HOUSE OF ASSEMBLY

Monday 17 October 2005

The SPEAKER (Hon. R.B. Such) took the chair at 2 p.m. and read prayers.

SITTINGS AND BUSINESS

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

That the sitting of the house be continued during the conference with the Legislative Council on the Statutes Amendment and Repeal (Aggravated Offences) Bill.

Motion carried.

VICTOR HARBOR BOTANICAL GARDEN

A petition signed by 697 residents of South Australia, requesting the house to urge the government to cause such legislative, administrative or action as is required to provide for the establishment of a botanical garden at Victor Harbor, was presented by the Hon. Dean Brown.

Petition received.

MOUNT REMARKABLE DISTRICT COUNCIL

A petition signed by 165 residents of Port Germein and district, requesting the house to investigate a decision made by Commissioner Mosel of the Environment, Resources and Development Court on 24 August 2005 concerning an appeal against the District Council of Mount Remarkable, was presented by the Hon. G.M. Gunn.

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 206, 274, 506, 513, 535, 538, 539, 540, 541, 542, 543, 544 and 545.

COASTAL CATCHMENTS INITIATIVE

206. **Dr McFETRIDGE:**

1. Which Local Councils received funding under the Coastal Catchments Initiative, what are the details of each funded project including, how much funding was allocated and the project's location?

2. What initiatives has the State Government implemented towards developing water sensitive urban design, maintaining land use controls and regulating water pollution, and how much Government funding has been spent in total and on each project supporting these initiatives?

3. Has the State Government provided any financial assistance to Local Governments since 1996 for long term environmental rescue plans and if so, what are the details?

The Hon. J.D. HILL: I have been advised:

1. The City of Port Adelaide Enfield and Salisbury Councils have received funding from the Coastal Catchment Initiative.

Details of these are as follows:

City of Port Adelaide Enfield (funding of $217,000 over 2 years)

- Establishment of water quality risk assessment criteria and management measures for the development of Urban Stormwater Master Plans. This work includes development of methods for assessing water quality risk to determine how activities in the catchment affect water quality, how they can be managed and how the environmental values of waters in the Port River Estuary and Barker Inlet will be maintained and protected.

City of Salisbury

1. Burton West Treatment Basin and Wetlands (funding of $200,000, earthworks have been completed and revegetation is underway).

The construction of a detention basin and wetland that has a catchment of some 770 hectares (460ha residential, 310ha industrial). This part of the Helps Road drain catchment was previously untreated and discharged directly into the Barker Inlet Port Estuary Area. It is intended that an aquifer storage and recovery scheme be established to provide treated stormwater as an alternative water supply to the surrounding development.

2. Dry Creek GPT (Gross Pollutant Trap) (funding of $100,000, the work has been completed).

For the construction of a GPT and off take structure for the Pooraka Unity Park Aquifer storage and recovery scheme. The GPT is a device that is used to trap gross pollutants as well as the coarser sediments. This acts as the first filter in the process of stormwater treatment for reuse. It will reduce the gross pollutant load from Dry Creek into Barker Inlet.

2. The term, 'water sensitive urban design' encompasses all aspects of integrated water cycle management, including water supply, sewage and stormwater management. Water sensitive urban design is about managing water in a more sustainable way within the built environment. It can include water conservation and efficient landscaping, use or retention of stormwater, water pollution control measures such as vegetation or wetland systems, and harvesting of roof runoff, stormwater and wastewater.

The concept can be promoted by various ways such as by supporting certain types of infrastructure development, for example, stormwater and wastewater recycling projects; rehabilitating urban waterways; establishing suitable development controls within flood prone areas; and encouraging indoor or outdoor residential water conservation.

The *Planning Strategy for Metropolitan Adelaide (2003)* promotes, as one of its main initiatives, the conservation and careful management of scarce water resources including those for domestic, municipal and industrial use, urban stormwater, protection of urban creeks and their catchments and the protection of ground water resources. It promotes the benefits of and encourages the re-use and on-site disposal of stormwater in the design of development, the re-use of treated sewage effluent, industrial waste and ground water.

It is not possible to categorically state how much Government funding has been spent on encouraging water sensitive urban design. However, some initiatives that have, or will, result in improved water management within the urban environment, which water sensitive urban design seeks to achieve:

- outcomes of the Water Proofing Adelaide project, which seeks to establish a 20 year strategy for the management of Adelaide's available water resources;
- the Mawson Lakes Development, which allows for stormwater and wastewater recycling for suitable purposes, facilitated by the installation of a dual pipe water supply;
- the Government's decision to require rainwater tanks to be installed in new houses built from July 2006 and connected to houses to provide some indoor uses;
- a doubling by the present Government of the funding available under the Catchment Management Subsidy Scheme, from $2 million to $4 million per annum. The funds can be used for various purposes including for improved stormwater drainage, reuse or pollution control;
- the EPA Codes of Practice relating specifically to stormwater pollution prevention, include Codes of Practice for:
  - Local, State and Federal Government;
  - Building and Construction Industry; and
  - Community.
- consultation is currently underway by the EPA for the draft Code of Practice for Industry, Retail and Commercial. Such Codes of Practice impact on both water sensitive urban design and regulating water pollution.
- the State Government's support for a national mandatory water efficiency labelling scheme and for national water reuse guidelines, which will encourage water conservation and reuse;
- various SA Housing Trust projects that seek to encourage water conservation - for example, through landscaping practices;
- facilitation and/or other assistance by catchment water management boards of various activities, including integrated water cycle planning, water recycling, stormwater planning, water pollution control, and watercourse rehabilitation (for example, the wetlands at Warraparinga, and the aquifer storage and recovery scheme at Morphettville Racecourse).

3. Financial assistance specifically for rescue plans has not been provided within the Environment and Conservation portfolio. However, I understand that the Department of Water, Land and Biodiversity works collaboratively with Local Government on a range of natural resource management issues and the Environment Protection Authority provides substantial funding and support to assist in the management and/or regulation of environmental issues.

ARTS INDUSTRY DEVELOPMENT GRANTS

274. **Mr HAMILTON-SMITH:** What impact has the $0.5 million reduction in Arts Industry Development Grants for Project Assistance in 2003-04 had on local artists?

The Hon. M.D. RANN: I have been advised:

In the 2005-06 budget, my Government increased operating funding to the arts by nearly $3 million, bringing the total annual arts budget to nearly $95 million. This increase is on top of the nearly $7 million additional operating funding provided to the arts in the 2004-05 budget, amounting to an overall increase in operating funding of nearly $10 million over the past two years.

This annual funding includes an allocation to project assistance grants for emerging artists, established artists, international activity, and for festivals, events and arts commissions.

There has not been a net reduction in project assistance grants as you assert. Total funding for project assistance grants in 2003-04 was $1.011 million. The total funding now available for project assistance grants exceeds $1.5 million and includes a grant allocation for live contemporary music.

ADELAIDE FILM FESTIVAL

506. **Mr HAMILTON-SMITH:** When will the 2003-04 financial accounts of the Adelaide Film Festival be tabled in Parliament?

The Hon. M.D. RANN: I have been advised:

The 2003-04 Adelaide Film Festival financial accounts are contained within the 2004 Adelaide Film Festival Annual Report.

The 2004 Adelaide Film Festival Annual Report was completed and delivered in December 2004. It was not tabled earlier due to administrative oversight.

I am pleased to advise however that the Annual Report has since been tabled.

WATER, RECLAIMED

513. **Dr McFETRIDGE:** How is the State Government assisting sport and recreation organisations towards increasing their use of reclaimed water from the Glenelg Waste Water Treatment Plant?

The Hon. M.J. WRIGHT: SA Water has been working closely with its customers of recycled water from the Glenelg wastewater treatment plant. It has established a quality recycled product required by the customer at an agreed price of 25 cents/kilolitre for class 'B' recycled water and 41 cents/kilolitre for class 'A' recycled water as compared to current price of $1.06/kilolitre for mains water.

In addition, the state government through the Office for Recreation and Sport manages a Community Recreation and Sport Facilities Grant Program that supports eligible organisations to develop active recreation and sport facilities, which may include the installation of playing field and golf course reclaimed water irrigation systems.

VOLUNTEERS

535. **Dr McFETRIDGE:** In 2004-05, what was the cost of promoting, publicising and marketing the:

(a) statewide campaign to promote volunteering; and

(b) Volunteer Partnership Advancing the Community Together program?

The Hon. M.D. RANN: I have been advised of the following:

The Office for Volunteers' budget allocation for 2004-05 to continue publicising and marketing the:

(a) statewide campaign to promote volunteering was $53,000.

(b) Volunteer Partnership Advancing the Community Together Program (including the annual State Volunteer Congress) was $185,000.

VOLUNTEER PARTNERSHIP

538. **Dr McFETRIDGE:** How much funding will be allocated to the review of the Volunteer Partnership in 2005-06?

The Hon. M.D. RANN: I have been advised of the following:

In 2005-06, funding of $10,000 has been allocated to the first biennial review of Advancing the Community Together, the Partnership between the Volunteer Sector and the State Government.

OFFICE FOR VOLUNTEERS

539. **Dr McFETRIDGE:**

1. How many full time employees are currently employed by the Office for Volunteers and how many full time employees were employed in each year since 2002-03?

2. Why has there been a reduction in employee entitlements since 2002-03?

The Hon. M.D. RANN: I have been advised of the following:

There are currently eight full time employees and one half time employee at the Office for Volunteers. This level of staffing has been in place since 2002-03 covering the budget years 2003-04 and 2004-05 and is again in place for the 2005-06 budget year.

Prior to the publishing of the 2005-06 budget, a change in accounting procedure within the Department of the Premier and Cabinet was made whereby indirect costs such as IT support or Human Resources are no longer reported directly against a subprogram such as the Office for Volunteers.

The adjusted figures for the Office for Volunteers are published in Budget Paper 4 of the 2005-06 State Budget under Portfolio Statements Volume 1, Portfolio – Premier and Cabinet, Program 2 – Office for Volunteers on page 1.14.

With the above adjustment applied to the Office for Volunteers budget as recorded on page 1.14, the figures show an increase in employee entitlements rather than a reduction since 2002-03.

540. **Dr McFETRIDGE:**

1. What was the 'supplies and services' expenditure by the Office for Volunteers since 2002-03?

2. What are the details of this expenditure for 2005-06 and why has the budgeted level of expenditure decreased from the previous year?

The Hon. M.D. RANN: I have been advised of the following:

In the budget for 2005-06, the 'supplies and services' expenditure allocated to the Office for Volunteers is $377,000.

This is the same amount as was allocated to the Office in 2004-05.

Since 2002-03, the amount allocated for 'supplies and services' expenditure has been approximately $800,000.

There has not been any dramatic reduction in the budgeted level of expenditure on 'supplies and services' by the Office for Volunteers through this period.

541. **Dr McFETRIDGE:** Does the Office for Volunteers have a budgeted allocation for 'depreciation and amortization' in 2005-06 and if not, why not?

The Hon. M.D. RANN: I have been advised of the following:

In 2005-06, the Office for Volunteers does not have a specific budgeted allocation for 'depreciation and amortization'.

This is because in the 2005-06 budget, the costs of general support services and the depreciation on assets corporately owned by the Department of the Premier and Cabinet are now reported in subprogram 1.1, Strategic Advice and Facilitation.

With regard to the Office for Volunteers, this change in reporting procedure is referred to in footnote (a) on page 1.15 of Portfolio – Premier and Cabinet, Portfolio Statements Volume 1 in the State Budget for 2005-06.

542. **Dr McFETRIDGE:** What was the 'grant and subsidy' expenditure allocation for the Office for Volunteers for 2003-04, 2004-05 and 2005-06 and what are the reasons for the overall reduction in this expenditure?

The Hon. M.D. RANN: I have been advised of the following:

The budgeted 'grant and subsidy' expenditure allocations for the Office for Volunteers for 2003-04, 2004-05 and 2005-06 have been maintained at approximately $450,000 per year.

The 'grant and subsidy' expenditure budgeted for 2003-04 was $461,000.

A further $454,000 was allocated in 2004-05 and the expenditure budgeted for the coming 2005-06 financial year has been kept at this level of $454,000.

There has not been any dramatic reduction in the budgeted level of expenditure on grants and subsidies by the Office for Volunteers.

543. **Dr McFETRIDGE:** What are the details of the indirect costs previously allocated to sub-program 1.1 Strategic Advice and Facilitation in 2004-05?

The Hon. M.D. RANN: I have been advised of the following:

The indirect costs referred to are costs that are not directly related to the subprogram concerned, in this case the Office for Volunteers.

Examples of the costs include IT support services, financial services and human resource services.

Prior to the 2005-06 budget figures, these costs would have been included in Office for Volunteers' budget figures.

In the 2005-06 budget, the costs of the general support services are reported in subprogram 1.1, strategic advice and facilitation.

544. **Dr McFETRIDGE:**How much was spent directly on training volunteers by the Office for Volunteers in 2004-05?

The Hon. M.D. RANN: I have been advised of the following:

In 2004-05, the Government through the Office for Volunteers directly supported South Australian volunteers by providing a budget allocation of approximately $85,000 to fund the delivery of free training programs for volunteers in regional and metropolitan areas.

545. **Dr McFETRIDGE:** How many grants were provided by the Office for Volunteers in 2004-05, who were the recipient organisations and how much did they each receive?

The Hon. M.D. RANN: I have been advised of the following:

The key South Australian volunteer support centres, Volunteering SA ($55,000), Northern Volunteering SA (12,500) and the Fleurieu Volunteer Resource Centre (12,500) were directly supported by discretionary grants provided by the Office for Volunteers in 2004-05.

The Office also provided a grant of $14,000 to the University of South Australia for the continued development and hosting of websites for community groups by university students through the Community Websites program.

And, in addition, a further 129 South Australian not-for-profit community groups each received grants of up to $2,700 from the Volunteers Support Fund allocation of $150,000 administered by the Office for Volunteers.

AFF EMPLOYEES

In reply to **Mr WILLIAMS** (22 June).

The Hon. R.J. McEWEN: The projected number of full time equivalent (FTE) staff directly employed within the Agriculture, Food and Fisheries (AFF) program for the 2005-06 year is estimated to be 966.2. The estimate reflects no expected change from the number of full time equivalent staff employed in 2004-05. There was an increase in workforce numbers of 56.7 FTE's compared to the 2003-04 year of 909.5 FTE's, which mainly reflected a rise in the number of externally funded staff particularly in SARDI and Rural Solutions SA between these years. There was also a minor adjustment between the Agriculture and Wine sub-program and the Fisheries sub-program for reporting of direct business support staff as a result of an internal restructure.

The following tables show the number of direct employees, expenditure, revenue and net cost of services for each sub-program within the overall AFF program.

Agriculture and Wine

	2005-06 Budget	2004-05 Estimated Result	2004-05 Budget	2003-04 Actual
Full Time Equivalents	166.5	166.5	166.5	155.1
	$'000	$'000	$'000	$'000
Expenditure	27 714	19 157	19 375	17 460
Revenue	3 395	4 834	3 194	2 891
Net cost of services	24 319	14 323	16 181	14 569

Aquaculture

	2005-06 Budget	2004-05 Estimated Result	2004-05 Budget	2003-04 Actual
Full Time Equivalents	19.0	19.0	19.0	18.0
	$'000	$'000	$'000	$'000
Expenditure	2 304	2 441	2 806	2 084
Revenue	1 534	1 388	1 788	1 476
Net cost of services	770	1 053	1 018	608

Fisheries

	2005-06 Budget	2004-05 Estimated Result	2004-05 Budget	2003-04 Actual
Full Time Equivalents	77.9	77.9	77.9	82.1
	$'000	$'000	$'000	$'000
Expenditure	12 008	17 086	10 572	13 698
Revenue	7 422	7 301	7 362	7 106
Net cost of services	4 586	9 785	3 210	6 592

South Australian Research & Development Institute

	2005-06 Budget	2004-05 Estimated Result	2004-05 Budget	2003-04 Actual
Full Time Equivalents	441.1	441.1	441.1	420.0
	$'000	$'000	$'000	$'000
Expenditure	46 755	46 371	45 966	44 752
Revenue	32 345	32 095	32 095	30 426
Net cost of services	14 410	14 276	13 871	14 326

State Food Plan

	2005-06 Budget	2004-05 Estimated Result	2004-05 Budget	2003-04 Actual
Full Time Equivalents	13.0	13.0	13.0	12.1
	$'000	$'000	$'000	$'000
Expenditure	3 591	3 806	3 775	2 878
Revenue	277	277	277	117
Net cost of services	3 314	3 529	3 498	2 761

Rural Services

	2005-06 Budget	2004-05 Estimated Result	2004-05 Budget	2003-04 Actual
Full Time Equivalents	248.7	248.7	248.7	222.2
	$'000	$'000	$'000	$'000
Expenditure	22 909	21 903	21 673	19 108
Revenue	15 983	15 983	15 983	11 892
Net cost of services	6 926	5 920	5 690	7 216

PIRSA Departmental/Corporate/Ministerial support costs attributed to AFF program

	2005-06 Budget	2004-05 Estimated Result	2004-05 Budget	2003-04 Actual
	$'000	$'000	$'000	$'000
Expenditure	48 374	57 260	52 463	53 680
Revenue	8 685	9 657	10 336	14 943
Net cost of services	39 689	47 603	42 127	38 737

Total Program 4—Agriculture, Food and Fisheries

	2005-06 Budget	2004-05 Estimated Result	2004-05 Budget	2003-04 Actual
Direct Full Time Equivalents	966.2	966.2	966.2	909.5
	$'000	$'000	$'000	$'000
Expenditure	163 655	168 024	156 630	153 660
Revenue	69 641	71 535	71 035	68 851
Net cost of services	94 014	96 489	85 595	84 809

I trust this information provides the honourable member with a further understanding of the specific areas of functionality within PIRSA that fall under the Agriculture, Food and Fisheries program and reinforce that there is no expected change in the number of employees for the 2005-06 year.

LOCAL GOVERNMENT

In reply to **Mrs HALL** (17 June).

The Hon. J.D. LOMAX-SMITH: The South Australian Tourism Commission (SATC) Planning and Policy Group has initiated a process to build a stronger relationship with local government, through the Local Government Association. Whilst this has yet to be finalised in a formal agreement, it is likely to form part of the proposed Strategic Relations Agreement on Economic Development between State and Local Government.

In the meantime, work has commenced on a number of initiatives, with the first project—the Local Government 'Engagement in Tourism Survey'—being recently conducted. To date 49 of 68 councils have completed the survey. Whilst the analysis of results has yet to be completed, the first indications are positive, with the majority of councils perceiving tourism as a priority industry at present, whilst also offering future economic development opportunities within their council.

With regard to specific agreements, the SATC has formal funding agreements in seven of the State's 12 tourism regions with councils and Tourism Marketing Committees. These agreements provide Tourism Marketing Committees with the flexibility and financial stability to plan and implement long-range marketing campaigns, and are often tied in with strategic tourism plans for the tourism region.

The Limestone Coast is the only region where the SATC has an agreement with a Local Government Association, which is in part because the borders of the South East Local Government Association (SELGA) roughly match up with the boundaries of the tourism region. Specifically, the agreement for this region is between the SATC, SELGA, Coorong District Council (who are in the Limestone Coast tourism region but not a part of SELGA), and Limestone Coast Tourism.

Some regions have signed 3-year funding agreements with the SATC and in these funding agreements, the Tourism Marketing Committee's contribution is sourced from cooperative marketing revenue from other industry partners, with most of this comprised of advertising revenue from their annual regional visitor guide. Several more regions are currently working through signing agreements, and we hope to have these in place for the 2005-06 financial year budget.

It should be noted that although SATC does not currently have formal agreements in five of our 12 tourism regions, local government is a significant financial supporter of tourism in all of these areas.

NAPPIES, DISPOSABLE

In reply to **Hon. I.F. EVANS** (21 June).

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

While changes to kerbside collection are currently concentrating on those areas where recycling can presently easily occur and where the largest quantities of material can be diverted from landfill, I have asked Zero Waste to undertake preliminary investigation into increasing the recycling of disposable nappies.

Opportunities may exist for biodegradable plastics based on starch to be used for nappies. Standards Australia is working on a new standard for biodegradable plastics.

SUSTAINABILITY AND POPULATION TARGET

In reply to **Hon. I.F. EVANS** (21 June).

The Hon. J.D. HILL: I am advised:

The Premier's Round Table on Sustainability first met on 6 November 2003 following a request from the Premier to the Chair to provide general advice on priority issues for South Australia's Strategic Plan (at that time known as the State Strategic Plan).

Advice provided by the Round Table included the need to make our settlements more sustainable, to reduce water consumption and energy, and to address other resource consumption issues. No specific advice was given on a population target.

South Australia's Strategic Plan reflected this advice through having the target of reducing the State's ecological footprint over the next ten years.

GOVERNMENT ASSISTANCE

In reply to **Mr HAMILTON-SMITH** (15 June).

The Hon. M.D. RANN: The Minister Assisting the Premier in Economic Development has provided the following:

I have been advised by the Department of Trade and Economic Development that PMP Griffin Press will be provided with a $1 million assistance package consisting of the following:

- $400,000 towards infrastructure costs
- $200,000 towards training costs for the new equipment
- $400,000 towards the cost of a state-of-the-art bulk ink and bulk chemistry system

OzJet and Jetstar have not been provided with any government assistance. The government is currently talking to OzJet regarding establishing a presence in South Australia however, this is still currently being negotiated.

PORTFOLIO EXPENDITURE

In reply to **Mr HAMILTON-SMITH** (15 June).

The Hon. M.D. RANN: The Treasurer has provided the following information:

This same question was asked of the Minister for Industry and Trade at the Estimates Committee hearing on 22 June 2005. A response was provided by the Minister for Industry and Trade on the day and I direct you to *Hansard* for a record of that response.

ALDINGA SCRUB CONSERVATION PARK

In reply to **Mr GOLDSWORTHY** (21 June).

The Hon. J.D. HILL: I am advised:

A 'swap' of land did occur on the development site to allow the area know as the 'Knoll' to be retained as open space, in response to community wishes. The exchange of this area of housing for open space previously set aside for stormwater management on the development site was voluntarily agreed to by the developer. The Government assisted the process by purchasing additional land for the community as open space for use in stormwater management and construction of a wetland and to provide additional buffering for the Aldinga Scrub Conservation Park.

The Government purchased the SA Water land to the east of the development site at $350 000 through Planning SA's Planning and Development Fund.

EPA INSPECTIONS

In reply to **Mr BRINDAL** (21 June).

The Hon. J.D. HILL: I have been advised:

It has been an ongoing practice of the EPA (Environment Protection Authority) that sites seeking licence approval are visited prior to licences being issued. In the case of DA (Development Applications), site visits occur during the DA response period before the licence is issued. A second site visit may also take place to ensure DA conditions have been met prior to issuing the licence.

The EPA may also do an inspection before a licence application if the EPA is made aware of an unauthorised activity or if invited to do so by an applicant.

METROPOLITAN ADELAIDE PLANNING STRATEGY

In reply to **Mr BRINDAL** (26 May).

The Hon. J.D. HILL: The Minister for Urban Development and Planning has provided the following information:

Please refer to the Ministerial Statement regarding the planning strategy on Brown Hill and Keswick creeks on page 2201 of the 29 June 2005 Legislative Council *Hansard*.

AUDITOR-GENERALS' DEPARTMENT

In reply to **Mr BRINDAL** (15 June).

The Hon. M.D. RANN: The Auditor-General has provided the following information in relation to the Auditor-General's Department, in response to the omnibus questions asked of the Premier:

1. There were no agreed budget savings targets for the Department for 2003-04 and 2004-05.
2. Information is provided in the attached table.
3. There are no surplus employees within the Auditor-General's Department.
4. The Auditor-General's Department's did not carry forward its under expenditure in 2003-04 to 2004-05 with the exception of the approved carry forward of the following items:

- $63 000 of funding provided in 2003-04 to finalise contract audit work associated with the execution of a comprehensive Information Technology annual plan of agency audit review coverage.
- $224 000 of additional funding provided in 2002-03 to finalise the following investigations:
  - Review of Matters Associated with the 2001-02 Proposal Concerning the Establishment of an Ambulance Station at McLaren Vale.
  - Review of Certain Matters Associated with Funding provided to the Basketball Association of South Australia.

5. The Auditor-General's Department's estimated level of under recurrent expenditure for 2004-05 is $129 000 comprising $95 000 on Prescribed Audits and $34 000 on Special Investigations. Cabinet currently has not approved any carryover expenditure into 2005-06.

The Auditor-General's Department's estimated level of under capital expenditure for 2004-05 is $11 000. Cabinet currently has not approved any carryover expenditure into 2005-06.

6. (i) There are seven employees (including the Auditor-General who is a statutory office holder) with a total employment cost of $100 000 or more.

There is one statutory office holder with a total employment cost of $200 000 or more.

(ii) Seven employees (including the Auditor-General who is a statutory office holder) with a total employment cost of $100 000 or more.

One statutory office holder with a total employment cost of $200 000 or more.

(iii) Between 30 June 2004 and 30 June 2005, there were no positions created or abolished with a total employment cost of $100 000 or more.

7. There has not been any specific administration measures agreed over the forward estimate years that will lead to a reduction in the operation costs of the Department.

Consultancies in Excess of $5 000—2004-05

Consultancies Associated with Prescribed Audits

Consultant Name	Expenditure ($)	Nature of Work Assignment	Method of Appointment
Consultancies Associated with Prescribed Audits			
Pennycuick Consulting	8 100	Design and undertake a needs/satisfaction survey of all staff within the Department	Direct Negotiation
KJ Bockmann Consulting Services	16 170	Professional services associated with the production of the Auditor-General's 2003-04 Annual Report to Parliament.	Direct Negotiation
Professor S Henderson	13 085	Provide advice in a number of areas including accounting/auditing and in the establishment of Departmental policies/procedures.	Direct Negotiation
Professor S Henderson	12 000	Provide advice in relation to IFRS implications for selected auditee agencies.	Direct Negotiation
Australian Government Solicitor	54 881	Advice in relation to various matters in the Auditor-General's Reports to Parliament	Direct Negotiation
Consultancies Associated with Special Investigations			
Piper Alderman	79 867	Work associated with the conduct of the review of the Matters Associated with the 2001-02 Proposal Concerning the Establishment of an Ambulance Station at McLaren Vale.	Direct Negotiation
Australian Government Solicitor	13 338	Work associated with the conduct of the review of the Matters Associated with the 2001-02 Proposal Concerning the Establishment of an Ambulance Station at McLaren Vale.	Direct Negotiation
Trenowden & Associates	15 800	Work associated with the conduct of the review of the Process of Procurement of a Esaote Artoscan Medical Imager.	Direct Negotiation
Piper Alderman	7 767	Work associated with the conduct of the review of the Port Adelaide Waterfront Development: Misdirection of Bid Documents.	Direct Negotiation
Australian Government Solicitor	65 251	Work associated with the examination pursuant to Section 39 of the *Passenger Transport Act 1994*, of Certain Bus Contracts and the Probity of Processes Leading up to the Awarding of the Contracts.	Direct Negotiation

GRADUATES

In reply to **Mr BRINDAL** (15 June).

The Hon. M.D. RANN: I have been advised:

Graduate Recruitment Program (GRP) database information indicated that from 1 July 2001 to 30 June 2005 791 graduates have been recruited through this program; of these graduates 56 per cent were 24 years of age and younger.

During the 2001-02 GRP 290 graduates were recruited; of these, 234 were employed to backfill vacancies that resulted from the utilisation of the Enhanced Targeted Voluntary Separation Packages (ETVSP) initiative. Through this scheme, agencies were able to fund the ongoing employment of graduates.

Although 132 graduates were recruited during the 2002-03 GRP, the program's data indicates that the number of graduates has increased each year. Information provided for Budget Paper 4 (page 1.31) outlined that the "*successful recruitment and provision of a structured development program to over 170 new graduates officers*" was achieved. The figure of 170, related to the number of graduates who, at the time, were registered to undertake the Graduate Development Program (GDP), Certificate 3 in Government. However, current data indicates that the 2004-05 GRP culminated in the actual recruitment of 214 graduates.

A large number of graduates are also employed within the South Australian public sector, outside of the GRP. These graduates hold specific qualifications in the legal, medical and allied health fields. Statistics relating to the employment of such graduates are maintained at the agency level.

In reply to **Mr BRINDAL** (15 June).

The Hon. M.D. RANN: I have been advised:

Following consultation with public sector departments, the Office of Public Employment (OPE) advises that the target number of graduates that will be recruited through the Graduate Recruitment Program for 2005-06 is estimated to be 245. This number does not include graduates who will also be employed outside of this program for which statistics are maintained at the local agency level.

Support for recruitment of graduates will continue through the Graduate Recruitment Program, which will be coordinated by the new OPE. The Program will promote graduate opportunities in the public sector and facilitate a referral and recruitment process for all agencies seeking to employ graduates. In addition OPE will continue to provide the *SA Public Sector Graduate Development Program* to build the capability of the public sector in order to attract, develop and retain graduates.

PUBLIC SERVANTS

In reply to **Mr BRINDAL**.

The Hon. M.D. RANN: I have been advised the 2004-05 workforce information collection, which captures these figures for the period to June 2005 is not yet available.

As a result it is not possible to adequately respond to this question by the due date for responses to parliamentary questions taken on notice during this year's Estimates Committee.

A response will be forwarded as soon as practical.

REVEGETATION

In reply to **Mr WILLIAMS** (3 May).

The Hon. J.D. HILL: I have been advised:

The Department of Water, Land and Biodiversity Conservation does provide a level of specialist technical advisory services to regional landholders and communities, at no cost, through the Government's consultancy business Rural Solutions SA.

The level of non chargeable services usually extends to the provision of specialist information in most areas of natural resource management, but generally not to the level of customised consultancies and planning work with individual landholders. This would have to be paid for at commercial rates.

Landholders in the Upper SE drainage areas who wish to become involved in the biodiversity trading scheme would receive a greater level of individual planning support as part of the scheme. In addition, specific projects are set up from time to time to provide additional support in various regions. For example, the South East Natural Resource Consultative Committee (SENRCC) has run a devolved grant scheme aimed at improving biodiversity in the region for a number of years. This project was funded to provide a higher level of planning and advisory support to individual landholders, although I understand that the project is now coming to an end.

REGIONAL SPORTING STADIUM

In reply to **Hon. G.M. GUNN** (14 February).

The Hon. M.J. WRIGHT: The Northern Areas Council applied for $300,000 funding through the State Government's 2004-05 Community Recreation and Sport Facilities Program (CRSFP) to assist with the construction of a regional sports stadium in Jamestown.

The Northern Areas Council were notified in April 2005 that their project was successful in receiving a grant of $200,0000.

Following this notification the Northern Areas Council wrote to thank me for this generous offer of assistance. I have been advised that work on the project has now commenced and that the first grant payment will be sent to the council shortly.

HOUSING, METROPOLITAN AND REGIONAL

In reply to **Mr MEIER** (20 June).

The Hon. J.W. WEATHERILL: There has been some further modelling undertaken in relation to these extra supported accommodation packages in line with the actual budget. I am informed that the revised package will offer approximately 80 packages, and not the 135 as I previously advised.

These packages are primarily designed to respond to the needs of people with psychiatric disability. As indicated earlier, in the first instance the packages will be targeted to individuals with exceptional need and people sleeping rough.

Location of places will be determined according to client need and not by pre-determined distribution of places across metropolitan and regional areas.

Given the initial targeting of these resources towards those who are currently homeless or with exceptional need, it is likely that these individuals will mostly be placed in the metropolitan area in the first instance. Planning for the non-metropolitan area is still being undertaken. The increase in funding in 2006-07 will enable greater spread of supported accommodation packages for people with psychiatric disability.

I am aware that a local group in Minlaton on Yorke Peninsula has been active in lobbying for more supported accommodation places for individuals with intellectual disability. I am advised that the Department for Families and Communities, through the Client Services Office and the Intellectual Disability Services Council, is working with this group to undertake planning in relation to service requirements, with a view to consideration of a funding proposal should new funding for supported accommodation be available in the future.

HOUSING TRUST WAITING LISTS

In reply to **Mrs REDMOND**.

The Hon. J.W. WEATHERILL: Since 2000 the South Australian Housing Trust (SAHT) has operated a segmented waiting list which reflects the relative urgency of need of applicants. These are divided into Category 1 (highest need), Category 2, and Category 3.

The SAHT aims to house those in the most urgent need as quickly as possible and in general applicants in Category 1 will be housed ahead of those in other categories.

Between 1 July 2004 and April 2005 the SAHT had housed 2,646 households from the waiting list. Of this number, 43 per cent were from Category 1, 22 per cent from Category 2 and 35 er cent from Category 3.

The person referred to in the Member's question (Linda) lodged an application for SAHT rental housing in March 1999 and was registered for Category 3 of the SAHT's waiting list for the last five years. After a re-assessment of her circumstances, Linda was classified Category 1 on 18 July 2005.

WORKCOVER

In reply to **Hon. R.G. KERIN** (11 April).

The Hon. J.W. WEATHERILL: The liabilities for both WorkCover and the public sector are publicly available figures. WorkCover published its 'unfunded liability' in April 2005, its performance report to December 2004. The Department for Administrative and Information Services published the actuarial assessed total 'outstanding liability' estimates in its annual report for 2003-04 tabled in Parliament in November 2004. As the Member would be aware 'outstanding liability' is the money required at a given point in time required to meet future payments on claims. Each years' workers compensation costs are budget funded within agency's appropriation and accounted for the forward estimates. Liabilities are being managed by the WorkCover Board and by Chief Executives of Public Sector Agencies respectively.

GOVERNMENT EMPLOYEES

In reply to **Hon. R.G. KERIN** (15 June).

The Hon. M.D. RANN: The Treasurer has provided the following information:

A number of factors contributed to the increase in employee expenses during 2004-05:

- Approximately $70 million resulted from support to enterprise bargaining outcomes with Public Sector Nurses, South Australian Police and the Wages Parity (Weekly Paid) group.
- Government decisions made costing $29 million, including:
  - $18 million for increasing hospital activity;
  - $4 million for schools to provide support for high needs students;
  - $3 million for improving working and living conditions for country doctors; and
  - $4 million for carryovers from 2003-04.
- Recognition of schools revenues and expenditure announced in the Mid Year Budget Review added $17.5 million and the reclassification of the Office of Public Transport from the Public Non-Financial Sector to the General Government Sector added $8 million.
- The remainder is primarily attributable to transfers from other expenditure categories such as supplies and services, grants and subsidies, reflecting more accurately how the government expenses were expected to occur.

GOVERNMENT EXPENDITURE

In reply to **Hon. R.G. KERIN** (15 June).

The Hon. M.D. RANN: The Treasurer has provided the following information:

Table 2.9 of Budget Paper 3 shows that adjustments totalling $469 million were made to the total expenditure budget in 2004-05.

Cabinet approved additional expenditure of $534 million during the year.

This amount includes an additional $189 million resulting from changes in accounting treatment of expenditure by schools, the Office of Public Transport and Non-Government School Grants. Each of these items is offset by an equivalent increase in revenue.

AUDITOR-GENERAL'S REPORT

The SPEAKER: I lay on the table the 2004-05 annual report of the Auditor-General, including the audit overview and agency audit reports.

Ordered to be published.

MEMBERS' INTERESTS

The SPEAKER: I lay on the table the Register of Members' Interests, Registrar's Statement, June 2005.

Ordered to be published.

ANNUAL REPORTS: JOINT PARLIAMENTARY SERVICE COMMITTEE, OFFICE OF THE EMPLOYEE OMBUDSMAN

The SPEAKER: I lay on the table the following annual reports for 2004-05: the Joint Parliamentary Service Committee and the Office of the Employee Ombudsman.

MERCURY 05

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

Leave granted.

The Hon. M.D. RANN: The government of South Australia this week is actively participating in a multi-jurisdiction counter-terrorism exercise, codenamed Mercury 05. Mercury 05, which began today, is a simulated terrorist attack to test our preparedness for prevention, response and recovery arrangements. While all Australian governments—federal, state and territory—agreed to introduce tough new laws to give the police the powers to prevent and deal with a terrorist attack, we need to do more than pass laws.

Mercury 05 is a practical and essential part of our fight against terrorism. We have to ensure that all our government agencies—local, state and federal—including the police, fire, emergency, health and defence forces, can work together in the field to deal with potentially catastrophic events. Around 4 000 people, including up to 500 people in South Australia, and including the Prime Minister, state premiers, chief ministers, police commissioners, 200 SAPOL officers, doctors, trauma teams and fire crews will be involved in Mercury 05. It is also likely to involve the use of helicopters, emergency service vehicles and Australian Air Force fighter jets.

Like a 'war game' or defence exercise, Mercury 05 will test the effectiveness of our emergency services and other agencies in a terrorist crisis. It will test coordination, communication and chain of command decision making. It will also test equipment.

Mercury 05 commenced this morning and will conclude, we believe, on Wednesday evening. I personally am involved in this exercise. Earlier today I was briefed by the Commissioner of Police on simulated incidents in our own state as they unfolded. I have also been involved in an emergency telephone conference with the Prime Minister and other state leaders. As a consequence, a major terrorist incident has been declared, and the simulated terrorist warning elevated to extreme—elevated to 'extreme' in South Australia and Victoria. The agreement of the premiers was necessary to declare a major terrorism incident and to invoke certain powers, including the potential deployment of Australian defence forces domestically.

During Mercury 05, simulated attacks will occur at various locations across South Australia. The exercise involves a threatened attack on a critical infrastructure facility in our state; a combined siege and hostage situation; a chemical, biological or radioactive threat; and a mass casualty incident. A recovery exercise based on these events will be conducted on Thursday.

In order to ensure that we are as best prepared as we can be, there will be up to 50 observers and umpires—some from overseas—taking part in this exercise that will involve Victoria as the other principal state along with South Australia, along with lesser involvement from New South Wales, Western Australia and the ACT. The aim of this exercise, which is only the second of its type ever held, is to test national counter-terrorism arrangements and preparedness. At a state level it will help us to test and evaluate:

- The effectiveness of the South Australian State Counter-Terrorist Plan.
- The whole of government strategic level decision making within South Australia, including the flow of information that determines those decisions.
- Coordination between South Australian agencies and services and those of other states and territories.
- Protection and emergency arrangements for our critical infrastructure.
- Deployment of the Australian Defence Force (ADF).
- Information and intelligence arrangements.
- Coordination of media and public information strategies.
- The use of geospatial information.
- Coordination of an across-border investigation to a terrorist act or threat.
- Multi-agency incident management within South Australia.
- Emergency arrangements in the event of a threat to land transport.

Mercury 05 is being fully funded by the commonwealth and, for our part, cost about $400 000 in South Australia alone, but the commonwealth will pay.

MURRAY-DARLING BASIN MINISTERIAL COUNCIL

The Hon. K.A. MAYWALD (Minister for the River Murray): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.A. MAYWALD: I wish to advise the house of the outcomes of the 38th Murray-Darling Basin Ministerial Council held recently in Brisbane on 30 September. The Minister for Environment and Conservation and I attended as representatives of South Australia with the major purpose of focusing attention on the Living Murray First Step commitment to recover 500 gigalitres of water for environmental flows in the River Murray. We were successful in gaining our fellow Murray-Darling ministers' support to examine water purchase options. I quote from the ministerial communique following the meeting:

> The Murray-Darling Basin Ministerial Council today considered progress on the Living Murray Initiative and restated its commitment to the delivery of the Living Murray First Step. Recognising the challenges facing Council in recovering water, they have agreed to explore the use of market instruments to complement existing infrastructure projects. The Council directed the Commission to develop options for the Council to consider at its April 2006 meeting. This should also include consideration for options for water purchasing. The Council also considered the impact of the broader risks to shared water resources and reiterated the importance of addressing those risks. The Commission is developing options to address those risks (ground water and climate change etc.) to shared water resources.

This commitment is a significant step forward for the council, and for the River Murray, as previously engineering solutions had been almost exclusively considered as a means of

restoring flows to the River Murray. The council, led by South Australia, now has firmly placed water purchasing on the table and tasked the Murray-Darling Basin Commission with returning to the next ministerial council in April 2006 with water purchase options to consider.

Since the council meeting, the chair, federal Minister for Agriculture, Fisheries and Forestry, the Hon. Peter McGauran, speaking to regional media in my electorate, has said:

> Water recovery is the challenge and Karlene Maywald has done us all a big favour in that she has shaken people out of what could have been growing complacency and instilled a new sense of urgency on reaching our target of 500 gigalitres by 2009.

I think that sentiment bodes well, but in the spirit of the Adelaide declaration of February 2003—when state and federal parliamentary colleagues joined together to propose an immediate first step of restoring 500 gigalitres of water to the Murray-Darling within five years—I have invited all of South Australia's representatives, both in this parliament and in Canberra, to support our push to buy back water from willing sellers so that the proposal is overwhelmingly supported at the ministerial council in April.

We have already had considerable success in this objective with the Senate on 11 October calling on all governments involved to address the challenges facing the River Murray, and to consider the full range of mechanisms available including market options; and on the state governments to bring forward infrastructure and water efficiency products for investment under the Living Murray initiative as a matter of priority. The federal government must lead on providing market options to be available in order for the Living Murray initiative to be delivered.

ECONOMIC AND FINANCE COMMITTEE

Ms THOMPSON (Reynell): I bring up the 54th report of the committee, entitled 'National Competition Policy'.

Report received and ordered to be published.

QUESTION TIME

MERCURY 05

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Premier. Has the Premier's action in inviting media to join him whilst being briefed by the PM jeopardised Operation Mercury?

Mr Koutsantonis interjecting:

The SPEAKER: Order, the member for West Torrens!

The Hon. R.G. KERIN: The opposition has been advised that when the Prime Minister called the Premier today to brief him on the Operation Mercury terrorism exercise the Premier placed the Prime Minister on loud-speaker and allowed media representatives to record the conversation. During the briefing the PM provided confidential background information relating to the exercise, the release of which would constitute a breach of security and could compromise the exercise.

The Hon. M.D. RANN (Premier): I was told that this was going to be the big hit, and I have come out and supported the Leader of the Opposition—

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat, as will the member for Mawson. The house will come to order. I have just had the privilege of being a guest of the Queensland parliament, and they have a very good standing order there, standing order No. 351—one warning and the next time you are out.

The Hon. M.D. RANN: Prior to inviting the media in, I asked Suzanne Carman, who is the director of that area, to contact the federal government to see if the media could come in for the preliminary part—which is exactly what happened.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: It is a simulated—

Mr Brokenshire: It doesn't matter; simulated is still—

The SPEAKER: Order! The member for Mawson should not need to be reminded, but if he is suspended again it will be for three days, not one.

TERRORISM

Mr O'BRIEN (Napier): Can the Premier inform the house what steps have been taken to control the activities of terrorist organisations?

The Hon. M.D. RANN (Premier): I think the Leader of the Opposition needs to look at the terrorists within his own ranks who are still leaking to the media—read the *Sunday Mail.* You have my support. The reason that they—

Mr BROKENSHIRE: I rise on a point of order, sir.

The SPEAKER: The Premier is not answering the question.

The Hon. M.D. RANN: The reason the opposition has reduced the size of the shadow ministry is that it cannot find enough people who will be loyal or united. Terrorist organisations may be identified in two ways: first, as part of a prosecution for a terrorist offence and, secondly, a terrorist organisation may be listed in regulations under the Commonwealth Criminal Code. Before it is listed, the commonwealth Attorney-General must be satisfied, on reasonable grounds, that the organisation is directly or indirectly engaged in preparing, planning, assisting in or fostering the undertaking of a terrorist act.

The process of listing a terrorist organisation requires the commonwealth to consult with states and territories before listing occurs, and the majority of states and territories must agree for an organisation to be listed. The effect of listing a terrorist organisation is significant. It is an offence to be a member of the organisation, direct activities of a terrorist organisation, recruit persons to the organisation, receive training from or provide training to the organisation, receive funds or make available funds to the organisation, and provide support or resources to the organisation.

There are significant penalties for being involved in or dealing with terrorist organisations. The maximum penalty for offences relating to a terrorist organisation is 25 years' imprisonment in the case of offenders who know that the organisation is a terrorist organisation, and 15 years' imprisonment in the case of offenders who are reckless as to whether an organisation is a terrorist organisation. Listing terrorist organisations puts people on notice not to deal with those organisations, and it facilitates the investigation and prosecution of terrorist organisations.

I am advised that currently 18 organisations are listed in Australia as terrorist organisations. Most notably, perhaps, al-Qaeda was first listed on 21 October 2002 and Jemaah Islamiyah was first listed on 27 October 2002. In our own region, Jemaah Islamiyah poses a real threat to Australians and Australian facilities. Jemaah Islamiyah has already been involved in the planning, execution and mass murder of many Australians, including South Australians.

I strongly support the efforts of the commonwealth government to persuade the Indonesian President to ban Jemaah Islamiyah in this country. Today, I have written to the President of Indonesia, urging him to ban Jemaah Islamiyah. The truth of the matter is this: there is no doubting the resolve of the Indonesian government in seeking to prosecute and capture the perpetrators (the footsoldiers) of terrorism. We want to see the Indonesian government showing the same resolve and determination to do the same with the leaders of JI, which is a major backer of terrorism in Indonesia. It is important, if you are going to kill the snake, to cut off its head, not just its tail.

EYRE PENINSULA BUSHFIRES

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Emergency Services. Why has the minister repeatedly told the house that Eyre Peninsula firefighters were offered aerial support on Monday 10 January when this has been repeatedly denied and is totally at odds with Dr Bob Smith, whom the government commissioned to report on the bushfires? The minister has told the house on a number of occasions that the CFS offered the Wangary firefighters aerial support on the Monday night of the fire. Not only is this contradicted in the Smith report, but also, when other opposition members and I met with Dr Smith late last month, he said that there was no evidence whatsoever that aerial support was offered on the Monday.

In discussion with the opposition, firefighters and others experienced in these matters have been consistent in their views that aerial support would have made a very big difference on the Monday evening and early Tuesday morning, and that is totally at odds with what the minister has told the house.

The Hon. P.F. CONLON (Minister for Transport): It is very simple. I told you that because that is what I was told. I do not agree with the—

An honourable member: Why didn't you check it?

The Hon. P.F. CONLON: Why didn't I check it? Are you joking? Here is how their minister for emergency services would handle a bushfire—by checking everything they are told by the chief officer handling the fire, by going and substituting their judgment for the chief officer's. It does not happen that way. Can I tell you—

The Hon. Dean Brown interjecting:

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

The Hon. P.F. CONLON: Here is the thing. I was told exactly what members opposite were told. Did they check it? No? I was told exactly what they were told. Let me say—

The Hon. R.G. Kerin interjecting:

The SPEAKER: Order! The Leader of the Opposition is out of order.

The Hon. P.F. CONLON: Again, as recently as two weeks ago, in a conversation with the chief officer, I was told the same information. The leader says that it is inconsistent with what Bob Smith says. I will get the chief officer to explain it, because it is exactly what I was told and what members opposite were told two weeks ago. As for the leader's outrageous assertion that local bushfire fighters said that, I refer him to the comments of the people at the CFS at Wangary—what they said, the complaints they made—because they were very happy with the report of Bob Smith, and they were not about aerial firefighting. So, do not verbal me and do not verbal the firefighters.

The Hon. R.G. KERIN: I have a supplementary question. Given the fact that the minister has been aware that Dr Bob Smith contradicted what he had been told several weeks ago, why has the minister not gone back to check which version is correct?

The Hon. P.F. CONLON: I am not Minister for Emergency Services.

Mr Brokenshire: You were at the time.

The Hon. P.F. CONLON: No; he is asking me what I did not do two weeks—

Members interjecting:

The SPEAKER: Order! The minister will resume his seat until the house comes to order. The chair will wait until the house comes order. The house will act like parliament.

The Hon. P.F. CONLON: I say again, if they can exercise patience, that I was told that by the chief officer. I was told that again by the chief officer. I will check the exact date, but it was a telephone conversation that I had with him when I—

An honourable member interjecting:

The Hon. P.F. CONLON: No, this is no joke. If members opposite really think they have something, why do they not get up and say it? I will tell members again. The Chief Officer told me this. He told me again two weeks ago. It is not within my powers to go and check the Bob Smith report, because I am not the minister, but I am sure that Carmel—

Members interjecting:

The Hon. P.F. CONLON: I am giving it. I actually checked it again and Euan Ferguson told me the same thing again.

The Hon. K.O. Foley: Look at them: leadership hopefuls. They are all getting into it today!

The Hon. P.F. CONLON: This is the new, aggressive front bench! Euan Ferguson has told me that again. I will refer that question to Euan Ferguson and Carmel Zollo and they can try to explain it to the honourable member. What I was told all those times ago, the same thing the leader was told, I was told again not two or three weeks ago. If his proposition is that the chief officer is not telling the truth—

Members interjecting:

The Hon. P.F. CONLON: What other option is there? He told me that in March. He told me again two weeks ago. The leader's proposition is that he is not telling the truth. I will bring a report back to him. I personally have the utmost faith in the integrity of Euan Ferguson.

Members interjecting:

The SPEAKER: Order! I think the minister has answered the question.

Members interjecting:

The Hon. P.F. CONLON: I will get Carmel Zollo to check it for members opposite.

ILLICIT DRUGS

Mrs GERAGHTY (Torrens): My question is to the Minister for Police. What steps has the government recently taken to disrupt the production of illicit drugs in South Australia?

The Hon. W.A. Matthew: None. They've done a lot to enhance it.

The Hon. K.O. FOLEY (Minister for Police): Sorry—a lot to enhance it?

The Hon. W.A. Matthew: Absolutely.

The Hon. K.O. FOLEY: Oh dear, oh dear, won't we miss the member for Bright in the next parliament—not! On

Friday of last week I attended the 49th meeting of the Australian Police Ministers Council. At that meeting, police ministers from all the states and territories, along with the federal Minister for Justice (Hon. Senator Chris Ellison), acknowledged the importance of controlling the equipment, documentation and ingredients that can be used in the manufacture of illicit drugs. An agreement was reached to adopt the South Australian proposal (put forward by me) that each state and territory legislate to place controls on the possession without lawful excuse of industrial chemicals, glassware and documentation such as recipes, all of which can be used in the manufacture of illicit drugs.

This was in addition to an existing proposal to make it an offence to possess a tablet press without lawful excuse. While tablet pressers do have a lawful purpose, they are also key equipment in manufacturing speed tablets and tablets of ecstasy. Legislation to enact these changes will be introduced as soon as possible. This forms only part of what this government has done since coming to office to deal with the issue of illicit drug manufacture in this state. I remind the house that SA Police formed the Chemical Diversion Desk under this government to gather intelligence on the movement of chemicals and diverted prescription drugs used in illicit drug manufacturing. We have a joint task force between state and federal police, which continues to disrupt (and successfully disrupt) the manufacture of amphetamines and other drugs.

We have the Controlled Substance (Serious Drug Offences) Amendment Bill, which has been introduced into this house, to increase penalties related to the illicit use of precursor chemicals. Let us not forget that under this government the criminal asset confiscation powers have been legislated so that police can not only put criminals behind bars but can hit them where it really hurts, in their bank accounts. This government continues to bring down some of the hardest, toughest laws when it comes to illicit drugs.

The Hon. I.F. Evans interjecting:

The Hon. K.O. FOLEY: The member for Davenport had his chance last Friday, but he wants to get his credentials up.

The SPEAKER: The minister is debating the question.

The Hon. K.O. FOLEY: The member for Davenport, the man behind the push by Martin Hamilton-Smith, clearly wimped out on Friday.

The SPEAKER: Order! The Minister for Police was clearly debating then. The leader.

EYRE PENINSULA BUSHFIRES

The Hon. R.G. KERIN (Leader of the Opposition): Thank you, sir. Good call. My question is again to the minister representing the Minister for Emergency Services. What reports on the Wangary bushfire did the minister receive on the night of Monday 10 January, by whom were they given, and what action did the minister take in response to those reports? The minister said in response to a question on 22 September, 'I got reports on the Monday night of serious fire conditions and the forecasts for the next day.'

The Hon. P.F. CONLON (Minister for Transport): From memory, I got reports on the fires there. I very—

Mr Brokenshire interjecting:

The Hon. P.F. CONLON: I'll tell them what I'll do, because, no matter how they want to smear people, I have every confidence in the chief officer and what happened at the time. I will seek—

The Hon. R.G. Kerin interjecting:

The Hon. P.F. CONLON: If this new tough, aggressive Leader of the Opposition says I am telling two stories, I challenge him to get up and take a matter of privilege. I challenge him here and now to put forward his views—

The SPEAKER: Order! The minister will resume his seat.

Mr BROKENSHIRE: Mr Speaker, I rise on a point of order under standing order 98. We want to know what the minister of the day did on the Monday night. That is what we want to know.

The SPEAKER: Order! I think the minister should wrap up his answer.

The Hon. P.F. CONLON: What I will say is that I was briefed on fires occurring in many places in South Australia—they were extreme conditions—and I will ask the Chief Officer to provide me with those briefings. On the Monday night, it was not particularly the fires in Port Lincoln that were uppermost in people's minds; there were extreme fire conditions all over South Australia.

Mr Brokenshire interjecting:

The Hon. P.F. CONLON: There is something that we know about the former minister and this line of reasoning. He says say that, as minister, I should second-guess what the Country Fire Service does.

Mr Brokenshire interjecting:

The SPEAKER: Order! The member for Mawson is warned.

The Hon. P.F. CONLON: We know that the member for Mawson considers himself to be the world's greatest CFS volunteer—

The Hon. DEAN BROWN: I rise on a point of order, Mr Speaker. Under standing order 98, the minister cannot debate the issue, and he clearly is.

The SPEAKER: Order! I uphold the point of order. The minister is debating. The member for Mawson needs to understand that he has been warned.

The Hon. R.G. KERIN: I ask the minister whether on the Monday night when the matter was discussed the matter of aerial support was raised with him.

The Hon. P.F. CONLON: Absolutely not. Unlike the member for Mawson, who considers himself to be the world's greatest CFS volunteer, we allow the Chief Officer to decide how to dispose of resources. What we did—

Mr Brokenshire interjecting:

The Hon. P.F. CONLON: No. So that you can understand the difference in responsibility, what we did was to more than double the aerial firefighting capacity, and then we gave that to the Chief Officer. I do not believe we had that discussion because it would have been irrelevant to me. It is relevant to the Chief Officer.

An honourable member interjecting:

The Hon. P.F. CONLON: If you suggest that I or Carmel Zollo or Rob Brokenshire should decide where aerial firefighting resources should go instead of the CFS then—

Members interjecting:

The SPEAKER: Order! I think the minister has answered the question.

The Hon. P.F. CONLON: I will get the briefings for the opposition, but I will just say this: this must be the only parliament in Australia where you can read the questions without notice from the opposition in the morning paper. I will check tomorrow morning to see what questions they will ask tomorrow.

ADELAIDE AIRPORT

Mr RAU (Enfield): Will the Minister for Infrastructure advise the house as to the circumstances that brought about the completion of the new Adelaide Airport terminal?

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

Members interjecting:

The Hon. P.F. CONLON: Here we go. I'll let them quieten down as I really want them to hear this, because they are obviously labouring under some massive misapprehensions. I would have thought everyone knew what happened with the Adelaide Airport over the last few years, but apparently they don't. On the weekend, we saw the member for Mawson running around. Basically, what was exercising the mind of the member for Mawson was that people in Adelaide liked the new airport.

The Hon. DEAN BROWN: On a point of order, Mr Speaker, clearly the minister is way off the mark in terms of the question and is obviously debating it.

The SPEAKER: Order! the minister could be a bit more precise in his answer.

The Hon. P.F. CONLON: The member for Mawson was running around on the weekend explaining that the new terminal had been built—

Members interjecting:

Mr WILLIAMS: On a point of order, Mr Speaker, the minister is not responsible to the house for what the member for Mawson did on the weekend.

The SPEAKER: The house will come to order first. The minister needs to be focused on the question.

The Hon. P.F. CONLON: What I am trying to do is explain the circumstances of how the airport terminal came about because there are people spreading misinformation. Because he cannot stand it, the member for Mawson has alleged all weekend that it came about because of a deal John Olsen signed; that is what he is saying.

Members interjecting:

The Hon. P.F. CONLON: And he repeats it—it came about as a deal. We are going to invoke a witness against him a bit later.

An honourable member interjecting:

The Hon. P.F. CONLON: Remember what he said? Yes, it was. We are going to invoke a witness against him, but, for the benefit of the house, can we explain how it came about and the timetable? Firstly, the deal was signed with Qantas on 15 September 2003, long after John Olsen had, of course, taken his flight. Virgin signed on 23 October 2003, the state government's financing packaging was signed on 24 October 2003 and AAL's financiers, Adelaide Airport Ltd's financiers, signed on 5 November 2003. Aren't they all bolshie now, when the challenge is over! Aren't they all so aggressive now the challenge is over! Then Hansen and Yunken signed the contract on 7 November 2003. All of the key dates were between September and November 2003, when the great Mike Rann was leader. John Olsen had already caught his flight to Los Angeles. He was not there at the time.

The Hon. K.O. Foley: I thought he said the deal was already done?

The Hon. P.F. CONLON: But, of course, there is a very important witness against the member for Mawson's proposition that the deal was already done, and that they did it

The Hon. K.O. Foley: Who is the witness?

The Hon. P.F. CONLON: That witness is—goodness me—the member for Mawson. Here is what he said in September 2003. Remember I told you all the dates? He said this in the parliament, 'The one project which we did not get up, but which I wish we had, is the airport.' I repeat, 'The one project which we did not get up, but which I wish we had, is the airport. The Ansett collapse and, I might add, the lack of goodwill by Qantas were the two reasons why it did not get up during our term of government.' That is right: they failed. They failed. They could not sign up Qantas, they could not sign up the airport, but we did. Mike Rann did. Mike Rann built the airport. Do you know what the real problem is? The real problem is this: the member for Mawson is sitting in his own private departure lounge and his flight has been called. Can I say to the member for Mawson, 'Bon voyage.'

Members interjecting:

The SPEAKER: The house will come to order!

Members interjecting:

The SPEAKER: When the house comes to order we will proceed. Does the member for Hammond wish to ask a question?

TRUCK PARKING BAYS

The Hon. I.P. LEWIS (Hammond): My question is to the Minister for Transport. How long is it since the minister stepped outside his comfort zone and went for a walk around the parking bays and truck stops on the freeways, highways and major arterial roads anywhere in this state? If so, who cleaned the poo from his shoes after he did so? We have a disgusting state of affairs along our major arterial roads, wherein B-doubles and bogie-drive triaxle semitrailers have nowhere to stop to enable their drivers to respond to the call of nature, other than in those truck stops or parking bays along the highways, where there are no toilets. Given the propensity of human excrement to be a major source and vector for infection, especially of avian flu, why is it that the minister refuses to do anything about the mess, and ignore it, having never bothered to respond to my entreaties or, for that matter, those of the transport industry, to do so? May I further explain that, in the Scandinavian countries, long drops and clevis lavatories work quite well. There is no need to have wet flush.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON (Minister for Transport): There is a wide scale of issues that face us in transport and there has been many hundreds of millions of dollars' worth of investment in new roads. There is the need to address maintenance—all of that—and there has been hundreds of millions dollars' worth of investment in new roads, which is the greatest level of investment in new roads that the state has seen in decades. However, I recognise that all those issues are not as consequential as where B-double drivers do their number ones and number twos. I will seek an urgent report on what is being done about cleaning up after them. Perhaps we could introduce the same law as with dogs, where they just bring a dustpan and broom.

MENTAL HEALTH

The Hon. I.F. EVANS (Davenport): My question—

Mr Koutsantonis interjecting:

The SPEAKER: The member for West Torrens is out of order.

The Hon. I.F. EVANS: —is to the Minister for Health. How is it that public mental health files of children can be missing for six months without the department's knowing that they are missing? A constituent of mine has for six months attempted to return several files containing confidential health information to the department. In frustration, she gave them to me to return to the minister today.

The Hon. L. STEVENS (Minister for Health): This is a very serious matter. An investigation is under way right now in terms of how this happened, and the matter will be fully investigated. However, I must say that this is not helped—

The Hon. K.O. Foley: Look at all those files that we kept in our possession that you guys gave us.

The SPEAKER: The Treasurer is out of order!

The Hon. L. STEVENS: —by political stunts, as we have witnessed today by the member for Davenport. The member for Davenport has had these files—

Members interjecting:

The SPEAKER: Order! The minister will resume her seat. The member for Davenport asked the—

The Hon. P.F. Conlon interjecting:

The SPEAKER: The Minister for Transport will not talk over the chair, or he will—

The Hon. K.O. Foley: What about all the missing files they gave us?

The SPEAKER: Nor will the Treasurer. The member for Davenport asked a question. He needs to hear the answer, and he needs to listen.

Mr BRINDAL: Sir, I rise on a point of order. I understand that the minister just imputed an improper motive to the member for Davenport. The member for Davenport asked the question. She accused the member for Davenport of a political stunt. That is imputing improper motive.

The SPEAKER: Order! That is not a relevant point. If the member for Davenport wants to take exception, he can. It is not for other members.

The Hon. L. STEVENS: I understand that the member for Davenport has had possession of these documents—or, as he said on radio this morning, confidential medical files of several children in this state—

The Hon. D.C. Kotz interjecting:

The SPEAKER: Order, the member for Newland!

The Hon. L. STEVENS: The member for Davenport has been in possession of these documents for a number of days and has refused to hand them over. Instead, he has preferred to bandy them about. He admitted on radio this morning that he has leafed through them, which is a disgraceful invasion of privacy of the files of those children. This is a very serious matter, and it is being investigated. It will be investigated, and it is not being helped by the member for Davenport.

Members interjecting:

The Hon. I.F. EVANS: Sir, I have a supplementary question.

The SPEAKER: The chair does not recognise the member for Davenport. He can sit down for the moment. The house will come to order. The behaviour of members is not at the level it should be. Does the member for Davenport wish to ask a supplementary question?

The Hon. I.F. EVANS: Thank you, Mr Speaker. When did the department first become aware that these files were missing?

The Hon. L. STEVENS: I was written to by a member of the public in April this year. My office replied to the person concerned and gave them advice on what they should do in relation to returning the files. The mental health unit, to which those files should have been returned, unfortunately did not follow up on the matter. That is a serious matter which will be investigated.

ADOPTIONS, INTERCOUNTRY

Ms RANKINE (Wright): My question is to the Minister for Families and Communities. What are the latest developments in intercountry adoptions?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): Members would recall that the state government decided to take a greater level of responsibility in relation to intercountry adoptions. Indeed, it accepted its responsibility when those opposite, when they were in government, refused to accept responsibility. Indeed, the former minister had a recommendation before him to insource the adoption service but chose to ignore it. We have acted on that advice. Since 1 April, when we took over control of intercountry adoption, we have made it much more efficient and accountable. We have removed the age restrictions, which prevented older parents from adopting. We have reduced the time gap that adoptive parents must wait before they can be allocated another child for adoption; that is, we have reduced it from two years to one year. This is not the be-all and end-all, but certainly we have placed more children with adoptive parents since we have taken over than in a comparable period under the non-government agency. Quantity is not the sole measure—it is the quality of the placement process—but for all those doomsayers who were suggesting that this process would be slow and cumbersome and add additional burdens to families, I think we can say that the initial period of operation has put paid to that.

While we were thoroughly persuaded of the case of insourcing at the time thereof, it has only confirmed our view, after we have seen a number of things we have uncovered since taking over the files, that it was a matter that properly did belong in government. There has been a quite worrying and alarming lack of candour between the non-government organisation and the state agency in the way in which they discharged their responsibilities.

In town today, the House of Representatives Standing Committee on Family and Human Services is conducting an inquiry into overseas adoption. The South Australian government has put before that committee some detailed submissions, including a call on the federal government to end its policy of discrimination against adoptive families. Members would be aware that the $3 000 maternity payment is not available to adoptive families when their child is over two years of age. Sadly, the adoption process invariably takes something in the order of two years, so it means many families are penalised by this discriminatory policy that the commonwealth applies. We are calling on the commonwealth to relax that arbitrary time constraint and recognise the reality that adoptive families face many of the same expenses that the maternity payment was designed to ameliorate. Members of the federal government, rather than just flying around the country sticking their noses into state adoption services and telling them how they would do things in a perfect world, can do something practical to help adoptive parents, that is, remove a discriminatory measure.

MENTAL HEALTH

The Hon. I.F. EVANS (Davenport): My question is to the Minister for Health. When the minister's office received a letter in April advising that files were missing, why did the minister or her staff not immediately contact her own department and have the files retrieved?

The Hon. L. STEVENS (Minister for Health): My office responded to a letter—

The Hon. I.F. Evans: You did not ring the department; you did not contact the department.

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

The Hon. L. STEVENS: —from someone who said they had files that needed to be returned. My office gave them clear information on my behalf to personally return those notes to the mental health unit within the Department of Health or, if they were unable to do this by hand, they could send them by registered post to the mental health unit. That letter was sent within seven days, as requested by the person who wrote to us.

The Hon. I.F. EVANS: I have a supplementary question to the minister. Did you, or your office, when it received the letter saying that files were missing, contact your department—yes or no?

Members interjecting:

The SPEAKER: Order! It is up to the minister how she answers.

The Hon. L. STEVENS: I have already answered the question, sir; a letter was returned.

Ms CICCARELLO (Norwood): My question is to the Minister for Health. What is being done by this government to tackle the dual problem of mental illness and substance abuse?

Members interjecting:

The SPEAKER: Order! The house will come to order. Unfortunately, we do not have a resident psychiatrist, but it would help sometimes with the behaviour in here if we did.

The Hon. L. STEVENS (Minister for Health): I thank the honourable member for the question. The Rann government has established a new dual diagnosis service to help treat people with a mental illness who also suffer from substance abuse. The $718 000 initiative will include the appointment of six drug and alcohol workers to mental health teams, offering support and advice, as well as $140 000 from Drug and Alcohol Services SA (DASSA) for staff development and coordination of the new positions. The specialist dual diagnosis workers will look to identify combined drug use and mental illness problems, as well as intervene early to help prevent relapse.

Sir, 15 per cent of people with a mental health problem also have a drug and alcohol problem, and in some groups the figure is even higher. Where drug abuse occurs, it often co-exists with alcohol misuse. In the short term, the new service is expected to help decrease psychiatric symptoms, prevent relapse and reduce rates of violence. The new dual diagnosis workers will be able to offer opinions and advice to mental health workers, and be referred for people who have more difficult problems for drug and alcohol treatment.

Substance abuse among people with psychiatric disorders has been associated with relapse of illness, failure to take prescribed medications, suicidal thinking, increased violent behaviour and crime. In the long term, the combined approach by Mental Health Services and Drug and Alcohol Services is expected to lead to decreased contact with the criminal justice system; decrease homelessness; and lower the risk of transmission of blood-borne illness.

Mr Speaker, we are rebuilding mental health services in South Australia, and this year the government has allocated an additional $65 million over four years for specific services that benefit regional South Australians, our youth, members of the indigenous community, those in need of emergency help, and carers. This year alone, we are spending around $37 million more on mental health services than the previous government did in its last year of office. We know that we have a big job ahead of us, but we are certainly taking the vital steps on the long road to recovery.

Members interjecting:

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

The Hon. I.F. EVANS: My question again is to the Minister for Health. As the minister was written to six months ago, and advised that confidential case notes had been found outside the health system, why is it that no immediate action was taken by her or her staff to retrieve the confidential case notes; and why is it that it took her seven days to write a letter, and she then did nothing? My constituent wrote to the minister on 20 April this year, stating that, 'I am writing to request your advice on a sensitive matter.' It goes on:

> I have recently discovered some confidential case notes in a room I rarely use. . .

The letter then states:

> I would greatly appreciate any advice as to what I should do with this confidential paperwork.

The Hon. L. STEVENS (Minister for Health): The reply to your constituent told her exactly what she should do.

The Hon. K.O. Foley: Why not bring them back?

The SPEAKER: Order! The Treasurer is out of order.

The Hon. I.F. EVANS: My question is again to the Minister for Health. Why did the Director for Mental Health Services, Dr John Brayley, not take any immediate action to recover these files that had gone missing? My constituent emailed Dr Brayley's office on 10 August this year requesting a time for an appointment to return the files. Dr Brayley's office emailed back on 11 August saying that they would be in contact the next Monday. Since then my constituent has attempted. without success, to give the files back to the department.

The Hon. L. STEVENS: That is exactly why we are having an inquiry, and we will specifically investigate this matter.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

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

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: I rise on a point of order, sir. A considerable amount of interjection is coming from the other side, but it is quite clear that for once Iain Evans is not turning on his own leader.

Members interjecting:

The SPEAKER: Order! That is not a point of order. The Premier will sit down. The member for West Torrens is out

of his seat and out of order by interjecting. The house will come to order—

The Hon. M.D. Rann: Who wins loses: that's your motto.

The SPEAKER: —including the Premier, who will come to order.

Members interjecting:

The SPEAKER: Order! Members who speak after the house has been called to order run the risk of being named on the spot—and that includes the Premier, as well as anyone else. The house will come to order and members will behave as the public would expect them to behave on a serious matter.

HOSPITALS, FLINDERS MEDICAL CENTRE

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is also to the Minister for Health. Why were local GP practices across the southern half of Adelaide not told that the Flinders Medical Centre was no longer seeing neurosurgical outpatients and that referrals should be made instead to the Royal Adelaide Hospital? A GP who rang the neurosurgical unit at the Flinders Medical Centre last week was told that the new referrals for the last few months were not being addressed or assessed but simply placed in a heap, and that no decisions had been made about how to treat these patients.

The Hon. L. STEVENS (Minister for Health): I am happy to answer this question. In fact, referrals are still being received from GPs. There is a national and international shortage of neurosurgeons; it is not just something that is occurring in South Australia. There has been a reduction in the level of outpatient sessions at Flinders Medical Centre because of a work force shortage there in terms of neurosurgeons, and that has resulted in some appointments having to be cancelled and in an increase in waiting times for other appointments. However, as referrals are being received they are being reviewed, and any urgent referrals and any—

The Hon. Dean Brown interjecting:

The Hon. L. STEVENS: It is my advice from my department and Flinders Medical Centre that any urgent referrals are being referred to the registrar's clinic or to the clinic at the Royal Adelaide Hospital. Those people are being managed there. In the meantime, work is being done to address the issue of the shortage. Meetings have been ongoing in regard to this matter, and another one will be held tomorrow morning with representatives of the visiting medical officers concerned to provide information on some of the possible options to help address the issue.

I must say again that we have done well in terms of attracting doctors in South Australia, but there are areas of work force shortage—neurosurgery being one of them. Perhaps the deputy leader and the opposition might actually consider sheeting home the blame for work force shortages to where it belongs, which is with the federal government for the lack of training and planning which is impacting on a whole range of areas right across this country.

SCHOOLS, YEAR 12 EXAMINATIONS

Ms BEDFORD (Florey): My question is to the Minister for Education and Children's Services. What support is available to South Australian year 12 students starting their final exams?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Florey for her interest in this very difficult time in the lives of young South Australians and their parents who find year 12 particularly stressful. Today the examinations start, particularly for those students who studied nationally assessed languages. These are very important examinations because they allow young people in the states that do not have a large enough population to cater for the less common language examinations nonetheless to be examined in their subjects of interest.

Today students of Hungarian, Russian and Polish will be examined, with Wednesday being the day for tests in Korean and Swedish, amongst other languages. The choices available are extensive, and they are used by 200 students in South Australia who otherwise would not have a special interest catered for. As I said, the lead-up to these examinations can be particularly stressful. The majority of the state examinations will begin on 7 November and finish on 25 November.

For those people who want to know the precise dates of the timetable, I recommend you go to www.ssabsa.sa.edu.au. In addition, for those people who want assistance in navigating the stresses of this difficult period at the end of year 12, I direct parents or students to www.maze.sa.gov.au for study tips and stress management techniques. I encourage all members to make sure that their electorate officers are aware of this web site in order to help any young constituents who may need extra advice in the lead-up to their final examinations or, indeed, to help their parents who, likewise, are undergoing a very stressful period.

The state government this year has piloted a program targeting young people at risk of dropping out in the last year of schooling. It has targeted 816 year 12 students in 57 high schools, providing them with additional support which, of course, includes mentoring. In addition, it includes specific tutoring in subjects where they struggle, as well as counselling and support for personal health and family issues that might be impacting on their study programs.

I take this opportunity to wish all South Australian year 12 students good luck at this very difficult time, and I offer my sympathy for their parents. I hope that the next few weeks go well.

Ms CHAPMAN (Bragg): I have a supplementary question. If the SACE examinations are so important, why does the minister refuse, after six months, to release the SACE report?

The Hon. J.D. LOMAX-SMITH: I thank the member for Bragg for her question. I am delighted that she now shows some interest in senior secondary education, because in the years that the Liberal Party was in government they watched the school retention numbers drop further down. They showed no interest in those young people whose futures were impaired, and it is only our government that has developed—

Mr BRINDAL: As a point of order, there is a standing order on relevance, sir.

The SPEAKER: The minister's answer needs to be relevant.

The Hon. J.D. LOMAX-SMITH: It is only our government that has actually had a strategy, SA Works, to get people into employment. It is only our government that has put a $28.4 million strategy in place for school retention. It is only our government that has actually put this issue—

The SPEAKER: Order! The house will come to order. When it does, we will proceed. Has the minister finished her answer?

The Hon. J.D. LOMAX-SMITH: It is only our government that has put this matter on the agenda, because we know there is no more important outcome for a young person than to complete year 12 and gain a SACE qualification, particularly if they want to get into those areas of skills shortage that we have—

Mr WILLIAMS: On a point of order, the question was quite simple. The minister has been rabbiting on about something that has nothing to do—

The SPEAKER: Order! It is not a point of order to make a speech. What is the point of order?

Mr WILLIAMS: The point of order is standing order 98, relevance.

The SPEAKER: Yes, the minister was debating. The minister has concluded now, as far as the chair can see.

Mr WILLIAMS: On a point of order, the minister has not even started to answer the question. This is question time, sir.

The SPEAKER: Order! The member knows it is question time but it is not necessarily answer time. The chair has made that point many times. If members do not like the standing orders, it is up to them to change them. It is not up to the chair. The chair does not change them.

HOSPITAL WAITING LISTS

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question again is to the Minister for Health. If patients are already having to wait at least 18 months between referral and assessment by a neurosurgeon at the Royal Adelaide Hospital, what will be the wait when all the patients from the Flinders Medical Centre become part of the same queue waiting for assessment, especially as there is a significant backlog of patients already existing at the Flinders Medical Centre?

The Hon. L. STEVENS (Minister for Health): I have already explained to the house that we have a major issue in terms of neurosurgeons and work force shortages. We are getting on to try to solve that issue. We are trying to work on a network service between the Royal Adelaide Hospital and the Flinders Medical Centre. The Royal Adelaide Hospital is about to employ another neurosurgeon in the next couple of weeks and we are getting down to trying to work out a strategy. I would like to ask the deputy leader what his suggestions are. What is he going to do about it? He is always full of complaints: what would his suggestions be?

The SPEAKER: Order! Question time is when members of the opposition ask the government questions without notice and likewise on the government side. The minister does not question the opposition.

EPA LICENCE CHANGES

Mr KOUTSANTONIS (West Torrens): Will the Minister for Environment and Conservation inform the house what steps the EPA is taking to provide certainty to licence holders?

The Hon. J.D. HILL (Minister for Environment and Conservation): I am very pleased to be able to inform the house today of changes to EPA licences. South Australian industry will be given greater regulatory certainty from early next year by the EPA with the provision of a default and standard five-year licence with the option of 10-year licences on request and by negotiation. The change in licensing will mean that the EPA can move resources away from the administration to catching and prosecuting polluters and also working in a cooperative way with industry.

Industry will be subjected to EPA scrutiny under the new arrangements. The new licence will simply give them greater stability. They will not have to start from scratch every year to apply for a new licence. Their current licences will be reviewed and updated to reflect any changing environmental conditions or changes to their site. This will make the licensing system more flexible and responsive to changes within industry and also ensure environmental protection.

The EPA is keen to work with industry to ensure their compliance with environmental regulations in this state. Licences are currently given for periods of between six months and 10 years with the majority holding an annual licence. The new terms, which will give them automatically five years, will come into operation progressively from February next year, and the EPA is contacting all licence holders to inform them of these important changes.

HEALTH SERVICE, GAWLER

The Hon. M.R. BUCKBY (Light): Will the Minister for Health inform the house of the total cost per year for the supply of new obstetric services to the Gawler Health Service, including Drs Chenia and Schachi and the four senior registrars and the provision of outpatient services including imaging (radiography) and pathology services? I am advised that in June 2004 Drs Cave and Rattray accepted a contract to provide the same service with a three specialist model for $550 000. The minister claimed on radio that the new model involving two specialists only is going to cost $900 000. Additional costs of outpatient services, pathology and radiology services and consulting rooms for the specialists were previously covered by the commonwealth. I am advised that the true cost is close to $1.4 million per year.

The Hon. L. STEVENS (Minister for Health): I am surprised that the member for Light is still complaining about the fact that we have actually put in place in his electorate a safe, sustainable and secure birthing service for the long-term benefit of the women of Gawler. He continues to complain and to tell his constituents that it is not going to work. Well, it is going to work.

Mr WILLIAMS: Mr Speaker, under standing order 98, once again the minister is not even attempting to answer the question.

The SPEAKER: Order! The minister is debating.

BUS SHELTERS

Mr SCALZI (Hartley): My question is to the Minister for Transport.

The Hon. K.O. Foley: I'm behind whoever's the leader.

The Hon. P.F. Conlon: I will serve in whatever capacity is necessary.

The SPEAKER: Order! The Minister for Transport is out of order.

Mr SCALZI: Will the minister comment on security and the current lack of state funding for the installation and upgrading of bus shelters given the withdrawal of the state-local government funding partnership established under the previous Liberal government? In September, one of my constituents was attacked while waiting at bus stop 20 on Lower North-East Road. The bus shelter was of any older style with solid construction and it obscured the offender from view from the street and passers-by. This bus shelter has

now been turned around at the expense of the Campbelltown council, but shelters at bus stops 19 and 21 (as well as many others across the metropolitan area of South Australia) remain in their original state.

The Hon. K.O. Foley interjecting:

The Hon. P.F. CONLON (Minister for Transport): No, I take this issue seriously. There have been a number of programs over the years under which we have shared with councils the cost of the provision of bus shelters. In fact, we are in the process of reviewing how we do that at present, because we want to encourage people onto public transport. There have been a number of schemes over a number of years—some have strengths; some have weaknesses—and we are reviewing how we do this. I am quite happy to advise the house as soon as we conclude that review. But I can't—I was going to be mean, but I won't.

The Hon. K.O. Foley interjecting:

The Hon. P.F. CONLON: But it is true that this week members opposite had a choice between Joe Scalzi and nothing for the frontbench, and they chose nothing.

PORT AUGUSTA DRY AREAS

The Hon. G.M. GUNN (Stuart): Will the Minister for Consumer Affairs assure the house that she will give her full support to the City of Port Augusta for its desire to have dry areas established over the whole council area? I was contacted by Her Worship the Mayor of Port Augusta this morning who expressed concern that the minister's department may be attempting to delay or interfere with this program, which has the support of the overwhelming majority of residents in Port Augusta who are sick of people acting in an anti-social behaviour.

Members interjecting:

The SPEAKER: Order! The Minister for Consumer Affairs.

The Hon. G.M. Gunn interjecting:

The SPEAKER: Order! The member for Stuart is out of order. The Minister for Consumer Affairs.

Members interjecting:

The SPEAKER: Order! The Minister for Consumer Affairs has the call, no-one else.

The Hon. K.A. MAYWALD (Minister for Consumer Affairs): Thank you, Mr Speaker, and I thank the member for the question. I also recognise the enormous commitment of the member to his electorate. On 29 September this year the City of Port Augusta wrote to the Office of the Liquor and Gambling Commissioner applying for a dry area—

Members interjecting:

The SPEAKER: Order! It is virtually impossible to hear the minister.

The Hon. K.A. MAYWALD: On 29 September the City of Port Augusta wrote to the Office of the Liquor and Gambling Commissioner applying for a dry area to cover the entire council boundary of the Port Augusta area. The application was received on 4 October 2005. Dry areas have existed in Port Augusta since 1987, initially in respect of Gladstone Square, Commercial Road and a section of the foreshore. In 1987 Holdsworth Triangle was added, and subsequently in 1992 and 1994 further public areas were added. In December 1997 the reserve area of Flinders Terrace, on which the Port Augusta Croquet Club, courts and car park are located, were also included in the dry areas. The Office of the Liquor and Gambling Commissioner is currently undertaking consultation on the proposal that has been put forward, and once the consultation is concluded the Liquor and Gambling Commissioner will provide me with his advice on the proposal and a decision will be forthcoming as a consequence of that.

NATIONAL TRUST OF SOUTH AUSTRALIA

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: Mr Speaker, I rise to inform the house of an important anniversary. Last Saturday marked the 50th anniversary of the National Trust of South Australia Bill, passing the house on 15 October 1955. That bill marked the beginning of the second oldest National Trust in Australia, an organisation that fights for the protection of our natural and cultural heritage. At that time there was no significant government support for preserving European built heritage and historical collections outside of the North Terrace cultural institutions. The catalyst for the bill and the formation of the National Trust was threats to the national environment in the Coorong and the Adelaide Hills, issues that are still important today. The first council meeting of the new body was held on 27 March 1956, and Sir Arthur Rymill was elected as its first president.

Ms Chapman interjecting:

The Hon. J.D. HILL: The member informs me that a new Burnside branch was established yesterday. Today the trust has over 6 000 members on the books and over 1 000 active volunteers who are crucial to many important restoration projects. In 1956 members in Renmark formed the first National Trust Branch. That branch is now part of an extensive statewide network of 46 branches. The first property given to the National Trust was Watiparinga in the southern suburbs at Eden Hills. The National Trust now owns or manages 120 properties, including built heritage and nature reserves, easily the largest property portfolio of any National Trust in Australia. The trust manages some of the iconic heritage sites in the state, including the museum at Ayers House, several sites in Burra, the Moonta Mines Museum, Olivewood, Collingrove and Beaumont House.

The National Trust has been at the forefront of many conservation projects and campaign battles, including the Beaumont House restoration and the relocation and rebuilding of the Cape Jaffa lighthouse. The advocacy role of the trust has been demonstrated by campaigns against a casino at Ayers House and the demolition of the East End markets. The celebration for the trust's 50th anniversary will continue over the next year and there will be a number of activities and events to celebrate the anniversary of the proclamation of the act on 8 December. I would like to take this opportunity to congratulate and thank all of those who are active in the National Trust. Our community could not exist without the fine work that our volunteers put in, and in particular our cultural heritage could not be retained without the work of the National Trust and its volunteers.

GRIEVANCE DEBATE

SOCCER

Dr McFETRIDGE (Morphett): On Saturday I had the pleasure of attending the Galaxy Soccer Club presentation night, at which it celebrated its premiership in the state league. One of the topics of discussion was the future of soccer in South Australia. As we all know, we have one of the world's best stadiums in South Australia, the Hindmarsh Soccer Stadium. The problem with soccer at the moment is that we are in the process of a transition from the South Australian Soccer Federation to the Football Federation of South Australia, because nationally we now have the Football Federation of Australia. Part of that transition involves the United Clubs of South Australia. The SASF (South Australian Soccer Federation), through the United Clubs, will hand over the administration of soccer to the Football Federation of South Australia.

There is unanimous support for how that is being done. So far, four clubs have signed up with the FFSA. Another 20 clubs have yet to sign up. The problem is that they are receiving no cooperation from the state government. I understand that there is to be a meeting this evening between the South Australian Soccer Federation, the United Clubs of South Australia, the Football Federation of South Australia and the department of recreation and sport to try to broker a deal where all the soccer interests in South Australia will receive a fair deal—not only will the premier league and the state league get a fair run, but also women's soccer and junior soccer. However, unfortunately, there is very little faith out there in the soccer world that the state government is genuine.

I wish to highlight an article which appeared in *Soccer News South Australia* last week which was headed 'Rann government screwing local football' (and for 'local football' there we should read 'soccer'). The article states:

> The Rann government is attempting to take advantage of the present transition in local football administration to screw the SASF out of funds that it is due. Local Adelaide community radio station 5RTI has lifted the lid on the dispute between the SASF and the Rann government. The dispute stems from the government taking control of Hindmarsh Stadium from the SASF. The SASF has substantial assets at Hindmarsh Stadium including its Administration offices built on the site just over five years ago. The SASF has had these assets professionally valued and the Administration offices alone are valued at $800 000. However, the Rann Government is refusing to compensate the SASF for its takeover of these assets.
>
> The steadfast refusal of the Rann Government to compensate the SASF is forcing the sporting organisation to delay winding up its activities with the impending takeover of its functions by the new Football Federation of South Australia. It has left many creditors including local clubs, local businesses and staff of the SASF out of pocket. Further it is forcing the SASF to waste its limited resources to pursue the matter with the Rann Government. This includes having to obtain expensive legal advice from a QC.

It is not the opposition saying this; this is coming from the soccer organisations. The article further states:

> The view expressed by the Rann Government is that it has delivered a significant amount of money to local football and it has had more than its just rewards—pointing towards the upgrade of Hindmarsh Stadium. Therefore the Rann Government believes it should not have to pay the amounts that, in the opinion of the SASF, are legally owed. To an outsider it appears to be a politically motivated strategy by the Rann Government to punish local football for the previous Liberal government's upgrade of Hindmarsh Stadium. This upgrade was required to enable Adelaide to host football matches during the 2000 Sydney Olympics. These games gave significant political benefits to the state government of the day and brought in an estimated $100 million of economic benefit for the state.
>
> The big losers out of the Hindmarsh Stadium upgrade have been local football. The upgrade saw the local football community burdened with a very expensive stadium that it could never afford. All the parties involved in the upgrade, including government of the day, knew it was not financially viable. At the time the SA Government verbally indicated it would substantially forgive the debts it had imposed on the local football community. The Hindmarsh Stadium upgrade quickly became a political football with the opposition leader Mike Rann, a so-called football fan, unashamedly using Hindmarsh Stadium to score major political points. With Rann taking office as Premier the SA Government set about enforcing the unsustainable debts imposed on the local football community. . . The end game being pursued by the South Australian government was to take over Hindmarsh Stadium and ultimately it proved successful in achieving this.
>
> To rub further salt in the wounds it turns out the upgrade of the local sporting facilities at the South Adelaide Football Club was funded by the previous government on the basis that it would be a multi-sport facility. This would include football. However when the local football authorities approached the South Adelaide Football Club to utilise the facilities they were told they would need to come up with an extra $750 000. . .

Just recently the Rann government waived the debt of $700 000 to the South Adelaide Football Club, which is something that the opposition applauds. However, it has set the precedent: it now needs to help soccer in South Australia. The government should also keep in mind that other organisations out there need its assistance. The Rann government just should not be screwing local football or local soccer.

Time expired.

EYRE PENINSULA BUSHFIRES

The Hon. K.A. MAYWALD (Minister for the River Murray): Today, I would like to talk about the volunteer effort to support those affected by the Eyre Peninsula bushfires. To date it has been absolutely outstanding, and communities right across the state, and beyond, have reached out to support families in their hour of greatest need. This effort continues today.

Over the weekend it was brought to my attention that Mr Ian Tolley, who is an international expert in horticultural land management and also a land conservation and recovery volunteer, has been asked to go to Port Lincoln to spend some time on the Eyre Peninsula working with families who have lost their homes and gardens in order to help them re-establish their gardens. Some 50 families will be participating in workshops that will take place over a full week. Workshops will be held every day during the course of that week. Mr Tolley will be going to the Eyre Peninsula to conduct these workshops. Also, he will be undertaking an exercise to tailor recovery projects for individual families.

When Mr Tolley was first asked to do this, he decided that he might be able to get support from some other Riverland businesses and to look at ways in which they could support this worthwhile initiative. First, he went to see Angoves. Angoves has agreed to donate a number of wine barrels, which will be cut in half and used to plant herbs and various other plants. Southern Choice at Waikerie is donating the potting soil. Sunraysia Nurseries is donating lemon trees and herb seeds. Yandilla Park will be donating some navel oranges. Fletcher Freighters is providing the freight to Adelaide, and Kennedy's Transport in Adelaide will provide the freight from Adelaide to Port Lincoln.

As I said, during the week Mr Tolley will be holding workshops every day, and this is a tremendous effort from the Riverland community, which continues to support those on

the Eyre Peninsula who have been devastated by the bushfires in January. Mr Tolley raised the issue with me in that he remembers how the Eyre Peninsula community responded and provided enormous support to the Riverland community during the 1956 flood. He was quite chuffed to be able to respond at a time of need to the people on Eyre Peninsula.

The Riverland community has risen to the occasion and provided this much needed support, which will provide the opportunity for families to re-establish their gardens; to know what they need to do to ensure that the soil can be nurtured back into productive use for their gardens; and to ensure that their homes can be what they once were—and more. Those volunteer efforts are still occurring right across the state. The Eyre Peninsula community is very pleased to be able to accept the help that has been offered.

I visited Port Lincoln and the Eyre Peninsula last week and had the opportunity to visit Glen Forest. Glen Forest is a vineyard and an animal nursery. It is a tourism venture, and it was devastated by the bushfires. I visited it soon after the fires and saw the absolute devastation to the property and the damage to the vineyards. Glen Forest lost about 25 per cent of the livestock and the animals which make up the tourist venture. It was wonderful to see the way in which that business is dealing with its recovery. It is a long hard road back. I admire the resilience of the community and thank all the volunteers, who have certainly worked hard to try to alleviate some of the hardship by helping the Eyre Peninsula community back on the road to recovery.

CRIME PREVENTION

Mr SCALZI (Hartley): Today, I rise on a serious matter following on from the question I asked the Minister for Transport. I look forward to an answer on this serious issue. The September attack on a woman at bus stop No. 20 on Lower North East Road in my electorate has focused attention on the role of local crime prevention and the need to assess and reduce risk via architectural strategies. In this case, the consequences could have been tragic. The Campbelltown council subsequently turned the shelter, at a cost of some $300, but currently has no plans to turn all shelters, although an audit is under way. On 9 October, *The Sunday Mail* also reported an indecent assault on a teenage girl waiting at a bus stop in Sudholz Road, Windsor Gardens. Mr Andrew Patterson, who is the officer in charge of crime prevention at the Eastern Region Crime Prevention Program, said, as reported in the *East Torrens Messenger* on 21 September:

> There is no question people waiting for public transport are vulnerable. . . It's been clearly acknowledged that the best way for [bus shelters] to face is toward the road. . . I'm trying to get a consistent approach across all areas, focusing on people's safety.

Local councils are responsible for bus shelters. However, clearly, ratepayers should not bear the total cost. Recently, the withdrawal of state government funding in the 2003-04 budget (and no allocation in this year's budget or next year's budget) for the installation and upgrade of bus shelters has also been highlighted in the city of Salisbury, the Premier's own electorate. The Premier is tough on crime but not tough on crime prevention. These issues are very important, and this government should do something about it.

I am advised that three types of bus shelters are in use in South Australia, the earliest dating from the 1920's—a solid construction as involved in the recent incident, which impedes view. There are a significant number of these shelters across South Australia, and a proportion of these were erected facing away from the street for weather considerations. Given Adelaide's climate, however, I would argue that it would be a small compromise for the benefit of improved security. The second type were masonry constructions built during the 50's. A few of these are still in existence. The third type are the modern glass and steel AdShell shelters which generally face the street and, in any case, do not impede view (although other issues including vandalism and theft may be associated with them).

Clearly, state funding should be made available to local crime programs to address this issue. A relatively simple and cost-effective solution is turning the older style bus shelters to face the road in order to improve the safety of those using public transport. As operators of the public transport system, the state government should also reinstate the funding partnership for bus shelters established under the Liberal government.

This is a serious issue. The government has continually prided itself on being tough on crime. The reality is that crime prevention measures under the previous government—and in my area, in particular, I commend the Norwood Payneham St Peters Council and the Campbelltown council for their programs dealing with vandalism, as well as security issues, as was the case with the Paradise Interchange, where successful measures were put in place—were stopped by this government, although the cost was minimal, namely, about $80 000 a year. Now we have the situation where the security of commuters is put at risk.

This lady came to my office in a highly stressed state, and it was reported to the police. This is a serious issue, and the government should do something about funding these programs to make sure that people can catch the bus, and know that while they are waiting for the bus they will not be put at risk. Surely a little bit of money, and a little bit of crime prevention, goes a long way, and this government should not hide away from this fact.

Time expired.

2ND/9TH AUSTRALIAN ARMOURED REGIMENT GROUP ASSOCIATION

Ms BEDFORD (Florey): On Saturday 18 October I represented the Premier at a luncheon at the Torrens Parade Ground held to honour the final reunion of the 2nd/9th Australian Armoured Regiment Group Association. I read and presented a copy of the Premier's message, which was gratefully and enthusiastically received, particularly because of the Premier's father's link with his service in the British Royal Tank Regiment.

The Honorary Colonel, Reg Williams, and the Officer Commanding the 3rd/9th Light Horse, Major David Edmonds, assisted the President of the South Australian Mounted Rifles Association, Mr Ron Teusner, and his wife, Mrs Carmel Teusner, in hosting this official reunion. The luncheon—with around 200 veterans, members, guests and partners attending—was supported by the 49th Army Cadet Union and also by the South Australian branch of the RSL, the Department of Veterans' Affairs, and the 3rd Light Horse South Australian Mounted Rifles Association—which, I understand, was Breaker Morant's regiment. As you would understand, that means a great deal of history and tradition.

The 2nd/9th AARGA was formed 60 years ago following the end of World War II, when armoured units were disbanded. Some of these units saw active service against the

Japanese forces in the islands, and the units carried on the fine traditions established by the Light Horse Regiments. Formed in mid 1941, the regiment was disbanded early in 1946 after fighting in Borneo in the latter stages of the war. Members of the unit were awarded a Military Cross, two Military Medals, seven men were mentioned in dispatches, and the commanding officer was later awarded an OBE.

The 2nd/9th AARGA continued the proud traditions of the 3rd/9th Light Horse Regiments, which served with distinction in World War I. These units have the oldest surviving military title in South Australia with origins dating back to 1840. The present regiment, the 3rd/9th, was re-established in 1948 as part of the Royal Australian Armoured Corp. The 2nd/9th AARGA Association was formed in August 1946 and in August 2006 will amalgamate with the South Australian Mounted Rifles Association. SAMRA was formed 18 years ago to perpetuate the close bonds of comradeship created by past members of the unit as well as preserving the regiment's history, traditions and customs.

The luncheon was held to honour the ageing 2nd/9th veterans who will soon amalgamate with SAMRA. Many fine speeches were made during the event and I acknowledge the contribution of my colleague the member for Hammond, who attended with his wife and who proposed the loyal toast. Lieutenant Colonel Williams, who has also made a significant contribution to the state with his involvement in scouting, gave a detailed account of the regiment's history and Mr Jock Statton, state president of the RSL, recited the ode. The 2nd/9th AARGA past president Reg Skinner delivered the response following the Premier's message. The function rounded off with the regimental toast proposed by Major David Edmonds prior to the retirement of the colours.

The whole event was beautifully organised and Major Roger Burzacott (Retd) RFD (who, I understand, will assume the role soon to be vacated by Lieutenant-Colonel Williams) masterfully emceed the function. I was made very welcome by those in attendance and found both the food and wine to be excellent. The wines—all South Australian varietals—are for sale through the regiment's fundraising program and proceeds will contribute to the ongoing commitment of the association's objectives, which are:

- to perpetuate the close bonds of comradeship and esprit de corp created by past and present members of the regiment and the Royal Australian Armoured Corp;
- to guide the good name and preserve the interests of the regiment and corp;
- to foster the interests of the regiment by providing assistance for regimental activities outside the scope of normal entitlements from army sources;
- to encourage those suitable to serve with the regiment to so serve; and, finally,
- to assist in researching, recording and preserving the history, traditions and customs of the regiment and its predecessor regiments.

It was a wonderful day everyone thoroughly enjoyed. It was a sad occasion as well in that we all know things move on, but we know that members will continue to ensure the memories and past members who have served with the regiment will continue to be held in high regard by all in this state.

BUS ROUTES, COUNTRY

The DEPUTY SPEAKER: The member for Stuart.

The Hon. G.M. GUNN (Stuart): Thank you, Mr Deputy Speaker.

Mrs Geraghty: The best roads in the country.

The Hon. G.M. GUNN: They would be better if this government stopped the sealing—

Mrs Geraghty interjecting:

The DEPUTY SPEAKER: Order!

The Hon. G.M. GUNN: What about the one between Blanchetown and Morgan and the one between Lyndhurst and Marree?

Ms Breuer: That one's all right. The Lyndhurst-Marree road is not bad.

The Hon. G.M. GUNN: The honourable member is misguided as usual. I want to talk about a problem in my constituency. I received a letter from the Peterborough High School council expressing concern that the transport department through the education office is attempting to deprive country people of another school bus route. The letter states:

> After discussions with the family concerned. . . we wish to raise our concerns at the following matters:
> - This change would mean an extra 150 km. . . /week, (32 km/day), involving considerable extra financial cost (notwithstanding reimbursement) and time commitment.
> - Because of the nature of farm work a vehicle and/or driver are not always available to transport the students to the proposed pick up point. The corollary to this is that if transport to and from the bus is necessary then essential farm work may need to be delayed or stopped. This is obviously impractical when driving stock, involved in seeding, harvest. . . etc.
> - When the parents need to leave at 6.30 a.m. to carry out tasks transport to the bus would not be available.
> - Leaving a vehicle at the pick up point during the day would be impractical for two reasons. Firstly because of the real risk of vandalism and secondly because the family cannot afford . . . another vehicle. . .
>
> For the reasons listed above we request that the proposed alteration to the Yongala Bus Route be reconsidered and left as it is currently.

It is signed on behalf of the Peterborough High School Governing Council by the chairperson. I ask the minister to intervene immediately and advise the people who make these suggestions or recommendations that it is not their role or purpose to make life as difficult as they possibly can for people in country areas. It appears to me that there are certain elements in the bureaucracy who think it is their role to make life as difficult as they possibly can. For what reason, I do not know. If they want to take away school buses, perhaps they could put this proposition to the member for Mount Gambier's district and see how they get on. I always suggest to them to take something away from Mount Gambier, and they think that is a silly suggestion to put forward. We know that it is not going to happen, so they pick on some other rural member who they think they can bully. I urge the minister to end this nonsense once and for all.

The second matter that I want to raise is something that I referred to a couple of weeks ago. It is about the actions of the PETA organisation, which is trying to inflict untold damage on the sheep grazing industry in this country. What a band of hypocrites these people are; in fact, they were recently described by a person who I interviewed in America as terrorists. They are dangerous ideologues who are funded by misguided people with too much money and not enough to do with it. I will read a paragraph about them as follows:

> A Bertie County . . . Deputy Sheriff told the . . . News-Herald that Cook and Hinkel assured the [animal shelter that] 'they were picking up the dogs to take them back to Norfolk where they would find them good homes.' Pitman added that persons [identified as PETA representatives have] picked up live dogs from [that] shelter in the last two months. 'This is disturbing behaviour [on behalf of] self-professed animal lovers, and I hope the public takes notice', said

[the] Centre for Consumer Freedom Director of Research. 'PETA raked in nearly $29 million last year alone, but apparently it could'nt spare any money to care for the flesh-and-blood animals entrusted to its employees . . . If anyone else [was] caught red-handed with 31 dead dogs, PETA would be holding a press conference to denounce them.'. . . 'Last month when we launched the PetaKillsAnimals.com we warned the public that PETA was not the warm [and] kind group it claimed to be. Now it's clearer than ever that Americans who truly want to help animals should donate to their local animal shelter, not to PETA.'. . . In 2003 PETA euthanased 85 per cent of the animals it took in, finding . . . homes for just 14 per cent [compared with some of the shelters which] found . . . homes for 73 per cent of [the] animals.

Time expired.

NORTH EAST COMMUNITY ASSISTANCE PROJECT

Mrs GERAGHTY (Torrens): Last Saturday, 15 October, I had the pleasure of attending the North East Community Assistance Project's 25th or silver anniversary at Gilles Plains. NECAP, as I have often said in this house, is a very special organisation which has spanned 25 years giving support to people in our community. NECAP has made a real difference to the lives of many people who have, for a variety of reasons, fallen on tough times.

On Saturday we celebrated not just 25 years of service to the community but the wonderful contribution of our volunteers over those years. Over the years, 2 000 volunteers have passed through the doors of NECAP, each contributing in their own special way but always willingly and always with great compassion for those in need. I wish to put on record the amount of volunteer hours that have so far been given. Those 2 000 volunteers have contributed 275 000 hours of work—and that does not include the unrecorded hours of the work that goes on behind the scenes—and 300 000 people have been assisted, which means that over 1 000 people have been helped each and every month over those 25 years. These are indeed very impressive figures that will continue to grow over the years.

My sincere thanks go to Diane Davies (who has been a very special contributor and a driving force in NECAP) and the current management committee members: the chairperson, Maggie L'Estrange; Treasurer, Margaret Duggan; secretary John Price; our committee members Denise Brown, Ken Rogers, Tricia Cash, Cliff Weinert and Bruce Afford; the coordinator, Diane Davies, as I have already mentioned (a very special person); and our team leaders in administration, Margaret Duggan; in emergency relief, Ken Rogers; in our thrift shop, Beth Cooper; and maintenance and transport, Barry Pudney. Of course, there are all the other wonderful volunteers, too many to mention in today's grievance, although I will mention those folk later.

Without their commitment and compassion, many people and many families in our community would not have the opportunity to work through their difficult times with support and with the care and interest of those who make and who have made a great difference in those people's lives. I have heard it said that if NECAP was not there people would have to travel to other like organisations, but it is my belief and that of the people in my community that NECAP is not like other organisations that assist people. NECAP is unique and, unlike other organisations that provide assistance to those in need, our NECAP provides much-needed special support to people, not only with emergency relief or food parcels but through all sorts of other assistance, such as a kind word and always a very sympathetic ear.

It is the way in which our volunteers do that that makes NECAP the special and unique organisation it is. I would like to say, to all those currently involved and those who have been involved in the past, congratulations and thank you very much for the wonderful 25 years of service. As patron, I am extremely proud to be associated with these people. They are an inspiration to us all and are to be congratulated on their genuine community spirit and compassion. I can say that on a very personal level, and it is said to me on numerous occasions by people in our community.

Those who come to my office with a difficulty I know I can always refer to NECAP for some help, whether it be with baby food or with a difficulty they might be having with an account, and I always know that they are going to be treated with great respect and dignity and that they will be cared for by people who understand what it is like to fall into difficult times, because many of our volunteers have themselves been helped by NECAP over the years and then, having been very grateful for the support they have had, have in turn become volunteers, so that they can assist others.

BROKEN HILL PROPRIETARY COMPANY'S STEEL WORKS INDENTURE (ENVIRONMENTAL AUTHORISATION) AMENDMENT BILL

Second reading.

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

That this bill be now read a second time.

The purpose of the bill is to amend the Broken Hill Proprietary Company's Steel Works Indenture Act 1958 to ensure that an effective EPA environmental authorisation is granted for the Whyalla operations of OneSteel Limited for a period of 10 years. The bill stipulates the terms of an authorisation to be issued under the Environment Protection Act 1993 in relation to OneSteel's operations at its Whyalla Steelworks and associated transport infrastructure.

The bill aims to provide an acceptable level of environmental regulatory certainty for OneSteel to make a $325 million capital investment in Project Magnet, while ensuring that high levels of regulatory scrutiny are maintained by the EPA over the operations, and that impacts on the community and the environment are properly managed. It also puts the responsibility of identifying environmental risks and remediation on OneSteel with absolute oversight by the government. This investment in Project Magnet will extend the life of the steel-making operations near Whyalla from the current planning horizon of 2020 to beyond 2027.

Implementation of Project Magnet by OneSteel, coupled with ongoing environmental protection regulation, will ensure that there is a substantial improvement with regard to the red dust issue, one of the main environmental protection issues in the Whyalla area. Investment in Whyalla from Project Magnet is vital to ensure that not only environmental impacts are reduced by reducing emissions of red dust but also the jobs and livelihoods of many thousands of people in the Whyalla region are safeguarded for the next two decades.

Implementation of Project Magnet will ensure that OneSteel, the biggest employer in the region and the second largest employer in South Australia, will be able to employ

more people and will be able to continue operation further into the future. Current levels of steel production will be maintained while direct export of iron ore will increase to around 4 million tonnes per annum (value in excess of $150 million) from the current rate, which is less than half a million tonnes per annum, for a period of at least 10 years. As well as that, Project Magnet will deliver increases in mineral royalty revenue of around $3.75 million per year for 10 years from 2006-07, a not insubstantial benefit to the broader community of this state.

The EPA licence to be granted to OneSteel incorporates the vast majority of the EPA licence conditions under which the site has been operating since 2000, as well as those put in place in January this year. Other conditions have been added to make sure that the environmental improvements that are associated with the project proceed as planned, thus reducing environmental impacts such as red dust emissions.

In summary the approach outlined will: lead to better environmental outcomes; protect the community; and ensure that economic development is sustained in the region. I commend the bill to members. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

The DEPUTY SPEAKER: Leave is sought. Is leave granted?

The Hon. I.P. LEWIS: No.

The DEPUTY SPEAKER: Leave is not granted. The minister.

The Hon. P.F. CONLON: There's a first for everything, sir.

Part 1—Preliminary

1—Short title.

2—Commencement.

3—Amendment provisions.

These clauses are formal.

Clause 2 includes provision to prevent the automatic commencement of the measure after two years under section 7(5) of the Acts Interpretation Act 1915.

Part 2—Amendment of Broken Hill Proprietary Company's Steel Works Indenture Act 1958.

4—Substitution of section 1.

The short title of the principal act is changed to the Whyalla Steel Works Act 1958.

5—Repeal of section 7A.

The subject matter of section 7A is now addressed in clause 17 below.

6—Insertion of sections 14 to 19:

14—Interpretation.

Terms are defined for the purposes of the following provisions.

15—Company granted environmental authorisation under Environment Protection Act 1993.

This clause provides for the document set out in schedule 3 (and if it is varied under this clause, the document as so varied) to be taken to be an environmental authorisation granted to the Company under part 6 of the Environment Protection Act 1993.

The Minister is empowered to vary—are you following this, Peter, it's complicated—the environmental authorisation, including by adding a further form of authorisation such as an exemption or works approval if the need arises. Any variation of the authorisation may only be made after consultation between the minister and the Company and must be laid before both houses of parliament. The Environment Protection Authority is precluded from varying the authorisation.

The authorisation will expire on the 10th anniversary of the date of commencement of this clause.

Various provisions of the Environment Protection Act 1993 are not to apply to the authorisation: section 43 (Term and renewal of environmental authorisations); section 45(1) to (4) (inclusive) (Power of Environment Protection Authority to impose or vary conditions of authorisations); section 49 (Transfer of authorisations); section 55 (Suspension or cancellation of authorisations); section 106(1)(a) and (c) (Appeal relating to term or conditions).

16—Revocation of other environmental authorisations.

The minister is empowered to revoke an environmental authorisation that has been granted to the company by the Environment Protection Authority (action that might be taken in conjunction with variation by the minister of the clause 15 authorisation).

17—Period of operation of environmental exemptions.

An environmental exemption may be granted or renewed by the Environment Protection Authority in relation to relevant company operations or developments, or proposed relevant Company operations or developments, for such period as the authority thinks fit. This provision is currently contained in section 7A of the principal act.

An environmental exemption that forms part of the clause 15 authorisation is also allowed to operate for such period as is specified in the authorisation.

Both provisions override the usual two year time limit for environmental exemptions fixed by regulation under the Environment Protection Act 1993.

18—Minister to perform functions under Development Act 1993.

The minister having the administration of the principal act will replace the Environment Protection Authority in the performance of the Environment Protection Authority's functions under the Development Act 1993. This provision is limited in its application to a proposed development associated with the company's Whyalla operations.

19—Making of environment protection policies that affect company operations or developments.

This clause applies when a draft environment protection policy is being considered for approval under the Environment Protection Act 1993. If the draft policy would, if approved, affect relevant company operations or developments, the minister must consult with the company and take into account clause 15 and the purpose and effect of the environmental authorisation under that clause and not derogate from the authorisation.

7—Insertion of Schedule 3.

Schedule 3 sets out the initial environmental authorisation referred to in clause 15.

Schedule 1—Transitional provisions.

Under this provision the licence granted to the Company under part 6 of the Environment Protection Act 1993 in relation to the company's Whyalla operations will expire on the date of commencement of clauses 6 and 7. Perhaps the member for Hammond might like me to read the *Financial Review* to him over the dinner break. He does seem to be unusually enamoured of my voice.

The DEPUTY SPEAKER: The question is that the bill be read a second time. The member for MacKillop.

Mr WILLIAMS (MacKillop): Thank you, Mr Deputy Speaker.

The Hon. I.P. LEWIS: Mr Deputy Speaker—

The DEPUTY SPEAKER: The member for Hammond.

The Hon. I.P. LEWIS: —as I understand it, under standing orders it is normal for debate on bills to be adjourned once they are introduced and the second reading speech is given. That is the standing order. I am interested in an explanation of the interpretation clause. The definitions were not provided and, accordingly, I move that the debate be adjourned. Mr Deputy Speaker, I move that the debate be adjourned.

The DEPUTY SPEAKER: The honourable member cannot do so, because he has called a point of order, which I am in the process of responding to.

The Hon. I.P. Lewis: I thought you were ignoring that.

The DEPUTY SPEAKER: No, I am not. Secondly, I warn the member for Hammond for backchatting the chair—

The Hon. I.P. Lewis: Oh crap, I wasn't.

The DEPUTY SPEAKER: —and I am more than happy to name him if he continues in that vein. In any case, the member for MacKillop was in the process of beginning his speech. It is not appropriate to move the debate be adjourned until that has happened. If the member for Hammond wants to look at his standing orders, he will see that standing order 238 provides that the bill must be adjourned if the second reading has been moved on the same day as the first reading. That is standing order 238.

The Hon. I.P. LEWIS: That was my precise point, Mr Deputy Speaker.

The DEPUTY SPEAKER: No, your point of order was that the debate had to be adjourned. The member for MacKillop has the call.

Mr WILLIAMS: Thank you, Mr Deputy Speaker. Might I indicate that I will be the lead speaker on this bill for the opposition, and I indicate straight up-front that the opposition supports the bill as it has been put before the house. Just by way of brief explanation for the member for Hammond, who might be wondering why the opposition would do that, my recollection is that on the last day of sitting the government wanted to introduce this bill and the minister wanted to get through the second reading at that point, but the bill was delayed in the other place and, due to all members wanting to adjourn the house at the appropriate time on that Thursday evening, an agreement was reached that instead of having the minister introduce the bill and go through the second reading at that time we would adjourn the house and the opposition agreed that we would allow it to proceed without suspending standing orders. That is what happened. All members, indeed, have had the opportunity to look at the bill, which already has been through the other place, as far as I know.

I wish to give a brief overview of the opposition's position with regard to this matter, and I will then make a few comments about why we have to do what we are doing. The reason is that, without this project, OneSteel probably would not be in Whyalla and, without OneSteel, there would not be a Whyalla. I guess that is the bottom line. The Whyalla Steelworks was established in the early 1960s, following many years of export of iron ore to the Newcastle Steelworks from the ore body in the Middleback Ranges. The operation from that time until today has relied upon haematite as its feed stock. Under the current operation of the steelworks, I am led to believe that the haematite ore body would give the steelworks a life until about 2020—another 15 years—with a very limited future beyond that date. The operation currently employs about 1 300 people, who are directly employed by OneSteel. I understand that, on any one day, about 800 contractors are also either on site or working in nearby businesses supporting the operation.

There is no doubt that that business underpins the current population of Whyalla, which consists of some 22 000 people. It is worth noting that the population has dwindled significantly, I believe, from what it was a few years ago, when it was about 35 000. It would be more than a pity if OneSteel ceased its operations in Whyalla and Whyalla ceased to be. It would be an absolute disaster not only for the people who have made their homes there but also for the state, because a state the size of South Australia certainly could not afford to see the infrastructure that has been put into the city of Whyalla over a number of generations being under-utilised or not used at all.

The OneSteel corporation has come up with what it has called Project Magnet, whereby it will change its process from the use of haematite ore to magnetite. Not being a geologist, I am not quite sure of the exact difference between the two ores or how it in fact changes the process—

The Hon. P.F. Conlon: It is the number of oxygen molecules.

Mr WILLIAMS: The minister tells me that it is the number of oxygen molecules, and I know that the minister is right across these sorts of issues. He might even tell me shortly how many extra oxygen molecules—I think it is probably oxygen atoms in the individual molecules.

The Hon. P.F. Conlon: It is quite a lot; they are very small.

Mr WILLIAMS: One of the upsides to changing the process to magnetite is that, obviously, it will substantially increase the life of the plant. The ore body (and I understand this is the ore body that has been proven up already) will give an operational life at least until 2027. That is another seven years' extension to the life of the operation. I understand it is expected that it will go much beyond that time as the magnetite ore body is proven up over time. I also believe that the cost of the steel production process will be decreased quite significantly, and in this age of globalisation and competition from offshore, with much lower cost production facilities in other parts of the world, it is important for OneSteel, which produces virtually all of Australia's home produced steel, to be able to achieve the lowest possible cost that it can.

The project will also generate additional revenue, because the haematite that would have gone through the process there will now all be exported, and that will bring a revenue stream. Most importantly, the changes from haematite to magnetite in the whole program will vastly improve the environmental performance of that operation. That is what it is really all about, and that is why the opposition is more than happy to support the government in what it is doing. I will later indicate how I think the government has got it wrong but, certainly, now that the government has reached this position, we support the bill, because I believe it is the only way forward for the government.

I am told that, since 2000, the EPA has sought to impose in excess of 30 new licence conditions upon its operational licence—its environmental licence—in spite of that licence being a 10-year licence. I also believe that OneSteel has been involved in protracted negotiations with the EPA but has been unable to reach an agreement where it had confidence that it could continue its operation. I also believe that the OneSteel board reached the point where it was seriously considering its future in Whyalla.

Project Magnet will see the expenditure of approximately $380 million, I think, as the minister said a few minutes ago. I am told by the OneSteel company that $60 million of that will be directly related to environmental improvements, and that will bring about a substantial environmental improvement. The only problem for the people of Whyalla, particularly those whose homes are close to the operation, is that this will take a little time. I do not think it is possible to expect OneSteel to close down its operations for a year or two until the project is completed and then start up again. I do not think that that would be financially viable.

The most important change is that the crushing and screening of the ore body, which currently occurs at the OneSteel site in Whyalla, will now occur at the mine—some considerable distance from Whyalla—and the ore will arrive at the works in Whyalla in a slurry form. It will be pumped through a pipeline, mixed with water in a slurry. and obviously no dust whatsoever will emanate from that. I am told that on arrival the slurry will be dried out and the water recycled and pumped back to the mine site to be reused. So, water use efficiency will be at best practice.

The haematite will still be delivered in a dry form to the mill, where it will exported by barges to a loading facility out in the gulf. I understand that new rail wagons will be used to deliver the haematite. They will be quite a bit larger than the rail wagons that are used at present. Consequently, there will be no more rail movements, and all the handling of the haematite will be done within enclosed spaces, in all of which dust extractors will be operating. The company is quite confident that it will be able to keep to an absolute minimum dust emissions from that particular part of the process. Certainly, it will be much less than the dust issue that occurs on site at present.

The minister has read out the explanation of the clauses, so it is not necessary for me to go through the bill clause by clause. I will briefly go through the opposition's understanding of the bill and what it actually does. The main purpose of the bill is to remove from the EPA its powers to impose or vary the environmental authorisations pertaining to the Whyalla steel works and its associated operations. These functions under the Environment Protection Act 1993 will be performed by the minister to whom the act is dedicated, that is, the Minister for Mineral Resources Development. The minister will be obliged to consult with the company prior to undertaking any of the functions which otherwise would have been undertaken by the EPA. He is obliged to consult, but he is empowered, via this bill, to have the final say; so the company has no power of veto over the minister's varying—

The Hon. P.F. Conlon: And no power of appeal—which is less than currently.

Mr WILLIAMS: The initial authorisation is set out in new schedule 3, which is inserted into the act by clause 7 of the bill. Any variation made to schedule 3 by the minister following consultation with the company must be laid before both houses of the parliament. I point out that, notwithstanding an obligation to lay any variations before the parliament, it is purely for information. This will not be a disallowable instrument and the parliament will not be able to overturn any variations made. As the minister said, there is no power of appeal. I understand that any judicial review of the ministerial actions will be limited to challenges to the minister's power, not to the merit of any decision he takes; so, there is some limited judicial review.

The bill also contemplates that any new environmental risks identified by the company as a consequence of its operations (current or proposed) could be the subject of new conditions imposed in a variation made to the authorisation by the minister. The bill actually encourages, through a positive incentive, the company in a proactive way to identify any new or potential environmental issues and to seek to address such matters by having variations made to its environmental authorisation by the minister in consultation with the company.

Although the bill removes the power of the EPA to vary the authorisation, the EPA will continue to be the regulator with regard to the OneSteel operations. Its responsibility to monitor environmental conditions and administer the environmental authorisation will remain undiminished. Although the bill does not displace any litigation currently at foot, much of the current argument between the company and the EPA will no longer have any relevance.

I am told that OneSteel, in the expectation of this bill's going through the parliament, is already spending in excess of $6 million per week on Project Magnet. Recently, I was in Whyalla to speak with OneSteel management and undertake a brief inspection of the site. I understand that a fair bit of work is already under way. Obviously, the pipeline between the mine site and the mill is being constructed as we speak. OneSteel is very confident that it will be able to move ahead, especially once this bill passes through the parliament.

One of the major questions I have with the bill is that it gives a 10 year life. Some 10 years from the date this legislation is enacted it will expire and we will be back to where the company and the EPA were before we started. Having spoken with OneSteel about that point, I cannot understand why the government is seeking to put a 10 year sunset provision on this measure. The OneSteel people told me that they hoped that over a period of 10 years they would be able to rebuild a relationship with the EPA. They said they would be working in good faith. They hope that in 10 years the EPA will respond to that good faith and that they will be able to move ahead without having this specific exemption.

I understand that the company did seek a minimum of 10 years to ensure that it had an opportunity to achieve payback on its investment. Also, within the 10 years it expects to complete extraction from the haematite ore body, and that part of the process will be completed with the expiration of 10 years. It is also worth noting that the bill transfers responsibility to the minister, as the Minister for Mineral Resources Development, under the Development Act, so the minister has any powers that the Development Act confers that he would otherwise not have.

All members have probably received correspondence from Ted Kittel, who heads up the Red Dust Action Group in Whyalla—I certainly have. I can tell the house that I have not spoken with Mr Kittel, but I am certainly aware of his concerns, and I must say that I have some sympathy with the position that he and the people working in the action group with him have taken. As I said at the outset, having sympathy for his position is one thing, but I find that I have greater sympathy for the common good of the rest of the people who rely on this business, and for the future of Whyalla to proceed.

Notwithstanding some of the claims made by Mr Kittel, one of the things that OneSteel did when I visited its site a few weeks ago was give me the opportunity to view a report that it had commissioned on the health of its work force. Although I did not get the opportunity to take it away, I took the opportunity to read through that report. Some workers have worked in the crushing area at the mill for up to 35 years

and the report was quite clear that the doctors who had examined those workers could find no evidence of any respiratory problems which could have arisen from working in a dusty environment. As the minister said, one would have thought that, if anybody was going to suffer from respiratory problems as a result of red dust, they would, and I certainly agree with the minister's comments.

The other disturbing thing that I learned whilst in Whyalla is that Whyalla suffers from a 37 per cent youth unemployment rate, which, I guess, is probably one of the highest, if not the highest, anywhere in the state. I think that it would be absolutely unconscionable of this house not to do everything that we can to ensure that the current level of employment continues, or is assisted. I will admit that it was my first ever visit to Whyalla and I visited a number of other businesses whilst I was up there. I was pleased to note an air of confidence in the town and that there is quite a deal of investment in commercial operations around the town. A lot of businesses have seen their opportunities expanding, and have taken the initiative to expand their businesses, build new work sites, and this bill, or the promise that this bill was coming along, would have helped to underpin that confidence.

The downside to all of this is something that I would like to make a few comments about, that is, I think that this whole process is in response to the position of where we find the EPA in South Australia, and I think that this whole process is sending the wrong message to those who are already in South Australia, and those who might view investing in South Australia as something worthwhile—and I hope that plenty of people out there would view investing in South Australia as worthwhile, and I think that we should do everything we can to encourage them.

It disturbs me, being the shadow minister for mineral resources, to know that there are a number of people in our community who think that the mining industry, and obviously the downstream processing part of that industry, is just about raping and pillaging the environment, and that it is an industry that we should not necessarily be involved in. I think that is a very misguided concept, but unfortunately it takes prominence in the mind of some people in our community. Unfortunately, in my opinion, the way that the government has had to go with regard to OneSteel in Whyalla does not help that position. I believe that it reinforces in the mind of those people who are anti the mining sector that the mining sector needs to be treated differently, as far as the environment goes, to succeed, and I think that sends the wrong message.

I do not believe that that is the way the mining sector sees itself. I do not believe that, in reality, that is the way the mining sector is, and it is unfortunate that, through this process, the government is sending the wrong message. I know the mining sector is very positive about South Australia. The current government would have us believe that it is very positive about mining in South Australia, and, I must admit, this government has taken up the goals that were set by the previous government. It has taken on board the old TEiSA program—the target exploration initiative that was run under the previous government, albeit it has changed the name and claimed that it was all its work—and has proceeded to support the mining sector. Unfortunately, I think that this little exercise will give heart to those people who would like to see the mining sector wound down.

Why did we get to this position? I think it is quite simple. We arrived at this position because this government—and, again, I would suggest for political reasons—has given the EPA much greater powers and has extended its powers much further than under the previous government. The EPA has been made autonomous. It is not answerable to the minister. It has certain obligations which it is required to meet and, to be quite honest, the EPA's hands are fairly well tied in this area, and that is the fault of the government. The government has set up the EPA as an organisation to supposedly protect our environment but I think that it has gone way overboard. The government really has to look at what it has done with the EPA and, in a practical sense, have an understanding of the downside to what it has done with the EPA.

On a world scale, South Australia has an incredibly good environmental record. We have not got it right every time but, by and large, we have a very good environmental record. Even without those quite recent changes that were made two or three years ago to the way in which the EPA operated, South Australia still had a very good environmental future, and all we have done by giving the EPA the obligations and then unfettered licence to pursue those obligations is made it necessary to come in here and make exceptions, as we are doing today. I think that is unfortunate. As I said, it sends the wrong message to business—particularly the mining sector—and that is a significant down side.

I think I have covered everything I wanted to put on the record with regard to this matter and, as I said at the outset, the opposition supports the bill. I do have one question but I will leave it until we are in committee, so I conclude my remarks there.

Mr O'BRIEN (Napier): I rise in support of this legislation. As a former resident of Whyalla I understand the ongoing importance of the steelworks to the future of the city—in fact, as a high school student I sold newspapers at the gates of the steelworks in the morning, at the shipyard after school and on the iron ore carriers over the weekend. I know only too well the central importance that iron ore and steel have to the life of the city of Whyalla. I also understand that the Whyalla Steelworks have always operated under an indenture act, and there are some extremely compelling reasons why they should continue to do so.

I will start by providing some historic background on the mining of iron ore and the production of steel in the Whyalla area, and my purpose in doing so is to provide a context to deal with the criticism that has been directed against this amendment from certain quarters. This criticism is unjustified, misinformed and potentially dangerous if left unanswered. If it were not for the discovery of iron ore deposits at Iron Knob and in the Middleback Ranges, the area around Whyalla would probably not have progressed past the stage of sheep-grazing country. However, iron ore was discovered in the mid-19th century and in 1897 BHP pegged out nine 40-acre claims in the Iron Knob and Iron Monarch area.

Iron ore was initially used as a flux for the processing of lead and zinc at Port Pirie and, once it was realised that the iron ore deposits were sufficient to support the production of steel, BHP approved the building of a steelworks in Newcastle. The first shipment of iron ore from Whyalla to Newcastle took place on 8 January 1915 and, in differing stages of refinement, iron ore mined in South Australia continued to be shipped to New South Wales, where it was processed into steel, until the 1960s. Over the last 70 years state governments of both sides of the political divide have provided legislative assistance to ensure that a mineral mined in South Australia has been, to varying degrees, processed in South Australia. This state government assistance has ensured

that the benefits of value-adding to our primary mineral have remained within the state.

The BHP indenture act, proclaimed in 1937, set aside an area of land for the construction of a blast furnace to pelletise the iron ore before it was shipped to New South Wales. Concerns expressed about the lack of water at the site were addressed in negotiations with the state government by the building of a water pipeline from Morgan on the River Murray. In the 1937 indenture act, an area was also set aside for the construction of a harbour in Whyalla and, consequently, the decision to build an adjacent shipyard was taken with the outbreak of war. The 1937 indenture act was the catalyst for a rapid increase in the population of Whyalla as workers from around the country came in search of work. Whyalla (known as Hummock Hill until 1914) was, until this point, considered a small shipping port in comparison to the larger settlement at Iron Knob. The furnace in the shipyards became operational during the Second World War.

The next great period of industrial growth came with the passing of the Broken Hill Propriety Company's Steel Works Indenture Act of 1958—the act we are currently moving to amend—which facilitated the construction of an integrated steelworks. In time, the steelworks enabled the manufacture of steel in South Australia with iron ore mined in the state. This major industrial project gave rise to an explosion in the growth of Whyalla—I was actually part of that explosion, moving from Sydney as a young boy—and in a few years the population of Whyalla rose from 10 000 to 30 000.

It is clear that the existence and prosperity of Whyalla has always been linked to the mining of iron ore and the production of steel. In indicating the opposition's support for this bill, the Hon. Terry Stephens in another place rightly identified that the OneSteel operations are the key to the survival of Whyalla in anything resembling its current form and size. The population of Whyalla peaked at 33 825 as recorded in the 1976 census, but when the shipyards close in 1978 the population collapsed.

The dependence of Whyalla on the steelworks and associated industries is clearly demonstrated by the after effects of the closure of the shipyards all those years ago. At the 1981 census, undertaken three years after the closure of the yards, the population of Whyalla had dropped by almost 4 000 people. This was the first time Whyalla had recorded a population decrease. Today OneSteel provides direct employment for approximately 2 150 people—1 300 as employees and 850 as site contractors. This is a significant number in a city with a population of just under 22 000. In fact, based on the 2001 census figures, it can be deduced that OneSteel provides direct employment to 16 per cent of the population of Whyalla aged between 15 and 64. Were the OneSteel works to close, Whyalla would not continue in its present form. This is one truth that no one denies.

Today iron ore is mined, graded and rudimentarily sorted at the mines and pelletised on the outskirts of Whyalla. Pelletising involves grinding the ore into a fine powder, mixing in fluxes and then adding a binding agent of polymers. The preparation is then rolled into pellets about 15 millimetres in diameter and baked in a rotary kiln to harden. The pellets, in conjunction with lump ore, are then used in the steel-making process.

The iron ore currently used is haematite ore. The word 'haematite' is derived from the Greek 'haimatitēs' meaning 'resembling blood'. The process of pelletising the haematite iron is the source of the red dust referred to in debate earlier today. Crushing the ore into a talcum powder-like consistency in an area which is prone to high winds and dust storms, on occasions, leads to fugitive dust emissions. I do not wish to underestimate the problem of the red dust for the people of Whyalla and, over recent years, I have had first-hand experience of it myself, but it is necessary to put this problem into context.

OneSteel has made considerable efforts in the past to minimise the dust emissions from their works. These include a $20 million world-first slag handling and dust and fume extraction system for the blast furnace built in 1993. In August 2000, the dust catcher at Steelworks No. 2 was replaced at a cost of $7 million. Whyalla OneSteel is a good corporate citizen. It is now proposing a major redevelopment called Project Magnet, which would minimise dust emissions from the steelworks as far as possible. By converting the Whyalla Steelworks from a haematite ore feed to a magnetite feed, Project Magnet will have a significant environmental advantage, namely a reduction in dust emissions. Magnetite concentrate will be filtered to 9 per cent moisture, effectively switching from the current dry pelletising process to a wet process. All crushing, grinding and screening, which are currently done in Whyalla, will be done at the South Middleback Ranges, located approximately 80 kilometres from Whyalla. Magnetite will be conveyed via a closed loop slurry pipe as opposed to rail, as is currently the practice.

The benefits of Project Magnet will be significant for the OneSteel company, the population of Whyalla and the state as a whole. Project Magnet is a $345 million project that will increase the life expectancy of the OneSteel operations by seven years, enabling the operation to continue until 2027 as opposed to the current projected expiry date of 2020. This provides seven more years of security for the families of Whyalla and seven years in which Whyalla can continue to prepare for a possible post steelworks existence. The higher iron ore content of magnetite pellets—65 per cent iron as opposed to the current 60 per cent—will increase steel production in the order of 100 000 tonnes annually.

Furthermore, 3 million tonnes of surplus haematite ore will be available for export annually for the next 10 years, and a surplus 220 000 tonnes of pellets per annum will be available for the export market for the life of the project. In total, this represents $1.5 billion of additional revenue over the 20-year course of the project. The surplus haematite ore exports will be transported by enclosed conveyers and stored in closed storage sheds. This increased revenue will obviously benefit the OneSteel company. Whyalla will also benefit through a continued source of guaranteed employment which will provide long-term security for employees and their families. Furthermore, the state as a whole will benefit from the $3.75 million increase in mining royalties to be paid every year for the next 10 years. Finally, those residents affected by the red dust will also benefit from improved living conditions.

As I have previously mentioned, the steelworks at Whyalla have always operated under an indenture act. The mining and processing operations at the Whyalla OneSteel plant are a continuous process. As blast furnaces operate at a temperature of about 2 300°C, they cannot just be turned off and then on. They take three weeks to cool down. The mining and processing of iron ore must be continuous. Operating under such constraints requires certainty of supply and certainty of governmental regulation. As OneSteel prepares to embark on a major redevelopment, the need for regulatory certainty becomes even more acute. In the absence of this

amendment to the indenture bill, this regulatory certainty cannot be guaranteed.

Under immense pressure from the Whyalla Red Dust Action Group Inc., the EPA has sought to impose 30 new licence conditions since 2000, despite an existing 10-year agreement. According to the recent judgment handed down by Her Honour Judge Trenorden of the Environment, Resources and Development Court of South Australia, the Whyalla Red Dust Action Group is a group of 45 members all of whom live or own property in Whyalla. The concerns of this group of Whyalla residents are important, and this government continues to engage and respond to their concerns. However, the future of the steelworks and the associated future prosperity of Whyalla cannot be dictated to by a group of 45 residents.

The actions of the Whyalla Red Dust Action Group in opposing this indenture bill amendment are particularly baffling because the amendment will facilitate a redevelopment that offers the most comprehensive solution possible to the problem of red dust. The indenture bill does not allow OneSteel to 'pollute with impunity' as the Hon. Sandra Kanck claimed in the Legislative Council. OneSteel will not operate in the absence of any environmental standards nor become immune from legislation that ensures that those environmental standards are maintained. OneSteel will continue to be placed under environmental regulatory scrutiny by the EPA. This amendment simply protects OneSteel from capricious changes to those rules for a period of 10 years.

It is reasonable for a company making a $345 million investment to operate in an environment where it can be assured that the conditions under which it is operating will not change half way through the construction of the project. The opposition to this amendment by some members of the Legislative Council was considerably more predictable. The reflex negativity and naysaying of some will not allow them to support a project that will resolve the issue that they claim is their primary concern, namely red dust emissions. Some opponents of this indenture act appear outraged that Whyalla OneSteel is a commercial operation.

Mark Parnell, the solicitor for the Whyalla red dust action group and the lead Greens candidate for the Legislative Council, claims in an open letter—or perhaps it is best described as a policy statement—that:

> Despite much talk about its environmental benefits, Project Magnet is not an environmental initiative. It is a business initiative based on the bottom line of maximum return to shareholders.

Mark Parnell is critical of the fact that OneSteel would make a decision based primarily on commercial considerations. The narrow-mindedness of this position is of concern. It relies on creating a false dichotomy between environmental considerations and business imperatives. While it is true that commercial imperatives and environmental considerations can be in conflict, they are not necessarily mutually exclusive. Project Magnet is a commercial initiative that will improve the environment. Yes, OneSteel is a commercial enterprise and, as such, responds to commercial imperatives. Yes, OneSteel is driven by maximising returns to shareholders, but environmental benefits are not diminished by the fact that they are not the company's first priority.

Like Mark Parnell, the Hon. Sandra Kanck's opposition to this indenture bill amendment seems ultimately to be based on the fact that, as she states in the Legislative Council, 'Global capital is amoral.' The Hon. Sandra Kanck's negation and complaints-driven position is not limited to red dust, OneSteel or all trees but extends to the entire concept of a free market economy. The free market global economy is a reality that South Australia can either engage with and prosper or deny and wither. This government remains committed to engagement and development, and our commitment to this amendment of the Whyalla OneSteel indenture act is part of this commitment. It is also a commitment by this Labor government to the people of Whyalla.

The Hon. G.M. GUNN (Stuart): I support the comments of the member for Napier. This is an exceptionally important piece of legislation. I had the privilege for some years of representing Iron Knob, Iron Baron and Iron Duke and a number of streets in Whyalla itself, including the area of the Stuart High School, so I have some knowledge of that city. It would be an act of gross irresponsibility on behalf of any government if it did not legislate to ensure that the successful operation of the BHP Billiton project at Whyalla continued. I pose this question: what are we going to do with 2 000 employees if we do not have the steel works at Whyalla? What is going to happen to the city of Whyalla?

Notwithstanding that the company has clearly indicated that it intends to put in place a number of significant environmental steps to improve the situation, spending well over $300 million, there is a small vocal group, aided and abetted by Mr Parnell, for reasons best known to himself. It would appear to me, listening to his comments either this morning or yesterday morning about the uranium industry, that he wishes to live in tents, have candles and make baskets. That is the sort of economy that he is talking about. Most of us want to have electricity, and we want to see our children and other people's children employed productively. If BHP was not a good corporate citizen, it would not have the overwhelming support of the majority of people in Whyalla.

Everyone appreciates that a few of those people may have some problems, but if the company was going to do nothing about it or, as I understand, make some quite considerable offers to those people to assist them, then that would be a different matter. At the end of the day, it is the right of the government and the right of the parliament to pass legislation to ensure that large projects of this nature are allowed to continue in a responsible manner. It is not the right of the EPA or any other statutory authority to impose its will over the government or the parliament. We are elected here: the EPA is appointed, unfortunately. It is unfortunate that, while we are having this debate here this afternoon, the Minister for Environment and Conservation is having a briefing with the EPA in another part of this building, which some of us would like to have attended because we have some other issues to take up with the EPA because of its intransigent attitude.

It is quite clear that the Department for Environment and Heritage and the Minister for Environment and Conservation have been completely sidelined. They did not want to be players in this field. They have fought a rearguard action; we know that. I am well briefed on this subject. They have attempted to put blockages, create situations that do not exist. At the end of the day, commonsense has applied and those responsible ministers who had the courage to make the right decisions have acted in the best interests of the people of South Australia, as this parliament is going to act in the best interests of the people of South Australia, because most of us here want to see South Australia progress.

We live in a competitive world, a world in which we have to harness those resources we have so that people have jobs, we create opportunities and we create wealth. These com-

panies and individuals pay taxes so that we can provide services which would not be there otherwise. There would not be a decent hospital at Whyalla; there would not be good educational and sporting facilities there or elsewhere if it was not for BHP. It appals me that there are people (best known to themselves) going on at great length as if the sun isn't going to come up if this legislation is passed.

Mr Hanna: You won't see it for dust.

The Hon. G.M. GUNN: I say to the honourable member that he is entitled to his views, but he is not entitled to throw a couple of thousand people out of work. I, for one, am never going to vote to do that in this parliament, because that would be the height of irresponsibility. I repeat: it is the absolute right of this parliament to pass legislation to ensure that BHP Billiton has a future. Imagine what would happen if the general manager of that company put a proposition to the board to do what the EPA wants; if the company was asked to invest $300 million-odd when there are people in the EPA who want to be able to shut them down at one hour's notice. What would have happened to that project? No chief executive would be able to recommend that to his board, because there would be no Whyalla.

Residents of Whyalla have written to me—and certain elements of the ABC have given them tremendous airplay—going on about these difficulties. Most of these people from day one (because they have lived there all their lives) are aware of the situation. I understand that some pretty good suggestions to help have been made to them, but if you want to continue to have a fight, in which most people would agree they would not be successful because of the other consequences—Whyalla is not going to be there without BHP—you would think you would try to attempt to come to a sensible agreement.

Let me make one or two further points. Some questions need to be answered in relation to the EPA. I would like the minister responsible to tell us: how many legal actions the EPA has taken against BHP; what have been the results of these actions; how many actions are still outstanding; what has been the cost to taxpayers of these actions; and what legal firms have been retained by the EPA for these actions and at what cost? Those are just a few questions, but I have more. Has the Environment Protection Authority co-joined in any action with the Environmental Defender's Office against OneSteel or any other company in South Australia, or vice versa? We are entitled to know that. Who has been representing the Environmental Defender's Office in court in matters between the EPA and OneSteel or any other company.

The other question that must be asked is: has the EPA had a hit list of people who are to be let off lightly or those who are to be targeted? Who has been targeting whom? Who has been creating the bullets—at what level of management (whether the EPA or certain elements within the department)? The parliament is entitled to know. I have some more questions. Since 2001-02 what increase in staff levels has taken place in the EPA; how many extra people have been employed in that august, esteemed organisation? We are entitled to know because what betterments have we got?

I have a couple of other questions. What levels of expenditure has the EPA made? What have been the increases from 2002 to 2003, 2004 and 2005, and what is the projected expenditure for the next two years, because we will then know what other activities they are up to. We are now legislating to protect BHP. What other legislation will we have to bring to the parliament to protect other mining companies? Mr Parnell has been going ballistic this morning in relation to uranium development in this state. Are they going to target Roxby Downs, Honeymoon or some other potential industry? We have to create conditions in this state so that companies will invest here and employ people with confidence. We do not want South Australia to be overlooked. It is concerning that the EPA and certain of its officials seem to have an odd view of economics. I have a copy of a letter written by the EPA to the company's solicitors, which states:

> Re: OneSteel—Transhipping, Licence 13109.
> The EPA has received correspondence dated 6 May 2005 Re: OneSteel's response to the T&T report dated 13 April 2005. EPA acknowledges the approval of land-based component of Project Magnet—

under Project Magnet they are going to spend all this money, take all these steps to cut down dust emissions—

> However, the information provided in the T&T report has indicated significant issues with the existing plant and equipment with respect to dust emissions.

This project will do something about that. The letter continues:

> Dust emissions from the existing plant is of primary concern to EPA due to the number of complaints presently received regarding dust emissions during ship loading operations. Therefore, the EPA considers it necessary for OneSteel to upgrade the existing plant, including ship loader, No 2 jetty conveyor and transfer, consistent with best practice principles. This is irrespective of Project Magnet proceeding.

If Project Magnet did not proceed you would not have to worry about it, because there would not be a project. The letter goes on:

> In the event that OneSteel does not implement the recommendations of the T&T report, the EPA will determine the most appropriate course of regulatory action to ensure that the impacts from ship loading activities are minimised to the greatest extent practicable.
> EPA acknowledges OneSteel's explanation regarding the installation and operation of water sprays on the OGV. Nevertheless, the EPA reserves the right to take appropriate action under the Environment Protection Act, where OneSteel intentionally or recklessly causes environmental nuisance or harm.

What a comment! What sort of message does the last paragraph send to investors? This is signed by the Director, Operations Division, Environment Protection Authority, the character that I had some difficulty with when they wanted to shut down the Port Augusta Racing Club. They did not want to put oil on the track; they had only done it for 100 years. That is the character. When the board of that company and the general manager got hold of this letter and saw those sorts of ill-considered comments they would have been horrified. It is an organisation that was set up, under statute of this parliament unfortunately, and given powers that it should not have had. It is appalling. It is a pity that you walked out of the house, Mr Speaker, when we had the vote to ensure that the chairperson could not be the chief executive. That is a fundamental flaw in the whole process. An organisation that is supposed to give advice to a board to make the final determination should have an independent chair.

There were a couple of other things in relation to this. I do not believe we would have this legislation if the EPA was more representative. It should have someone from the Dairy Farmers Federation on it and it should have someone from the Australian Workers Union. It should have someone representing practical, commonsense people. It is no good having activists, because the board itself—I remember the last occasion we met them here. We met them and I have to say, in my view, they were not a cross-section of people who

actually understand what happens in everyday life. One of the great problems with this parliament is that we pass silly laws and there are not enough people in this parliament who are affected and know how they operate in day-to-day activity. For instance, you get a crazy woman from Murray Bridge going up to the Riverland and getting stuck into the packing shed at Cadell, in my constituency, and with no regard for the 60 people who will lose their jobs. You do not send these sorts of crazy people around the state. That is why we now have this sort of legislation, because what has happened is that these people have got completely out of control.

The Hon. P.F. Conlon interjecting:

The Hon. G.M. GUNN: Obviously the board of BHP has come along and said to the government, 'Right, either you do something about this or we're out of here.'

The Hon. P.F. Conlon interjecting:

The Hon. G.M. GUNN: I give you full credit for overriding the bureaucrats, Patrick. I give you full credit, but there are a number of others you need to deal with yet. I will talk to you about those later on today in the grievance debate. There are a few others I have on my list. But I am saying to you, Patrick, we know what happened. These things do not just suddenly happen. I have been around here long enough to know that. Obviously when it gets to the board level of BHP they say, 'We are about to spend $300-odd million, we're not putting up with this,' so they go and front the Premier, and they go in and say, 'You proceed with this, we're out.' That is goodbye to the member for Whyalla; she would be gone, and so would the economy. Imagine the damage it would do to the economy of South Australia. It is unthinkable. Members in this parliament, as the member rightly pointed out, since about 1937 have all supported the ongoing development, as they should, if you really have any regard for commonsense and the people of this state. So, this bill had to be brought to the parliament to bring these people into line. The whole nub of it is at clause 16(1), where it says:

> The Minister may, by written notice to the Environment Protection Authority and the Company, revoke an environmental authorisation. . .

That is the nub of it. The minister of the day should always have that authority, because this parliament can question a minister and can move various motions in relation to the minister's competency. One has no right to question the EPA: it is not required to answer a member of parliament. The great difference is that ministers are elected and, if they get it wrong—

The Hon. I.P. Lewis: They get unelected.

The Hon. G.M. GUNN: That is right. That is our system, and that is how it should be. I strongly support this bill, because it is in the long-term interests of the people of South Australia. It is in the long-term interests of the people of Whyalla and the Upper Spencer Gulf: it is in their interest to have assured long-term employment. I hate to think what would happen to the property values there if this bill had not gone through parliament. We would not have the new rail line going to Iron Duke—

Ms Breuer interjecting:

The Hon. G.M. GUNN: I am not sure, judging by some of the comments that have been made by the honourable member during this debate, whether she understood all the issues. Can I say to her that, without this bill, her future would not be too good.

Ms Breuer: I'm supporting you, Gunnie. I said I would go and live in Port Augusta if it does not go through—I would have to.

The Hon. G.M. GUNN: I look forward to the honourable member's coming up there; I really do. It is a pity that we have to do this, but there is a lesson here for the government: do not give too much power to bureaucracies, and ensure that they understand the real world. It is not too late to change the composition and ensure that, at the end of the day, it is the minister who makes the final decision on some of these very important issues, and it is up to the parliament to pass this sort of legislation to ensure that our economy continues to prosper and grow.

Mr HANNA (Mitchell): I speak on behalf of the Greens in respect of this bill. This proposal by the Labor government is an extraordinary gift to the shareholders of BHP Billiton. It is essentially a licence to pollute until 2027 in respect of the Whyalla works, and the residents of East Whyalla will pay the price. It is an extraordinary undermining of the independence of the EPA (Environment Protection Authority). It takes away the requirement for BHP to keep to the environmental standards that the EPA, based on science, imposed on the steelworks there. The EPA, of course, was the subject of promises by the Labor government that its independence and powers would be strengthened during this term of parliament. I will come back to these serious issues in the course of my remarks today.

Perhaps the most basic point to start with is that the proposal put forward by BHP Billiton, known as Project Magnet, does not require this legislation to go ahead. Every corporation, if they can get out of regulation, if they can get out of their obligations to residents and the community, if they can avoid paying what economists call the externalities—the external costs and consequences of their commercial activities—will, of course, do so. In this case BHP, being a big player in South Australia, has been able to talk with the state Labor government and say, 'Look, this is much more important than a couple of thousand residents suffering from the red dust problem coming out of the Whyalla steelworks. This is something that is going to involve a very substantial investment in the state.'

It is true that Project Magnet will mean a significant investment in South Australia. Taken by itself, that is a good thing. However, there is no need whatsoever for that investment to come at the expense of the residents of East Whyalla, who are currently suffering from the red dust phenomenon. The picture of red dust in East Whyalla is familiar, I think, to all of us—we have seen it on the television or in the newspaper—and it is a very familiar sight to the residents of East Whyalla.

Ms Breuer interjecting:

Mr HANNA: As I speak, the member for Giles, Lyn Breuer, who represents the seat of Whyalla, is interjecting and arguing with what I have to say. She will have to face the residents of East Whyalla, the 2 000 or so people who are directly affected by the problem. I suppose it is a sign of the exuberant confidence of the Rann Labor government that it feels that the member for Giles is expendable. It is willing to risk the seat of Giles by going ahead with this legislation because it is so confident of picking up a number of seats that are currently held by the opposition.

As I said, Project Magnet is not dependent on the passage of this legislation. On 23 May this year, the Premier announced the following:

> OneSteel has for some time been planning to implement Project Magnet, delivering investment, jobs and export targets as well as vital environmental improvements. However, the company needed

greater regulatory certainty before it could commit to hundreds of millions of dollars of capital expenditure.

Obviously, a project of this nature is generally years in the planning, and it was well and truly on the drawing board before the deal was done to remove existing licence protection against the pollution currently suffered by the residents of East Whyalla. Is it true that OneSteel (and now we are talking about BHP) would have gone out backwards if these licence conditions were not removed? OneSteel lifted its net operating profit after tax by 22.6 per cent to $132.5 million for the 2004-05 financial year. That is on top of a 27.3 per cent increase the year before. OneSteel has achieved record profits for the last two years, in spite of a $60 million repair bill and lost production because of Whyalla blast furnace problems in 2004.

Let us also bear in mind that, compared to the frequent suffering of East Whyalla residents in terms of their amenity and health, on the other hand the new OneSteel Chief Executive Officer and Managing Director has a base salary of $1.2 million per annum, with a short-term bonus of $600 00 per annum if certain targets are met, and a long-term bonus of $2.4 million worth of shares on 1 June 2005 and $1.6 million worth of shares on 1 May 2007—a far cry from the plight of the decent hardworking families of East Whyalla.

The bill is unnecessary for Project Magnet to go ahead. This is a great Australian company. It is a highly profitable Australian company which has come up with an idea to benefit its shareholders and increase profits even further by going to a different kind of production process. That transformation they have called Project Magnet—perhaps something to do with the magnetite to be dealt with in the production process. Why not ask the Labor government to do away with the current restrictions on pollution, which have been imposed by the EPA? It is a bonus. It is not an essential condition of this project going ahead.

I turn to the question of the EPA's independence. This is an extremely serious matter because we have seen the government override the decisions of various otherwise independent agencies. It is an example of the ever-increasing power of the Executive—something about which civil libertarians and ordinary South Australians everywhere should be concerned. In other words, the ordinary people count for less as power accumulates in the hands of the few who run the government—and, indeed, the few blokes who run the Executive.

In a letter dated November 2001, the Hon. John Hill (who was then the shadow minister for the environment) wrote a letter to a Whyalla resident in which he stated:

> In government the Labor Party will considerably strengthen the Environment Protection Authority (EPA) to give it the power and independence that it needs to deal with polluters.

What we see in this legislation is the absolute opposite of increased power and independence being accorded to the EPA. Disgracefully, the conditions set by the EPA in respect of Whyalla pollution are not only undermined but also absolutely stripped away.

It should be noted that the Environment Protection Authority (established under the Environment Protection Act 1993) specifies that the authority is subject to the direction of the minister except in relation to the performance of its functions under Part 6 or the enforcement of the act. Of course, the Part 6 functions include all provisions relating to pollution licences and exemptions. That means that, generally, the EPA is independent of the minister in relation to licensing and enforcement. Therefore, the minister cannot generally direct the EPA as to who should be issued with pollution licences and what those licences should contain. This is exactly the way it should be in a democracy with a strong independent Public Service working for the people rather than the Executive.

The point is that these independent authorities should be established by the parliament and then allowed to get on with their job without political interference by the Executive. However, this legislation effectively calls upon this parliament to bring about that interference. I feel so strongly about the way in which this government (and the previous Liberal government, I might add) has eroded the independence of various governmental agencies, which should be independent for the sake of the people—and it amounts to a kind of Nazification. It is exactly the same erosion of civil authorities and accumulation of power in the hands of the few that faced the people of Europe in the early 1930s. I know they are strong words, but the principle is essentially the same, and we are seeing it in the western societies of the USA, England and Australia. Here is an example in relation to our own Environment Protection Authority.

I return briefly to the history. The licence conditions about which we are talking took nearly two years to write and were issued to OneSteel on 31 January 2005. The amended licence includes red dust control measures for the first time. The earlier EPA licence issued in 2000 had no effective dust control requirements. The EPA is now defending its licence in court following a OneSteel appeal. That may need to be updated, but that is the latest information I have.

I note that the Whyalla Red Dust Action Group Incorporated has been given permission to join that court case, and a case to answer has been found in respect of one of the Red Dust Action Group's key complaints. So, we have a matter which has been before the courts. There is a case to answer, at least for the company. Yet this parliament is overriding that judicial process to say that the interests of the company should override the interests of the East Whyalla residents.

So, it is political interference, albeit with the stamp of the parliament itself. It is so regrettable at times like this that ordinary, decent, hardworking people, like the residents of East Whyalla, have no major party to look to for their salvation—for a remedy—because in matters like this, when big business is favoured over the interests of the residents, one expects this sort of proposal coming from the Tories, the Liberal opposition, but one does not expect it coming from the hitherto champions of the working people, the Labor Party, and yet that is what is happening there. That is why it gets through the parliament, because the two major parties agree that the interests of big business come first. The great tragedy of this particular measure, as I have said, is that without it we would still have had the benefit of that additional investment which OneSteel has proposed.

There is another unsatisfactory aspect of following this legislative course, and that is that if you are a big enough player in South Australia we have an example now to say that you can go to the Labor government and say, 'We want the law changed to get out of certain obligations we have, certain externalities, certain consequences of pollution, or some other harm done to residents.' If you have enough muscle, if you have enough financial clout, the Labor government will go along with big business against the interest of residents. So it is not a good example to set for the sake of the decent, hardworking people of South Australia.

Why then is there the complaint about red dust? Is it just something that is unsightly? Well, no, there are serious health issues to be addressed. In this regard, we look to the National Environment Protection Council. The NEPC bases its recommended standards on science, as follows:

> The National Environment Protection Council has established a national standard of 50 micrograms PM10 per cubic metre, (measured over 24 hours), not to be exceeded by more than five times a year. This standard is intended to protect the health of the vast majority of Australians. Air quality monitoring results collected adjacent to the OneSteel plant in Whyalla indicated that this standard has been exceeded a number of times. It is possible that levels of PM10 above the standard may impact on the health of people in the exposed community.

The source of that quote was the EPA itself in a media release dated 9 July 2003. So, on an objective measure, we are facing a health risk, and this makes it all the more odious that the interests of OneSteel shareholders are to be preferred over not only the amenity but the health of East Whyalla residents. The most recent State of the Environment Report states:

> Airborne dust is still a significant problem in the area of Whyalla adjoining the boundary of the OneSteel pellet plant, where PM10 levels still exceed EPA performance requirements several times a year.

That was in the State of the Environment Report 2003. I apologise if there has been a more recent one since then. The dust problem in Whyalla was highlighted in particular findings:

> Attention required: Whyalla's OneSteel facility continues to cause particulate (airborne dust) levels that exceed the EPA's requirements at the pellet plant boundary on several occasions a year.

I turn to Professor David Fox of the Australian Centre for Environmetrics in a recent report prepared for the EPA. He says:

> In 2002, the PM10 value of 50mg/m3 as a daily average at Hummock Hill, adjacent to the OneSteel Pellet Plant, was exceeded 18.5 per cent of the time. This is equivalent to 67 days in 2002, where dust levels may have exceeded the NEPM PM10 standards at this site.

Perhaps I am being a bit too technical, but I think it is important to get that scientific evidence on the record. The particulate matter to which I have referred can, of course, be inhaled, and this is linked with a wide range of respiratory illnesses. Again, the NEPC is a source for that evidence. It is uncertain as to what the threshold for the effects of these particles is, so we need to be extremely cautious in allowing residents to be exposed to this problem. We just do not know the full extent to which heart and lung disease is promoted by it.

In conclusion, the bill is unnecessary. It puts the interests of big business ahead of the amenity and health of the residents of East Whyalla. I know that with the support of the opposition the government will have the numbers to carry the day. I will, however, attempt to amend the legislation to retain one of the basic conditions of the January 2005 licence.

Time expired.

Ms BREUER (Giles): The $325 million investment that will deliver Project Magnet, coming on top of the $100 million-plus blast furnace reline, has secured Whyalla's economic foundation and has led to a massive boost in confidence in Whyalla. The bill before the house represents one element, an important element, in securing Project Magnet, and ensuring stable employment for many years to come. Whyalla has experienced more than its fair share of unemployment and the associated loss of population over the last two decades. That loss of population saw Whyalla lose the equivalent of Port Augusta's entire population, so I make no apology for supporting this bill as it provides some certainty for OneSteel and secures their investment, and by doing so it adds to my community's sense of security.

I attended a meeting in 1996 with the then leader of the opposition, the now Premier, with BHP when they were deciding the future of Whyalla and Newcastle and other communities. At that meeting we had to put our case very strongly to keep Whyalla's future going, and to virtually beg BHP Billiton to keep Whyalla going and to keep it viable. I know how tenuous our hold has been in the past, and still is, on our future. The creation of OneSteel, after the spin-off from BHP, was a time of uncertainty. It is a credit to OneSteel's work force that the company has performed so well given its very difficult birth. For four years in a row profits have increased, and the 2005 profit result was a record. Project Magnet will further strengthen OneSteel's economic viability.

One of the positive consequences of Project Magnet is that it will significantly reduce that fugitive dust emission problem experienced in the eastern part of my community. The shift to magnetite as the feed for iron and steel making will not only reduce production costs but will also directly impact on dust loads due to the magnetite being pumped as a slurry by pipeline from the mine to the pellet plant. The pellet plant currently uses haematite to make the pellets, which are used in the blast furnace to produce iron. With the current operation just over 3 million tonnes of haematite are railed to the pellet plant each year. Some 2 million tonnes of haematite are converted to pellets and 1 million tonnes are exported to BlueScope. An additional 300 000 tonnes are exported on the spot market.

With the conversion to magnetite, the bulk of the haematite will be exported either as a lump ore or haematite fines, with some of the lump ore retained for use in the blast furnace. The crushing and screening plant at the pellet plant will be shifted to the mine site, eliminating one significant source of fugitive dust emissions. A study carried out by Environmental Health Service, SA Department of Health, on the characteristics of red dust and the contribution from the different areas of the pellet plant, shows that the crushing and screening operations contributed between 17 per cent and 50 per cent of the iron dust deposited at the sampling locations. Material handling for the increased haematite export at Whyalla will be totally revamped to mirror the effective dust-reducing processes used at Esperance in Western Australia. Project Magnet is a real win/win for the company and the community, delivering both economic security and a significant reduction in dust loads.

The dust from the pellet plant in Whyalla is a major concern. It has had a detrimental effect on public amenity, a negative impact on the image of the city, it has caused significant damage to property, and there is now a growing body of evidence to indicate health risks associated with respirable particulates below 10 microns. However, I have to rebut the previous speaker's contribution and the recent portrayals in the media: Whyalla is not a red city. We have a small area of Whyalla which is red, or pink, but it is not a problem that takes over Whyalla. Many people after reading newspaper reports or listening to the member for Mitchell would think that the whole city is engulfed in choking fumes of red dust. It is not like that at all; it is a very small area of the city, in which I happen to live.

The sad thing about the above negatives is that they need not have happened. The pellet plant started operation in 1968 after a decision to locate it next to Whyalla's oldest residential area and what was, at the time, the city centre. In the year 2005 it seems incredible that this would have occurred, and I was thinking about this earlier today and wondering why they chose to do it. We have made many mistakes in our history, but one of the issues was to do with transport. There was no public transport in many areas. People walked or rode their pushbikes, and, indeed, my father rode his pushbike to work for most of his working life. Opposition was expressed at the time, and opposition was even expressed by some senior local employees at BHP.

In its wisdom the eastern states-based board of the company decided to locate the pellet plant in an area which would inevitably produce ongoing difficulties. The local residents have paid a very high price for that very poor decision. Some of those residents have paid that price for close to 40 years, with all sorts of processes and promises over that time to address the problem. And here we are in the year 2005 and the situation has not improved much and the residents and their neighbourhoods have not received an ounce of tangible assistance from the former owner and initiator of the site selection, BHP. For many years BHP denied there was a dust problem. If you talked about the problem of the red dust they would say, 'What red dust?'

Naturally there is scepticism amongst many people who live in the dust-affected area about the nature of the legislation now before us and that scepticism is probably understandable, given that section 7 of the 1958 Broken Hill Propriety Company's Steel Works Indenture Act ensured that BHP was not liable for any adverse environmental impacts. Section 7 was not removed until the creation of OneSteel. BHP hid behind section 7 and knew that there would be no liability attached to its poor decision to locate the pellet plant next to a residential and commercial area. It is not my intention to rubbish the 1958 Steel Works Indenture Act. It was a product of its time and, for my community, it was an incredibly important piece of legislation which gave birth to the integrated steelworks. However, there were elements of the act that should have been amended many years ago to take account of changing circumstances.

Because of the above history the current legislation is looked at by some as a reintroduction of the 21st century version of the original environmental exemption: this is not the case. It is not a licence to pollute by OneSteel. The power exists under the legislation before us to negotiate in good faith, to alter the licence conditions under which the company operates.

I believe that one very important element should be incorporated into the licence conditions. It is an element that OneSteel was working towards and that was supported by the EPA. It is an element that has the support of OneSteel's environment consultation group. It is also an element that is supported by the Red Dust Action Group. That element is the introduction of the National Environment Pollution Measure by 2008. The monitoring station used to measure compliance has now been operating for some time and it is located at Wall Street next to Whyalla Primary School. Under the NEPM community health standard, the company would endeavour to keep respirable particulates (10 microns or less) under 50 micrograms per cubic metre. Five exceedances per year would be permitted.

Over the past couple of years, the company has appeared to be very comfortable with this target and the establishment of the monitoring station at Wall Street, which is well away from the boundary of the company's operations. We need an objective numerical measure and this is a nationally recognised measure which all parties appear comfortable with. It needs to fund part of the licensing conditions and there needs to be genuine consequences for non-compliance. We do not want to return to the old section 7 approach to environmental protection in Whyalla; it would not be acceptable in the metropolitan area, and it is not acceptable in Whyalla. Based on sampling at the Wall Street monitoring station, there have been 15 exceedances of the NEPM standards so far this year. With Project Magnet coming online, there should be a large reduction in fugitive emissions and the company should be in a position to comply with the standards by 2008. A reintroduction of the standard would certainly go a long way towards winning the confidence of the dust-affected community.

I said that the NEPM standard is a community health standard. The growing body of work on the health impact of particulates below 10 microns means that those of us who used to dismiss the health impact are no longer in a position to confidently assert that the dust in Whyalla would do no harm. I admit that I was one of those people. I used to say that the dust does not have any health consequences. The work done in Whyalla on dust characteristics, combined with the ongoing work in my community, and the national and overseas research, has led me to conclude that there may be some risk. That risk is more likely to be borne by individuals with chronic health problems. I do not want to overstate the nature of that risk, but I want to say that it cannot be dismissed out of hand.

For those members with an interest in how thinking around foreign particulates has evolved, a good starting point is the evidence given by Ted Maynard in the Environment, Resources and Development Court on 25 March 2005. Ted is employed by the Department of Health. He has studied the dust situation in Whyalla for the last three years and he has carried out an extensive search of the literature on fine particulates. Ted qualified as a doctor in 1973 and went on to receive a postgraduate diploma in public health in 1975, followed by a PhD in epidemiology. He has extensive experience in examining the impact of emissions on communities. I suggest that members read what he has to say about the dust situation in Whyalla. Apart from introducing the NEPM standard, another element of community bridge building is the recognition of the damage the dust has done to public amenity and private property.

Project Magnet will stop further significant damage, but it will not address the damage that has already been done. I believe that the company has a responsibility to address in a tangible way the legacy of the dust fallout. How that is addressed requires genuine consultation with the community, and I ask that the company leaves its QCs at home during that process. I believe that the company is very positive about this, and I know that we can work this through together.The dust and its impact on individuals and on how you handle it, at the end of the day, are issues that revolve around ethical treatment; they are not issues that revolve around legal hairsplitting.

To finish on a positive note, I have not come across anybody in Whyalla who does not support Project Magnet. From the Red Dust Action Group to the most one-eyed 'OneSteel can do no wrong' supporter, we are united in wanting to see the successful completion of the project, and we all recognise the benefits that will flow from it. It is great

news for Whyalla and we should celebrate it as such. I believe that people from outside have a rather warped version of the feelings of the people in Whyalla, because I know that it is supported. Whyalla is my home. It is a great community, and it has met challenge after challenge.

In one way or another we have all shared the difficult times, and now I say let us share the good times to come and learn from the successes and mistakes from our past. I believe we have a future in Whyalla. I believe that OneSteel is giving us that future. I believe that this legislation will ensure that future. I believe that without that legislation this may not happen. I support this legislation and I urge the parliament to do so.

The Hon. I.P. LEWIS (Hammond): At the outset, I declare an interest. I have an interest in mining operations, as most honourable members know. It is disclosed in my pecuniary interest file. However, nothing that I am involved in, in this context, is in any way different from, say, a farmer who would be involved in the production of meat or crops during our passing of legislation relevant to the way in which the pest plants on that farmer's property might have to be managed or other marketing arrangements which the state government might, in times past and perhaps in times to come, be determining to pass legislation.

I am not in the least bit apologetic for the fact that I have sunk a lot of time and money, with the support of a significant number of other sensible people, into the mining industry in general and into iron ore exploration in particular. That has reached the point where I now have virtually completed a prospectus for my company to float its interests on the Stock Exchange. It is an exploration company. In so far as any iron is concerned, there are significant deposits of iron ore or iron stone, if you want to use the explicit geological description of it, in other parts of South Australia, like Hawks Nest and also in the area of the Nakara Arc. The Hawks Nest deposits are in the north-west of the state, in the member for Giles' electorate, north of Tarcoola, abutting the southern edge of the plateau on which Coober Pedy is to be found. The Nakara Arc is surrounding Nakara, in the geological feature between the Adelaide geosyncline, the Murray basin and the Curnamona Province or Curnamona Craton.

Around the edge of the Nakara Arc there are intrusive bodies or, more particularly, large deposits of iron sediments which, it is believed, according to geological theory, were precipitated in the very shallow seas over 1 000 000 000, perhaps 1 400 000 000 years ago, and the iron-rich waters resulted in those iron salts being precipitated, forming sediments that vary in thickness according to the location on the sea floor at the time. They have been bent and twisted and tilted in the course of the movement of the blocks in the Australian continent as it has moved northwards, breaking free of that land mass on the surface of the earth which we in recent history as homo sapiens have referred to as Gondwanaland.

I am not sure that any of the life forms that existed then, if there were any, called it Gondwanaland. We only refer to it as such for purposes of having a name for it, I am sure. Coming back to the relevant remarks that I am making, for a long time BHP perpetuated the myth that the only iron ore that could be used efficiently for steel production was haematite when, in fact, the bulk of the iron ore being used for steel production, for instance, in the United States—and it is over 99 per cent—is banded iron formation haematite and magnetite composites. Yes, they are fairly high grade, but nonetheless they are banded iron formations. The majority of the world's steel is made from magnetite, not haematite.

Members may be interested in the fact that haematite is FE203. It is red, yes, and that is what rust is. Magnetite is FE304. Haematite's molecular weight is around 160; magnetite's molecular weight is 232. If you had pure haematite—and you cannot be absolutely sure of what the molecular weight will be there because of radioactive isotopes in the iron and in the oxygen—but if you had pure haematite and no or minimal radioactive isotopes in it, there would be about 70 per cent of the mass of the haematite as iron whereas in magnetite it is nearly 78 per cent. In other words, there is 11 per cent more iron in magnetite than there is in haematite, contrary to the public belief abroad in consequence of the way BHP used to talk about its haematite deposits.

The cost of refining and making steel, that is, pure iron to start with (mild steel), from the haematite is not really any less than making it from magnetite. The technologies that have been developed to use the two of them together over recent time, such as centering and pelletising the stuff, as the members for Napier and Giles have referred to in their remarks, make it more efficient as a process. Once you get not only the physics and the chemistry but the science right, then you have to be an artist to manage a blast furnace, because every charge that goes in there is, notwithstanding the fact that you believe it to be homogeneous, not homogeneous. There are variations in the ore and in the material that is added as flux to create the slag, to float off the impurities.

The iron in its molten state as a liquid, of course, is very dense by comparison with the silica and other things that occur naturally in conjunction with the iron oxide and therefore are to be found in the blast furnace once the process of smelting is virtually completed. You tap off the light liquids, which are the silicas and so on, sitting on the top of the molten iron, which is heavier. You tap them off by knocking a hole in the furnace higher up than the hole from which you then extract the iron as mild steel, or whatever. There are now other systems that enable you to obtain the iron without using that more common process from days of yore. I will not go into them: there is no need to.

This bill is about ensuring that the public understands that we are no longer going to have a company, a subsidiary of BHP called OneSteel, using haematite as its feedstock to its furnaces and, after transporting the predominantly haematite material to the blast furnace operation as dry material in ore trucks on rail, allowing the dust to escape into the surroundings of Whyalla. We have changed the technology. We are now going to pump magnetite from the ore body mine site, where it has been processed out of the ground and into an appropriate form as a slurry, to the furnace site at Whyalla adjacent to the wharf. The reason we are going to do that and not make the steel at the site of the ore body is quite simple: you need at least four tonnes of coal for every tonne of iron ore that you convert to steel. It is cheaper to shift the iron ore to where the coal is at the coast where it is unloaded from the vessels adjacent to the furnaces than it is to take the coal out to where the iron ore is. Port Kembla steel production on the East Coast of Australia (situated next to those shallow and high-quality coals that are suitable for blast furnace operation) produces over four times as much steel as Whyalla because the ore carriers take one unit of ore to the East Coast and bring back one unit of coal in weight.

That one unit of coal in weight will only produce one-quarter of the amount of steel. It is still worth doing as a

backloading operation, and BHP have done that. Other companies or contractors mine the coal on the East Coast where very good quality coal is to be found, and they carry the iron ore to the coal, and every time they empty the iron ore carrier they load it up with coal and take it back to the source of the iron ore to a smaller furnace operation of about a quarter of the size.

Having explained that, the new process of steelmaking will not have the red dust that comes from haematite, because there will not be any significant quantity of haematite and, in any event, it will be wet: it will not be transported dry in rail trucks and tipped and handled in its dry state. So, dust will no longer be a significant problem in the town of Whyalla, and the company is to be commended for making that change. Of course, wherever you mine anything (as is the case at Iron Duke, Iron Baron and so on on the side of the Middleback Ranges) dust will be produced on the mine site. You cannot disturb ground without creating dust, no matter how careful you are to control the bulk of it by spraying it with water or whatever else to dampen it down. Water containing other materials so that it does not dry out so quickly makes it a more efficient operation and stops dust from being a significant problem for anybody.

The member for Giles in her remarks was well-read and well-researched. She is to be commended for having put on the record the matters that she explained during the course of her remarks. It is a pity the minister did not provide us with a bit more of that sort of information. I was also pleased with the contribution of the member for Napier, and I was interested in the contribution of the member for Mitchell who addressed the subject in a different way altogether by elevating and ventilating the concerns expressed by the worrywarts of the world. They are entitled to their concerns and we need to listen to them, but they need not be as worried as has been the case in the past. There have been minimal calls for disturbance previously. The effect of iron on people's nervous systems and the central medullary cortex (the brain) is not the same as lead and some other heavy metals. I am pleased to be able to contribute to this debate knowing that those members who have contributed have done so in a way which brings credit to us as parliamentarians and legislators.

There are some other interesting aspects of the background material relevant to the discussion that one might describe as mensuration of the mining industry that I would like to add to the record. Over the extended life of the mining operations around Whyalla, which Project Magnet will deliver, at current prices the sale of the ore will bring in over $1 500 million. That will not all come to South Australia. What will come to South Australia is the salaries and wages to be paid to the work force that win it, but the profits will be distributed to the shareholders of BHP wherever they live. Whether that is in another state or another country does not matter. The fact is that they have been prepared to invest their funds and accept the risk, so they are entitled to the dividend which is paid to them as a consequence of that risk and the processes being properly managed in a responsible way by the managers appointed to do it. Those profits are properly theirs as shareholders. At the present time, there is a royalty rate of $1.30 a tonne on about 8 million tonnes of iron ore which are mined and processed. The royalty income will go up by about 3.75 to 4 million tonnes as a result of Project Magnet and the changes that it will ring in, if I can use that bellringing term.

The other thing I would like to say is that that $1.30 per tonne means that there is something in the order of well over $10 million per year in royalties now. It is nothing like what we get from the Olympic Dam mine, near the township of Roxby Downs, but it is still a valuable contribution to the state's economy. I hope and make the plea that when, on behalf of those interests which I lead at the present time, we go to government for another project which will be at the outset as big as the expansion which Project Magnet proposes—and which is in the order of 4 million tonnes per annum—we will be given the same accord and support that the Broken Hill Proprietary Company has enjoyed through its indenture legislation over the years that it has been there, and that accordingly we can make use of the outstanding, huge deposits of banded iron formation iron ore which is to be found elsewhere in South Australia, and the mixture of haematite and magnetite in it. That will further enhance and secure the future of this state.

In making those remarks, I want to pay a tribute to a very great South Australian who has been underdone and undersung for the contribution he has made to our standing in the world and to our prosperity. I refer, sir, to Sir Douglas Mawson. He was not only an outstanding explorer, Mr Deputy Speaker, but he was also an outstanding geologist. Indeed, he went to Antarctica to study the effects of ice on the landscape, the rocks, the geology and the formation and change of that landscape, to see how it fitted in with what he had observed at Yunta, in the Nakara Arc region. That is the area where the deposits of iron ore, upon which I have been working, are to be found.

He also made an enormous contribution to the logistics that enabled the allies to win the Second World War, not in the army, but through managing all the work which was done to ensure that they did things efficiently to support the war effort against the enemy, that is, Hitler and the Japanese. Altogether, things have moved on, but Mawson's remark remains relevant: that the Curnamona Province and the Nakara Arc were probably some of the richest mineralisations anywhere on this continent. I thank honourable members for their attention.

Time expired.

The Hon. P.F. CONLON (Minister for Transport): I thank all honourable members for their contributions. Can I say that I am proud to be associated with this bill. I am proud to have worked with OneSteel and the people of Whyalla and their employees with many different interests. It is regrettable in life that it is impossible to reconcile all interests, but I am certain that the vast majority of people associated with this are very supportive. I note that the member for Giles also has been very supportive. I think it strikes a good balance, in a difficult age, between the interests of certainty and the interests of the environment and, above all, I think people should recognise OneSteel's very substantial commitment of investment to remove the dust problem forever in the fullness of time.

The question has been raised with me privately about why the Acts Interpretation Act is said not to apply to this bill. The member for Mitchell did not raise it, but he might be interested to know that that is because the bill requires OneSteel to meet some benchmark conditions. If the Acts Interpretation Act were to apply and we were not to proclaim it, it would come into operation in two years. It is to prevent that automatic operation of the bill in two years' time to make sure, on the basis of the old Bedouin saying, 'Trust everyone but tie up your camel,' that those benchmark conditions are

met. I hope that explains it for those who might have an interest. I commend the bill to the house.

Bill read a second time.

In committee.

Clauses 1 to 5 passed.

Clause 6.

The Hon. I.P. LEWIS: New section 14 provides:

Environmental authorisations means a document consisting of one or more of the following (forms of authorisation):

It outlines a licence within the meaning of the Environment Protection Act, a works approval within the meaning of the Environment Protection Act and an exemption within the meaning of the Environment Protection Act. What is the purpose of having that included? What does it really mean given that, later in the legislation (not that I am allowed to do this), there is reference to the fact that the minister has the ultimate authority, anyway. I do not know the meaning of those explicit things and, therefore, how it is relevant in the context of the two clauses when their effect is taken together, as it must be, in understanding what the legislation means.

The Hon. P.F. CONLON: The scheme of the legislation, in essence, is to substitute the minister over the lifetime of the arrangement for the Environment Protection Authority, and, in particular, in the exercise of the powers under the Environment Protection Act. This provision refers to the three different types of instrument that are already contained in part 6 of the Environment Protection Act. At present, the only relevant instrument is a licence, but it recognises that over the lifetime of the project—for example, with perhaps a changing system of manufacture—there is a capacity to use the other instruments contained under part 6. It is for the sake of making it clear that those powers that reside under the act in part 6, which would be exercised by the authority, can be exercised by the minister, and that is entirely consistent with the scheme adopted by the bill.

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

The Hon. I.P. LEWIS: I am not wishing to antagonise you, Mr Chairman, but I place on the record that I have had great difficulty hearing all day today in this chamber. The hearing tests I have taken indicate that there is no deterioration. The simple fact is that the acoustics here are not working. I know my hearing is problematic—I accept that—but I have had difficulty hearing. I did not hear everything the minister had to say with the clarity that I would wish when he answered my query about environmental authorisation. I now ask whether he would put that into context in the relevant company works or facilities that are referred to under that interpretation definition in parts A, B and C of it. I then have a further question.

The Hon. P.F. CONLON: I hope I understood the question correctly. The honourable member is asking about the relationship between the three types of environmental authorisation and the definition of relevant company works or facilities. First, I will repeat this on the basis that the honourable member did not hear all my answer.

The scheme of the bill is for the relevant minister to operate during the lifetime of the indenture—the 10 year lifetime—and that minister exercise the powers given to the Environment Protection Authority under the Environment Protection Act. The three authorisations are those contained in Part 6 of the Environment Protection Act. It is simply to ensure that the minister can exercise all those types of authorisation that do exist for the EPA under the Environment Protection Act.

The relevance to relevant company works or facilities is simply that those are the types of works or facilities that these authorisations can be made about. I do not know whether I can explain it better than that. They are the authorisations that exist currently in the Environment Protection Act, and they can be exercised in regard to relevant company works or facilities. I do not think I can add anything to that

The Hon. I.P. LEWIS: I appreciate what the minister has said about the meaning of those and the intention of the way in which the government intends they should be applied. Is it the government's intention that this act will mean that other similar mining operations, such as when the state begins exploiting commercially Hawks Nest, will apply equally or, for that matter, the iron ore deposits in the Nakara Arc, anywhere between Sedan, along the eastern border of the Adelaide geosyncline, through the Nakara Arc or Southern Lake Frome? Regardless, this would be the way the government would choose to proceed with other mining operations principally based on iron ore. If this is not a particular favour to OneSteel and BHP, is it the way the government intends to proceed in the development of the iron ore deposits in the state elsewhere?

The Hon. P.F. CONLON: No, it is not and it is not how we intend to proceed. It covers only the matter that it covers, namely, the related works around OneSteel. It is not a special favour to OneSteel but a response to a singular set of circumstances and some difficulties that have been long standing, with some issues being particularly current. It is a good response. It does not deal with anything that it does not deal with. It deals with the OneSteel Project Magnet and relevant company works and not with anything else.

Clause passed.

Clause 7.

Mr HANNA: I move:

Schedule 3, page 11, after line 21—Insert:

4A. The Licensee must take all reasonable and practicable steps to ensure that the Australian Health Standard National Environment Protection Measure for Particulate Matter (PM10) is not exceeded more than five times per annum as recorded at the Whyalla Town Primary School monitoring site.

I seek a minimal amendment to the act to effectively reinsert one of the key conditions present in the EPA licence developed over two years and which came into effect in January of this year. The scheme of the act does impose some conditions in this part of the legislation we are dealing with now. There is a clause that says that the licensee must take all reasonable and practical steps to ensure that the pellet plant reclaim shed doors are kept closed when the plant is operating in order to minimise fugitive particulate emissions. It is such emissions that we are worried about, especially those that manifest as red dust.

Directly after that I am suggesting that we insert a requirement that the licensee must take all reasonable and practical steps to ensure that the Australian Health Standard National Environment Protection Measure for Particulate Matter (PM10) is not exceeded more than five times per annum, as recorded at the Whyalla Town Primary School monitoring site. This is a standard that has been developed after a lot of consideration and some negotiation. It would be a reasonable minimal requirement to have in place while we are waiting for Project Magnet to become operational. The company claims that once Project Magnet is under way the red dust issue will be settled, so to speak. In the meantime,

let us have a measure in place that effectively does something to ameliorate the problem.

The Hon. P.F. CONLON: I can understand fully why the member for Mitchell would move this. I do not believe it is consistent with the scheme of the act as it stands. In difficult circumstances we have arrived at a set of conditions that we believe should apply at present, but the comfort I would give the member for Mitchell is that we also have provision to make an alteration to those conditions during the 10-year lifetime of the indenture. Much work has gone into establishing the initial conditions for the indenture set out in schedule 3. They are the ones which we believe are appropriate at present but which do not foreclose the capacity to do what the honourable member suggested in the future. However, having arrived at these conditions through a lengthy process, these are the ones which we think are appropriate at present.

The Hon. I.P. LEWIS: This is a procedural matter. Does committing this amendment preclude the possibility, regardless of how it is resolved by the chamber, of my being able to ask questions on the clause itself?

The CHAIRMAN: No, it does not.

The Hon. I.P. LEWIS: May I equally make the observation that, whereas in the Local Government Act, each of the sections proposed to be included was taken as a separate clause, what is happening here is that six new sections are included in clause 6 (which we have just passed), and I was denied opportunity to debate any of the others other than the interpretation, and now from page 6 through to page 28 of this bill there is one section. I have three opportunities in which to contribute and inquire, and then I am shot to bits. I note and I thank you for noting that that is inconsistent and, in my judgment, both unwise and unfair.

The CHAIRMAN: Standing orders allow for the Chairman to break down a lengthy clause into various parts. In relation to clause 6, if the member for Hammond had risen at the time and sought the call, I would have been happy to do that because I am always cooperative, particularly with the member for Hammond, and want to assist him. The member for Hammond did not seek the call, so I put clause 6. Otherwise, I would have been more than happy to break it down and allow him to ask questions on the various sections, given the length of the bill. I am happy to do that for clause 7. I am not sure how many questions the member for Hammond has on clause 7. Unlike clause 6, clause 7 does not break down into various subclauses: it is not easily broken up. However, I am prepared to use my discretion, given the length of the clause, to allow the member for Hammond to ask more than three questions. In any case, we are dealing with the member for Mitchell's amendment, and the member for Giles has the call.

Ms BREUER: I would like some clarification because I did refer to this matter in my second reading contribution. I know that the legislation (as has been introduced) is as a result of much consultation between OneSteel and the government. My understanding is that OneSteel is receptive to looking at some conditions later on. I know how much work has gone into this legislation, but will the minister confirm that, if it is not included now, we can come back to this at a later date?

The Hon. P.F. CONLON: Absolutely. In fact not only is the capacity to impose a new condition reserved but also in this scheme a new condition imposed by the relevant minister is one not subject to a merits appeal by OneSteel, as it would be if it were imposed, as I understand it, under the Environment Protection Act by the Environment Protection Authority. In particular, throughout this whole process there have been discussions not only with OneSteel but also with a very wide range of interested parties—and very ably represented I must say by the Minister for Environment and Conservation and the Environment Protection Authority. These are the conditions that, in our best judgment, are those that should operate from the commencement of this indenture bill. The right has been preserved to add new conditions and, in particular, we have been told about what will occur when Project Magnet is operating, but we want to be able to make a judgment at the time when we see that, too. It is open to do that, but I would indicate that the conditions contained in this schedule are those that have been considered to be appropriate at this time.

Mr HANNA: The member for the Whyalla area, the member for Giles, has suggested that the company is receptive to further conditions being imposed to ameliorate the red dust problem further. Is the minister aware of what sorts of conditions they might be?

The Hon. P.F. CONLON: I can honestly say that the scheme of this bill is not so much that conditions will be—well, how should I put it without offending my friends from OneSteel? It does not really matter what they are receptive to if, in the judgment of the minister well advised, conditions should be applied. In fact, this bill, while it is accused of giving great comfort to OneSteel, removes the capacity to appeal those new conditions which exist in the existing legislation from the Environment Protection Authority.

I have no indication of what OneSteel is receptive to, but I can tell the honourable member that, if on judgment in the matter it is the view of the relevant minister (and a properly advised relevant minister, as they always are), it is a condition, it will not matter whether or not OneSteel is receptive to it. My learned friend nods—it will not matter whether or not OneSteel is receptive to them if, in the circumstances, the minister believes they should be imposed.

The Hon. I.P. LEWIS: I am very curious about that, especially against the background of the minister's previous answer and putting into context that previous answer to my last inquiry. I have noted that this bill states that it is the intention of the parliament that the government will not initiate any legislative amendment of the environmental authorisation unless it has got involved in consultations with the company first, and that is a question I would have asked under the previous clause if the standing orders had allowed me. I would have asked why that is so, yet what the minister is now saying is that the government will choose to do it if it suits it.

An equal worry for me is that what I thought was a fairly sensible arrangement in partnership between business and government turns out to be a one-off deal with OneSteel. Not even OneSteel can have a great deal of confidence in that because there is an ambiguity in that earlier statement in (8), to which I just referred, in one of the new sections. That ambiguity is 'engage in consultations'. It does not say resolve anything. It just says, 'Well, we'll tell you what we're going to do to you.' That is about what it amounts to. It could be as rough as that.

The minister is not the minister for the bill, and the government of the day is not the government for all time. I know that ministers change probably more often than governments do. Whilst I have the most profound respect for the current minister (Hon. Paul Holloway) and the good sense that I have known him to be capable of exercising any time that he has been involved in anything that I have been aware

of over the last 30 years, he will not be minister forever. The ambiguity of that answer, coupled with the ambiguity of (8) under new section 15, worries the hell out of me.

Under this clause 7, where a lot of new schedules are inserted into the act by way of passage, some fairly rough treatment can go on. I only have to think about the way in which the Treasurer has treated Mobil over the last two years as an illustration of what I mean by that in spite of that indenture. That is the rough end (of whatever it is that has a rough end on both ends) that can be presented sometimes by governments that have an undisclosed agenda along the way.

I make that remark against the background of my concern to discover what the company proposes to use as the vector medium for the transport of the slurry. Is it seawater or is it Murray water, or is it water that has been through the effluent treatment system at Whyalla as waste water? Rather than have it evaporate, are they simply taking that water and cleaning it up to the extent necessary—it would be very minimal—and using that as the agent to create the slurry, along with the magnetite that is being pumped as a slurry from the mine site to the processing site adjacent to the wharf where the furnaces are located? What is the source of the water (which is referred to in several places in clause 7) which will be used to form that slurry, and how secure is the company in being able to rely upon that source of water? I will ask another question when I get that answer.

The CHAIRMAN: The course of questioning—with the last couple of questions from the members for Hammond and Giles—has been on clause 7 in general, rather than on the actual amendment of the member for Mitchell. Unless there are any other questions or comments on the member for Mitchell's amendment, I will put that amendment first, and then we can deal with members' questions about clause 7. Is the member for Giles' question on the amendment?

Ms BREUER: I want to clarify comments which I made and which were picked up by the member for Hammond. I said that I believed that OneSteel was quite amenable towards this. I live in the town, I work with the company, and I have had discussions and been involved in some of this. I am not pushing something that has been discussed with the government; this is just an understanding that I have. The comment I made was that I understand that they are quite amenable towards this. I do not know what discussions have been held at government level, and I do not think that should be taken into account in respect of this and the minister's statements. I stated that this is something that I believe their environment group has looked at and that they have considered for down the track. I want this legislation to go through as is.

Mr Hanna: What sort of things?

The Hon. P.F. CONLON: You aren't allowed to ask her; you have to ask me questions. I will deal with that peculiar question afterwards.

The committee divided on the amendment:

The CHAIRMAN: There being only one member for the ayes, I declare that the amendment is negatived.

The Hon. I.P. LEWIS: May I now ask the question of the minister which I put earlier?

The Hon. P.F. CONLON: The supply of water is not a matter dealt with by this bill, but I am happy to advise that my understanding is that the water will come from the Morgan-Whyalla pipeline.

The Hon. I.P. LEWIS: Will it first be used as grey water through the sewerage system and be taken out of the ponds to which it is consigned after digestion, or will it be taken as chlorinated fresh water to create the slurry to pump from the Middleback Ranges into the blast furnace area of the steelworks at Whyalla?

The Hon. P.F. CONLON: I again stress that the bill does not deal with this, but my understanding is that it comes from the Morgan-Whyalla pipeline. That means that it does not come from somewhere else, and that means that it does not come from grey water. It comes from the Morgan-Whyalla pipeline; they pay for the water. However, it is not the subject matter of this bill.

The Hon. I.P. LEWIS: I am, of course, pleased that the minister has answered frankly, but I can tell you Mr Chairman, and all other honourable members, of my grave distress and concern about that. All we need to shift ore as a slurry is a wet medium—it could be sea water or grey water but, no, we are going to use chlorinated Murray water that is potable. That strikes me as being just mad when the Minister for the River Murray, the Minister for Environment and Conservation, the government and the opposition are, in general, supportive of the notion of saving the Murray's water. In pure physics this is a crazy proposition and one which the government ought to have its head examined over, if that is what it is proposing to do. The grey water would do the job. Why do we have to pump megalitre upon megalitre, indeed, gigalitres of water—

The Hon. P.F. CONLON: On a point of order—

The Hon. I.P. LEWIS: Well, I am on my feet.

The Hon. P.F. CONLON: I am rising on a point of order. The contribution of the member for Hammond is not relevant to the bill. This bill does nothing to determine the source of water. It is entirely up to the company where it sources the water. The member for Hammond may well have a point, but it is not relevant to this bill.

The CHAIRMAN: I uphold the point of order. The member for Hammond must stick to the bill. These general comments about the operations of the plant are not relevant to the bill.

The Hon. I.P. LEWIS: Can I read the title of the bill just to refresh my memory of what it is supposed to be about? Broken Hill Propriety Company's Steel Works Indenture (Environmental Authorisation) Amendment Bill. A hell of a lot of this is about how they are going to shift that ore from the Middleback Ranges into Whyalla as a slurry. It has implications for the environment of this state and the environment in the river. Criticisms are being made of vignerons in the Clare Valley right now for buying water out of the Murray-Darling Basin system and using it for irrigation purposes. There are other instances like the dairy industry in my electorate that is being closed down to get environmental flows. Yet, in this instance, it is the government's policy, quite unnecessarily, to use the same source of water to move the slurry.

The Hon. P.F. CONLON: On a point of order: I make the point again, because the member for Hammond has ignored your ruling, Mr Chairman. The truth is that this bill does nothing to determine where they take their water from. The member for Hammond may have a point, in general, about something else, but this bill does not require OneSteel to get its water from anywhere. That is a choice they make entirely independently of this, and it is a choice they make whether or not we pass this indenture bill. It has nothing to do with it. I cannot make it any plainer than that.

The CHAIRMAN: I uphold the point of order. The question is that clause 7 be agreed to.

The Hon. I.P. LEWIS: Notwithstanding what you have said about that, Mr Chairman, I heard the minister say that it

was going to come, and he repeated it emphatically, from the Morgan-Whyalla pipeline.

The Hon. P.F. CONLON: If I can assist him, that is what I understand, but I cannot say that it has anything to do with this bill. If they choose to tow an iceberg from the Antarctic, they can do it after this bill. It has nothing to do with it.

The Hon. I.P. LEWIS: He is on his feet when I am speaking.

The CHAIRMAN: Order! The minister will take his seat. The member for Hammond will take his seat as well. I uphold the point of order. The points raised by the member for Hammond may be very interesting and may be true, but they are certainly not relevant to clause 7 and—

The Hon. I.P. Lewis: Well, it ought to be part of this bloody bill.

The CHAIRMAN: Order! I will not be spoken over by the member for Hammond. I will not tolerate it. The points raised by the member for Hammond may be valid. However, they are certainly not relevant to clause 7, and, as I read it, they are certainly not relevant to the bill.

The Hon. I.P. LEWIS: On page 14, sir, regarding waste water discharges, it states:

> Subject to compliance with this condition, the Licensee may discharge waste water from the Premises into the waters adjacent to the Premises.

What are the premises and what are the areas adjacent?

The Hon. P.F. CONLON: Schedule 3 contains a definition of the premises, which lists in the most exact form—pleasing I am sure even to the member for Hammond—the certificates of title, Crown lease and Crown record lists of titles. They are the premises. I would assume that adjacent to the premises is adjacent to those certificates of title.

Clause passed.

Schedule and title passed.

Bill reported without amendment.

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

That this bill be now read a third time.

The Hon. I.P. LEWIS (Hammond): As the bill comes out of committee, given the fashion in which the debate in committee has proceeded, I find it so unsatisfactory as to compel me to reconsider my position. There were other matters of a similar nature which I had hoped I could have raised, but I understand that the government certainly has no intention of permitting me to participate in the debate where it might result in aspects of legislation being revealed that are not favourable to the government's public standing. It puts its own standing with the public ahead of the interests of the public in the way in which it goes about it, especially as is illustrated by this legislation.

Either the minister is ignorant or does not care or is clearly embarking on an act of environmental vandalism. This legislation, the Broken Hill Proprietary Company's Steel Works Indenture (Environmental Authorisation) Amendment Bill, purports to provide the means by which appropriate control can be exercised in a responsible fashion over what the company does, yet the minister does not even know where the water is coming from. He told the house, in the first instance, that it would be coming most definitely from a particular source: the Morgan-Whyalla pipeline. I will not say he was misleading but he was baying to the moon.

The Hon. P.F. Conlon interjecting:

The Hon. I.P. LEWIS: Mr Deputy Speaker, are you allowing the minister to talk to this house from the gallery? What do the standing orders mean? Are there or are there not double standards in this place, Mr Deputy Speaker?

The DEPUTY SPEAKER: Order! I call the minister to order. The minister knows that interjecting is out of order, and it is certainly out of order to interject from the gallery. The member for Hammond's allegation that the chair was demonstrating double standards is a reflection on the chair, which I take very seriously. I direct the member for Hammond to apologise and unequivocally withdraw that remark.

The Hon. I.P. LEWIS: I do so, Mr Deputy Speaker; you are a nice chap, really. Thank you. I regret, of course, that the government, nonetheless, was compelled to gag me by whatever means at its disposal in the process of the debate.

The Hon. P.F. Conlon: Would that it were so.

The Hon. I.P. LEWIS: The minister can giggle about it, but he has achieved his goal, and he has been aided and abetted in the process by other members of the ALP in this place to do it. That is idiotic, because it does this place no service whatsoever for us to explore the meaning of the legislation and the implications it has for the natural environment in this state and, in particular, its principal source of water, the Murray River. We do nothing; we say it is outside the ambit of the legislation. Well, it ought not to be. The legislation is seriously flawed if it is intended to allow the company to simply go ahead now and extract such quantity of water as necessary to create the slurry to pump it the 30 or 40 kilometres from the Middleback Ranges to Whyalla—and goodness knows what happens to the water after that.

The opportunity for me to question how the water would be dealt with after it has been used in the slurry was not provided. We have the minister's assurance that the water to carry that will come from the Morgan-Whyalla pipeline. That being the case, it will be new water going in one end and, once the solids in the slurry have been extracted, according to the minister that will be discharged. This legislation says nothing about where that water will be discharged other than that it can be in a place adjacent. It strikes me as a gross waste of energy, a gross waste of filtration to filter the water to make it potable the way it is delivered to Whyalla, and a gross waste of the water itself from the natural environment in South Australia as part of its entitlement flows to allow the legislation to pass in its current form without clarifying those issues. I say shame on the government: shame on every ruddy member of the government. It is just a disgusting disgrace to proceed with legislation in this fashion.

Mr WILLIAMS (MacKillop): I want to make one comment and I am sure the minister will make a couple of comments in his summing up, and he might answer my question. You were so efficient with the third reading, sir, that I missed my opportunity. The only query I had at the third reading stage was why the bill in clause 2, under 'Commencement', in part 2 provided that section 7(5) of the Acts Interpretation Act 1915 does not apply to the commencement of this act or a provision of this act. That would mean that, if not enacted, the bill would automatically be enacted after the expiration of two years after being assented to. The minister might explain that to the house, because I would be devastated if this parliament put through this piece of legislation and nothing happened to bring it into being for a period of two years.

Apart from that, I, too, am somewhat disturbed about the use of water in South Australia, but I think that if the member for Hammond spoke to the OneSteel people about their project he might not be quite as concerned as he is. I am not endeavouring to help the minister here, but there will be a slight increase in the use of water by OneSteel. I am not sure where it gets the water at the moment: it probably does come out of the Morgan-Whyalla pipeline. I can assure the member for Hammond that I asked the question of OneSteel and it does recycle its water and it is its intention to recycle the water.

The Hon. P.F. CONLON (Minister for Infrastructure): I will address the member for Hammond's comments first. It is regrettable that he gets himself so agitated about things. The only point I was making to him is that this bill has no bearing whatever on the choice of water. The honourable member may well have a point and, if he wanted, he might have sought to amend the bill so that it did deal with water, but it does not. That is merely the point we were making. It is regrettable that he wants to talk about things that are not the subject matter of the bill, but that is entirely a failing of his own, not of anyone else's. I can say, even though it is not relevant, that the shadow minister was absolutely correct: OneSteel does intend recycling water from the slurry and, whilst it is not relevant to the bill, I think that is quite wise of it.

It is certainly not the case that I ever indicated to the member for Hammond that there would not be any recycling of that water. What I tried to tell him was that this bill does not deal with it. As regards the point made by the shadow minister, it is a very simple proposition. While this bill gives regulatory certainty, it still leaves a number of matters to be done by OneSteel as its part of the bargain. I have absolutely every confidence, having dealt with OneSteel now for several years, that it will keep its part of the bargain. We merely deem it wise to ensure that we still have a negotiating position. That is probably what the shadow minister would do were he in the same position.

While we have every intention of proclaiming the bill as law—it was, after all, our initiative to bring in the bill—it is necessary and prudent to preserve a bargaining position to make sure that the other party discharges all its obligations. Having said that, I thank the house for this instructive debate, and I thank the opposition for its support. I look forward to OneSteel being advised tonight of the regulatory certainty that allows it to invest $325 million in the town of Whyalla and preserve its future for decades. The fact that we were able to do this, and the fact that, as a consequence, OneSteel was able to make a public commitment of that $325 million, has had a great effect on the town of Whyalla. I am advised colloquially that even housing values have seen an upward march since the announcement of this investment. It underwrites a future for the town, and I am very happy to see the South Australian parliament deliver this certainty to the company and deliver a future for the town. It is rare that we get to do something so worthwhile. I thank all members for their assistance.

Bill read a third time and passed.

LIQUOR LICENSING (EXEMPTION FOR TERTIARY INSTITUTIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 September. Page 3369.)

Dr McFETRIDGE (Morphett): I indicate that I am the lead speaker for the opposition on this bill. That does not mean to say that I will take very long to discuss it, because it is a fairly straightforward piece of legislation that the opposition will be supporting. The Liquor Licensing (Exemption for Tertiary Institutions) Amendment Bill 2005 will simply enable the supply of liquor to a student who is a minor enrolled in a tertiary education course declared by liquor licensing regulations to be an approved course under the act, and where liquor is supplied to the minor as part of that course.

The bill was drawn up, as I understand it, at the request of the University of Adelaide in particular. The University of Adelaide holds a special circumstance license under the act with respect to the National Wine Centre. The university conducts the bachelor of science Oenology course at the centre. There is concern that, as some first year students are minors, it will breach section 110 of the act if, as part of the course, liquor is supplied to a minor on or in an area appurtenant to licensed premises. This amendment does not weaken the provision of the act prohibiting access to liquor or to licensed premises by minors but provides practical relief for tertiary education institutions where a limited number of minors may be enrolled in an approved course.

That is really what this whole bill is about. The opposition does not want to stand in the way of the wonderful work that is being done by the university, particularly at that fantastic facility, the Wine Centre. I am glad that it is being recognised for what it is—a national wine centre place of excellence. And, certainly, the students who are studying in the oenology course are regarded around the world as being top class in their ability to produce wines. As we well and truly know (particularly members on this side), they are some of the best wines in the world.

The only question that I would have to the minister is whether this covers all tertiary students at other institutions. If not, is there a way that we can amend it or perhaps introduce some further legislation at a later stage? With that, I commend the bill to the house.

The Hon. M.J. Atkinson: Hear, hear! Excellent contribution, and succinct.

Mr VENNING (Schubert): I rise to—

The Hon. M.J. Atkinson: This won't be succinct.

Mr VENNING: I am sure if the Attorney-General keeps talking it will prolong what I have to say. This bill exempts minors who are enrolled in tertiary education courses where the liquor is supplied to the minor as part of that course. It may not be necessary for this bill to exempt minors who are enrolled in a course at high school, realising that this bill is about tertiary students—and that is university students. However, I want to use this opportunity to talk about wine courses in high schools, because we have a brilliant wine course, which began in a public school, that is, Nuriootpa High School, arguably the best public school in South Australia. It started there and is now all over Australia and, indeed, is international. I think it is very timely tonight to highlight a truly exceptional and inspirational high school wine program in our state and, of course, it is in my electorate. The Nuriootpa High School wine program is an exceptional program which has been modelled across Australia, and even internationally. Sir, as you may have noticed, it is currently on the Parliament House wine list and, at the very moment, it is the wine of the month, and many members had

it on their table this evening, and it drank very well, I might say.

The course has been operating for over 10 years and each year a large number of students participate in the viticultural winemaking course as part of their high school education. This brings in a very interesting scenario. We are talking about tertiary students who are, of course, aged 16 to 17 years of age. Often we can have year 12 students of the same age, so I cannot see any reason why this could not be used in, say, year 12, where we have particularly registered licensed wine courses, like we have at Nuriootpa High School, particularly where we are talking about training in these courses. The training in these courses is not about drinking wine; it is about the tasting, the smelling of it and the making of it.

A proper wine connoisseur does not actually drink the wine. It is smelt—that is, the bouquet—it is observed, it is swirled in the glass and then it is put in the mouth and it wets the saliva glands, there is air drawn through in your mouth, as in a backward pressure in your mouth, and then it is spat into a spittoon. The person therefore has not actually taken on any alcohol at all. That is why a wine taster can taste wine all day, and still be safe to drive home—well, in most cases. Not always; this one too often fails! That is the mark of a true expert, when the wine is appraised and none of it is actually drunk. I cannot see any reason, in a specialist wine course, training at a school particularly for year 12 students and maybe even year 11 students, why it could not be included in the school curricula. It must be frustrating for these students, who are making a brilliant wine—and we had testimony tonight here in Parliament House—that they cannot actually legally drink it. That is pretty frustrating.

It encourages young people to take an interest in one of our state's most viable and most important industries. This world-acclaimed program has attracted attention from far and wide, and it was even featured on TV, on CNN. Wine is exported overseas from the Nurihannam Winery at Nuriootpa High School and it constantly exceeds expectations by winning gold, silver and bronze at various wine shows, not to mention the high ratings given by the likes of Robert Parker Jr. The program provides students with not only the qualifications but also the hands-on experience which is an added bonus, should they wish to pursue a career in viticulture, winemaking, after their school education.

It is most important that people of this age, undertaking a course like this, make a career choice because it is not a normal thing to do, to have a career as a winemaker, and this is the age when they do it. We are seeing now the first crop of new vignerons, or winemakers, coming through the system and starting this career from Nuriootpa High School. The success is there for us all to see.

For those members who have not yet sampled some of Nuriootpa High School's award winning wine it is out there right at the moment in the refreshment room for you to do so, and I urge you to do so. It is, as I said earlier, the dining-room's wine of the month. Also, along with Steph Key, the Minister for Employment, Training and Further Education, the Minister for Youth and the Minister for the Status of Women, I will be hosting a function in November which will showcase the uniqueness and quality of Nurihannam's viticulture, and also the aquaculture program which, of course, is their first successful barramundi program.

Certainly, the invitation to the function at Parliament House is open to all members to come and try the barramundi grown at the school and to drink the wines—all provided free. I thank the minister for hosting the event, and I look forward to it.

I am very proud of these successes of Nuriootpa High School, which is a public school. Just up the road is Faith Secondary School, which is a private school. It has mirrored the program, and its benefactors have built a wonderful wine education centre. For a while, I felt very sorry that Nuriootpa High School, which started all this, was being eclipsed by the school up the road but, thanks to various people—including this government, to a small degree, but mainly the federal government—it has now built a small wine centre for itself. I hope that more funds will soon be available to complete the centre with stages two and three. Kevin Hoskin and the principal of the school, Mr Pat White, and others have been fantastic, and most people would not believe what they have achieved with this course and the help and encouragement they have received from the winemakers in the valley—not only the small winemakers but also the big names. I am very pleased to be associated with a success story such as this.

I hope that this legislation will respect what is happening in years 11 and 12 at these schools and, in certain circumstances and under certain accreditations, will allow the students to put the wine in their mouths. I certainly support the bill.

The Hon. I.P. LEWIS (Hammond): Notwithstanding the graphic description of the processes of appellation provided for the benefit of honourable members by the member for Schubert (the electorate having been named after an outstanding winemaker), I am still compelled to comment upon the proposals in the legislation, which come only as a consequence of our all determining that we must be politically correct. At the time I was studying at Roseworthy, in the late fifties and early sixties, it was simply at the discretion of the minister as to who would participate and where. Indeed, it was against the rules of the college, which were law, that anyone would consume alcoholic beverage in the college, but an exception was made for those people studying oenology. Indeed, a further exception was made for me, and I was very grateful for it.

On arrival at Roseworthy, I discovered that I was not a teetotaller at all and that what I had been taking as medication to prevent winter ills and chills was, in fact, wine. It was made from elderberries, rhubarb, parsnips or peaches, but most of it was made from grapes. To this day, I do not know how it was ever fortified, but it was most certainly fortified, for, had it not been so, it would have not have been possible to retain the character of those less stable fruity acids in the other material from which the wine had been made. I certainly never saw a still but, then again, I was probably innocent and unseeing but not blind. Of course, when the family left the prairie, we left that part of our lifestyle behind us.

As it turned out, the oenologist at Roseworthy allowed me, majoring in horticulture, to head off to the winery on Wednesday mornings, when the tastings were being held. He insisted that I have breakfast and that I show up on the breakfast roster as an attendee. So, I would be in and out of there in less than 10 minutes, down to the winery by about 12 past seven and gone from the winery, after having run through the appellation of what was put up in randomly replicated samples for the day's work for the oenology students later in the morning. They would have two hours to do what I did in less than 20 minutes.

At the end of the year, on diploma day, to my surprise, I was awarded the Rudi Buring Memorial Prize. I did it for my own benefit and did not ever realise that the senior lecturer had been, as it were, marking my appraisals as a self-examine function—in other words, in being consistent, because you did not know which sample was a replication and a re-replication, since it was in the range in triplicate and at random. If there was an inconsistency in your ability to accurately describe what you were tasting, it would show up immediately. In other words, if you did not know what you were tasting or talking about, it would pretty soon become obvious, and you would not know it until after you were given the feedback. The oenology students were all given their feedback shortly after the conclusion. However, all I received was encouragement to continue to participate if I wanted to, and I was pleased to do so.

My point about this now is that, after all those years, even though the statute said that it was unlawful, no-one ever attempted to prosecute the college or any of the students of the day. It strikes me now that every 'i' has to be dotted and every 't' has to be crossed to the extent that students cannot participate in these courses where there is a risk of them deciding to swallow the wine that contains alcohol when they are under the age to do so without the law allowing them to do so, lest they be charged with an offence and lest those lecturers or other people responsible for them also be guilty of some sort of offence. Altogether, I guess it makes sense to dot i's and cross t's and codify everything but, hell, what a waste of time, when commonsense should prevail.

I sometimes wonder at the extent to which, in due course, we might end up having to license people who are not yet doctors to do their internship as students, because they are not qualified as doctors yet they must practise to gain some experience of what it is they are supposed to be doing. How the hell we resolve that in the same context as the way in which we seek to resolve the conundrum that confronts us over teaching appellation of alcoholic beverages I have not begun to determine. However, I am sure that some twit will say that we must have a special interim licence for such students. The same thing will apply, perhaps, to students in trade schools who do not have a driver's licence for some reason or other but who need to be able to drive vehicles around and, since the land in the school will belong to the Crown, it is a public place, and they will need a licence, and so the list goes on. It will be interminable.

I support the legislation, although I wonder at the necessity for us to engage in such trivial things when we all know what the law was intended to mean. I know I am not allowed to reflect on the previous bill but in that instance, of course, we were required to assume that no-one would do anything silly, and of course BHP would not take water from somewhere where it was otherwise causing a problem, would it—or would it? The minister said, 'Of course, commonsense will prevail.' Why does it not equally prevail in this instance? As parliamentarians, as opposed to legislators, we ought to be able to engage our minds and exercise them on these sorts of questions and do what the court does, that is (I do not know what the Latin is, but I know the Attorney does), it will not concern itself with trivialities, and it should not do so. But it is trivial.

The Hon. K.A. MAYWALD (Minister for Consumer Affairs): I thank members for their support for this bill. The bill seeks to amend the Liquor Licensing Act 1997 to allow the supply of liquor to a student under the age of 18 who is enrolled in a tertiary education course declared by regulation to be an approved course, as long as the liquor is supplied as part of that course.

I refer to a couple of the comments made by the member for Hammond and provide some information as to why it became necessary to consider the course of action which the government has undertaken in introducing this bill. There was a complicating factor as a result of the University of Adelaide taking over the wine centre in that the university became a licensee for the first time. Tertiary institutions in the past have not been licensees. Under the Liquor Licensing Act it is unlawful to supply alcohol to a minor as a licensee. As the oenology courses were being held at the wine centre, where the University of Adelaide actually held the licence, it became evident it could become an issue under the law. This is why there was a necessity to introduce this legislation.

I refer also to comments made by the member for Schubert in respect of Nuriootpa High School, which is doing an absolutely fantastic job. I reinforce the comments of the member for Schubert with respect to the way in which the school is embracing students and industry working together. The students at Nuriootpa High School have the opportunity to participate in a course that is very relevant to their region. However, I am not prepared to extend the provisions of this bill to include the tasting of alcohol by high school students. I think if they get a taste for the science of wine, then the opportunity is provided to them through their tertiary education.

The University of Adelaide has requested that the act be amended to allow first year students, some of whom may be minors, to participate in its Bachelor of Science (Oenology) at the National Wine Centre. This amendment will not weaken the provisions of the Liquor Licensing Act 1997, which prohibit the access of liquor to minors, but it will allow a tertiary institution to conduct an approved course where a limited number of minors may be enrolled. I commend the bill to members.

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

STATUTES AMENDMENT (INTERVENTION PROGRAMS AND SENTENCING PROCEDURES) BILL

Adjourned debate on second reading.

(Continued from 22 September. Page 3561.)

Ms CHAPMAN (Bragg): I indicate that the opposition accepts the amendment of the Legislative Council. This is an amendment which the opposition presented to ensure that there be some independent assessment and evaluation of the intervention programs which are the subject of this bill. It was the position of the government that the Ombudsman should have the jurisdiction and responsibility to undertake this evaluation. It was the opposition's position that, clearly, the Ombudsman could not undertake this extra responsibility, together with the duties with which he is currently required to comply. Therefore, his office needed to be sufficiently resourced and, in particular, funded to facilitate adequate, appropriate and sufficient extensive evaluation. The amendment makes provision for the requirement that the necessary resources be allocated and made available to the Ombudsman to undertake those duties. The opposition welcomes that amendment and supports it.

The Hon. I.P. LEWIS (Hammond): The position which CLIC takes on this bill is different from that of the opposition or the government.

The Hon. M.J. Atkinson: CLIC?

The Hon. I.P. LEWIS: Yes, that is the Community Leadership Independent Coalition.

The Hon. M.J. Atkinson: I know what it is, but how come you threw that one in? You rarely use that. You rarely present yourself as a CLIC member of parliament.

The Hon. I.P. LEWIS: Yes, I am one of the Independents of which CLIC is comprised. I am the only one in this place.

The Hon. M.J. Atkinson: Who are the others?

The Hon. I.P. LEWIS: There are many, and maybe the minister will learn sooner than he thinks; it might be healthy for his political future. The purpose of the bill as we see it is to introduce within the court process an intervention program in relation to drugs, mental impairment and violence aimed at treatment and rehabilitation of offenders prior to sentencing. As I understand it, an amendment has been made in another place to include problem gambling. The criminal proceedings already begun are held over while a person undertakes treatment or rehabilitation. The interesting contradiction in this whole process is that satisfactory progress in a program will be reflected in sentencing, yet on the other hand we are told that non-participation in a program or not, if one has been given the opportunity to do so, will not be relevant to a sentence. That is a non sequitur. If you go into the program your progress on assessment will determine how you are sentenced, but if you do not go into a program the fact that you did not do so will not affect your sentence. That is a bloody nonsense.

Any individual's legal right and access to intervention will be determined by a judicial officer and not by the person who is convicted. On the other hand, the programs will be delivered by non-judicial officers under the direction of the court. There is strong public interest in those people who have been brought before the courts and charged to overcome the underlying causes of their criminal behaviour. The CLIC position in general on criminal behaviour is that it ought to be addressed as a problem and that the entire sentencing procedure and purpose of imprisonment should be to facilitate the focus on rehabilitating the mindset of the offender and not on retribution.

The Hon. M.J. Atkinson: At which meeting of CLIC was that resolved?

The Hon. I.P. LEWIS: There is strong public interest, as I have said to the minister, and it was at more than one meeting that this was discussed and debated. The minister seeks to mock me and thinks himself so clever by his interjections that he could trap me. I will proceed. The bill contains some more specific provisions if the crime relates to mental impairment, including the possibility that the courts can dismiss and release for summary offences or minor indictable offences without charge, but before doing this the court must satisfy itself that the defendant understands that they have a mental impairment—how does somebody with a mental impairment understand it—and how it affects their behaviour.

Most people who have such an impairment deny that they have it, leave alone that it has an effect on their behaviour. The person then has to say that that person, that is, the charged person, has made a conscientious effort to address this problem by completing or participating to a satisfactory extent in an intervention program. Moreover, the court must be satisfied that the release or dismissal of the charge will not endanger the safety of anybody, yet if the court screws up in that respect it is not responsible, so again it is a nonsense. The court may not dismiss charges if it would affect denying the victim compensation by the defendant under the Criminal Law Sentencing Act of 1998.

A victim who is injured as a result of conduct for a charge dismissed under this part of the bill is in the same legal position in making a criminal injuries compensation claim against the Crown as a victim of the actions of a non-impaired person against whom the charges are not proceeded with or dismissed. There is no difference to the injury and the consequences of it, so why should there be a discrimination against those people who happen to be the victims whose charges are set aside by the court because they were in some way impaired? Surely you are still entitled to access and therefore a claim under the Criminal Injuries Compensation Act, even if the perpetrator of the crime has not been found. Just because you have had your teeth smashed, your leg broken and your car burnt and you cannot catch the culprit or get a conviction as to who it was who did it does not mean that you have not been injured. In my judgment, the bill needs to make special provision for this but does not.

Another specific provision within the bill relates to the sentencing of Aboriginal people. The provision allows for a conference to occur with the accused's lawyer—that is, the person who is charged as their lawyer, advocate or counsel (call it what you will)—as well as a possible court invited person of the accused's community; that is, an elder or other person who can give suitable cultural advice or support to the defendant and the like. It will include the prosecutor and the victim or victims. An Aboriginal justice officer employed by the Courts Administration Authority helps the court convene and advises about Aboriginal society and culture.

We should note that the bill amends the Magistrates Court Act 1991, the District Court Act of the same year and the Supreme Court Act 1935, so that reports to determine any person charged being eligible or to determine a person's progress in an intervention program may be inspected by the public only with the permission of a court. So much for open courts! I thought they were meant to be courts because they were open to the public, but it seems to me that now the Attorney takes pleasure in deciding that they will be closed. If he can close them for this reason in this instance, why will he not close them for other reasons in other instances? We will get back to the point pretty soon where there are Star Chambers, and the public will not be allowed to know because the people in the court think that it might cause offence or some disadvantage to someone who has committed the offence.

Causing offence to the public at large, or otherwise disadvantaging the person who is the offender, is hardly the way in which our courts were first agreed as being the means by which we can satisfy the need for the public to feel that justice is being done; and equally for it to be possible for the public to satisfy itself that the rehabilitation process and progress towards responsible citizenship is being achieved against the background of what the court knew. Let us look at the things that are causing the angst and the hook between the ALP and the Liberal Party. Schedule 1 allows for a review of the process by the Ombudsman, when, in any case, all such new programs will receive severe inbuilt scrutiny by the criminal justice system—or so we are told.

The opposition in the other place is insisting on an extra independent review of the process. I note that the Attorney sees this as entirely unnecessary, and that is what is causing

the angst. What seems questionable to me is the statement made on Thursday 22 September, when the Attorney said:

> At present, only a few selected Magistrates Courts offer intervention. This means it is not available for every eligible defendant. The bill makes intervention possible ultimately for all eligible defendants by allowing intervention to be arranged by any criminal court. But it does not create a legal entitlement to intervention. . .

It says that it does not because it makes the court's ability to order intervention subject not only to the eligibility of the defendant but to program services being available. In other words, it is a bit like the health system—you will end up on a waiting list if you want your hip replaced or your brain renovated by the intervention program. It will be rationed according to the amount of money that is available. A suitable place and time, the Attorney says. So, money, a place to be referred and the time for the referral. It is the government of the day not the courts that will determine how many eligible defendants then have access to intervention by deciding how much and where the programs will be offered.

That is discrimination, in my judgment, and not something in the public interest. That is a legitimate, exact quote of the opinion of the Attorney-General, and it is pretty ambiguous. I pose the question yet again: does it mean that all eligible defendants will be allowed intervention or not; and, if not, does it not smack of a confusion of the separation of powers, namely, that it is executive government deciding what the courts were meant to do and overriding the courts' discretion (courts as plural, and it is a possessive because it is their discretion)?

There should be a separation of powers. There always has been in the past. Matters of the executive separate from those matters judicial and temporal are being confused in this place. One wonders whether this might not be the reason why the other place wants the extra review, or is it that it is concerned about the quality of the intervention program? If it is, then neither the Hon. Robert Lawson nor any other member of the opposition has ever said so. I note further the remark that has been made by the Attorney publicly that 'satisfactory progress in a program will be reflected in sentencing'.

As I said earlier, one wonders why that is the case. On the other hand, let me then go on and say, as he said, 'non-participation in a program or not being given the opportunity to do so will not be relevant to sentence'. That is a contradiction, as I read it. The Attorney is also on the record publicly as saying, 'this will prevent sentence challenges by co-offenders or different offenders charged with like offences when a lesser sentence is given to one of them in recognition of his or her participation in an intervention program.' Two different kinds of justice are available, it seems, as a consequence of that.

It is woolly. It is, if you like, a drift away from the basic reasons for why we have open public courts and apparent consistency and ultimate discretion in the hands of the judge to do these things that we expect our courts to do, and that is being interfered with. This makes the role of the judicial officer who determines whether intervention can apply very crucial in the whole element of sentencing. The additional fact that reports to determine a person's eligibility or progress in an intervention program may be inspected by the public only with the permission of the court means that the reasons for allowing the intervention are not on the public record and, even though you may wish to research it, you are not allowed to.

No member of the general public can go there other than if the court tells them that it is okay to have a look at it. It makes the role of the judicial office in determining whether or not intervention should occur doubly crucial in the scheme of things. It does not seem to me that there has been clear thinking of the propositions that the bill contains. I also noted that the Attorney said:

> A victim who is injured as a result of conduct for a charge dismissed under this part of the bill is in the same legal position in making a criminal injuries compensation claim against the Crown as a victim of the actions of a non-impaired person against whom charges are not proceeded with or are dismissed.

The bill makes no special provision for that; so, it acknowledges that there is an inconsistency but decides to leave it alone.

Other provisions within the bill relating to the sentencing of Aboriginals require an Aboriginal justice officer employed by the courts to help the court convene and advise about Aboriginal society and culture. One wonders what the qualifications of such people will be—whether it is an exam in political correctness or a genuine illustration of their ability to understand the several different cultures there are within the total fraternity of folk who lived on this continent prior to the arrival of Europeans. There was not one single homogeneous society and I know that you know that, Mr Speaker. So, for any one person to be given responsibility for understanding that just because they understand what happened in the tribal circumstances with which they can legitimately demonstrate competence does not mean that they are competent to deal with every instance.

In preparation of the bill, I wonder whether the Law Society's Aboriginal Issues Committee was consulted in sentencing matters. I am surprised to learn on that particular point that an email was sent out as recently as Friday—and we are going to pass this legislation tonight, and this is the rub. Marina Noto from the Legal Practitioners Registry sent out an email to several people, and the subject was the Statutes Amendment (Intervention Programs and Sentencing Procedures) Bill 2005. The email states:

> Dear Committee Members, [this is on Friday]
> The Law Society has today received a copy of the Statutes Amendment (Intervention Programs and Sentencing Procedures) Bill 2005, a copy of which will be circulated to you by post.

So, that was Friday. It was circulated on Friday. They have not even got the bloody thing yet, and we are going to pass the legislation, and the minister will claim that he has consulted with them, I will bet. The email continues, 'Please forward your responses to Chris Charles, Thanks, Marina Noto, Registry Assistant.' So much for the meaning of the word consultation. The government will claim that it has consulted. The government will claim that it has sent this information to that committee, and that it has had the opportunity to make input. Well, we know what that is, don't we? It simply lays the lie to the claim that the government makes very often that it has properly consulted with those people in the community who have specific expertise and some capacity to contribute to do so.

I believe that the matter ought not to proceed tonight until, at least, they have had the opportunity to receive their correspondence from Marina Noto, and to forward it back to her with their remarks and, if necessary, determine what their position is. I do not see any rush to do this. We ought to get it right if we are going to do it. It ought not to be seen as only window-dressing for the government in its run-up to the election campaign, where it can refer to either one side or the

other side of the argument for the case to say that it has done what the public wanted. There are inconsistencies that I have referred to in this legislation, and there are certainly elements of it which suit both the Labor Party and the Liberal Party policies, but they are certainly not in compliance with the policies of CLIC.

The Hon. M.J. ATKINSON (Attorney-General): The member for Hammond perhaps does not realise that the substance of this bill was given to stakeholders more than a year ago, and the dispute in the last 12 months or so has only been about the schedule to the act and the question of how the intervention programs should be reviewed—a very limited scope of disagreement. The bill has a long history. An identical bill, save for the schedule, was introduced to parliament in 2003, and passed by both houses of parliament with multi-party support. It is an important bill that provides a much needed formal statutory backing for two practices that have developed in the courts.

One is the practice of directing defendants to undertake programs of intervention that help them take responsibility for the underlying causes of their criminal behaviour. The other is the use of culturally appropriate sentencing conferences in sentencing Aboriginal defendants. Giving legislative backing to these programs and procedures recognises their value to criminal justice and to the public. Intervention programs help people learn to take responsibility for their behaviour and to live in a law-abiding way. Sentence conferencing helps to reduce the alienation of Aboriginal offenders that so often impedes their rehabilitation and compliance with court orders.

The Hon. I.P. Lewis: No question about that.

The Hon. M.J. ATKINSON: One of the great struggles in the criminal justice system is to get Aboriginal accused to turn up to court at all, so anything that gets them there for justice to be done is a good thing—and I note the member for Hammond's assent.

Although it supported the statutory authority given the courts in the bill, the opposition also wanted the bill to require an independent consultant to review the services to intervention programs, and it introduced an amendment proposing a schedule to this effect. Mr Speaker, there must have been so many consultants who were in clover during the period of the previous Liberal government that in opposition they were looking after some of the old mates by creating a bit of work—opportunities for work for consultants that had been so drastically reduced by this government.

Members interjecting:

The SPEAKER: Order! The Attorney has the call.

The Hon. M.J. ATKINSON: The government opposed the amendment and pointed out that the act itself does not establish intervention programs or govern how they are serviced. We pointed out that no government would support intervention program services unless they were effective, because they cost money and time. We pointed out that these programs are already thoroughly and regularly evaluated through the Office of Crime Statistics and Research at much less cost than if independently reviewed, with the results being published on line.

Despite these arguments, the opposition's amendment was successful and the bill went into deadlock. It was laid aside by the Legislative Council in June 2004, when the deadlock conference failed to resolve differences between the two houses. On 17 February 2005, the government introduced a new bill in the other place with the same clauses as those in the 2003 bill, except that it contained a schedule requiring a different form of review of intervention programs, which was suggested by the Hon. Nick Xenophon—peacemaker as always.

The bill would allow either house of parliament, not more than 12 months after the commencement of the act, to ask the Ombudsman to investigate the value and effectiveness of the services that are included in the intervention programs. The investigation would cover the period of 12 months from the commencement of the act or any other period specified by the house that requires investigation. The investigation would be conducted as if it were initiated under the Ombudsman Act 1972. Alas, the opposition did not agree with this kind of review and in April 2005 adjourned the debate.

In early June 2005, I wrote to the shadow attorney-general and the Democrats proposing yet another kind of review and seeking their comment. I received no answers to that request. When parliament resumed in September 2005, the government introduced an amendment to the bill in another place proposing the kind of review suggested in my letter. All clauses in the bill, save the schedule, were again passed without dissent. However, the opposition opposed the new form of schedule and indicated support for the schedule as introduced by the government in February 2005—that is, in the form it had then opposed—so long as it could be amended to include a clause requiring the Attorney to ensure that the Ombudsman has the funds reasonably required to carry out the investigation.

An honourable member interjecting:

The Hon. M.J. ATKINSON: I do not think that is the Hon. Robert Lawson's amendment: I think that I see the hand of the Liberal candidate for Bright behind that amendment. He hath prevailed over the shadow attorney-general. Although the government and the Democrats took the view that this clause sets an undesirable precedent in that it requires the Attorney-General to use his budget in a particular way—an amendment that they would not touch with a pair of tweezers if they were in government—the government was prepared to accept the schedule amended in this way in the interests of passing this much needed legislation which only the member for Hammond is quibbling about. The bill so amended passed in the other place. On 22 September 2005, I introduced the bill as enacted in the other place; in other words, the deadlock had been resolved and the bill that is now before this house is in terms agreed between the government and the opposition. I commend the bill to the house.

Bill read a second time.

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

That this bill be now read a third time.

Mr LEWIS (Hammond): I did not delay the house by preventing it from going straight to the third reading, but I will say at the third reading stage that, notwithstanding what the Attorney has said, I find the simple fact that he failed to get the information to the committee of the Law Society until Friday or, at least if it had it before that, it did not get it out and, notwithstanding that, we have decided this evening to pass it knowing that that committee has an expectation that it can comment upon the changes that have been made in the legislation, even though by passing the third reading here and now that is denied. That is prevented. That is forgone. That is lost. So much for the government's service to the process of consultation.

Bill read a third time and passed.

DEVELOPMENT (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): 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 *Development Act 1993*, together with the *Environment, Resources and Development Court Act 1993* and associated regulations, came into operation on 15 January 1994.

These Acts and Regulations set the statutory process and procedural framework for the South Australian planning and development system.

Substantial amendments to the *Development Act 1993* were made in 1997 and 2001.

The Government has commenced a wide range of initiatives to improve the State's planning and development system in order to provide greater policy, procedural and timeline certainty for the community and applicants.

One of these initiatives is to amend the current *Development Act 1993* through the *Development (Miscellaneous) Amendment Bill 2005*.

On 7 April 2005, the Minister for Urban Development and Planning introduced the *Development (Sustainable Development) Amendment Bill 2005* into the Legislative Council for debate. On 4 July 2005 the Minister adjourned the debate on that Bill due to concerns that the amendments proposed during the debate on the Bill had the potential to undermine the spirit of the Government's initiatives to improve timeliness and certainty in the State's planning and development system.

As a consequence of discussions with the other Parliamentary parties, the Minister moved a motion to divide the *Development (Sustainable Development) Amendment Bill 2005* so that a wide range of agreed provisions in the Bill could proceed for debate while the other provisions are subject to ongoing discussions.

The resulting *Development (Miscellaneous) Amendment Bill 2005* has been passed by the Legislative Council.

The Government emphasises that while the initial Bill has been divided, it still proposes to address the issues contained in the balance of the initial Bill. Detailed discussions will be held with key stakeholders to resolve the issues in order to establish a world-class planning and development system.

Such a system should involve elected members of Councils giving significant priority to undertaking strategic planning and drafting policies for inclusion in Development Plans within the framework set by the Planning Strategy. This will provide a clear direction for the community, the region and the State. Equally, development assessment must be impartial, made within the specified times and with decisions being based upon the policies set out in the approved Development Plans and the Building Code of Australia.

As part of the broader program to improve the State's planning and development system the Minister for Urban Development and Planning has also announced that System Performance Indicators relating to the number and timeliness of statutory actions and decisions will be introduced through amendments to the *Development Regulations 1993* under the existing provisions of the *Development Act 1993*.

The *Development (Miscellaneous) Amendment Bill 2005* includes the following proposals:

- A single Code of Conduct to be prepared by the Minister for all development assessment panels in the State and professional staff acting under delegation. This will provide the community and applicants with certainty of development assessment procedures and will support impartial and transparent decision making.
- Actions in relation to the key findings of the Coronial Inquest into the Deaths at the Riverside Gold Club. These relate to provisions for:
  - improving the accountability of component designers and manufactures for the performance of their products incorporated into building work;
  - the auditing of Councils and Private Building Certifiers to ensure proper processes are followed for the complete assessment of applications;
  - the strengthening of requirements for Council inspection policies to ensure greater consistency with building and planning rules; and
  - the introduction of expiation fees for some breaches of the Act to encourage a high degree of compliance.
- Land Management Agreement provisions relating to development applications to improve development applications and assessment procedures.
- Appeal rights for applicants where development assessment decisions are overdue to avoid duplication and delay.
- Amendment to the open space contribution provisions to allow small rural towns to have a different contribution level to those of large urban areas.
- Amendments to the *Natural Resources Management Act 2004* to clarify that Councils or the Minister for Urban Development and Planning are responsible for initiating amendments to Development Plans relating to NRM issues. This provision implements a commitment given by Minister Hill during the Second Reading Speech on the NRM Bill that this amendment would be made as part of the Bill to amend the *Development Act 1993*.
- Provisions to remove uncertainty for Councils and Private Building Certifiers in the processing of applications that are either incomplete in terms of their provisions of required information or are inconsistent with other relevant consents.

I also take this opportunity to raise a subject that is dear to my heart. That is the matter of local heritage.

The *Development (Sustainable Development) Amendment Bill 2005* introduced into the Legislative Council on 4 July 2005 included measures to ensure that the community and land owners were confident with the procedures by which local heritage places are nominated, subject to public consultation and approval.

These important local heritage provisions were incorporated in the Sustainable Development Bill provisions relating to reducing the delays in the Plan Amendment Report ("PAR") procedures of the *Development Act 1993*.

It is unfortunate that the large number of amendments filed by the Opposition and the Democrats in relation to the PAR procedures meant that the local heritage amendments are now in the Bill that has remained in the Legislative Council (Bill (No. 2)).

During debate on this Bill, the Democrats introduced an amendment relating to the introduction of heritage orders on places where a Council is of the opinion has sufficient local heritage value to justify its protection under this Act.

This amendment was opposed by both the Government and the Opposition in the Legislative Council and subsequently lost. The rationale for opposing the amendment included:

- The amendment would provide a disincentive for some Councils to prepare local heritage surveys and comprehensive local heritage Plan Amendment Reports in favour of a adversarial and reactive approach through the use of the heritage protection orders.
- The amendment is based on the opinion of the Council without requiring any technical justification which would provide a high degree of uncertainty for property owners.
- The amendment required the land owner and the Council to enter into high cost court action with expert witnesses on both sides in order to justify the removal or retention of this heritage order.
- The amendment breaks with the spirit of the Act where policies are to be formulated on professional investigations by a Council or the Minister with public consultation and subject to review as part of the policy formulation process.
- The amendment breaks the intention of the Act that the role of the ERD Court is an independent appeal body with decisions being based upon the policies in the Development Plan and makes the Court in this instance a surrogate planning body.

· The amendment does not provide any grounds for the ERD Court to consider the local heritage issues and hence determine whether heritage order protection should be retained. The provisions in the introduced Sustainable Development Bill clearly provide a link between professional surveys, public consultation and review in the listing of places. Hence the amendment undermines the certainty of process required by the community and landowners.

· The proposed heritage protection orders are not time limited – it is open to the Court to determine the timing of an order. Such orders may need to be in place for a year or more while a Council fulfils its statutory obligations to consult the community on local heritage polices. Such uncertainty for the land owner is not acceptable.

· It is unlikely that a Council would use heritage orders in those circumstances where for political reasons it has adopted a policy of voluntary listing of heritage places. As a consequence, the amendment does not address the current inadequacies of the Act.

Whilst the Government opposed the amendments introduced by the Democrats, the Minister for Urban Development and Planning, gave an undertaking to revisit the local heritage listing provisions whilst the Bill was between Houses.

During the debate on the amendment, the Opposition and Minor parties sought the Minister's assurance that the Government give genuine consideration to introducing a Government amendment to the Bill which provided greater certainty to the community and land owners regarding the procedures for proposing the listing of local heritage places in a fair and impartial manner.

After considering the issues, including the amendments filed by the Opposition and Democrats on the Sustainable development Bill, I can indicate today that I will on behalf of the Government move amendments to this Bill relating to the listing of local heritage places.

These amendments will require Councils to simultaneously undertake a local heritage survey by a prescribed person and to prepare a draft PAR so that the current delays in the listing process are overcome. It also enables a Council to remove a recommended place from the list before public consultation if this can be justified and the community is informed that the Council has taken such action. It provides the public and land owners with an opportunity to make submissions to the Council on the proposed listing. In order to protect proposed places during the consultation period, the amendment requires that all such PARs be placed on interim operation for a maximum of 12 months. This will enable full debate and consideration without fear of premature demolition. The amendment retains the ability for the ERD Committee of Parliament to review the process and hear submissions from interested parties.

This amendment will clearly retain the role of Councils in initiating amendment to Development Plans and avoids the adversarial and costly delays associated with the amendments filed by the Democrats.

This amendment will reinforce this Government's commitment to ensuring that local heritage policies are clearly set out and involve a completely transparent process.

I commend the Bill to the House.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Development Act 1993*

4—Amendment of section 4—Interpretation

These amendments revise various definitions under the Act, or make consequential amendments. The definition of ***building work*** is to be amended so that any excavation or filling will only constitute building work if it is incidental to the construction, demolition or removal of a building. However, a related amendment to the definition of ***development*** will allow the regulations to include prescribed earthworks as constituting a form of development.

5—Amendment of section 17—Staff

This amendment revises an out-of-date provision.

6—Insertion of Part 2 Division 5

The Minister will adopt codes of conduct to be observed by members of the Development Assessment Commission, regional development assessment panels, council development assessment panels and officers of relevant authorities or other agencies who are acting under delegations under the Act. The Minister will be required to take reasonable steps to consult with the Environment, Resources and Development Committee, and with the LGA, before adopting or varying a code.

7—Amendment of section 24—Council or Minister may amend a Development Plan

This clause will alter the scheme for amendments to Development Plans based on work that has been undertaken by regional NRM boards so that such amendments will now be effected under this Act (rather than under the *Natural Resources Management Act 2004*).

8—Amendment of section 33—Matters against which a development must be assessed

This clause makes a series of technical amendments. Proposed new subparagraph (va) of section 33(1)(d) will allow a relevant authority to determine whether the division of land under the *Community Titles Act 1996* or the *Strata Titles Act 1988* is appropriate having regard to the nature and extent of the common property that is proposed to be established in the scheme (as in some cases it may be more appropriate to proceed with the division of land under the *Real Property Act 1886*).

9—Amendment of section 35—Special provisions relating to assessment against a Development Plan

Subclause (1) is a technical amendment. Subclause (2) provides for a category of "merit" development to be expressly referred to under the Act (being development that must simply be assessed on its merit taking into account the provisions of the relevant Development Plan). However, it is not intended that the creation of this category of development under section 35 of the Act will derogate from the concept of the assessment of other categories of development on merit against the provisions of the Development Plan (subject to the other provisions of section 35 and the Act more generally). Rather, this approach reflects the common categorisation of development that is neither *complying* nor *non-complying* as "on merit development" (see, for example, the decision of the Full Court in *Frankham v Adelaide City Council*).

10—Amendment of section 39—Application and provision of information

An amendment effected by this clause will give express authority to a relevant authority to return any documents that are inconsistent with other documents, or a previous development authorisation.

11—Amendment of section 41—Time within which decision must be made

This amendment will specify some additional situations where it will always be appropriate for the Court not to make an order for costs under section 41 of the Act.

12—Amendment of section 45—Offences relating specifically to building work

This clause will create a new offence relating to the responsibility of a person who designs, manufactures, supplies or installs any item or materials in connection with the performance of any building work to comply with the requirements of the Building Rules in certain circumstances.

13—Substitution of heading to Part 4 Division 3

This amendment revises a heading.

14—Amendment of section 49—Crown development and public infrastructure

The Development Assessment Commission will now be responsible for providing notice of an application under section 49 to the relevant council (if any).

15—Substitution of heading to Part 4 Division 3A

This amendment revises a heading.

16—Amendment of section 49A—Electricity infrastructure development

These amendments are consistent with the amendments to be made to section 49.

17—Amendment of section 50—Open space contribution scheme

The rates of contribution that are to apply under section 50 will now be set by regulation . It will also be possible to extend the scheme established under this section to other forms of development prescribed by the regulations.

18—Amendment of section 55—Action if development not completed

These amendments will allow an application to be made to the Court under section 55 if a development that is envisaged to be undertaken in stages is not undertaken or completed in the manner or within the period contemplated by the relevant approval.

19—Amendment of section 56—Completion of work

This is a consequential amendment.

20—Insertion of section 56B

It is intended to introduce a scheme that will require a council or private certifier undertaking the assessment of development against the provisions of the Building Rules to have its, or his or her, assessment activities audited by an auditor on a periodic basis.

21—Insertion of section 57A

This amendment establishes a scheme relating to land management agreements between the Minister, any other designated Minister, or a council (as one party), and a proponent (as the other party).

22—Amendment of section 71A—Building inspection policies

A building inspection policy of a council will need to comply with any minimum levels of inspection prescribed by the regulations.

23—Amendment of section 89—Preliminary

This clause makes a minor technical amendment.

24—Amendment of section 92—Circumstances which private certifier may not act

In addition to the circumstances set out in subsection (1), the regulations will be able to prescribe situations where a person cannot act as a private certifier in respect of a particular development.

25—Amendment of section 93—Authority to be advised of certain matters

A private certifier will be required to specify, in the notification under 93(1)(b)(i), any variation that has been made to a plan or other document on account of a statutory requirement.

26—Amendment of section 108—Regulations

A new provision is to be included to address cases where a person fails to comply with any time limit or requirement prescribed by the regulations.

27—Substitution of heading

This is a consequential amendment.

28—Amendment of Schedule 1

This amendment will allow the regulations to fix expiation fees for offences under the Act and the regulations (the expiation fee being set at the rate of 5 per cent of the maximum penalty for the relevant offence or $315, whichever is the greater).

Schedule 1—Related amendments

The amendments to the *Natural Resources Management Act 2004* will revise the interaction between those provisions relating to the preparation and amendment of plans under that Act and the amendment of Development Plans under the *Development Act 1993* so that the actual Development Plan amendment procedure will now be under the *Development Act 1993*.

Ms CHAPMAN secured the adjournment of the debate.

ELECTRICAL PRODUCTS (EXPIATION FEES) AMENDMENT BILL

Returned from the Legislative Council without any amendment.

ADJOURNMENT DEBATE

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I move:

That the house do now adjourn.

AUDITOR-GENERAL'S REPORT

The Hon. G.M. GUNN (Stuart): I am pleased to speak on the adjournment debate. It has been interesting to briefly read through the Auditor-General's Report. A matter of some concern is that the taxpayers of South Australia have a superannuation liability of $6 500 million. The second interesting matter that needs to be brought to the attention of the house and the people—

The Hon. J.D. LOMAX-SMITH: On a point of order, Mr Speaker, I believe that this relates to a bill before the house.

The SPEAKER: The minister indicates that there is a bill before the house in relation to this matter.

The Hon. G.M. GUNN: No; it is the Auditor-General's Report. Have a look at the first—

The SPEAKER: If the member is talking to the Auditor-General's Report and not specifically to a bill before the house, he is in order. There is no point of order. The member for Stuart.

The Hon. G.M. GUNN: I actually do understand the standing orders.

An honourable member interjecting:

The Hon. G.M. GUNN: For a day or two. I hope members read this document. This government has gone on loud and at length across the state about what a great job it has done financially. The first unequivocal comment the government cannot get away from is that the previous government laid the foundation. If members look at the chart on page 120 (12.1—South Australian Public Sector Net Indebtedness 1999 to 2009) they will see how the debt has been brought down from nearly $8 000 million to what it is today: approximately $2 000 million. The chart shows the steps that were taken. The Auditor-General states:

> The following chart shows data on a long-term basis to the end of the forward estimates. The impact of the use of proceeds from the electricity disposal process is clearly visible on general government debt. . . Public sector net debt has reduced by $5.4 billion to $2.2 billion (3.9 per cent of South Australia's Estimated Gross State Product) in the period 1998-99 to 2004-05. Forward estimates show that net debt is projected to rise to $2.4 billion. . .

Coupled with the money this government is receiving from the commonwealth's GST revenue, that is why the government has the resources to go around the country doing the things it is doing. It is not the government's good management. First, state governments have never had such revenue. Whether or not you like the GST, it has given state governments the resources they need to provide the services to the communities they represent. That is what state governments are there for: they are the provider of basic services. So, the money is quite properly—

Mr Koutsantonis: Electricity is a basic service, isn't it?

The Hon. G.M. GUNN: Can I say to the honourable member that, when he was campaigning to get into this place, his colleagues in government blew the overdraft when they let the State Bank, SGIC and Scrimber and those things get out of hand. They had the building at Collins Street in Melbourne, the $440 million building that no-one wanted. Unfortunately, I have never seen a bank manager who does not want to be paid.

Mr Koutsantonis: Like a happy farmer.

The Hon. G.M. GUNN: Well, all farmers are happy; they are good, easygoing people. They are not hard to get on with. They are the salt of the earth. The farmers and the miners built this country.

Mr Koutsantonis interjecting:

The Hon. G.M. GUNN: If the honourable member wants a lesson in history, what did the people of Burra do when this colony of South Australia was founded? They laid the foundation. The farmers and miners have done it and, if you give them a fair go, they will keep people like yourself in the

manner to which you are accustomed. Just give them a fair go. Get off their backs with some of this irresponsible and stupid red tape they are having to put up with. The matter I actually wanted to talk about in this adjournment debate is the road situation in the north of the state. We had comments made by the shadow minister, and then the parliamentary secretary came on the radio a couple of days ago, the member for Napier, who was obviously carefully reading a brief prepared for him. Unfortunately, I do not think his geography was too good. He told us about how good things were. I was at Marree last Friday dealing with my good constituents up there, and one of my constituents said, 'I'm never game to cart my horses on the road between Marree and Oodnadatta: they are so distressed when they get there, shaken up because of the shocking condition of the road.'

It is no good people making out that these roads are in good condition. The government cut the gangs; it has taken away the money; it failed to seal the road between Lyndhurst and Marree; and it stopped the sealing of the road between Blanchetown and Morgan, therefore the road up to Dalhousie going through Hamilton is deplorable. I understand that they have been up there and put up some red flags where the new road is going to be. Anyone can put red flags up there, but how much money has been allocated? Where is the money? We have all this money coming in from the GST. The government has put up registrations. The government held back on providing the money for the buses and then the minister—

The Hon. I.P. Lewis interjecting:

The Hon. G.M. GUNN: And the yuppies at North Adelaide are going to get a tram. That was not budgeted for. There is money going up there: that is great. They have to get on the tram and get off to go to the cricket! That is all going to be great.

Ms Thompson interjecting:

The Hon. G.M. GUNN: We have the honourable member from down south, the chair of the Economic and Finance Committee, who is the one who said that people enjoyed the experience of driving on rough roads. The honourable member went up there, and people have not forgotten that. People have not forgotten the honourable member's contribution. It was just like when she criticised the nurses that time. On that occasion she had to apologise. But let me return to these roads. We had all this palaver and then the Minister for Transport, when he got cross with the city's association, indicated to it quite strongly that he was thinking about doing away with the registration concessions, I am told, something that no government in the past 50 years would even contemplate.

If this government has talked about this, I think the people of South Australia need to be told that that is what this government is looking at. If you want to maintain a tourist industry, you have to have decent roads. You have to have decent access from the air.

Ms Breuer interjecting:

The Hon. G.M. GUNN: I suggest that the honourable member gets her own car.

Ms Breuer: I have been out there. I have driven thousands of kilometres on those roads.

The Hon. G.M. GUNN: You did not drive yourself. I think I have a reasonable understanding of those roads.

Mr Koutsantonis: You used to get a white car to meet you at the airport. You used to get a white car to drive you to the airport and take you to the farm.

The Hon. G.M. GUNN: What are you talking about? I would have driven more ks than probably any other person who has been in this parliament. I did about 3 000 ks last weekend. If you have to talk about someone driving, I think I actually know my way around the north of South Australia. The road situation has been allowed to deteriorate under this government. The $32 million that it spent on replacing plant, if it put it back into sealing some of the roads, would have done a great deal of good for the people of this state and allowed other contractors access to good equipment that helps not only in road construction but in other areas where heavy equipment is needed to be used. We are not going to let this government forget about the roads that it has canned. In terms of the Morgan Road, the minister does not want to see the deputation. We will make sure that the people of South Australia clearly understand the facts and the situation because they are entitled to be told. We will be making some alternate suggestions which I am sure they will find acceptable in the future.

JUDICIAL APPOINTMENTS

Mr KOUTSANTONIS (West Torrens): I wish to draw to the attention of the house remarks made in September by the shadow attorney-general in which he criticised various judicial appointments made by this government. His criticisms cannot go unchallenged, and the real reasons underlying those criticisms deserve analysis. In his remarks, the Hon. Robert Lawson focused on two aspects of particular appointments made by the government. The thrust of this criticism is that there is something wrong and illegitimate about the appointment of a person to judicial office in this state if that person has some connection with other people who are members of the Labor Party—brother, sister, husband or wife—and if the person appointed comes from the Crown Law Office.

The first line of attack should be exposed for what it is—McCarthyism. It is just a disgraceful attempt to smear by association persons appointed to judicial office who, by reason of the office they hold, are in no position to respond to such criticisms. If ever there was greater indictment on that born to rule mentality which infects the opposition, it is this. The Hon. Robert Lawson considers that any association with the Labor Party, however tenuous, constitutes disqualification from judicial office. Just what does the shadow attorney-general think he is doing? He once briefly held the office of the attorney-general. At that time and in his present role he was and is charged with maintaining public confidence in the administration of justice. This kind of attack for base political motives can serve only one purpose, namely, to undermine the public confidence which is a necessary condition for the performance by the courts of their crucial role in a democratic society.

Where does the shadow attorney-general think this line of attack will lead? Does he agree with me that parliament should scrutinise all judges and magistrates to identify whether they have previously been a member of a political party? Should the parliament conduct an inquiry into their past associations or their present relationships—that is, to whom they are married—to identify whether they are now or have ever been a member of the Labor Party, or the Liberal party for that matter? Just what does any of this have to do with the capacity of any judge or magistrate to discharge the duties of his or her office? This is reckless politics conducted

by the shadow attorney-general with a complete disregard for its consequences and the responsibility of his office.

But, of course, this is not the only aspect of the shadow attorney-general's criticism. He is also critical of appointments made to the magistracy. His complaint is that most of them have come from the Crown Law Office. Let us consider the facts. Since this government came to office, it has appointed five Supreme Court judges, two Supreme Court Masters, 11 District Court judges, one District Court Master, two Industrial Court judges, one Industrial Court Magistrate, one Coroner and eight magistrates. That is a total of 30 judicial appointments. Of these 30 appointments, 19 came from the private profession, and 11 were public sector lawyers. Appointees have come from a broad spectrum of backgrounds—political and social.

This analysis reveals that the government is prepared to appoint the best person to the position irrespective of whether they come from the public sector or the private profession. This government is committed to ensuring that those considered for judicial appointments are representative of the community they serve. So, what is the Hon. Robert Lawson's problem? Could it just be that this unjustified political attack reveals his own hidden agenda? How does this government's performance on judicial appointments contrast with that of the previous Liberal government, and how does it reflect on the role of the Hon. Robert Lawson and how he will conduct himself if he ever again occupies the high office of the attorney-general of the state? As he never ceases to remind us, before he entered the parliament, the shadow attorney-general practised as a barrister. Now, where did he practise, you might ask. I can tell the house that, before he was elected to the parliament, the Hon. Robert Lawson was and remains a member of Jeffcott Chambers.

Let us examine the last government's list of judicial appointments. Where did they come from? Surprise, surprise—eight members of Jeffcott Chambers were appointed by the last Liberal government to the Supreme Court or the District Court. It is like a revolving door at Jeffcott Chambers. There must be something special in the water at the Jeffcott Chambers. The last Liberal government could not appoint the Hon. Robert Lawson's mates fast enough.

What has happened since this government came to office? No further appointment of any member of the Hon. Robert Lawson's chambers to judicial office. I think the house can begin to see what really underpins the shadow attorney-general's criticisms of this government's judicial appointments. We have not been appointing his mates. When the last government was appointing his mates, the parliament heard not one piece of criticism from the then Labor opposition—not one. That is because the Labor Party takes seriously its responsibilities. Labor respects the great institutions, like the courts, that are vital to the functioning of our democracy. We did not set out to undermine the authority of the judiciary of this state, unlike the shadow attorney-general, but I think there is more to the shadow attorney-general's criticisms than simply the fact that his mates from Jeffcott Chambers no longer figure so prominently in judicial appointments.

The distinguishing feature of the appointments he has criticised is that the overwhelming majority of them are women. Now we can begin to see the other reason that underpins the shadow AG's criticisms of this government's appointments to judicial office. These criticisms reveal so much about the man who is the shadow attorney-general and his approach to the responsibilities of his high office. His criticisms spring from a complete disregard of the obligation to maintain public confidence in the administration of justice in this state and are motivated by sexism and base political motives. These criticisms reveal why the Hon. Robert Lawson is unfit to again occupy the high office of attorney-general. It will not happen again.

There was not one word from the then Labor opposition about eight Jeffcott Chambers members being nominated to the bench—not one word. Yet, those on the other side are screaming blue murder about someone who was a member of the party and whose sister was appointed as a judge. They are attacking her and she cannot respond. It is an absolute disgrace. When we appointed Amanda Vanstone's sister-in-law, were there any backbenchers in the Labor Party getting up and attacking that appointment? No, not one. Why? Because it is a good appointment. I wonder when the next Jeffcott Chambers lawyer will be appointed to the bench—probably not in my lifetime.

Motion carried.

At 9.29 p.m. the house adjourned until Tuesday 18 October 2005 at 2 p.m.