South Australia's north-east. Members will be aware that the Moomba mining operation is based at Moomba, but it has posts going out some kilometres from Moomba, extracting gas and other products back into Moomba. Some of those outposts extend towards the regional reserve.

Early in 2001, as I mentioned, Santos negotiated this MOU with the Conservation Council and the Wilderness Society. The media release of 11 July talks about that and repeats some of the information in its earlier media release of 2002, but generally it points out—and the opposition agrees—that to a degree Santos has taken a leadership position on the issue, against the wishes of some. It has been an arduous and sometimes frustrating process. The opposition is aware of that but the outcomes are worth it and we agree with Santos that the challenge now is to find ways to improve dialogue between all the key stakeholders in this region for a compatible future for both exploration and preservation.

Members should also note media coverage that has appeared in the state and national press on this subject. I particularly draw members' attention to *The Advertiser* of Wednesday 16 July 2003. In an article on page 19, *The Advertiser* welcomed the news that the pristine wild Coongie Lakes district of the state's outback would become a national park and that it would be bounded by two buffer zones with restrictions on mining and grazing. There was also coverage of this announcement in *The Advertiser* of 12 July. The newspaper acknowledged that the lakes system is internationally recognised and noted how important it is that it be preserved. There was also in *The Advertiser* a letter to the Editor from Miss Barbara Hardy of Seacliff, Vice President of the Nature Foundation SA Inc., who reiterated those comments.

The Weekend Australian of Saturday 12 July 2003, on page 9 of edition 1, also covered the story in an article titled 'Unique wetland saved from mining', which was written by Andrew McGarry. That article noted that mining giant Santos would cease exploration in one of the world's most significant wetlands and went on to provide some detail. The proposition has been widely welcomed in the national and state media by mining groups and by conservation groups alike. All that is well and good. However, there are some areas where the government could do more in the way of consultation and communication.

I refer to concerns put to the opposition by other mineral exploration companies, in particular, concerns held by four other players in Beech Petroleum, Stuart Petroleum, Liberty and Strike. The minister will be aware that Santos is not the only party that is actively mining within the basin. The opposition understands that those four companies—and there may well be others—have not been brought into the loop during the consultation phase regarding this bill, and a number of those companies have expressed concerns to the opposition that they have not been made party to the bill. They have concerns that it will restrict their future exploration activities and they would like more information from and consultation with government.

I seek an assurance from the minister before this matter is dealt with in the other place, if he is not able to do so today, that he will outline to the house the details of the government's consultation with those four companies, the concerns that they raised with the government, the government's response to those concerns and the government's conclusions in regard to those concerns so that the opposition, the public and those four companies can have some feedback from the government about matters of concern to them. Although Santos and its joint venture partners (the Conservation Council and the Wilderness Society) have agreed, there are these other four players and it is in the interests of good government that they be consulted and that that information be provided to both them and the public at large.

So, we support the bill on the understanding that the government will give us that information and advice before the matter is dealt with in the other place, otherwise we may seek to postpone passage of the bill until that information is provided. We are happy to see the matter pass through this house today, but we seek that reassurance and information before it is dealt with in the other place. As I mentioned earlier, we also seek an assurance from the minister that all parties have been made aware that the bill restricts all mining explorations and is not contained to petroleum research alone.

Thirdly, as I mentioned earlier, we seek an assurance that the exact boundaries of the area within which mining is restricted will be notified and recorded in *Hansard*. As I mentioned, I understand the minister has agreed to provide a statistical chart that provides that assurance. I foreshadow for the minister that in committee I will raise some issues about clause 5, which seeks to insert section 43AB, and clause 4 and seek to flesh out those points.

With those remarks, the opposition supports the bill. We draw to the attention of the house that it was largely the work of the former government, and I am sure the minister will be lavish in his recognition of that hard work. The opposition thanks the officers from within the department who have worked so hard on the bill. The opposition also thanks the minister and his staff for the briefing and, as mentioned, commends Santos, the Conservation Society and the Wilderness Society for their hard work. It has been a long road—it has been almost as long as the trip by the early explorers from the south to the north of the continent—but we are in a position now to protect the Coongie Lakes, and we look forward to discussing the matter in committee.

The Hon. J.D. HILL (Minister for Environment and Conservation): I am very pleased to acknowledge the support of the opposition in relation to this matter. I was going to say that I agree with pretty well everything the member said in his speech, but he got to the silly end of his speech where he took credit for this initiative yet was critical of some of the processes that we have gone through, so perhaps I will address a couple of the issues that the member has raised and get into further discussion during the committee stage.

To put this in context, the current government when it was in opposition made a number of forays into this area. As an opposition spokesperson, I remember moving motions in relation to this issue in the chamber—motions which were never debated because the then very inactive government of the day chose not to debate this matter and it lapsed on the *Notice Paper*. So, in opposition, we prepared a policy

statement about the protection of Coongie Lakes from mining and mining exploration, including petroleum research, and that was part of our platform when we went to the election. I do not recall it being part of the platform of the members opposite, but I stand to be corrected and, if the government spokesperson has something that he can table that proves me wrong, I would be happy to admit my mistake.

As the member knows and has acknowledged, this process in part was driven by community activism—and I really refer to a memorandum of understanding involving Santos, the Conservation Council and the Wilderness Society. That process took some time to complete. It began when this government was in opposition and I think it was completed during our first year of government. I understand that the parties to that memorandum of understanding engaged in quite extensive consultation and attempted to involve other exploration companies but were unsuccessful. I am not sure whether that included all the companies that the opposition spokesperson referred to, but certainly a number of mining and exploration companies were talked to about whether or not they would sign a memorandum of understanding, and they chose to not do that.

After this government was elected, I had a number of discussions by way of consultation with representatives of Santos (including the Chief Executive, Mr Ellice-Flint, whom I commend for his strong commitment to positive environmental outcomes consistent with mining exploration), the Conservation Council and the Wilderness Society (which I commend also for their work).

We had a number of conversations about how to get this package right. There were discussions about the size of the territory. I can see the shadow minister is bringing in a statement which the opposition spokesperson can table, and I look forward to reading that. We had a number of conversations with the parties to the memorandum of understanding to get detail in relation to what the government could do. We talked about the territory which would be covered by the legislation. We talked about whether or not the whole area that was to have mining excluded could be made a national park. There were concerns that if we were to do this it would mean we would be legitimising grazing in a national park. Of course, we talked to Kidmans, the pastoral lessees, and they had concerns about a national park being declared over an area where there was grazing. So, there was considerable consultation with the main stakeholders and eventually we came up with a package which specified the territory to be protected, based on good science. We worked out a way of excluding mining and petroleum extraction as well as exploration for those two sorts of minerals, and that was to go through the process we are going through at the moment.

We also agreed on an area which would become a national park, and that was part of the protected area where pastoral activity had been excluded for some time. We decided that that section where pastoralism had been excluded and which overlapped the area to be protected from mining and petroleum exploration would make a good national park. In fact, I think it was the Kidmans who originally suggested that territory as a potential national park. So, there was quite detailed consideration and consultation with all those bodies.

I also had a couple of conversations with representatives from SACOME (the South Australian Chamber of Minerals and Energy), in which I pointed out to them that, while we were happy to talk to them, in fact, this was a decision that had been made in opposition; that it was a commitment that we had made, and that we are on the record as agreeing to this decision. That was, basically, the extent of the conversations that I had with SACOME.

The member asked about some undertaking, I think, in relation to four companies to which he referred. I am happy for representatives of those companies to have a conversation with my departmental officers. I can arrange for my department to write to those companies and invite them to have discussions. But we are well past consultation in terms of affecting this bill. This bill is a settled matter, and we will not open it up again for alteration. As the member for Waite said, this is a specific piece of legislation that relates only to the circumstances of Coongie Lakes. It is not a general measure that we are introducing: it cannot be any greater than the area that is intended to be covered. At this stage, I seek leave to table a statistical chart.

The ACTING SPEAKER (Ms Thompson): Can the minister assure us that it is statistical in nature?

The Hon. J.D. HILL: If it is anything other than statistical, I am totally confused.

Leave granted.

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140	6	4.8560	-27	12	14.4497		140.10134890	-27.20401380	138
140	5	53.7047	-27	12	18.5353		140.09825130	-27.20514870	139
140	5	38.8734	-27	12	23.9324		140.09413150	-27.20664790	140
140	4	54.8731	-27	12	43.4401		140.08190920	-27.21206670	141
140	4	7.9615	-27	13	3.9295		140.06887820	-27.21775820	142
140	4	6.4232	-27	13	21.9194		140.06845090	-27.22275540	143
140	5	3.2777	-27	14	48.0318		140.08424380	-27.24667550	144
140	6	39.0784	-27	17	13.3397		140.11085510	-27.28703880	145
140	6	48.1972	-27	17	44.0398		140.11338810	-27.29556660	146
140	6	52.0970	-27	17	45.7220		140.11447140	-27.29603390	147
140	7	14.1798	-27	19	33.5320		140.12060550	-27.32598110	148
140	7	23.5182	-27	20	2.8381		140.12319950	-27.33412170	149
140	7	30.9889	-27	20	43.2542		140.12527470	-27.34534840	150
140	7	36.0973	-27	21	2.8508		140.12669370	-27.35079190	151
140	7	39.6131	-27	21	37.5127		140.12767030	-27.36042020	152
140	8	34.0501	-27	21	21.6652		140.14279170	-27.35601810	153
140	11	13.9564	-27	23	0.4459		140.18721010	-27.38345720	154
140	12	9.7121	-27	22	12.1678		140.20269780	-27.37004660	155
140	13	33.0000	-27	21	35.0700	Intersection with National Park (southeastern edge)	140.2258333	-27.35974167	156

The Hon. J.D. HILL: I look forward to the discussion during the committee stage.

Bill read a second time.

In committee.

Clause 1.

Mr HAMILTON-SMITH: I might take the opportunity, at the title stage, to ask an initial question.

The ACTING CHAIRMAN: It needs to be relevant to the clause.

Mr HAMILTON-SMITH: It relates to the title of the bill, so it is pretty broad. I would like to thank the minister for the statistical chart, which specifies the boundaries of the reserve to which the short title refers but which was not included in the bill, because it now provides a record for all to use to specify the exact dimensions of the precinct that we are establishing.

An issue which was raised by the minister and which I would like to clarify is whether the former government had this as a policy prior to the election. I would like to assure the minister that, indeed, the former government did, and I can refer him to an excellent document, which I strongly suggest he reads, entitled 'Environment and heritage. Rob Kerin's team: keeping South Australia moving forward', our policy for the 2002 election. On page 79, it specifies that the Liberal government recognises the invaluable role that non-government and volunteer organisations have played in protecting our national parks and our heritage areas. On page 78 it specifically mentions that the Coongie Lakes were designated as a wetland of international significance under the Ramsar convention. It goes on to talk about the area surrounding the lakes, and it also explains the historical background to the matter. It points out that key interest groups, including the Wilderness Society and the Conservation Council, have been undertaking further work. It states that the former government had honoured an agreement with these groups, as well as mining groups—all mining groups—to progress protection of the area as recommended by key interest groups, that the final report and recommendations were under consideration and that the former government was committed to the protection of the Coongie Lakes.

The ACTING CHAIRMAN: Order! These remarks seem to be more relevant to the second reading debate than to addressing the clause.

Mr HAMILTON-SMITH: Yes, I take your guidance, Madam Acting Chairman. My question is: does the minister now understand that this entire proposition was, in fact, the policy of the former government?

The Hon. J.D. HILL: I acknowledge that the matter was referred to in the opposition's policy statement. I will not enter into an argument about it. I think it was probably pretty vague in what it was suggesting. Nevertheless, we all agree that this is a good thing to do. Whether or not the former government would have done anything about it is to be debated. We accept that the former government thought this was a good idea and that the current opposition supports the matter, so we are pleased about that.

The Hon. W.A. MATTHEW: I believe it is vitally important that when any bill is debated in this house there be extensive consultation, and I hope that all members share that viewpoint.

The ACTING CHAIRMAN: Order! I was very generous in relation to the member for Waite with respect to his disguising a second reading speech as a question on the short title. I am not prepared to continue this generosity. I ask the member please to confine his question to the short title.

The Hon. W.A. MATTHEW: Madam Acting Chair, if you wish me to confine it to the short title, I can move the question to another clause in the bill.

The ACTING CHAIRMAN: That is right; that is appropriate.

The Hon. W.A. MATTHEW: I can do that if Madam Acting Chair wishes. I believe that will waste the time of the committee house but, if Madam Acting Chair wishes me to do that, I will hold my question until a little later.

Mr HANNA: I have a general question in relation to the policy underlying the bill. Which clause would the chair suggest is most appropriate?

The ACTING CHAIRMAN: Clause 5 or clause 6 may be appropriate. Does the member want to consider whether that is appropriate for the question?

Mr HANNA: Certainly.

Clause passed.

Clauses 2 to 4 passed.

Clause 5.

Mr HAMILTON-SMITH: Clause 5 inserts certain powers after section 43A. Subclause (1) specifies that the Governor may, by proclamation, create a zone within the Innamincka reserve. Proposed new subsection (2) deals with rights of entry, prospecting, exploration or mining. My first question deals with proposed new subsection (1). As it reads, the bill empowers the Governor to make by proclamation a zone anywhere within the Innamincka Regional Reserve; that is to say, as I understand it from my reading of the subsection, there is nothing stopping the minister from proclaiming any part of the reserve as a zone.

My concern with that is that the Governor may later decide that, under advice from executive council, she would like to extend this zone far beyond what has currently been outlined and create some new no mining zone within the precinct. It virtually gives the Governor unlimited authority, if you like, to prohibit mining within the Innamincka Regional Reserve. However, as we have already heard from the minister when tabling his statistical chart, the actual area we are seeking to constrain is much smaller than the whole reserve. Will the minister guarantee the committee that the government has no plans and will not be providing advice to the Governor at any time that any other part of the reserve be so proclaimed?

The Hon. J.D. HILL: I thank the member for the question, as it gives me the opportunity to reassure the committee. I refer the honourable member to proposed new subsection (3), which provides:

> If or when a proclamation is made under subsection (1), the Governor cannot, by subsequent proclamation, expand the area within the zone, or create a second or subsequent zone.

It is not only a guarantee for me but it is a guarantee by law that the Governor cannot do it. The area to which I have already referred by way of statistical tables will be that zone. I think the member has seen the map. I think it is a problem with the way in which we operate, in that, unfortunately, we cannot table maps, but the map shows explicitly where that zone will be; and once that zone has been proclaimed, we cannot expand or make a second zone. I think the safeguards for which the member is looking are there and, as I understand it, the proclamation is a regulation, so it is subject to the discussion of the house, anyway.

Mr HAMILTON-SMITH: I say this as a supplementary statement, because it deals with the same point. I thank the minister for his advice, but proposed new subsection (3) provides that, if or when a proclamation is made under this subsection, the Governor cannot, by subsequent proclamation, expand the area within the zone. I agree with the minister's reading but, as it is written, the Governor's initial proclamation could have been for a much larger area than that which has now been clearly stated as being the intent of the government. That is why the opposition wanted to be certain that her initial proclamation was not going to cover any area greater than that which is contained in the diagram in the statistical chart, and that was the point of the question. We accept the minister's answer and thank him for it.

Mr HANNA: I preface my question with a recognition that the document tabled by the minister represents a compromise, where various stakeholders have come together and agreed that is a good thing. However, to what extent does that solution depart from ALP policy as stated before the last election?

The Hon. J.D. HILL: I do not have my policy document in front of me to which I can refer the honourable member, but I do not think it departs at all from the ALP policy; in fact, I think it explicitly addresses the Labor Party policy. I think it is based on the 10-year flood area. There are sections off the area which will be protected where exploration will be allowed, but only by a walk-in arrangement which picks other areas which were to be affected by a 10-year flood. As I recall it—and I am happy to be corrected by the member—this is a very explicit response to the Labor Party's pre-election policy. It is true that, for example, the memorandum of understanding that Santos, the Conservation Council and the Wilderness Society entered into covered a broader area, and certainly through discussions within government involving the mining section of PIRSA and my own department we reached agreement based on a scientific basis; that is, these are the highest priority areas from a biological and ecological point of view. It does reflect the one in 10 year flood areas, and it also allows for exploration of areas within that general zone that had been cut out of the mining leases by the former government when further consideration was being given to what level of protection ought to be allowed. It would be true to say that certain parties would prefer to see a greater area protected and it is also true to say that other parties would rather see less area protected. From that point of view, I guess it is a compromise between those two opposing points of view.

The Hon. W.A. MATTHEW: I have a particular concern about this bill and the way in which the negotiations were handled, and I believe that this clause is the most pertinent one to ask questions in relation to that. The minister tells us in his second reading speech that this bill has been enabled following what he describes as development of a proposal by Santos and the Conservation Council of South Australia, which then enabled the government to determine the final shape of a new control zone for petroleum activities. So, in my words, I would see that as a bit of a deal being cut between the Conservation Council and Santos and presented to government. Of import to this bill and this clause is the fact that the way in which petroleum access has been given in South Australia has changed dramatically over the past few years.

In the past, Santos was the holder of exploration and production licences. That changed, and a significant part of those lands that were formally held by Santos were then opened up for other companies. We have seen a number of very good companies now start to be involved in the industry, companies such as Beach Petroleum, Stuart Petroleum, Liberty and Strike Oil, companies which are part of the industry, which have employees and which were waiting for the opportunity to also bid for land in this region when the boundaries were so determined. With that in mind, I would like the minister to explain to the committee who from each of those companies was consulted with and what their response was, and also advise the committee who from other organisations were also consulted—peak petroleum organisations and groups such as the South Australian Chamber of Minerals and Energy.

The Hon. J.D. HILL: It is unfortunate that the member was not here during my response to the second reading contributions, because I went through all those statements, so I will quickly go through them again and perhaps—

The Hon. W.A. Matthew interjecting:

The Hon. J.D. HILL: If the honourable member had listened carefully, he would have heard the answers but, if he wishes, I will go through them again. The point I made before is that this was a policy commitment made in opposition and we are in the process of enacting it in government. I certainly consulted, as I said previously, with the key parties to the memorandum of understanding, that is, Santos and the two conservation groups. I have certainly had conversations with Kidmans about the extent of the protection because obviously they had an issue in relation to the pastoral activities on that land, and I have had a couple of conversations with representatives from SACOME in relation to the measures. I made the point to them that this is a decision that we have already made. We went to an election on it; this is policy; we are committed to doing it. The other companies to which the honourable member refers did not have an existing interest on that piece of land. Santos, as a previous leaseholder on the land, had an ongoing interest and understanding of the land.

The other companies to which the honourable member referred perhaps had potential interest in the land but they had no existing interest, and I think the member would agree with that. I did not consult with any of those companies to which he referred. I understand that Santos, in the preparation of the MOU, did have discussions with a number of those companies, so they were aware of what was being proposed. I have undertaken—which I think was the undertaking requested of me by the member for Waite—to have my department write to the companies that the honourable member specified. If there are others that he would like to add to the list, we can certainly do that and explain what this legislation means for them.

The Hon. W.A. MATTHEW: I find this to be an absolutely outrageous confession that we have heard in this house today. The minister is now telling us that key companies that are involved in petroleum exploration in this state have not been given so much as the courtesy of being contacted in relation to the drafting of this bill, let alone being consulted or given a copy of the bill before it was released. I fully confess to having contacted some of these companies recently myself, but I wanted to give the minister the opportunity to put on the record exactly what had and had not occurred. I put to the minister that Beach Petroleum, for example, became aware of this bill when it heard the minister make an announcement on the radio. Stuart Petroleum was not aware of it at all. I find this an outrageous example of this government's failure to do so much as undertake basic consultation.

This is a government that told South Australians that it was going to be open and accountable. There has been nothing open and accountable about this process. In fact, it has been a closed shop. It has involved the cutting of a deal between some parties and, in my experience as a member of parliament, when deals are cut like this behind closed doors there is often room for scrutiny. I am now in the position where, regrettably, I have to ask the minister what quid pro quo was involved in some of this. Was a deal cut between any of the players, saying, 'If you let us have this bit of access here, we'll be happy with you retaining this bit of reserve there'? How can the minister assure this committee that the boundary that has been drawn has been drawn wholly and solely, with absolutely no exceptions, based on environmental criteria? That is really what we need from the minister.

We need a cast iron assurance that the boundary in every respect has been drawn wholly and solely, with no other criteria, no other consideration in mind than environmental criteria. In asking the minister that question, I also ask him to share with the committee whether he is aware, in the discussions between the parties, of any discussions of lands outside South Australia where Santos, the Conservation Council and the Wilderness Society might also share some joint interest in terms of what they would like to see done.

The Hon. J.D. HILL: The member for Bright can do his mock outrage performance in here as much as he wishes to, but the point is that the opposition has said that it accepts this bill. The lead speaker for the opposition has already indicated that it was also part of the opposition's policy commitment prior to the election, so I am not too sure of the basis, intellectual or otherwise, on which the member for Bright is making his claims. In terms of consideration about where the boundaries should occur, I thought I went through the process with the member for Mitchell. There was a memorandum that Santos and the environmental groups came up with that basically filled a significant part of the temporary exclusion zone and then, through a process of discussion with Primary Industries, the Department of Environment came up with a series of options to balance the competing needs of environmental protection and prospectivity.

If there was any deal done I suppose it was done between those two departments, to come up with something that balanced those two completing sets of values, as is often the case. The former government went through a similar process in relation to the Gammon Ranges. I could just as easily have asked what deal was done in that regard. It went through that when it decided to reproclaim Yumbarra and to allow mining exploration in what had hitherto been an area in which mining exploration was prohibited. All governments make decisions based on their best judgment at the time, bearing in mind the competing interests. That is what government is about: making those kinds of judgments.

But as to the rather snide suggestion in the honourable member's comments that this is some sort of quid pro quo involving Santos and the environment groups in relation to activities in other states, I am not aware of any such arrangements. Certainly, they were not considerations that the government took on board when it made the decision about where the boundary ought to be.

The Hon. W.A. MATTHEW: I agree with the minister that, when embarking upon such agreements, the stakeholders involved have to be communicated with, and often there is a

trade-off involved to come up with a compromise. He shared with the committee that both the departments were involved in establishing the parameters for such a compromise, but I put to the minister: how can you possibly negotiate a compromise that takes into account the interests of all parties involved when some of the key companies just have not been consulted? Will the minister give this house a guarantee that this bill will not be proceeded with any further in the other place until he has written to the stakeholders, has obtained a response from them and, if necessary, met with them and worked this issue through and effectively undertaken the work that should have been done by any responsible, open, accountable government before bringing this legislation to this house in the first place?

Mr Koutsantonis: Who is the shadow minister?

The Hon. J.D. HILL: That is a very good question: who is the shadow minister dealing with this legislation? This is government policy. It was announced prior to the election. We are committed to having this pass through this house. If the opposition chooses to go against what it says is its position of general support and chooses to try to obstruct this in the upper house, that is something that it has to take on board. The member for Waite, the shadow spokesperson, asked in relation to those groups whether I would undertake to contact them. I have already said, I think twice now, that I would arrange for letters to be written to them inviting them to have discussions with the department about aspects of this bill that they may wish to have clarified. I am certainly not going to amend the bill on the basis of any further conversations. This has been decided upon. This is settled legislation as far as the government is concerned.

The Hon. W.A. Matthew: Without full consultation?

The Hon. J.D. HILL: The honourable member says, 'without full consultation'. This is mock pleading or special pleading for a particular group with which the honourable member may have some associations; I do not know. The reality is that the people he referred to had no interest in that land other than future opportunities that they may have foreseen. There may well be hundreds of companies in that situation: I do not know. How would I know this? This matter was not something that was secret. It was in our manifesto prior to the election. It was made public on a number of occasions by both the Premier and me during the election campaign and after the election campaign. If those companies—

The Hon. W.A. Matthew interjecting:

The ACTING CHAIRMAN (Ms Thompson): Order!

The Hon. J.D. HILL: The member for Bright should just grow up and start dealing with these issues in a sensible way. Unfortunately, he continues to want to play politics with important issues. This is a matter on which the government has consulted appropriately. I said that I would give an undertaking to write to the companies that the honourable member identified and offer an explanation to them.

Mr HAMILTON-SMITH: My second question, to conclude this issue of consultation, is whether it would be possible for the minister to arrange for the outcome of his consultation with the other four companies concerned to be provided to the other place during debate on the bill, just so that we have on the record the outcome of the consultations he has agreed to carry out.

The Hon. J.D. HILL: I have said several times now that I will arrange for a letter to be sent, posthaste (no pun intended), to those companies and invite them to make contact with us. I cannot guarantee that they will contact us within the time frame that the member has requested, but, if they do, and we have an opportunity to talk with them, I will certainly let the other place know.

Mr HAMILTON-SMITH: My third question has to do with the government's intent in regard to mining from outside the boundary of the restricted zone, should technology provide for drilling underneath the surface for the purpose of extracting petroleum or other minerals. So, if at some future point a company can, from outside the zone, successfully mine well beneath this zone, is that a permissible activity and will they be constrained in any way?

The Hon. J.D. HILL: Yes, that would be permissible. Obviously, they would have to be able to demonstrate that there would not be any interference to the surface, and the technology would have to be approved. I understand that this technology is around now and that some of that exploration is contemplated and maybe even extraction contemplated. So, that would be generally permissible.

Clause passed.

Clause 6.

Mr HAMILTON-SMITH: My question relates to the Conservation Council and has partly to do with the question asked by the member for Mitchell. Is it the minister's understanding that the Conservation Council wanted a larger area zoned? I take the minister's general point that it was matter of compromise, but I would like some more information on why the government chose not to support the Conservation Council's view that the area protected should be larger.

The Hon. J.D. HILL: The Conservation Council, the Wilderness Society and Santos presented a memorandum of understanding which were lines on a map that really did not take into account, on the advice I have received, the more subtle kind of understanding of the features of the area. They were just lines on the map which they had agreed upon amongst themselves and which perhaps reflected their own interests in the area. I told them, however, that we have other interests to look into as well, and they were the more general interests which were put to us by PIRSA. That is the interest of prospectivity. PIRSA stood in the place of the other companies which had an interest in exploring for and extracting petroleum or other minerals from that area.

We had long discussions with PIRSA and a number of attempts to get a boundary which balanced the environmental concerns with the areas of prospectivity with high environmental protection. That was done by scientific officers within my department and the equivalently qualified people within PIRSA, and they came up with the boundary which is now before us. As I say, the best advice available is that it is based on the one in 10-year flood event, so there is a scientific basis for that. These would create the wetlands which would be used by birds that would feed and breed there.

The Hon. W.A. MATTHEW: As the minister would appreciate, the technology associated with petroleum extraction has changed dramatically over recent years to the extent that, as well as the traditional methods of vertical drilling and extraction of product, lateral drilling and extraction of product is now also possible. As technology improves, the distance that is able to be covered laterally is increasing dramatically. That means that, effectively, the industry is now able to extract petroleum from underneath areas that are not directly accessed from above. With that in mind I ask the minister: in drawing up this boundary, how much consideration was given to those advances in technology to extract through lateral drilling, and under what

extent of a proclaimed area does he expect lateral drilling to extract petroleum to be able to be utilised? Or, does he see the zone that will be so proclaimed as being one from under which no lateral extraction shall occur, even though companies will not need to access it from above?

The Hon. J.D. HILL: This tag team approach that the opposition is developing is a really integrated approach. The member for Waite asked me a question and a few minutes later the member for Bright asked me the identical question. I have already said that we would be happy with diagonal or lateral extraction from the zone. As to which parts of the zone that could be used on, I am not a technical expert. I guess it would depend on those who have mastery of this technology to demonstrate how it could be done. But there is no philosophical, political or legal reason why it could not happen. So, theoretically, I assume that if you could work out how to do it you could take it from under every section of the protected area. As some members would know, Santos has extensively explored this area and has a fair amount of data which, I understand, would be available to other companies that may wish to follow up on that potential.

The Hon. W.A. MATTHEW: To clarify this: does the minister intend to set any depth level under the zone above which no extraction shall be permitted? I would just like to be absolutely crystal clear about what we are talking about.

The Hon. J.D. HILL: As I understand it, no specific arbitrary level has been set. I guess the level would be that which did not interfere with the surface. That may vary from point to point, and I imagine that would be up to any proponent to demonstrate that it would not have any impact on the surface.

The Hon. W.A. MATTHEW: This is my final question on this topic. The minister is therefore telling the committee that, if a potential explorer were to submit a case for exploration and extraction of possible material and is able to provide scientific evidence that there would be no disruption to the wildlife and the ecosystem of the Coongie Lakes area, he would look kindly upon such an application?

Mr Koutsantonis: That's hypothetical!

The Hon. W.A. Matthew: No it's not.

Mr Koutsantonis: Yes it is. He said it was hypothetical; he started off by saying it.

The ACTING CHAIRMAN: Order!

The Hon. J.D. HILL: As I understand it, the process would be that the Minister for Primary Industries would have to agree to such a request, and he or she would have to seek comment from me or whoever holds my portfolio at that hypothetical future time and, provided it passed the normal tests that would have to be passed, there would be no reason to say no.

Clause passed.

Title passed.

Bill reported without amendment.

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

That this bill be now read a third time.

I repeat the undertaking I have given to contact the companies to which members opposite have referred. If there are further companies that either member would like me to contact, I will certainly do that. I give a further undertaking that a summary of the contact and what occurred will be made available to my colleague in another place when he deals with this bill. I am not sure when it will be on the *Notice Paper*, but I hope it will be in the next couple of sitting weeks.

Finally, I thank the opposition for indicating its support for the proposition. This will deliver a good outcome for South Australia. It is an iconic area. For those who have not visited Coongie Lakes, it is an area of great natural beauty, and over time it will be a significant tourism resource for the state. It already is a tourist destination, as many people go up there, and there will be huge benefits for the local township of Innamincka. I thank Parliamentary Counsel, which prepared the bill, and Mr Bob Inns from my department, who has assisted me today.

Mr HAMILTON-SMITH (Waite): I concur with the minister's comments. The bill has come out of committee essentially unchanged. I agree with the minister that there has within the context of the debate been some clarification that is important to the bill. In particular, we have clarified the issue of consultation, and I thank the minister for agreeing to consult with those other parties and to come back to the house (if possible) before the bill goes to the other place.

Secondly, we have clarified in committee that the bill refers to all mining and not just to petroleum mining. We have further clarified in committee that the extraction of minerals remote from the boundaries of the zone is permitted, which is important for the industry.

The minister has also clarified within the context of the debate statistically the parameters of the exact zone we are dealing with; it was a loose area within the wording of the bill and has now been clarified. The bill has come out of committee a little clearer than it was before we began. I concur with the minister's thanks to the officers of the department, Parliamentary Counsel and others involved. Essentially we agree with 99.9 per cent of the bill and it is a step forward for the state.

Bill read a third time and passed.

HIGHWAYS (AUTHORISED TRANSPORT INFRASTRUCTURE PROJECTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 600.)

The Hon. M.R. BUCKBY (Light): I rise to speak on this bill and at the outset say that the opposition supports the Port River Expressway Project, which is extremely important to both the state's economy in terms of the increased ability for panamax ships to come into port and take a higher tonnage of grain away from South Australia and with AusBulk the erection of silos and storage facilities at Outer Harbor and the necessary rail linkage that has to occur between the silos at Port Adelaide and the grain storage at Outer Harbor. There is no doubt that this will be a boost to South Australian farmers in that reduced freight costs, because of our ability to take larger vessels into Outer Harbor, will be of benefit to the South Australian grain industry.

The deepening of Outer Harbor to be able to accommodate panamax vessels in terms of grain will also mean that other ships will be able to make use of this deepened port and, as a result of that, obviously increase either freight traffic into Adelaide, where previously they might have gone to Melbourne, or allow larger passenger vessels to come into Outer Harbor, which will be a boost for tourism in South Australia.

In addition to the rail link and the storage facilities with this project is the road situation and the bridges that are part of the project over the Port River. The road system will allow

a faster access to Port Adelaide, and the bridges will enable one to bypass the Port Adelaide commercial centre in getting to Outer Harbor and ensure that traffic is taken out of the Port Adelaide commercial centre, so returning that centre to one that is a little more consumer or pedestrian friendly. It will also take out all the heavy vehicle traffic from the centre of Port Adelaide.

It is an extremely good project which was commenced by the previous government, and I am pleased to see is being continued by this government. We are now up to stages 2 and 3 of the project, and the government needs to get this legislation through so that it can continue on with the tendering process, as we wish to see happen.

I will run through a few areas of the bill. It replaces section 39 of the current Highways Act, which relates to the powers of the minister and the government regarding the Gillman Highway. This provision was introduced by the former minister for transport (Hon. Diana Laidlaw)—

Mr Venning interjecting:

The Hon. M.R. BUCKBY: Yes, as the member for Schubert says, now Dr Diana Laidlaw, who will receive an honorary doctorate from Flinders University for services rendered to the arts. It replaces that section which she introduced to accommodate the building of the Gillman Highway section of the Port River Expressway project. That allowed a certain amount of power for the government and the delegated authorities within government for the compulsory purchase of land for the construction of a road but did not allow for that compulsory acquisition in terms of a rail, which is why the government is bringing in this bill to allow that to happen. The current section in the act did not give power to acquire land for rail purposes, which is an intricate part of the Port River project and therefore needs to be included.

The bill is very broad in the power it gives to the government, and it is that broadness that I intend to question as we go through committee. To give some examples, it gives power to declare any project an authorised project. An authorised project is any project that the minister or the Governor declares such. It could be one of $500 000 or $1 million, up to $100 million or more. There is no definition of the value of a project that would become an authorised project; it is simply one which the government of the day deems to be important, I take it, in terms of compulsory acquisition of land, either for rail or road, or for any other reason that it decides to declare a project an authorised project. That issue is one that I will address a little further along.

The bill gives power to the government to close roads or railway lines, and I note that the minister has had discussions with the private rail operators and owners and has introduced an amendment that ensures that this applies only to a government railway line. The opposition supports that measure because there could be dire consequences for the government if the bill gave the power to the minister to close a private railway line and compensation issues arose from that closure. Obviously private operators have seen some concerns with that, and the minister has responded, which is good.

The bill gives the minister the power to obstruct navigation on a temporary basis and also on a permanent basis. Previously the act provided the minister with the ability to temporarily but not permanently obstruct navigation, so the bill extends the power of existing section 39, and it is a matter for question as to why the government requires this power to have permanent closure. I can understand the need for temporary closure of certain reaches of the Port River during the construction of the bridges, given the plant and operations that will be in place. However, in his second reading reply or in committee, the minister might like to inform the chamber why this permanent closure is required and what circumstances he considers would bring on the permanent closure of the bridge. That is of concern to me because the base for the *One and All* is on the southern side of the bridges that are to be constructed, so, if the bridges were closed permanently, the *One and All* would be affected because it cannot sail under the bridge. The operation would need to relocate and that would raise the question of compensation. If the government has changed its policy, I believe that compensation should be paid if the *One and All*, or other groups, are forced by permanent closure of access to relocate. I have indicated to the minister that I will be introducing an amendment to this measure.

The bill also gives the power to collect tolls from rail and road, but only from the Port River Expressway, and we support this. When tolls were introduced by the previous minister, it was set out specifically that they would apply only to the Port River Expressway project. If the government wanted to introduce a toll on any other roads or railway lines, both houses of parliament would have to approve such a toll, and I am pleased to see that this minister is maintaining that philosophy. Section 39 permits collection of the toll only from the road comprising the Gillman Highway, but this bill incorporates the rail bridges and allows a toll to be collected from rail traffic over the bridges, as well. The opposition supports that, because it was also in the mind of the previous government that, if a rail bridge were built, a toll would apply either on a tonnage basis, or whatever the government decided on the day, as well as on road traffic. That measure is provided for in this bill.

Existing section 39 provides that the toll moneys that are collected are to go into the Highways Fund or to the private provider or partner with government that has built and is responsible for the road and bridges. I notice from the explanation of the bill that was given to me that the tolls that are collected will be paid into the public non finance corporation. During the committee stage, I would like to question the minister on just what is the public non finance corporation. How will it operate? Will all the tolls that are collected be put into that corporation as a specific account and will they pay off the debt that is incurred or the amount that it costs to build the Port River Expressway? Can funds be diverted from that corporation, for instance into the general revenue of the government, or is it site specific? Will it relate only to that corporation and be used for that project only? If the minister addresses those issues in committee, we can have a question and answer session on it.

The bill also provides for the power to enter and temporarily occupy land. I stand to be corrected, but I do not see such a provision in existing section 39 of the Highways Act. I understand the requirement for it, given that significant amounts of machinery will be involved in the building of the bridges or the railway link with Outer Harbor. That machinery will need to occupy certain amounts of land. Will any compensation be forthcoming to the owners of that land, given that any machinery occupying the land would obviously prevent the land from being used for any other purpose? Will the government occupy it and leave it in the state it was prior to the occupation of that site by the construction companies?

As I said earlier, the opposition does not support the idea of an authorised project. Existing section 39 refers only to the Gillman Highway. I believe that we are expanding this measure now to give far greater powers to the government—this or any other government—whereas the existing section applied only to the construction of the Port River Expressway project. I advise the minister that I have spoken to parliamentary counsel regarding drafting an amendment to ensure that this bill applies only to the Port River Expressway project, as the current section applies only to the Gillman Highway. We believe that the minister has introduced this bill to ensure that the tenders can go ahead for stages 2 and 3 of the project.

Our amendment will not hold up the project in any way because it will ensure that those tenders can go ahead and all the powers that the minister or the designated authority require will be in the bill. But we strongly believe that to broaden it to 'any authorised project' would require far greater consultation and thinking before the opposition agreed. As I said, this has been brought back to cover the Port River Expressway, and I believe that is what we should be addressing here.

As I said earlier, this is an important project for the state. It also ties in with future development in terms of residential development of the Port River area and is visionary and will breathe more life into Port Adelaide. We can look at other projects around the world such as the Thames River, which the minister might have seen. Many warehouses on the Thames are now residential apartments because of people's desires to have a waterfront living experience. I believe the Port River development that was started by the previous government and continued by this government will deliver a unique environment for South Australians to access a waterfront environment and also rejuvenate the area with a greater population and, as a result, greater economic and social activity around the Port River. I think that the right sort of development in the planning sense will be a real benefit to the Port Adelaide area, and one which I think could be quite exciting.

As I said, the opposition supports the general thrust of this bill, apart from the 'authorised projects' power, which we would seek to restrict only to the Port River Expressway project. I have concerns about the restriction of the right to navigate tidal waters for the purpose of this particular project. As I said, I can see why you may wish to restrict temporarily, but to permanently restrict closes off many avenues for the future in terms of access to the lower reaches of the Port River. Why do we need permanent restriction of access? I do not understand it. I think that, unless the government has changed its policy and is going to be opening bridges, it should come out and advise us that that is the reason it requires this additional power. But I cannot see why it is needed. In terms of the lower reaches of the river and compensation for anybody who might have to move because they do not have navigation rights, the government should ensure that people are not out of pocket because of a government decision. Finally, in relation to temporary occupation of land, the government should decide whether it is looking to compensate people or exactly what will happen.

So, I see the need for this measure, which will ensure that stages two and three of the Port River Expressway can continue, and I look forward to the speedy passage of the bill through the house.

Mr VENNING (Schubert): Like my colleague and shadow minister, the member for Light, I rise to conditionally support this bill. I understand that this is all about the government being able to build a railway as part of the Port River Expressway project in stages one and two, apparently as a result of advice received from the Crown Solicitor. I wonder why this is necessary but, since the sale of the railways many years ago by the Dunstan Labor government, I expect he is right, so we are being cautious and putting this enabling legislation into the parliament so we can get on with the job. I support this project, and I will do anything I can to speed up the process. I am happy to install 'authorised project' status on this project, but I am very concerned about the delays that are happening at present. As the shadow minister has just said, South Australia certainly needs a deep-sea port on this side of the gulf to handle panamax ships, and even larger ships, and this infrastructure is a vital part of the project. This debate and political dithering have been going on for over 20 years—not just by Labor governments—and it is time we did something for the overall long-term good of our state and for our exporters generally.

While we dither and delay, our main efficient export industries are under great pressure. There is pressure from our international competitors and our customers. There is also pressure on our local road infrastructure, which is being hammered by excessive heavy road movements, particularly movements from silo to silo, because we do not yet have a deep-sea port on this side of the gulf. On the other side of the gulf at Port Giles, it is causing abnormal grain movements, particularly through the electorate of Goyder on Yorke Peninsula. We know that they are tourism roads which are not designed to carry excessive loads. What are we seeing at the moment? We are seeing huge truck movements. Just this week on regional radio I heard people complaining about massive truck movements. A-trains and B-doubles are going to Port Giles because it is the only port on this side of Spencer Gulf where the big ships can load. They have no choice. I feel sorry for the department, on the one hand, which has to maintain these roads that were designed in the 1950s for light traffic and, on the other hand, also local government, because they get criticised for the repairs to the roads which are their responsibility. It is mayhem out there and it is causing all sorts of abnormal grain movements. If the minister and the government have not yet heard about this, they will very soon.

Let us hope that we can get through this harvest and next harvest without a serious accident. These huge trucks lumber down the roads within the speed limit, but the weight, combined with the type of roads on which they travel and tourism, particularly with Christmas approaching—and I remind members that Christmas is during the harvest period—

Mrs Geraghty: It has happened for years.

Mr VENNING: No, it has not because the pressure is on our getting larger ships these days. They can go to only two ports, either Port Lincoln—but we cannot cart the grain all the way around there—or Port Giles, which is at the bottom of Yorke Peninsula. That causes the grain to travel all through the peninsula. I feel sorry for the member for Goyder because he gets phone calls. I know he is very sympathetic, and no doubt will make a comment about it, but until such time that we get a deep-sea port on this side it will continue to get worse. There is no choice but for big ships to load where most of the grain is, that is, Yorke Peninsula. It has to go out through Port Giles but there is no railway down there, so there is no choice. At present the grain is moving from Ardrossan, which is a shallow port, and moving silo to silo

to Port Giles along these very narrow roads. I know what they were like 12 or 18 months ago: goodness knows what they will be like come February or March next year, at the end of the grain movements. I think that is also putting more emphasis on the debate here this afternoon. The District Council of Yorke Peninsula and its Mayor, Rob Schulze, are very concerned. But there are no alternatives.

Another comment I heard (and I do not know whether or not it is true) was that the wharf at Wallaroo was not fully repaired after the collision with the ship some years ago. I do not know whether that is fully factual, but I hope that someone will check this. If it is not fully repaired, I would like to know why not, because that also could cause great problems.

The alternative is to get our act together now and get on with building the road and rail link over the Third River crossing. AusBulk and Flinders Ports are due to complete the new silo and wharf complex at Outer Harbor by approximately December 2005, ready for the 2005 harvest. That is two years from now. All I can say is that, to get this bridge and everything up and running, we will have to start very soon. Otherwise, there will be an instant bridge, and we do not want that to happen, because we want a structure that will last for years.

The cost of the infrastructure to be built by AusBulk and Flinders Port at Outer Harbor is approximately $60 million. It is a great outlay, whichever way one looks at it, so a delay will have serious ramifications. The complex will be open to receive the 2005 harvest. I am trying, under FOI, to obtain a copy of the contract, but I am not privy to the information. However, I will try to obtain information about the contract, and then we will be able to debate the matter with more deliberation in this house. I am told that it will be open by the time of the 2005 harvest.

If the road and the railway is not completed by then, how will the grain get there? That is a horrible thought for those members opposite who live in the western suburbs. How will the grain get to Outer Harbor if it is open for receivals? We know how it will get there: it will go straight through the heart of Port Adelaide. And I am not talking a small amount of grain—it will be huge amounts of grain, and the current road and railway infrastructure is totally inadequate for these loads. We will see long trains all hours of the day and night just trying to keep up, particularly if a large ship is coming. We have seen nothing yet!

The pressure will be on the government, particularly the members opposite who represent the western suburbs. They, and particularly the member for Port Adelaide, will get a message. If it is not ready by December 2005, he would certainly realise the ramifications involved. I believe there will also be legal ramifications if it is not ready, because the other money has been spent. The grain industry, as we know, is now very competitive, because AusBulk is not the only operator: we have others. They will be protecting their investment, and I think they could do that in the courts. Certainly, the matter is now becoming very complicated.

I give the government due warning that this will be an extremely unpalatable situation that will also have financial implications for all the stakeholders. Again, I declare my interest as a grain grower in the state and a member of AusBulk, as are all those who grow grain. I have sold the shares that are directly personally attributed to me, so I have attempted to divest myself of any interest in this conflict; and, as much as possible, I have done so. But, of course, my family is still involved, so it is difficult for me to completely divest myself of any interest in this. But I am a grain grower.

The member for Goyder does not own land but, certainly, I am sure that an industry such as this is very important to him. If the road and rail access will not be ready, should we not say so, and then revise the contracts with all the other stakeholders? We do not want further delay. We are going for December 2005, two years from now, and we are choosing to be positive. Is that possible? I say it is barely possible—two years to build these bridges. This is a road and rail bridge. If we pass this without delay today—and we intend to—it will let the government get on with the job of building the road and rail infrastructure. I note that the Gillman Highway, which is part of the Port River Expressway, is making very good progress, and the Public Works Committee has been down there for a look, as the member for Norwood knows, and we are very impressed with the progress. It makes you wonder whether this whole project will come to a screaming halt, because they cannot get over the river. However, the progress is good, and I will be waiting on the bridge as well.

My greater concern is a further apparent hurdle in the way of this project: the decision whether it will be a fixed or lifting bridge. I note the public comments of the Treasurer and member for Hart, and also the federal member for Port Adelaide, that it will be a lifting bridge. I am concerned that this will cause further delays, not to speak of the huge increased costs: approximately $30 million extra, I am told. This would also incur operating problems, speed and weight restrictions, as well as timetable constraints. I believe the Public Works Committee should be called in early to assess the project and ascertain whether the increased cost is justified; otherwise, this debate could go on and on, and in two years we will be no further advanced than we are today.

I note the comments of Shipping Australia Limited which I received today. I will quote from this document, because apparently there is a bill before the federal parliament at the moment to induct this code which is called the International Ship and Port Security Code. Apparently from 1 July 2004 'commercial vessels of 500 gross registered tonnes and over (including naval vessels) calling at Port Adelaide will not berth outside the Flinders Port of South Australia secure berths' and, as a consequence, vessels will not proceed beyond No. 18 south inner harbour. Hence, if they are unable to do that by code of the federal government and for safety reasons, there will be no need to build the opening bridge, apart from a few small boats that tie up at the wharf at the end of Port Adelaide's main street. They will be able to go under the bridge anyway, I believe.

I believe that this would also exclude both the *Falie* and the *One and All* from going beyond this point because they will recognise the Flinders Port of South Australia secure berth. I think that correspondence from Shipping Australia Limited certainly contains great advice which I believe the Treasurer and the Premier should note. I understand that Shipping Australia Limited is seeking a meeting with the three ministers: the Premier, the Treasurer and the Minister for Infrastructure to discuss this very matter. I was interested to receive that and I think it makes a difference to the scenario. I note that the bill—and it was raised by the member for Light—provides for the power to obstruct permanently the common law right to navigate tidal waters for the purpose of an authorised project. Well, this is an authorised project, as we have learned tonight. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

[Sitting suspended from 6 to 7.30 pm]

AUDITOR-GENERAL'S REPORT

Consideration in committee of the Auditor-General's Report.

The CHAIRMAN: The first examination relates to the Attorney-General, Minister for Justice, Minister for Consumer Affairs and Minister for Multicultural Affairs.

Ms CHAPMAN: Is it proposed that the Department of Justice be retained as a separate department? If so, what is the advantage in doing so?

The Hon. M.J. ATKINSON: The Justice Department, as I understand it, was created by the previous government. I inherited the justice portfolio. Indeed, I recall that when we formed government—perhaps it was before then when we were allocating opposition responsibilities—I was asked by the leader if I wanted to be the opposition spokesman on justice as well as the shadow attorney-general but I was not quite sure. It was a super department created by the previous Liberal government. The result is that we have a Chief Executive who, I believe, prides herself on having five different ministers. The sole employee is, I think, the Chief Executive, Kate Lennon. I think there is much to be said for the view of the former Solicitor-General that the super department idea is not necessarily a good one. The Attorney-General's Department ought to have its own head separate from the other portfolios in justice, because historically the Attorney-General was able to make some decisions independently of cabinet and was a principal legal adviser to government. In my view, it is not ideal that the head of the Attorney-General's Department is also head of a number of other departments.

I think the question the member for Bragg raises is a good one. The South Australian Public Service has been suffering from change fatigue. The previous government was suspicious of the Public Service. It often had an adversarial relationship with the Public Service, typified by former premier John Olsen's extraordinary speech in which he referred to public servants as 'servants of deceit'. The 'servants of deceit' remarks had a harmful effect on the relationship between the Public Service and the previous government. Speaking for myself, when Labor came to office I was determined not to see any restructuring for a period, to give the Public Service an opportunity to fulfil its core functions and not have an eye on the opportunities or the potential harm of restructuring.

However, now that the member for Bragg raises it, I think there is some value in the Attorney-General's department having a dedicated head, but for the moment we will persist with the structure which we inherited from the previous government, which was a government of the political complexion that the member for Bragg shares. Her question is perhaps best directed to the Hon. Trevor Griffin as to why we have an overarching Justice Department, a super-department, with just one employee.

Ms Chapman: No, why you're keeping it?

The Hon. M.J. ATKINSON: We are keeping it because it is what we inherited, but as we get more confident in government and as we look forward to a further four year term with a majority in our own right, these are questions with which we will deal.

Ms CHAPMAN: I refer to Vol. 3, page 663. In the bodies in the barrel case, I note that for the last financial year $5.5 million of costs were associated with the bodies in the barrel case, these costs being funded from specific appropriations. There is still one further defendant to be tried in relation to this matter, and I understand that Justice Sulan is to hear this case. Is it proposed that there will be some further specific appropriation in this financial year to cover the costs of that and, if so, how much?

The Hon. M.J. ATKINSON: That is a fair question. I know some of my cabinet colleagues are astonished by the amount of money being spent on the bodies in the barrel trial, and the public shares my cabinet colleagues' astonishment at the cost. A protocol was entered into by the previous government about the bodies in the barrel trial. The reason there was a special arrangement is that the crimes were so horrendous that the normal arrangements about legal aid were unable to cope with these trials. Although $17 million, which I think has been expended so far seems an awfully large amount, when one considers that these trials started out as 32 murder charges, if you put it into that context, perhaps the cost is more reasonable. Now, as time has gone by, some of those charges have been dropped; some have been upheld with a guilty verdict. I think another two resulted in a split jury and will be committed for trial again.

Twenty or 25 years ago, when I was a law student, the Crown Prosecutor would probably settle on two or three murder charges out of the 10 or 12 we have been dealing with against individual accused in the bodies in the barrel trial certain in the knowledge that, if two or three charges resulted in guilty verdicts, that that would be sufficient and the others could be effectively ignored. However, in this day and age of victims' rights, the government and the Office of the Director of Public Prosecutions regard it as important that every charge of murder go to trial. That is why each murder charge has been tried right to the end, except where the Office of the Director of Public Prosecutions made an assessment that there was no longer any reasonable prospect of conviction, as was done in the case of a few charges. The short answer to the member for Bragg's question is: yes, there will be a further appropriation pursuant to the protocol set up by the previous government.

I have read over my cabinet submissions on the bodies in the barrel murder trials in which I repeatedly go back to cabinet and ask for more money. I do so with some trepidation because I am always afraid my colleagues will say to me, 'What, not more millions on this?'

Mr Meier interjecting:

The Hon. M.J. ATKINSON: Yes, rather than nurses, teachers and police. However, my cabinet colleagues are familiar with the law in this area. They know that, in some cases, if an accused person faces imprisonment and cannot get a fair trial without the state funding the defence, either through legal aid or some other method, then, in accordance with the High Court's Dietrich decision, the trial would be stayed and the accused would walk free. The cabinet, just as well as the opposition, realises that this is untenable. So, the public money continues to be provided, and I do not think the member for Goyder would disagree with that. So, yes, we will make a further allocation in the Haydon bodies in the barrel trial, pursuant to the protocol established by the previous government and which I have respectfully adopted. If the members for Bragg and Goyder can suggest an alternative course, I am all ears.

Ms CHAPMAN: On page 658, in the operating result for the subject year, the Auditor-General has reported that the Attorney-General's Department overspent by $10.5 million. I wonder whether the Attorney could give some indication as to what areas of the department's operations were overspent?

Mr Koutsantonis interjecting:

The CHAIRMAN: The member for West Torrens can ask a question if he likes.

The Hon. M.J. ATKINSON: I will take that question on notice and get the member for Bragg a detailed answer. However, from my experience in the portfolio, I would imagine that it would be in those core services to government from my department, such as the Office of the Director of Public Prosecutions and the Crown Solicitor's Office.

The problem with the Crown Solicitor's Office is that when the billing of departments was introduced in about 1992, from memory a certain proportion of work from departments was billable and a certain proportion of work was non-billable, and the departments using the Crown Solicitor's Office have been clever enough to characterise increasing amounts of their work as non-billable, with the result that the Crown Solicitor's Office has been running at a deficit. So, my guess is that the Crown Solicitor's Office would contribute to that deficit, and I imagine the Office of the Director of Public Prosecutions would contribute to that deficit because that office was chronically underfunded by all governments leading up to the current one. As the house has heard today, this government has made three increases in real funding to the Office of the Director of Public Prosecutions: two in the two budgets we have handed down and one yesterday, with a special provision of $500 000 for this financial year and recurrent.

One of the reasons that the Office of the Director of Public Prosecutions is running at a deficit is because, in 1999, the then government—the Olsen government—introduced the offence of serious criminal trespass. That turned many break-ins from summary offences or minor indictable offences into major indictable offences, which had to be handled by the Office of the Director of Public Prosecutions, where previously many of them were dealt with by police prosecutors. And because they are indictable, the prosecution cost more. So, the effect of that 1999 decision, which I believe was a correct decision, to bring in a dedicated offence of home invasion, is still washing through the system, with the result that many of the prosecutors at the Office of the Director of Public Prosecutions, instead of having a file load of, say, 60 cases have a file load of 100 cases. I think that there are serious occupational health and safety concerns about the file load that prosecutors at the Office of the Director of Public Prosecutions are carrying. That is why the government has increased funding in real terms to the office at a time when most other departments and agencies have been forced to find savings.

Nevertheless, if you look at that deficit in the Attorney-General's Department to which the member for Bragg refers, you will find that much of it is created by the Office of the Director of Public Prosecutions and the Crown Solicitor's Office. If I am wrong, I will get back with a more detailed answer, but I hope that the committee and the honourable member now have an appreciation of where the pressure points are in the Attorney-General's Department and an understanding of why they are pressure points. My view is that the Office of the Director of Public Prosecutions and the Crown Solicitor's Office are core functions of government and deserve priority in the budget process.

Ms CHAPMAN: The analysis of the financial statements (page 659-660) shows that the fees and charges collected had risen by $41 million, a 9.5 per cent increase in the financial year. The text of the Auditor-General's Report indicates that this is mainly as a result of increases in the taxation receipts. I had not realised that it was the Attorney-General's Department that received all this income, but it is very significant—

The Hon. M.J. Atkinson: From where?

Ms CHAPMAN: From the gaming machines and casino operations, as its income.

The Hon. M.J. Atkinson: Through the Office of Liquor and Gambling, yes.

Ms CHAPMAN: In addition to that, the emergency services levy and the victims of crime levy are reported by the Auditor-General as being the result of increases in these areas. There is some offsetting to which I will refer in a moment, but could the Attorney identify the amounts in round million dollar terms of the increases in those areas of revenue?

The Hon. M.J. ATKINSON: I am afraid that I cannot do that here and now, but I will obtain a detailed response for the member for Bragg.

Ms CHAPMAN: In relation to the same section, on page 660, line 3, reference is made to the net revenue explanation which I have referred to in the positive in the previous question. That was offset, however, according to the Auditor-General, by a decrease in sundry recoveries, and that specifically reflected the recovery from the Police Department in 2001-02 of the cost of construction of the Adelaide police station. What was the deviation from the budgeted cost of construction of that property development?

The Hon. M.J. ATKINSON: As I am here as the Minister for Justice, I guess that I have to accept responsibility for that, although it is the police portfolio; but I will—

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: Well, as the member for Bragg quite rightly says, 'It's in there'; and I think that it is an important question and she deserves an answer, which I shall obtain for her as swiftly as possible.

An honourable member: When?

The Hon. M.J. ATKINSON: Before Michael Wright.

The Hon. I.F. Evans interjecting:

The CHAIRMAN: Order!

Ms CHAPMAN: I refer to page 664. I provide the page references because I note that the Attorney is going to provide me with the details of a number of these questions. He may do so with this question, which relates to quite a significant reduction in the criminal injuries levies collected in the subject year, that is, 2002-03. At about point 6 of page 664, the Auditor-General states:

> In order to supplement these funds—

and he is referring to the recovery—

> a levy is imposed by the act, on all persons convicted of offences and on expiation notices. Levies for 2002-03 totalled $5.1 million.

However, in the preceding year the figure was $5.5 million. I am not aware whether there has been any change in the levy. I am not aware of any change in the percentage rate of the levy, or that there has been any significant reduction in the number of convictions in relation to the offences from which the levy is recoverable and imposed. I would ask the Attorney-General to provide some explanation as to why there has been this reduction—in this case a very significant percentage, but in monetary terms some $.4 million.

The Hon. M.J. ATKINSON: Again, I do not know the answer to that question. It is a good question and I am interested. While there were some reductions in crime in some categories in the first financial year that Labor was in office (and I hasten to add that that probably had nothing to do with our policies given that there are long lead times in influencing crime rates), I do not know why that would be. However, I will take advice on it and share that advice with the member for Bragg. If we have not already done so, I think we will be varying the levy under the Victims of Crime Act (because we have proclaimed the Victims of Crime Act), which was passed during the term of the previous government. I think that act, or perhaps its regulations, necessitates varying the levy rate, and that is an increase to fund our payments to victims of crime. I do think the levy rate has changed, but probably not during the financial year to which the member for Bragg refers.

The CHAIRMAN: There being no further questions, I declare the examination of the Auditor-General's Report in relation to the Attorney-General's portfolio completed. We will now proceed to examine the Auditor-General's Report in relation to the portfolio of the Minister for Environment and Conservation. We seem to have a new spirit of cooperation and goodwill in the house this week. It must be getting close to Christmas. I declare open the examination of the Auditor-General's Report in relation to the portfolio of the Minister for Environment and Conservation.

Members interjecting:

The CHAIRMAN: Order! We are frittering away the precious time of the parliament.

The Hon. I.F. EVANS: Page 323 of the Auditor-General's Report shows that revenues decreased by some $11.4 million as a transfer across to the EPA. Why is it that the EPA's revenue has increased by only $7.8 million, as shown on page 349? Where is the other $4 million?

The Hon. J.D. HILL: I am happy to take that question on notice. With the restructuring of my department, the Department of Environment and Heritage, the EPA and the Water Land and Biodiversity Department, the funding has moved around. I will take that question on notice and get back to the member.

The Hon. I.F. EVANS: With all due respect, the minister has his financial officer here. The papers show that there was an $11.4 million transfer out of environment. Revenues from government decreased by $11.4 million representing, in the main, the separation of the Environment Protection Authority from DEH. So, you go to the Environment Protection Authority and see that the government has put in only $7.8 million. There is a $3.6 million black hole shown as a decrease in revenues from the government to the EPA. What happened to it?

The Hon. J.D. HILL: It is all very well to say 'with due respect' and so on. I said that I would take the question on notice. I have had some further advice, and I will still take it on notice. However, $3.8 million is into the Environment Protection Fund which, with the $7 million, makes approximately $11 million.

The Hon. I.F. EVANS: Do I understand it that the Environment Protection Fund is not under the EPA?

The Hon. J.D. HILL: It is an administrative entity. As a former minister for the environment, I would have thought that you would understand that.

The Hon. I.F. EVANS: Well, I understood when I was there, but the minister has changed things so much that even he is taking advice. In relation to the EPA, will the minister detail the services provided by the Department for Environment and Heritage to the EPA that are not recognised in the financial statements and why it is thought impractical to determine the value of those services?

The Hon. J.D. HILL: In the notes to the audit statement, part B, volume 1, page 354, note 1(c) indicates:

> Officers of DEH and the Authority are currently negotiating the terms of a Service Level Agreement relating to the future provision of these services by DEH to the Authority.

The services referred to relate to a wide range of corporate services, including payroll, general ledger maintenance, financial services, information technology and some human resource and administrative functions. The SLA had not been completed in 2002-03, as both agencies were concentrating on the underlying budget transfers and the restructuring of both agencies. There is general agreement between the respective agencies that no funds are to be transferred for the provision of corporate services to the EPA.

An SLA is to be developed between the agencies to recognise formally the provision of these services from the DEH to the EPA in the future at no charge. Work has now commenced on the development of an SLA, and it is anticipated that this will be completed and signed off in December 2003.

The Hon. I.F. EVANS: Can the minister give any detail as to the events of a failed EPA prosecution in the Environment and Resources Development Court that could result in a $120 000 compensation payout?

The Hon. J.D. HILL: Perhaps the member will give some detail as to which case he is referring. I cannot find anything in the Auditor-General's Report, but perhaps something is there.

The Hon. I.F. EVANS: Is the minister saying that he has not been briefed on the issue?

The Hon. J.D. HILL: I am happy to answer that question, but the member should tell me to which issue he is referring.

The Hon. I.F. EVANS: For the information of the minister and his advisers, it is on page 361 of the Auditor-General's Report, and it states:

> During 2002 an Authority prosecution failed in the Environment and Resources Development Court. The defendant party has submitted a claim for compensation of the legal costs incurred by the company in this matter. The compensation claim is in the hands of the Crown Solicitor. If the claim is successful it is estimated that the amount of compensation payable could be as high as $120 000.

That is the case to which I am referring.

The Hon. J.D. HILL: I am advised that the case to which the member is referring is the Woodcroft mushroom case, which has been going on for many years. In fact, I think it was initiated when the member for Davenport was the minister. It was a case that had no capacity to be pursued. It has been dropped, and I understand that the defendants are not pursuing any compensation.

The Hon. I.F. EVANS: Will the minister explain the increase in rental charges for perpetual leases that has resulted in a $900 000 windfall gain to the government?

The Hon. J.D. HILL: I will have to obtain further advice. I saw the item myself and I was a bit confused by it. I acknowledge that point with the honourable member. It says that there has been an increase in rental. Are we referring to the bottom of page 323? I will take further advice as it is my error. I could not understand it either. I am not sure whether it is an anticipated rent increase or a real one but, as the honourable member would know from the select committee process, the government's intention was to increase the cost

of rental, but that was not successful, so I am not entirely sure what it refers to. I will obtain further information.

The Hon. I.F. EVANS: Has cabinet given any in-principle approval for the sale of any heritage buildings?

The Hon. J.D. HILL: If cabinet were to make such a decision I would make an appropriate announcement. I will not tell the member for Davenport what cabinet has decided. I am not aware of any decision in relation to heritage buildings, but if cabinet makes that decision he will certainly know in the appropriate way.

Mr RAU: It seems on reading the report that the minister and his department have come out of the whole process very well. Would he agree with that?

The Hon. J.D. HILL: I thank the honourable member for his question. It is true that there are not too many qualifications in the report. There are some qualifications in the environment and heritage area which, surprisingly, the opposition has not asked questions about, and they are qualifications that have been in place for some years now and were in place from when the former minister was in charge in relation to water, land and biodiversity. I think it is also the case in relation to the EPA. So, the honourable member is correct.

Mr BRINDAL: I have a great deal of respect for the member for Enfield and I suggest, if he thinks it is so good, that he starts to read page 366. I point out to the minister that on that page is a detailed discussion of water information and licensing management application development. The minister will know how critical is the proper management, transfer and trade of water licences that this state get up and running. I think the minister has made statements to the house. On page 366 the background points out that in May 2001 cabinet approved the development of a new water licensing system called WILMA to support the administration of the Water Resources Act.

The capital funding sought was $3.3 million and the contract was awarded in 2001 and specified a completion date of 11 October 2003. We then have almost two full pages of excuses. It says of the project status in June 2003 that as a result of concerns and delays in project delivery, the department appointed an independent contractor to conduct a major review of the WILMA project. The reviewer says that unless significant and immediate corrective action is taken, the WILMA project is at high risk of non-completion within its existing budget. It is already at high risk of non-completion within the specified contract date. It is now going over budget and we have two pages of excuses. What is going wrong?

The Hon. J.D. HILL: I thank the member for Unley for leading with his chin on this question. As he knows, this arrangement was entered into when he was the minister; in fact, it was in the dying days of his ministry that he entered into this arrangement. I will read to him the briefing I have which answers all his questions in some appropriate detail. As he said, the Auditor-General has conducted a review of WILMA and raised issues in his report over project reporting, project assurance, the project review and the future direction of the project. The contract to design and construct WILMA was let on 3 December 2001 (incidentally my birthday)—

Mr Brindal interjecting:

The Hon. J.D. HILL: Good! The Department of Water, Land and Biodiversity Conservation was very keen to implement the new system because of concerns with the existing licensing system raised by both DWLBC staff and the Auditor-General. In an attempt to develop the system quickly, a rapid design development process, recommended by the successful contractor, was adopted. I am not too sure who wanted the system to be developed quickly, but I suspect that it might have had something to do with the former minister.

Mr Brindal: It did.

The Hon. J.D. HILL: Exactly! This is where the problem lies. Unfortunately, your desire to get a quick result is where the problem lies. During the design phase, gaps were identified in the project requirements. These arose mainly because the design requirements were being developed at the same time as new water allocation plans were being finalised, and the requirements for water trading and salinity management were being clarified. Each water allocation plan deals with circumstances specific to the water resource for which the plan is being developed. The effect of this was to complicate the business rules that form the basis of WILMA and consequently to complicate the development of the system. There is also uncertainty around the financial systems that the new department would establish, leading to uncertainty when specifying the financial system interfaces with WILMA.

In early 2003, it became evident that there were some difficulties with project delivery. Discussions over several months between the contractor's project team and the department's project team failed to resolve some critical issues and subsequently delayed the project's completion. In June this year, the Department of Water, Land and Biodiversity Conservation engaged in an independent agent to review the project and to develop a project plan in consultation with the contractor to successfully complete the project. The independent agent has been instrumental in determining that the software adopted by the contractor is robust and appropriate, reconfirming—and in some cases clarifying—the department's rules with respect to water licensing and working with the department and the contractor to develop a detailed, costed implementation plan to take the project to its successful completion.

While the implementation plan is in the final development stage and consequently incomplete, the expectation is that the project will be delivered within the required budget for this financial year. The Auditor-General was initially informed of the department's course of action and has been kept informed of progress during the review. DWLBC will continue to keep the Auditor-General informed of project outcomes, and staff from his department have supported the approach adopted.

Mr BRINDAL: I would like to very publicly apologise to the minister for inheriting this problem from me, and I would like apologise to the whole house. The temerity of a minister actually going to his public servants and wanting something done expeditiously that was in the public good and for the benefit of all South Australians—and, incidentally, as the minister knows, for the benefit of River Murray! I stand soundly rebuked! I am sorry! I sincerely apologise minister for trusting the public servants enough to believe them when they told me that they could deliver this thing on time and on budget. I have learned. Next time I am in government, you are telling me, minister, do not trust the public servant and do not expect them to deliver anything on time at all, because it might interrupt their coffee breaks!

Mr Koutsantonis: That's outrageous! Take that back!

Mr BRINDAL: You take it back yourself.

The CHAIRMAN: Order! The honourable member is getting a bit carried away. He should be asking a question.

Mr BRINDAL: It is a bit outrageous to blame this place and the minister responsible in this place for the fact that, when you are told that something can be delivered on time and within a certain budget and it is not, it is somehow the minister's fault and not that of the people who advise. I will take the responsibility, but I will say what I said. I note that the taking levy for River Murray irrigators is, in parts, 0.3¢ per kilolitre and in some areas it is 0.35¢ per kilolitre. The levy payable by the minister's colleague, the Minister for Water Resources, is 1.0¢ per kilolitre on average of water drawn from the River Murray.

The minister would be aware that that is a significant source of income to the River Murray catchment management board and that 1¢ a kilolitre is in respect of the very small percentage drawn down from the metropolitan water supply. Why has no adjustment been made to ensure that irrigators, who are using 80 per cent of the water, are at least paying a commensurate rate with metropolitan users, who have been asked to save that water? They are paying one-third of what metropolitan users are paying and they are using four-fifths of the water.

The Hon. J.D. HILL: First, in response to the WILMA issue, it is easy for us to blame each other in here and point score—

Mr Brindal interjecting:

The Hon. J.D. HILL: Well, not only defend my public servants but defend our public servants. It is totally inappropriate for members of the opposition to come in here and attack public servants. They do not have the capacity to defend themselves in here. If members do not like what has happened, it is fine to attack me. I do not object. Members must take responsibility for their own decisions and I will take responsibility for mine. Do not buck pass to the public servants: it is totally inappropriate.

In relation to the cost of water extracted from the River Murray, as the member knows, the River Murray catchment authority determines what the levy shall be, and that process is initiated by that authority. We have a system in place, which I support but which, once again, was initiated in the term of government of the honourable member's party, which gave that authority to the catchment water boards, and they determine what should be paid. It is a great shame that some of the members representing the River Murray are not in the chamber at the moment, but I am sure that the member for Chaffey, the member for Hammond, the member for MacKillop, the member for Schubert and the member for Finniss would be most interested to learn that the honourable member's view is that their constituents, their irrigators, should be paying the same amount for the water they take for irrigation as SA Water users. If that is what the honourable member is seriously suggesting, he should propose that as a policy platform and not just ask spurious questions about it.

Mr BRINDAL: The minister bandies words around. First, I do not see that a question that has serious financial ramifications in the context of the Auditor-General's Report is a spurious question. Secondly, I was not providing any policy solution from this side of the committee because I point out to the minister that he is the minister and he is sitting in the seat. It is for him to determine the executive government's policy, not me, and I was simply asking why there appears to be a malapportionment of the cost of withdrawing money from the River Murray, considering that the people of South Australia are putting a lot of money, through your government and your Treasurer, into its rehabilitation. I do not know what the answer is because I am not the minister. You are the minister. You said that we bandy words about in here, but you bear the responsibility. Do not try to duck shove it on to me and put me on a collision course with my colleagues because it will not work.

Also in respect of decisions when I was minister, I will take full responsibility for them, and I do not need a lesson in what to say in this place. I will take absolute responsibility, and I do not resile from the fact that there were things I wanted done when I was minister that were not delivered. That was my responsibility, but I also think I know why they were not delivered, and if I ever get the chance to be minister again I will not make the same mistakes, and if that means I say a few things in here that the minister does not like—

Members interjecting:

Mr BRINDAL: Look, if you listen to ABC Radio you will know that I have changed my position, yet again. This appears to be something for which we as a government had some responsibility, and I was concerned. On page 368—

Mr Snelling interjecting:

Mr BRINDAL: The member for Playford moans and groans. He has not even read the thing probably. Government backbenchers are so underemployed that they do not even bother to read these things, because they do not get to ask questions on them.

An honourable member interjecting:

Mr BRINDAL: Yes, but you're intelligent, unlike the member for Playford. Metropolitan drainage asset schemes would appear to me to be potentially a very large worry, because, if I am reading this correctly, it says that in April 1997 the assets were to be transferred to the then department of environment and natural resources, but that that never actually happened. On page 368, the report states:

> While the Cabinet submission was clear in the intention to transfer metropolitan drainage schemes, the Department has advised that the transfer has not been effected.

Unless I cannot read, that is what it says. It goes on to state:

> It is therefore understood that the Department—

that is your new department, I understand—

> does not currently own or control the metropolitan drainage assets and as a consequence has not recognised them in the financial statements. The Department has advised of their correspondence with SA Water Corporation to enable the clear identification of the assets and their respective conditions and to progress the transfer.

So, I ask the minister: what is the extent of this problem, and will he update the house on the action that has been taken?

The Hon. J.D. HILL: It is not a problem. These assets exist, and they are owned through government. The question is: which government department has them? My department is currently discussing the issue of responsibility with SA Water, and it will eventually be sorted out. I think it became an issue with the Auditor-General because he gave a qualification that these assets were not properly accounted for. I think the Auditor-General now understands that they are actually owned by SA Water and not by my department, so that qualification no longer exists.

Mr BRINDAL: In so far as the fact that the assets may belong to one part of the Crown and then they may pass to another part of the Crown—they still are assets of the Crown—but is there not a potential for a problem in that, until it is clear which assets the Crown itself actually owns, what, if any, is the liability of the catchment management board, and what remains the traditional role of councils in this? The flooding of the Patawalonga is a very good instance. The gates failed to open and that caused flooding and there will now be compensation payable. Until all this is

sorted out in terms of what are the government assets in their various forms, where the catchment boards lie and, importantly, what the councils' responsibility is in this when there is localised flooding, will there not be similar cases to that which I had in my own electorate in which the Unley council, the catchment board and my department were involved and just could not agree who had responsibility—

An honourable member interjecting:

Mr BRINDAL: Yes, I'm talking to him. As a result, no-one got any compensation for anything, because the various entities could not agree on who should pay what. So, the only people who missed out were the people who got flooded. I just ask whether there is a problem in relation to that.

The Hon. J.D. HILL: The member for Unley raises a serious question regarding the various responsibilities, but in relation to this particular issue there is no problem, because it is now clear that SA Water owns the assets. They were not transferred across to the Department of Water, Land and Biodiversity Conservation (or the precursor department), and that is still being worked through. The more general question is about who is responsible for particular issues of nature—or of God, if you like. If they are Crown assets and those assets do not perform in the way in which they are supposed to perform or if they perform in a way which causes damage to another party, then presumably the Crown has to answer for itself in a court of law, if it gets that far. Equally, if local government is responsible because of the way it has managed or not managed some situation or it has ownership of particular assets, then it is responsible.

However, if the Crown and local government are not actually responsible, it may well be that in certain circumstances the individual property owner has to bear the cost. I am not reflecting on particular cases in Unley because I know about those issues and I have spoken to the people who own those properties. But the Crown is not responsible for every event of nature and, if there is a flood, drought or whatever, the Crown cannot be responsible by way of compensation for those who suffer. It is only when the Crown does something inappropriately or has a particular responsibility on which it does not deliver that it can be responsible.

Mr BRINDAL: Quite so, but if the local council, through legislation in this place (that is, the Development Act), allows run-off which is more than has traditionally flowed down the creeks, and if through the Planning Act the council allows natural watercourses to be dammed and hedged in and cemented, then there is an intervention which exacerbates the funding and gives rise to a legal liability, and the minister would know that because he has legal training.

Having said that, if I read it correctly, the Environment Protection Authority has an accumulated surplus of $9.127 million at page 360. I might be reading it wrongly, but I would like the minister to explain why the Environmental Protection Authority, or any agency under his control, should have a fat little surplus, when the Treasurer is running around penny-pinching every department.

The Hon. J.D. HILL: Perhaps I might get a written answer for the member, because this is a technical matter which I am not too sure I am able to explain properly. Cash, assets and liabilities all work through as a result of establishing a new authority, but I will try to get a proper written answer for the member.

The CHAIRMAN: I declare the examination of the Auditor-General's report in relation to the portfolio of the Minister for Environment and Conservation complete. The committee has concluded.

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

A quorum having been formed:

HIGHWAYS (AUTHORISED TRANSPORT INFRASTRUCTURE PROJECTS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 725).

Mr VENNING: I want to make quite clear what I was saying before the dinner break. Clause 5 of the bill provides:

39H—Power to obstruct navigation.

(1) A project authority may, if authorised to do so by the minister, temporarily obstruct navigation to enable or facilitate the carrying out of the authorised project.

(2) A project authority may, if the project description declares the permanent obstruction of navigation over a specified area of water to be necessary for the implementation of an authorised project, permanently obstruct navigation over that water.

(3) No liability is incurred by the crown or a project authority as a result of the exercise of powers under this section.

I make quite clear to the minister and members of the government that I do not support my party's position on this: I support the government's position. I believe that if we do not give the government the power to permanently obstruct, it does not then have a choice: it must build a lifting bridge and it excludes the option of a fixed bridge. That is how I see it. If I am wrong, members can tell me. It is not that in my 13 years here I have not taken a dissenting line from my own party—I have but I have never voted against it. I will support the government on this matter because I feel it gives the government an option of a fixed bridge, particularly when one reads the advice of Shipping Australia Limited, which will get to the government ministers shortly. The advice states:

SAL understand funding is available with Flinders Ports stating they would in addition to extending container wharf make available approximately $20 million. . . if the bridges in Port Adelaide are 'fixed' i.e. non-opening this would save approximately $30 million which could be redirected to the dredging program with the balance of $5 million to be drawn from general revenues.

SAL's justification for a fixed bridge only, as I said before, is justified because, under the new International Ship and Port Security Code, we will be unable to take the ships up the river past that point anyway. I go along with every other detail that the shadow minister has put, but I cannot agree with him on that issue, and I have reserved my right to dissent. We will see what happens.

I would like the minister to clarify that in his second reading reply. To me, there is no doubt that that clause is in the bill in order to give the government the option of building a fixed bridge if that is the decision. Tell me if I am wrong. It is quite clear, and it is quite important. That is how I see it, and I will support the government on that measure.

In relation to the rest of the bill, I concur with what the shadow minister has said. If a toll is ever to be charged on any of this road, it should come back to the parliament for a decision. I was curious to know why these toll moneys would then be deposited into the public non-finance corporation. That is curious because, really, in a roundabout way, that is general revenue. I was curious about that matter. However, it is stated that the bill will allow any government to compulsorily acquire any piece of land for any authorised project,

and that gives the government of the day a considerable amount of power. I believe that it has that power, anyway. I do not know why that provision is there. I think that the government can acquire anything if it wishes, if it feels that it is sufficiently important to do so. This is a very major piece of legislation and, as I said earlier, I will do anything I can to speed up the process. Certainly, I support this bill, with those provisos.

The Hon. M.J. WRIGHT (Minister for Transport): I thank the opposition for recognising the importance of this bill. We would like to recognise the contributions made by the shadow minister and the member for Schubert. This bill is, obviously, very important. The significance of a project of this nature has been recognised not just in the house but also in the broader community. I will not answer the individual questions that have been raised because, as the shadow minister said—and I agree—it would be easier to do that during the committee stage. However, I can remove the suspense for the member for Schubert and say that that is not the reason why we have that proposal there. But I think it will be easier to work through the detail during the committee stage, as the shadow minister said in his remarks before the dinner adjournment. I hope that when I explain it to members, they will see the importance of the clause to which the member for Schubert has referred. We will certainly have ample opportunity to work through that detail and, of course, other questions about which the shadow minister, in particular, has given notice.

The shadow minister also signalled his intention to support the amendment that has been foreshadowed by the government, and we thank and acknowledge him for that. It is generally in line with the way in which it was described. Once again, I will not go through the amendments that the shadow minister will move, because we can do that during the committee stage. I think that, as we work our way through, there will be a number of legitimate questions, and that will provide me with the opportunity to explain what has been raised by the shadow minister and what the member for Schubert has just brought to our attention.

Bill read a second time.

In committee.

Clauses 1 to 4 passed.

Clause 5.

The Hon. M.R. BUCKBY: I move:

Page 3, lines 7 and 8—
Delete heading to Part 3A and substitute:
Part 3A—Port River Expressway Project

This amendment relates to the authorised transport infrastructure project and the government's ability to name a project as an authorised project. As I said in my second reading speech, the opposition believes that this bill should address that part of the act which it is replacing, and that is that section 39 of the current Highways Act relates totally to the Gillman Highway. The government has now opened it up so that it allows the government to use these powers that are in the bill for any authorised government project. Once declared as such, it is an authorised project, regardless of the cost or the project. The opposition quite simply believes that we are replacing section 39 and that it should be a line only to the Port River Expressway Project. This amendment then changes the heading to part 3A from 'authorised transport infrastructure projects' to 'Port River Expressway Project'.

The Hon. M.J. WRIGHT: The government opposes the amendment, and with good logic. The shadow minister is correct in referring to section 39 of the current act which refers to the Gillman Highway only. We would say that this is a key flaw. The reason for it is rather simple: it does not deal with rail. As the member for Schubert well knows, we need to deal with rail. We must be more proactive with rail and we need to ensure that we no longer have the mentality of us simply being a highways department—we are a transport department. So, this would mean that the state would continue to have no power to undertake rail works if this amendment of the shadow minister were successful.

The range of powers that would apply to an authorised project are not extraordinary. Generally, they exist elsewhere in the Highways Act or other acts in government but are brought together here and extended to transport generally rather than roads only. I think that conceptually we all agree that it is important that rail is something that is a challenge that we need to take on. I know that members on both sides, particularly country members, talk about various potential rail projects. This bill has strong checks, including reference to the Public Works Committee. This recognises that there is a flaw in the current act and we do need to broaden it to incorporate rail.

The committee divided on the amendment:

AYES (16)

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

NOES (18)

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

PAIR(S)

Brokenshire, R. L.	Breuer, L. R.
Gunn, G. M.	Conlon, P. F.
Hall, J. L.	Foley, K. O.
Kerin, R. G.	Rann, M. D.
Kotz, D. C.	White, P. L.

Majority of 2 for the noes.

Amendment thus negatived.

The Hon. M.R. BUCKBY: I move:

Page 3, (new section 39A), lines 15 to 18—
Delete definition of 'authorised project' and substitute:
authorised project means the Port River Expressway Project;

I want to test the committee on the issue of 'authorised project'. I reiterate that the opposition believes that this bill should only relate to the Port River Expressway project, and by opening it up to be an authorised project it means that it can be any project within the state. The opposition believes that, as we are replacing the Gillman Highway section of the act, it should be replaced exclusively by the Port River Expressway project.

The Hon. M.J. WRIGHT: I think we have just tested that but, if the shadow minister wants to test it again, well and good. As I said in my previous contribution, one of the concerns regarding the current act in respect of its signifying the Gillman Highway is that that is a key flaw because it does not deal with rail. As I said previously, we need to avail ourselves of these opportunities; we need to look at future projects of this type; and having an authorised transport infrastructure gives us the capacity to do so.

I also said previously that this would mean that the state would continue not to have any powers to undertake rail works if in fact we accepted this amendment. As I also said, the range of powers that would apply to an authorised project are not extraordinary and generally exist in the Highways Act, or other acts. Additionally, there are strong checks, including reference to the Public Works Committee. If this amendment was successful, it would create a need to come back to parliament for each major non-road infrastructure project. I think that there are very good and strong reasons why the government opposes this opposition amendment.

The committee divided on the amendment:

AYES (18)

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

NOES (18)

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

PAIR(S)

Kotz, D. C.	Breuer, L. R.
Kerin, R. G.	Conlon, P. F.
Hall, J. L.	Foley, K. O.
Gunn, G. M.	Rann, M. D.
Brokenshire, R. L.	White, P. L.

The CHAIRMAN: There are 18 ayes and 18 noes. I indicate the reason for the vote I will give is that I believe the power should be for a general purpose covering the expressway project, and I believe there should be authority to deal with the issue of the provision of a rail linkage. So, on that basis, I give my vote for the noes.

Amendment thus negatived.

The CHAIRMAN: The member for Light has indicated that he is not proceeding with amendments 3 to 17 inclusive. The minister can move his amendments 1 to 5 en bloc.

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

Page 8—
Line 21—After 'particular' insert 'government'
Line 22—After 'particular' insert 'government'
Line 25—After 'particular' insert 'government'
Line 26—After 'particular' insert 'government'
After line 34—After subclause (5) insert:
(6) In this section—

a government railway line means a railway line that is the property of the crown.

I thank the shadow minister, who has already acknowledged during his second reading contribution that he will support the amendments put forward by the government. We probably do not need to dwell on these for a great length of time: they are straightforward. As I said in my remarks in reply to the second reading debate, I agree with the contribution that was made by the shadow minister.

The Hon. M.R. BUCKBY: As I indicated in my second reading contribution, I could understand why the private owners of railway lines would be concerned about some of the powers that were in this bill if they affected private railway line rather than just government railway line, those powers being the ability to close a line either temporarily or permanently. The minister's amendments indicate that those powers would relate only to a government railway line, so the opposition supports them.

Amendments carried.

The Hon. M.R. BUCKBY: I move:

Page 9, lines 1 to 4—Delete subsection (2)

The amendment relates to new section 39H of the bill and allows the government to permanently obstruct the navigation over a specified area of water if necessary for the implementation of an authorised project. Currently, the *One And All*, for instance, operates south of the proposed area where the bridges over the Port River will be and, if a permanent obstruction to an area south of the bridges were to occur, it would mean that those groups that were affected by permanent closure would need to move their premises to where they could get navigation over the waters. I believe there should not be a permanent obstruction.

I can well see why the minister would want temporarily to obstruct navigation. In the construction of the bridge, it is obvious that various earthworks and machinery will be around the area, and they may well be a danger to other traffic to be in that area. I can understand subsection (1) of this new section 39H, but I am not quite sure why the minister needs subsection (2) in there. In particular, if we look at the Harbors and Navigation Act 1993, section 27(1) provides:

The Governor may, by regulation, regulate, restrict or prohibit—
(a) the entry of vessel or vessels of a specific class into specified waters within the jurisdiction;
(b) the operation or use of vessels in specified waters within the jurisdiction; or

The Port Adelaide harbour is one of those jurisdictions where, under the Harbors and Navigation Act, the restriction can prohibit. In the first instance I wonder why this is required; and, secondly, I believe that there should not be a permanent obstruction because that then seals off that area until a government brings a bill back into the house to change that.

The Hon. M.J. WRIGHT: The shadow minister asks a very legitimate question. I can understand the question being asked. When I made my concluding remarks I did say that I would go through this. The member for Schubert also mentioned it. If an opening bridge is not opening on demand (and it will not be; clearly, it cannot be, as the member for Schubert would appreciate), that may be interpreted by a court as a permanent obstruction. Our clear advice from the Crown Solicitor's office is that there is some doubt in case law as to how far a power to obstruct on a temporary basis

would extend. It is unclear whether this would cover the Prexy bridges and the proposed opening schedule.

It is likely that power to obstruct temporarily may not be sufficient to protect the government from liability under the limited opening schedule which we have discussed. That is the reason. The member for Light (the shadow minister) asks a legitimate question, and it is as simple as that. It is a misunderstanding. This is not simply about whether the bridges open or close. An opening bridge could be deemed a permanent obstruction, and it is as simple as that.

Mr VENNING: I would look further than what the minister has said with respect to proposed section 39H and say that, looking at it very deeply, I cannot support the opposition's amendment. I will support the government on this matter because I believe that if you have not got the right to restrict you will not have the right to build a fixed bridge. I believe that the government, particularly at this stage, must have that flexibility because I know, as I said in my second reading contribution, that members of the industry, Shipping Australia Limited and the federal government's International Ship Port Security Code will not allow ships of over 500 tonnes to transgress past this point, anyway.

It is difficult for me—because it is the first time in my political career—to say that I will not support the opposition's amendment, because I believe that it does preclude the option of a fixed bridge and getting on with this project as quickly as possible. I support the government.

Mrs MAYWALD: My question relates to the permanent closure or obstruction of navigation, and whether it is possible to do that under section 27 of the Harbors and Navigation Act. I believe that the Harbors and Navigation Act already has this provision; and, therefore, I cannot see why we need to introduce a second provision. The only difference between the two provisions is that one requires the Governor to proceed by regulation.

This section provides the opportunity for the project authority to bypass the parliament and the regulatory process. In other words, the project authority would have the exclusive right to close the access. I can understand that there are some people in this chamber who would support a permanent structure rather than an opening bridge, and I think that the two issues are being confused somewhat here. I would hate to see something like the Paringa bridge become an authorised project under this act and, therefore, permanent navigation under a schedule of openings be prohibited as a result of that. That could be something that this provision may allow, and I would be concerned if that were the case.

The Hon. M.J. WRIGHT: I thank the member for Chaffey for her question. The member may need to remind us of her second point—we think we may have missed something, although I am not certain of that. Perhaps the member could come back to us if we have. The member for Chaffey refers to section 27 of the Harbors and Navigation Act. That section is not intended to deal with obstructions to navigation: it deals with creating restricted zones—I think the shadow minister may also have referred to that—dangers, for example. So, that is what section 27 of the Harbors and Navigation Act deals with. I do apologise, but I have a feeling that there may have been something else that the member asked me.

Mrs MAYWALD: I not sure that you actually answered my query, because section 27 clearly states, 'The Governor may, by regulation, regulate, restrict or prohibit the operation or use of vessels in specified waters.' I ask how that differs from what is being proposed in the minister's amendment, which provides that 'A project authority may, if the project description declares the permanent obstruction of navigation'. I would suggest that the Governor prohibiting the operation or use of vessels in specified waters does exactly the same thing.

The Hon. M.J. WRIGHT: I thank the member for her question. If I interpret it correctly and we are looking at the same area, I think the member's concern is regarding the project authority at the top of page 9. It is important to take account of what follows, namely, 'if the project description declares the permanent obstruction of navigation over a specified area of water to be necessary for implementation of an authorised project, permanently obstruct navigation over that water.'

In that regard, it needs to be taken into account that the project description refers to the Governor's proclamation and, as such, it can occur only as a result of the Governor's proclamation. I also refer the member to new section 39B(5), which provides:

> The project outline, together with any supplementary particulars contained in a ministerial notice under this section, together constitute the project description for a particular project.

The project outline is what the Governor gives, and the supplementary particulars can be by ministerial notice.

Mrs MAYWALD: As a supplementary question, I will use an example. If you are looking at the Paringa Bridge, and if the government decides to make that an authorised project and determines that it will not be an opening bridge any more, there is no recourse before parliament to shut down navigation in that area any more, is there?

The Hon. M.J. WRIGHT: Strictly speaking, that could be correct but, of course, it would have to be if the Governor made the proclamation. I also refer the member to the issue that we were going through before—that is, if it were necessary. Obviously, a Governor would not make a proclamation of that sort lightly.

The committee divided on the amendment:

AYES (16)

Brindal, M. K.	Brown, D. C.
Buckby, M. R. (teller)	Chapman, V. A.
Evans, I. F.	Goldsworthy, R. M.
Hamilton-Smith, M. L. J.	Hanna, K.
Lewis, I. P.	Matthew, W. A.
Maywald, K. A.	McFetridge, D.
Meier, E. J.	Penfold, E. M.
Redmond, I. M.	Scalzi, G.

NOES (20)

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

PAIR(S)

Breuer, L. R.	Kotz, D. C.
Conlon, P. F.	Kerin, R. G.
Foley, K. O.	Hall, J. L.
Rann, M. D.	Brokenshire, R. L.
White, P. L.	Gunn, G. M.

Majority of 4 for the noes.

Amendment thus negatived.

The Hon. M.R. BUCKBY: I move:

Page 9 (new section 39H), lines 5 and 6—
Delete subsection (3) and substitute:
(3) A person who suffers loss as a result of the permanent obstruction of navigation under this section may, within 6 months after the obstruction takes effect, apply to the Land and Valuation Court for compensation and, on any such application, the Court may order the Crown to pay reasonable compensation for the loss.
(4) Except as provided in subsection (3), no liability is incurred by the Crown or a project authority as a result of the exercise of powers under this section.

As a result of that last amendment being lost, the government has the ability to permanently obstruct navigation over a specific area of water. This amendment seeks to delete new section 3 and insert new sections 3 and 4. I will take the Port River project as an example. If we assume that a permanent obstruction to the waterway may or could occur, the *One and All* would have to move from its current premises to an area north of the Port River Expressway bridges—the rail and road bridges—because there is not sufficient clearance for that vessel to be able to sail under the bridges without their opening.

If there was any change to the government's current policy position, where the bridges would open at specific times, and it was deemed by this or another government that the bridge would remain closed, those affected on the southern side of the bridge would have no avenue to compensation if they suffered a loss. To continue their operation, they would have to shift the site of their project or their operations somewhere else where they could navigate the waterway. If anybody suffers a loss, this amendment allows them to apply to the Land and Valuation Court for compensation. So, if they incurred costs because they had to shift their operation, the court could order the Crown to pay reasonable compensation for this loss. That is a fair outcome if a permanent closure impacts on the viability of a business or if, for instance, a business, an authority or a body has to move their location to continue their access to the waterway.

The Hon. M.J. WRIGHT: I have already put forward the argument and proven the point that an opening bridge could be deemed a permanent obstruction. That is the clear advice we have received from the Crown Solicitor. I do not need to go through the same points I made before. However, given the foregoing, it is possible for an opening bridge to be put in place but for compensation still to be payable as the bridge is deemed permanent. The bill does not preclude the payment of compensation, and specific arrangements are being made for major Inner Harbor users, including the tall ships, fishing fleet, tug operators, boat yards, etc.

None of these parties is seeking compensation. They are seeking solutions, not compensation. If we were to support the opposition's amendment with regard to compensation, we would ensure that protracted compensation cases could hold up the project indefinitely. This amendment goes far beyond what the opposition intends because of the definition that I have given to you previously as a result of the advice that has been provided by the Crown Solicitor's Office. That advice is that an opening bridge could be deemed a permanent obstruction.

It is not just simply a question as to whether it is an opening or a closing bridge. As I said before, the Crown Solicitor's advice is that there is some doubt in case law as to how far a power to obstruct on a temporary basis would extend. It is unclear whether this would cover the Plexy bridges and the proposed opening schedule. It is likely that power to obstruct temporarily may not be sufficient to protect the government from liability under limited opening schedule proposals. Surely that is not what we want. That is not what we are about. That is not what this parliament is about. This parliament is about getting on with this project, having a good project. It is about bringing solutions to this important area. As I said before, protracted compensation cases could hold up this project indefinitely. Surely that is not what we want.

The Hon. M.R. BUCKBY: I do not want to hold up this project, and neither does the opposition. Given that the government's policy is for it to be an opening bridge, the tall ships, etc., that are south of the bridges would not have any need to access compensation because the bridge will be opening at certain times of the day, so they would have access to and from their site of mooring. I heard what the minister said before, but if the policy of the government, whether it is this government or another government, were to permanently close the bridge so the *One and All* or any other tall ships that were affected did not have access, can the minister reiterate the fact that there is an ability in this bill for them to be compensated? Can the minister point out where the bill shows that that can be done?

The Hon. M.J. WRIGHT: The bill is silent on compensation, but the earlier point that the shadow minister referred to needs to be picked up. If the courts were to interpret that, as a result of the times that the opening bridge was open, that was deemed a permanent obstruction, that could create the capacity for compensation under this provision.

Amendment negatived.

The Hon. M.R. BUCKBY: I will not proceed with amendments Nos 20, 21 and 22. However, I have a question regarding tolls.

Members interjecting:

The CHAIRMAN: Order! The member for Unley has his back to the chair. The member for Light has the call.

The Hon. M.R. BUCKBY: The opposition supports the government in its ability to place a toll on both the road and the rail bridge. However, in an explanation briefing provided to the opposition, under the current act any moneys from road tolls will go into the Highways Act or to the private operator, depending on what the government arrangement is. This bill changes that. It allows toll moneys to be paid into the public non-financial corporation. Can the minister explain to the committee what is the public non-financial corporation and why the tolls are being paid into that corporation?

The Hon. M.J. WRIGHT: I thank the member for Light for his question. It may well be that we need to explore this a bit further, but perhaps the easiest way is to explain the first question relating to the public non-financial corporation. The second question was why the tolls would go into that corporation. The budgeting for the proposed road and rail bridges over the Port River is on the basis of bridge ownership and operation by a public non-financial corporation, and the areas that it would be responsible for are construction of the road and rail bridges, maintenance and operation of the facilities over their lifetime and the collection of tolls which will finance the majority of the costs associated with the road and rail bridges. In regard to the second question about why the tolls would go into the public non-financial corporation, obviously the public non-financial corporation will have responsibility for constructing and funding this project, so that is where the tolls will be directed.

The Hon. M.R. BUCKBY: I accept that explanation. Can the minister advise whether all the money received from the

tolls—that is, the tolls collected and placed into the public non-financial corporation—would remain in that corporation or whether the government has the ability to move money from that corporation into general revenue?

The Hon. M.J. WRIGHT: With respect to use of the funds, new section 39J(4)(b) provides that receipts be dealt with in accordance with the project description, that is, what is proclaimed by the Governor. In relation to the second part of the question whether they could go into general revenue, they have to be dealt with by the project description. Whatever is defined within that project description is how those funds have to be dealt with. They cannot be collected and siphoned off. It has to be according to that project description, which is a part of the Governor's proclamation.

The Hon. M.R. BUCKBY: I think I understand it clearly, but I will clarify it. If the project description states that 'the tolls collected from the road and rail bridge will be deposited in the non-finance public corporation', then that is where they stay.

The Hon. M.J. WRIGHT: As the money goes into the corporation, it will then have to be dealt with by the corporation and shown in its book, shown in account, as to how they spend their money. I do not think any member here will see the tolls exceed what this project will cost—at least not during our parliamentary life.

Clause as amended passed.

Remaining clauses (6 to 8) and title passed.

Bill reported with amendments.

The Hon. M.J. WRIGHT (Minister for Transport): I move:

That this bill be now read a third time.

The Hon. M.R. BUCKBY (Light): The opposition supports this project most strongly. It is quite important to the economy of South Australia. We have raised some concerns in this debate, but those amendments have not come to pass. So, we will watch this bill with interest as well as those projects which are deemed to be authorised projects and which are proclaimed by the Governor. We will watch the government with interest on this, as to which projects in the future become authorised projects, and also in terms of concerns regarding those that may be affected by the permanent closure, if that occurs, of the bridge. In general, we are pleased to support this government bill.

The Hon. R.B. SUCH (Fisher): This bill gives very sweeping and wide-ranging powers to the minister and the commissioner. I think the bill could be improved by being more specific in relation to the Port River Expressway project and its rail and road bridges and related infrastructure rather than giving what potentially could be general draconian powers. I am not suggesting that the current minister or a commissioner would necessarily go down that path. I believe that the powers here are potentially very wide, including the permanent closure of a waterway. I guess that, in another place, some of those matters may be finetuned.

I support this project, but I indicate a degree of concern that the powers are probably more general than may be desirable. In my role in the chair it was a difficult decision, because the amendment moved by the member for Light did not really deal specifically with the issue of the rail bridge component, which needs to be dealt with, yet the minister's proposal is very wide ranging and, as I said, potentially draconian. I think they are matters that do not detract from the overall project, but they do give rise to a need for possibly some finetuning between here and another place.

The Hon. M.J. WRIGHT (Minister for Transport): I would like to thank all members for their contributions. I think that members have recognised, irrespective of which side of the house they are on, that this is a very important infrastructure project for all South Australians. It will provide major new transport connections. It will be a success story for South Australia, not just from the point of view of its export potential but also, of course, more efficient freight movement. I take on board comments that have been made, but there is no mystique to these authorised projects. As I said earlier, we have simply put that measure into this bill to provide for the capacity to be able to develop rail projects as well as road projects and, of course, those powers exist for road projects in the Highways Act. There will be a very careful examination and, along with that responsibility, set out in the bill is what those authorised projects have to do and what the responsibilities are.

I thank the opposition for its support of this bill. I think we all recognise that this will be a great project for all South Australians and I think that we, as a parliament, look forward to getting on with the job of building both stage 2 and stage 3—the road and rail bridges over the Port River.

Bill read a third time and passed.

ADJOURNMENT DEBATE

The Hon. M.J. WRIGHT (Minister for Transport): I move:

That the house do now adjourn.

Mr BRINDAL (Unley): I am intrigued that today, as with most days in this place, we have spent a number of hours debating matters of some import such as the construction of the Port River Expressway—matters which concern the financial wellbeing of South Australia and, in many ways, the convenience of its citizens. However, apart from you, sir, in your capacity outside this place, and apart from me, in the course of grievance debates, the serious issue that is facing South Australia in respect of child abuse has been largely and studiously ignored by every other member in this place. It bemuses me that we can spend hours talking about bridges and all sorts of things, but when it comes to the welfare of our kids and the wellbeing of our citizens—

Members interjecting:

Mr BRINDAL: One of the members interjecting says that it is a reflection on them. As you would know, sir, every member has a right in the grievance debate to stand up and talk about these issues. Every member has a right in private members' business to introduce these things, but I have not heard too many members, especially from the government side, talking about it. If I say that with some passion, it is because I mean it.

I would like to draw the attention of the house to a very noted and respected person in the South Australian law community, Matthew Goode, who has worked for a succession of governments—both Labor and Liberal—and I think he is known to you, too, sir. Matthew Goode wrote a paper for the *Criminal Law Journal* of 1989 entitled 'The Politics of Child Sexual Abuse and the Role of the Criminal Law'. In that article (at page 38), Matthew Goode said:

The value of the evidence of the expert documenting the complaint depends heavily on neutrality. It is one thing to be

sympathetic to the child; it is quite another to be partial to the cause. A good example of the inadvertent contamination of memory is the use of what are known as 'anatomically correct (or explicit) dolls'.

He goes on to point out that the implications of suggestibility are pointed out in a study by Christiansen, as follows:

> But what if the child has not been abused? Under these circumstances the interview can be an exercise in learning, not recall. Here is this person, the interviewer, who wants something from him. His mother or father wants something from him as well. They want him to say something, to tell them about something. The child is bound to try to figure out what they are after, especially since it is clear that he gets a positive reaction from them when he says certain things. If he can determine what they want him to say, they will be happy and love him. So he listens to their questions and tries to sort it out. Playing with dolls in certain ways also gets a good reaction. The child may even determine that they want him to tell a certain kind of story, and he invents one. They love him for it. At the next interview, it will not take as long for the child to learn.

I point that out in the context of what I was sharing with the house today. Matthew Goode, in his article, as I understand it, points out rightly the danger of the increasing tendency towards regarding experts unquestionably as having all knowledge in the field. Matthew Goode points out that experts can be quite dangerous if they are partial or start with a biased point of view.

When I spoke to the house this afternoon about the Crispin case, the evidence was given by the child that she had been led under oath to produce a story which satisfied these very criteria that Matthew Goode is talking about. I raise his article because I believe it was made available to the Layton inquiry. Yet, the Layton report, which this parliament has received recently, makes no reference to this sort of danger, and I think that is a real worry. I think there is a real worry about what has happened, the way it has happened, and the lack of responsibility which those in authority working under the delegated responsibility of ministers have failed to exercise, still fail to exercise, and still fail to acknowledge as their responsibility.

Pleasingly, this house has lifted the prohibition on prosecution prior to a certain date. I say 'pleasingly' because those children and people who were abused can now have legal recourse before the courts. They may also take legal recourse through the police. Indeed, we have learnt that a number of people who believe that they were sexually abused as children have, in fact, gone to the police who are now sorting through those matters. What of those children who, in the Family Court, were subject to what I am told by lawyers is called the 'silver bullet proposition'. That involves this: if there is a nasty and acrimonious divorce and you do not want a partner to have partial custody of the children, you allege sexual abuse. Out of an abundance of caution the state of South Australia, through the minister, orders that the parent who has been accused of abuse will have no further contact with the child.

Perhaps two years down the track, when the matter comes to court and it is resolved that the parent thus accused was completely innocent and there is no substance to the charge, the child's patterns are set. The court orders that it was terrible, the father or mother was wrongly accused, but now, because the child is settled, the court grants them no further access. One parent, by the malicious and deliberate act of another adult human being, deprives a child of the right to joint parenting.

I am very pleased that the house has raised the level of prosecutions because there are a number of young people in this state who, I hope, will come forward and seek recompense either from the Family Court jurisdiction and or from the state of South Australia because the state erred in its treatment. The thing about Hilmer, as you well know, sir, is that the High Court said that the parliament has no responsibility to the parents: its soul responsibility is to the children. I believe that means that those children, having reached an age of majority where they can initiate actions on their own behalf, have a perfect right to say to the state of South Australia, 'You took me away from my parents for no just and sufficient cause. You put me in foster homes and caused me to suffer a type of growing up that I did not need to suffer, and that has caused me damage and distress. You owe me compensation.'

Equally, I would hope that some children, having had a malicious parent who deprived them of the right to see their other parent for years, seek natural justice and take the parent, the Family Court or who ever they can to court and say they were used as pawns by vicious and malicious adults and were abused by a system that was put in place by the parliament and the people of South Australia. I believe the stolen generation is an important issue, but the abuse of all of our children, whether they come from Aboriginal, Caucasian or Indo-Chinese families, to whom we owe a duty of care to protect, is as serious.

I am appalled that in the parliaments of this nation we politicians can get up and bleat that we should all say sorry, but they will say nothing about this issue. It strikes me that this is grossly unfair and inadequate and I am ashamed that this parliament is not taking the matter more seriously. At every opportunity I intend to get all the facts I can on this matter—and if you have any details, Mr Speaker, I would be pleased to speak for you also because you cannot do so from the chair—and put them before this house. I will keep putting these facts before this house and the public of South Australia until the government of South Australia decides to shoulder its responsibilities and do something about it.

Motion carried.

At 10 p.m the house adjourned until Wednesday 12 November at 2 p.m.