LEGISLATIVE COUNCIL

Thursday 3 April 2003

The PRESIDENT (Hon. R.R. Roberts) took the chair at 2.15 p.m. and read prayers.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that the written answer to the following question, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: No. 198.

ARTS SA, STAFF

198. **The Hon. DIANA LAIDLAW:**
1. Did Arts SA propose to cut six officer positions to meet budget estimates for 2002-2003?
2. How many officers are now working with Arts SA compared to 2001-2002?
3.
(a) What positions and classifications, if any, have been culled from Arts SA this financial year?
(b) What is the cost saving in each instance this year and long-term?

The Hon. P. HOLLOWAY: The Minister for the Arts has provided the following information:
1. The proposal to reduce staff positions at Arts SA by six was arrived at as part of a whole-of-portfolio review of savings opportunities in order to meet the government's 2002-03 budget savings target.
2. The number of staff currently employed at Arts SA is 47 FTEs. This compares with 51 FTEs at the end of the 2001-02 financial year. One position of the six identified to be eliminated was terminated prior to 30 June 2002.
3.
(a) The following positions were abolished, or are in the process of being abolished, as part of Arts SA's contribution to the government's 2002-03 savings strategy:
Manager, projects and development (ASO8)
Senior finance officer (ASO6)
Capital projects officer (ASO4)
Facilities officer (contract)
Policy and research officer (ASO3)
Registry officer (ASO2)
(b) The estimated cost savings in 2002-03 and 2003-04 onwards generated by the elimination of the six positions are as follows:

	2002-03	2003-04 Onwards
Mngr, Projects & Development (ASO8)	Nil	$82 000
Senior Finance Officer (ASO6)	$66 000	$66 000
Capital Projects Officer (ASO4)	$20 000	$46 000
Facilities Officer (Contract)	$43 000	$43 000
Policy and Research Officer (ASO3)	$40 000	$40 000
Registry Officer (ASO2)	$39 000	$39 000

PAPER TABLED

The following paper was laid on the table:
By the Minister for Agriculture, Food and Fisheries (Hon. P. Holloway)—

Senior Secondary Assessment Board of South Australia—Report, 2002.

DETENTION CENTRES

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I table a copy of the statement on the Baxter Detention Centre made by the Premier in the House of Assembly today.

CARERS, UNPAID

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I table a copy of the ministerial statement on the Carers Ministerial Advisory Committee made in another place today by the Hon. Stephanie Key, Minister for Social Justice.

WILTON, Mr A.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I seek leave to make a ministerial statement on the death of an Aboriginal elder.

Leave granted.

The Hon. T.G. ROBERTS: The state government was sad to learn of the passing of the Adnyamathanha elder Mr Artie Wilton and extends its condolences to Mr Wilton's family and the Adnyamathanha people. Mr Wilton was a much respected member of the Aboriginal community and was the last Wilyaru or fully initiated man under the Adnyamathanha cultural traditions. With Mr Wilton's passing, an important cultural link to the past is lost. The government recognises that this is a difficult time for the Adnyamathanha people, who have not only lost a friend and respected leader of the community but who also feel a sadness over the dislocation from their sacred law, culture and traditions of the past.

Mr Wilton was a man committed to the preservation of Aboriginal land, heritage and culture and was therefore a great advocate for the Aboriginal community of South Australia, particularly those living in the Flinders Ranges. The state government believes that South Australia is the poorer for Mr Wilton's passing and only hopes that this will be a reminder to all South Australians to appreciate the diverse cultures that we are fortunate enough to have in our community. In particular, now is the time for the state to redouble its efforts to support and preserve a culture and tradition that enriches us all.

QUESTION TIME

AUSTRICS

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make a brief explanation before asking the minister representing the Minister for Transport a question about AUSTRICS.

Leave granted.

The Hon. R.I. LUCAS: AUSTRICS is a subsidiary of TransAdelaide which produces and sells scheduling and rostering software. It was formed in the early 1990s under the Bannon Labor government. For more than a year now, significant concerns have been raised about the management of this company. In recent months a line of credit from TransAdelaide to AUSTRICS has had to be increased from, first, $500 000 to $700 000 and now to $1 million. The opposition has been advised that last month the Chief Executive Officer of AUSTRICS was removed and seconded to TransAdelaide and that the board of AUSTRICS has been dissolved. The board of TransAdelaide, we are advised, is now acting as the board of AUSTRICS—two of the members of the AUSTRICS board are members of the TransAdelaide board and the third member of the AUSTRICS board has now been appointed as the acting Chief Executive Officer of AUSTRICS. My questions are:

1. Prior to the appointment of Mr Emms as the Chief Executive Officer, did Mr Emms have any experience with transit scheduling, software production, software support or the sale of complex mission critical software products?

2. When did the minister first call for a financial report or statement on the state of the finances of AUSTRICS?

3. When was the minister aware that the company had almost doubled its staff from 18 to 35 people in just over a year on a basically flat revenue stream?

4. Can the minister confirm that there have been two investigations conducted, one by Treasury and the other by the Auditor-General's Department, which the opposition understands were initiated late last year, into allegations of maladministration and breaches of the Public Corporations Act by AUSTRICS staff members? Are those two reports finished, and will the minister table those reports in the parliament? If not, why not?

5. Will the minister provide parliament with details of the termination conditions of Mr Emms' contract? How much public money will Mr Emms receive during the remaining 12 months of his contract and what duties, if any, will he be required to undertake?

6. The Public Corporations Act outlines a set of duties for board members, in particular 14(2)(b), which provides:

> . . . the board must for that purpose ensure as far as practical—
> (b) that the corporation and its subsidiaries have appropriate management structures and systems for monitoring management performance against plans and targets and that corrective action is taken when necessary.

What plans and targets were in place at AUSTRICS? Were they met, and was corrective action taken where necessary by the board?

7. Does the minister believe that board members have complied with the requirements of the Public Corporations Act and, if not, what action, if any, does he intend to take?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will endeavour to refer all those questions to the relevant minister in another place, the Minister for Transport—

The Hon. Diana Laidlaw: You will refer them or you will endeavour to?

The Hon. T.G. ROBERTS: There are a lot of questions there. I will refer them to the Minister for Transport in another place and bring back a reply.

ANANGU PITJANTJATJARA

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about Anangu Pitjantjatjara.

Leave granted.

The Hon. R.D. LAWSON: On 29 August last, the minister issued a press release in which he stated that he had asked the Auditor-General, Ken MacPherson, for his formal advice on how the government could handle allegations of the possible misuse of AP board funds. On the following day, the then chairman and director of Anangu Pitjantjatjara wrote to the Auditor-General, with copies to the minister and Premier, in which they alluded to the fact that the minister was seeking advice from the Auditor-General. They told the Auditor-General in that letter of their shock, concern and anger at the suggestion of a misuse of board funds. The letter continued:

> This allegation was made earlier this year by our political opponents and was adequately refuted by an interim audit process conducted at the time. In particular, in April this year an interim audit was carried out by the Alice Springs office of Deloitte Touche Tomatsu. Copies of that report and subsequent relevant correspondence can be provided for your consideration on request.
>
> The minister has known for several months that those audit processes have occurred within AP and has been provided with copies of the documentation. His statements repeating defamatory allegations are simply inexcusable. Perhaps if he had taken the trouble to visit the lands since he became minister, he would have had a better understanding of AP's accountability both to traditional owners and to funding bodies.

The Hon. T.G. Roberts interjecting:

The Hon. R.D. LAWSON: That is AP. The letter, a copy of which went to the minister, stated:

> The minister has referred to you [the Auditor-General] baseless and unsubstantiated hearsay in relation to alleged misuse of funds and it is, of course, a matter for you to determine what to do with it.

My questions are:

1. Did the minister ask the Auditor-General, Ken MacPherson, for formal advice on how the government should handle these allegations?

2. Did he obtain that advice?

3. What was the advice?

4. Will he reveal it to the council?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): As the honourable member knows and understands, the period when we first came into government was a very busy one in trying to deal with the issues associated with the terrible state in which the Anangu Pitjantjatjara people were living.

The Hon. A.J. Redford: Still are!

The Hon. T.G. ROBERTS: As the honourable member points out, they still are. It will take this government and the commonwealth some considerable time to get the lands and the communities to a point where we would be proud to be a part of the reconstruction of those communities; where they become livable for not only Anangu Pitjantjatjara people but also professional people who visit and live there. Unfortunately, that is the case. As I speak, the government is putting together a wide range of packages, including the introduction of the COAG trial for the remote region of the AP lands in a program to try to rebuild the lives of the people and to try to eliminate the worst aspects of petrol sniffing, alcohol abuse and community violence, and to try to get a form of governance on the lands that is able to negotiate and talk directly to our government across agencies so we can improve the standard of living for people in that area.

We are trying to do it not in a patronising way but, rather, in a partnership so it is not seen to be a part of old style governance. Certainly, we are not in the position to say that personal empowerment through the regimes of governance that were in place when we first went into government were to be continued. We needed an interventionary policy, which we have provided in the first instance, and, hopefully, we can get some joint partnerships through government—which we are doing. We recently signed an MOU. At state level, we will, hopefully, have a memorandum of understanding, or a joint partnership agreement, with the commonwealth, the state and the AP within a reasonable period. That is a progress report in relation to the AP.

In relation to the questions asked by the honourable member, the AP executive has requested an audit from the Auditor-General. We would prefer that the relationship between the government and the AP executive be carried out through the auspices, or wishes, of the AP executive and then, in partnership, we provide that support for it. With respect to the questions raised by the honourable member in relation to the time frames and periods that he has mentioned, I do not

have that information in front of me. I will endeavour to obtain the relevant correspondence, the contact times and the event timetables for him as soon as possible.

YUMBARRA NATIONAL PARK

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about Yumbarra National Park.

Leave granted.

The Hon. CAROLINE SCHAEFER: The right to explore the very exciting mineral possibilities in Yumbarra National Park was hard fought in this council just a few years ago. At that time, the ALP opposed the reclassification of Yumbarra to allow for mining in the park. The Labor Party later promised to return Yumbarra to its pristine state and reverse the parliament's decision if it won the election. Since then, however, it has reversed that decision, and minister Holloway has learnt and announced what the rest of us already knew; that Yumbarra is, in fact, not a wilderness area and was grazed as late as the 1960s. It has feral animals and weeds, and the commercial reality is that mining exploration must be allowed in that region. Minister Hill, however, has a different view of why the government has reversed its policy. This morning on ABC Radio he said:

> The difference is that mining has already started there.

The Hon. Diana Laidlaw: What briefing note was he referring to?

The Hon. CAROLINE SCHAEFER: Yes. The reality is that mining has never started there and that the most recent exploratory drill hole was completed in August 2001. There has been no activity in Yumbarra park for over 12 months. Is this another case of Mr Hill's not reading his briefings? Does Mr Holloway believe that minister Hill is overworked and, therefore, is not across his portfolio? Will he lobby to have natural resource management returned to primary industries, where it belongs, thereby easing the workload on his colleague and returning his own portfolio to some relevance?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): Let us get the facts on the table. I was asked a question in relation to Yumbarra several weeks ago, and I set out many of the facts that the honourable member who asked the question has just repeated. For example, she said that there had not been activity since August 2001—I think that was included in my answer to the question—

The Hon. Caroline Schaefer interjecting:

The Hon. P. HOLLOWAY: Let us understand one thing. At the last election, the policy of the Australian Labor Party was that the Yumbarra park would revert to its original single proclamation status if exploration at that park were to prove fruitless. The point that I have made, and the point that my colleague in another place has made, is that that is not the case. The exploration has not proved fruitless.

The Hon. Caroline Schaefer interjecting:

The Hon. P. HOLLOWAY: That is in the policy. It is probably still on the web site. That is what the policy said 12 months ago.

Members interjecting:

The Hon. P. HOLLOWAY: When the current lease expires and exploration proves fruitless. But, as I said in answer to the question in this place, we do not believe that it is fruitless. One of the biggest mining companies in the world wants to spend some money because it believes—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order! The Leader of the Opposition is breaching the standing orders.

The Hon. P. HOLLOWAY: —that the original exploration by Dominion and Resolute, which was some fairly shallow sampling of that area, as I explained at great length in an answer some weeks ago—

Members interjecting:

The Hon. P. HOLLOWAY: Dominion and Resolute are gold miners and they have just opened the Challenger gold mine in the north of the state. That is what they have been seeking. However, as a result of the early exploration activities by Dominion and Resolute at this site in Yumbarra, the likely mineralisation is now considered to be nickel, copper and platinum. That is why, as soon as the exploration licence from Dominion and Resolute was handed in, the new company, Minex, which is a subsidiary of Mithril, which involves—

The Hon. Caroline Schaefer: Minotaur.

The Hon. P. HOLLOWAY: —and BHP Billiton, took up the application. How can exploration be fruitless when that company wants to become involved? It is not the case that the policy has been reversed. Minister Hill was referring to the activity that was undertaken by Dominion, which was to put a road through. I have read what minister Hill said, and it is a pity that the opposition has not. He said that they had put that road through to the site, which is a large hill. I have been there myself, and the road was put out there as part of the exploration activities. The point that my colleague was making is that they undertook that activity, they put a road out there. Accusations have been made that the road might have let in feral animals, and I will leave that to the experts to debate. The point that my colleague the Minister for Environment and Conservation is making is that the road was put out there in relation to those exploration activities. That has already happened, so, having gone that far, is it not logical—

The Hon. R.I. Lucas: Is that mining?

The Hon. P. HOLLOWAY: It is a mining activity. Under the Mining Act, exploration is regarded as a mining activity. It is mining exploration; it is a mining activity. That is what my colleague is simply referring to, that a road has been constructed. Having gone that far, is it not logical, therefore—and I made this point in answer to a previous question—that this process should be completed so that, once and for all, we can determine what is in this large, elevated portion of the park? It is like a large hill. It is a geographical anomaly and it is also a magnetic anomaly.

There has been some preliminary exploration by way of shallow drilling. However, to really determine the exact nature of any mineralisation that might be under the surface would require further exploration, in particular, deep drilling into the core. Essentially, that is what has been proposed by the new proponent, and that will determine the issue once and for all. In terms of impact on the environment, the fact is that a track—it would be a bit much to call it a road—goes out to the centre of this area.

The Hon. Caroline Schaefer: There always has been.

The Hon. P. HOLLOWAY: No, a road went most of the way. The honourable member who asked the question commented that parts of the park have been grazed. As one drives out to this anomaly, one goes through some large open fields. I am not sure whether they were originally open or

were part of the original environment, but there is no doubt that people have visited the area to within the last five or 10 kilometres of this anomaly. There is no doubt that people have been out there for many years. It depends whom you believe, but my information is that the last five or 10 kilometres of that track have been put down since then.

Is that fact really relevant to this question? I stand by all the facts that I gave in answer to the previous question. I do not believe that anything that my colleague the Minister for Environment and Conservation says contradicts that. If one wants to get technical and talk about whether, if he uses the word 'mining', that includes exploration, the word 'mining' is often used loosely to include exploration activity. I certainly do not have any problem with that. I understand what the minister is saying: it is a pity that members opposite do not.

The Hon. DIANA LAIDLAW: As a supplementary question, can the minister confirm whether this is an accurate reflection of Labor Party policy—its commitment to restore Yumbarra as a single proclaimed conservation park—if the current exploration lease proves fruitless and expires? If so, will the minister check the statement that he made in answer to a question from my colleague—

The PRESIDENT: I think the member has asked the question.

The Hon. DIANA LAIDLAW: —and, if it varies with the policy, would he return to this parliament and make a personal explanation?

The Hon. P. HOLLOWAY: I resile from nothing. Without having it in front of me, it certainly sounds like the policy. The fact is that the current exploration has not proved fruitless, and that is what I explained in some depth. Dominion and Resolute, the original licensees, have—

The Hon. Diana Laidlaw interjecting:

The Hon. P. HOLLOWAY: Yes, but how has it proved fruitless? The point that I am trying to make is that, as a result of that activity, which has been reported, as I understand it, through the Stock Exchange, the licensees did not wish to continue because the situation was different from what they thought. The exploration did not detect the sort of mineralisation that the companies had expected. However, there were signs of a different sort of mineralisation, and that is the point I am making. In my view, that is not fruitless, and that is what I explained in answer to the previous question. Why should I apologise for saying that? If it was fruitless, why would one of the largest mining companies in the world wish to immediately continue with this exploration, but for a different type of mineralisation? I do not see that I need apologise for anything that I have said. I have been perfectly frank with this parliament about the situation in relation to Yumbarra.

The Hon. CAROLINE SCHAEFER: Does the minister agree that mining is currently taking place in Yumbarra?

The Hon. P. HOLLOWAY: Mineral exploration took place in Yumbarra by Dominion and Resolute until the last exploration activity at the end of 2001. The company had maintained its lease under which it is required to undertake certain rehabilitation works. I suspect that it had sent some of its officers into the area. Mineral exploration entails drilling a hole and getting a lot of core samples, which you can do fairly quickly. They are then taken back to the laboratory and analysed, which takes a long time. Essentially, that is what has happened with Dominion and Resolute: they did some fairly shallow drilling; they took the results back to the laboratory and analysed them; and, as a result of that information, the licensees decided not to proceed with the lease.

One needs to point out that there had been a connection between the companies because, at one stage, it is my understanding that one of the companies involved had shown interest in involvement with Dominion in a joint venture in the area. These other companies are certainly well aware of the exploration work that was being undertaken by Dominion; in fact, they are involved in joint ventures. I have a note that Mithril was one of the companies approached by Dominion for a joint venture during 2002 and is currently negotiating with Dominion to farm in other exploration licences in the region.

The Hon. Diana Laidlaw interjecting:

The Hon. P. HOLLOWAY: Yes, exploration licences. Of course there has not been a mining licence issued because it is still exploration. What we are talking about is the continuation of exploration to determine whether there is in fact an economic quantity of minerals in the area.

Members interjecting:

The Hon. P. HOLLOWAY: If you have a look at the thing, the word 'mining' is in many contexts used to include any mining activity, including exploration. In common English usage the word is often used to include that. Obviously, as Minister for Mineral Resources Development I am a bit more acutely aware than most of the different context in which it is used. I am sure to most members of the public the word 'mining' is often used to include all mining activity, including exploration.

The Hon. J.F. STEFANI: As a supplementary question, will the minister advise the chamber, certainly for my benefit, whether separate licences are issued for exploration and for mining?

The Hon. P. HOLLOWAY: Yes, they are.

INDIGENOUS CONSUMERS

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the minister representing the Minister for Consumer Affairs a question about indigenous consumers.

Leave granted.

The Hon. CARMEL ZOLLO: In recent years it has become clear that indigenous people across the country, especially those living in remote areas, are potentially at risk from exploitative trading behaviour. I understand that governments across Australia now recognise that it is the responsibility of government agencies to ensure that consumer protection extends to all consumers and all areas. My question is: what is the Office of Consumer and Business Affairs doing to help inform the indigenous community about their rights as consumers?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for her very important question. It is one of the cross-portfolio questions that have been asked of me in recent weeks and it is one way of informing remote communities, particularly those that do not have good communications, about some of the activities that are being carried out across agencies, not just in Aboriginal Affairs but in other departments, in relation to their rights, the same as any other members within our communities.

Several factors are contributing to the disadvantage faced by indigenous consumers in remote Australia, and in South Australia in particular, and some of those include remote communities having both a lack of banking facilities and very few options for purchasing food and other essential items. I am sure that the lack of information given to indigenous consumers about their rights as consumers has also been a significant factor in perpetrating the disadvantage. I have been made aware of second-hand car dealers dealing into the remote regions of the state who, in a lot of cases, disadvantage consumers.

There are also travelling bands of retailer/wholesalers who visit the lands in remote regions. Most of them do a very good job in reaching those remote areas with their goods and services but, in some cases, the goods that they deliver are fairly shoddily made and overpriced. The Minister for Consumer Affairs has advised me that the Office of Consumer and Business Affairs (OCBA) has established links with the Aboriginal Education Unit within the Department of Education and Children's Services to deliver consumer education in Aboriginal and mainstream schools.

OCBA presented a workshop on Spendwell, the online consumer education program, at the Aboriginal Schools Conference at Port Augusta in March 2003. The workshop focused on developing consumer education programs; linking consumer education with the South Australian Curriculum Standards and Accountability (SACSA) framework; and linking consumer education with the literacy and numeracy requirements of the Aboriginal Education Plan. It also held a consumer education workshop for Aboriginal education workers attending the Aboriginal Schools Conference. The workshop will also be offered to Aboriginal education workers in other areas. OCBA staff are working in partnership with Ernabella TAFE to include details about rights and responsibilities of traders in vocational training programs for indigenous students.

OCBA has established a partnership with the Australian Competition and Consumer Commission and the Aboriginal and Torres Strait Islander Commission to educate indigenous communities about their rights as consumers. As a result of this partnership with ATSIC, the Commissioner for Consumer Affairs has organised five workshops on the Associations Incorporation Act for indigenous community groups in Port Augusta.

In conjunction with several other agencies in the justice portfolio, OCBA has also begun developing an approach to the preparation of educational information initiatives that are sensitive to indigenous needs and culturally appropriate. The approach will be piloted with selected metropolitan country and indigenous groups and, if successful, will be adopted generally. I guess the growth of consumer trading by internet will also be one of those issues that we need to keep our eye on, not only for indigenous consumers but, as it grows, all consumers will need to be made aware of their rights in relation to buying over the net.

CHILDREN AT RISK

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Social Justice, a question about children at risk.

Leave granted.

The Hon. KATE REYNOLDS: Family and Youth Services is the statutory authority with responsibility for the protection of children in this state as laid out in the Child Protection Act 1993. Children with an intellectual disability and high and complex needs are amongst the most vulnerable children in our society. We understand that there are approximately 20 children in South Australia who could be described in this way and are currently the subject of child protection concerns. These children require specialised intensive therapeutic services, specialist education support and tailored alternative care options. Mainstream services are not resourced or equipped to respond to their high and complex needs, which manifest in extreme emotional and behavioural problems.

The Intellectual Disability Services Council is the lead agency for planning, coordinating and providing services for people with an intellectual disability within this state. We know of situations where workers have made a referral to IDSC, an assessment has been carried out and it has been agreed that the child meets IDSC's criteria for short-term intensive service provision. However, in even the most serious instances, family and social workers assigned to the child can expect to wait for more than six months for the child to receive any service. We understand that there is also a waiting list of 18 months for these children for intervention and therapy services from Child Adolescent Mental Health Service and a five month waiting list for access to a family support worker.

This situation also places already stressed families at risk of homelessness owing to the likelihood of being evicted, particularly those in Housing Trust homes, due to the disruption to the local community caused by their child's extreme behaviour and emotional problems. In some instances, FAYS staff and police are attempting to provide a professional response for children as young as 10 years who have, for instance, been charged with assault and whose behaviour was so unmanageable that a child required handcuffing and blindfolding before they could be transported to a safe place. Workers have to field up to 10 calls per day regarding individuals' children from police, schools, family members, neighbours and groups such as Neighbourhood Watch. On a daily basis, case workers are expected to manage the risk associated with these children causing further harm to themselves or to others.

For children with both an intellectual disability and complex behavioural problems, service delivery can, at best, be described as fragmented. Workers can offer only short-term crisis intervention instead of having long-term options available because there are simply not enough resources within the South Australian system to provide the most basic services. Workers tell us that they fear that deaths by misadventure—

The Hon. CARMEL ZOLLO: I rise on a point of order, sir. I think this is somewhat of a debate rather than a brief explanation.

The PRESIDENT: It is becoming lengthy. I am certain the member is about to come to the point. I would remind the honourable member that she is tending to put a lot of opinion into her explanation and I ask her to make an adjustment to that in the future. She will conclude her explanation and come to the point.

The Hon. KATE REYNOLDS: This is the concluding sentence, Mr President. Workers tell us that they fear deaths by misadventure are inevitable, unless the minister intervenes to ensure that FAYS is able to meet its statutory obligations to children at risk. My questions are:

1. Will the minister acknowledge that the resources currently available do not allow FAYS to fulfil its obligations to children with high and complex needs, compounded by intellectual disability?

2. Will the minister make an urgent injection of funds available to FAYS officers to provide or purchase services tailored to meet the needs of these children?

3. Will the minister acknowledge that siblings of children with high and complex needs, compounded by intellectual disability, are at risk of delayed development, social exclusion and peer isolation, poor education outcomes, and face an increased risk of also becoming a child in need of protection in this state?

4. Will the minister make an urgent injection of funds to provide appropriate preventative and maintenance support to siblings at risk?

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

ASBESTOS

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Health, a question about funding for asbestos disease research.

Leave granted.

The Hon. A.L. EVANS: Last year the New South Wales government announced the creation of an asbestos disease research institute. The New South Wales government has allotted \$800 000 over three years to the institute. The numbers of people being diagnosed with asbestos disease is going up every year. Professor Bill Musk from the Department of Medicine and Public Health, University of Western Australia, has said that the risk is occurring because of the extent to which asbestos was used in industry and around the community up until the mid 1980s. Asbestos disease will generate enormous cost to the community in relation to health and medical treatment. The Asbestos Victims Association has some 400 members, with about 90 per cent of the members actual victims of asbestos.

I was told today that five cases of mesothelioma were reported in Mount Gambier earlier this year. This is an aggressive cancer that is almost always caused by exposure to asbestos. The South Australian association is holding a public seminar on 29 April with invited experts to provide information to the community. The establishment of an asbestos disease foundation in New South Wales is an important achievement. In fact, the association has already written to the South Australian government, other state governments and the commonwealth government, asking whether they would come together to develop a strategy and planned approach forward for asbestos disease research in Australia. My questions are:

1. Is the government willing to participate in a national forum to discuss a national approach to asbestos disease research, as already called for by the Asbestos Victims Association SA Incorporated?

2. How much funding is currently allotted to asbestos disease research in South Australia?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those important questions to the minister in another place and bring back a reply. I am, and have been made, aware of a number of mesothelioma cases in the South-East. In a lot of cases it takes proof, but many of the cases are allegedly coming from the power stations that were built all around the state in the 1940s and 1950s that had asbestos lined ceilings, many of which deteriorated over time and were not investigated or replaced until many cases started to show through.

There is, in some cases, a 20 to 30 year lead time and, as the honourable member said, we are now looking at a plethora of cases that will start to show through because of the ignorance, in some cases (and arrogance in others), with which asbestos was used, particularly in the power and other industries. I have a personal wait, having worked with both blue and white asbestos in my time at sea and ashore. The time clock is ticking. I hope that I have escaped but if I have it will be more from good luck than better and safe management of asbestos in the workplace during those years.

NURSES

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Health, some questions about nursing numbers.

Leave granted.

The Hon. J.F. STEFANI: In recent statements made by the Minister for Health we have been made aware that many beds in our public hospital system are not available because of the shortage of nursing staff. It is recognised that nurses play a pivotal role in our health system, particularly in hospitals, where they work to assist the many patients who are admitted during their illness. I have been made aware—

The Hon. G.E. Gago interjecting:

The PRESIDENT: Order!

The Hon. G.E. Gago interjecting:

The PRESIDENT: Order! I think the Hon. Ms Gago is nursing a grudge. The Hon. Mr Stefani has the call.

The Hon. J.F. STEFANI: I have been made aware that students who are not able to enrol in the university course of their choice start their first year university studies by enlisting in the nursing course.

Members interjecting:

The PRESIDENT: Order! There is too much background conversation.

The Hon. J.F. STEFANI: Perhaps I will start again, Mr President.

The Hon. G.E. Gago interjecting:

The PRESIDENT: Order! The Hon. Ms Gago will come to order now. I ask other members to show respect for the person who is on his feet. The Hon. Mr Stefani, I think your suggestion about resuming from the start is a good idea.

The Hon. J.F. STEFANI: Thank you very much. In recent statements made by the Minister for Health, we have been made aware that many beds in our public hospital system are not available because of the shortage of nursing staff. It is recognised that nurses play a pivotal role in our health system, particularly in hospitals, where they work to assist the many patients who are admitted during their illness. I have been made aware that students who are not able to enrol in the university course of their choice start their first year university studies by enlisting in the nursing course. They subsequently transfer to other courses. My questions are:

1. Will the minister investigate whether this practice is occurring at our universities? If so, how many students started their first year university studies in the nursing course

last year, and how many students have changed their course this year?

2. Will the minister inquire whether there are legitimate reasons for the students to change their course?

3. Will the minister consider the suggestion of employing nurses aides in our hospital system to enable trained nursing staff to undertake the specialised nursing care for which they have been trained, thus providing a greater capacity to staff an additional number of hospital beds?

The Hon. G.E. Gago interjecting:

The PRESIDENT: Order! The Hon. Ms Gago will have to come to order.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those important questions to the Minister for Health in another place. As the honourable member pointed out, those answers should be known.

GOLDEN GROVE POLICE STATION

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Police, a question about the police station at Golden Grove.

Leave granted.

The Hon. J.S.L. DAWKINS: On 21 October last year I asked the minister questions about the proposed police station at Golden Grove. I have yet to receive a response. Currently, the nearest police stations to the rapidly growing area of Golden Grove are at St Agnes, Para Hills, Salisbury and Holden Hill. There have been community moves over several years to establish a new station in Golden Grove itself in light of the continued development and growth of the area. In January last year, the former Liberal government pledged to open a shopfront station placed initially among other shops to develop a rapport with the local community. The member for Wright had previously presented numerous petitions in the House of Assembly calling on the then government to establish a police station in the area.

The promised police presence has failed to materialise under the new Labor government, despite its priding itself on being tough on crime and despite the member for Wright proudly announcing it in election material and even claiming credit for it. My questions on that occasion were: first, will the government agree to honour the previous government's pledge to establish a police presence in Golden Grove, strongly supported by the member for Wright before and during the 2002 election campaign; and, secondly, if so, when will action be taken to create such a police presence at Golden Grove? My question today is: given increasing community concern at the lack of action on this issue by the Labor government, particularly the member for Wright, when can I expect a response to my question of 21 October?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer that question to the Minister for Police in another place and bring back a reply. As my colleagues have pointed out, with the amount of money that the previous government spent on things like wine centres, sports stadiums, and so on, this state would have had a lot more for basic resources. It has been only 12 months and in that time this government has done an enormous amount. Rome was not built in a day.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: They took eight years to put the state's finances into this position, so it is going to take a little while to fix it up. We have done an awful lot in a year and we will keep working on it. I will bring back a reply.

Members interjecting:

The PRESIDENT: Order! Members of Her Majesty's Loyal Opposition will come to order!

ELECTRICITY CHARGES

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Government Enterprises, a question about electricity bills.

Leave granted.

The Hon. SANDRA KANCK: The Essential Services Commissioner, Lew Owens, has launched a service called the Estimator. It is a web-based tool that enables electricity consumers to ascertain whether it is in their financial interests to stay with AGL or move to one of the other electricity retailers that have recently entered the market. Given that since the introduction of the national electricity market the price of electricity has skyrocketed by 30 per cent for household consumers, this is an excellent but limited innovation by the Essential Services Commissioner.

To take advantage of the service, one needs to be both web literate and web enabled. Those twin requirements exclude many of the most vulnerable of electricity consumers. A significant percentage of pensioners, single parent families and other people on low and fixed incomes will be unable to take advantage of the service. In many cases, these are people who have been hardest hit by the increase in the price of electricity and stand to benefit the most by the small savings that choosing the best deal will bring.

It has been brought to my attention that AGL is relying heavily on estimated accounts. Sandy Canale, the South Australian manager of customer services, stated on 5AA that AGL would prefer to get into all premises and read every meter.

The Hon. Diana Laidlaw: It doesn't try very hard.

The Hon. SANDRA KANCK: I will get to that. AGL has a requirement that all meters be read at least once a year. It has outsourced the meter reading operations and the company now undertaking the readings operates only between the hours of 8 a.m. and 4 p.m. Further, that company will give the customer only an estimate within a four-hour block of when it will be able to read the meter or, if really hard pressed by the customer, it will give a two-hour block, which creates problems for people who are unable to be home between 8 a.m. and 4 p.m. My questions are:

1. Given the massive increases in the price of electricity, will the minister provide the Essentials Services Commission with the requisite funds to facilitate a phone based version of its Estimator service? If not, why not?

2. Given the massive increases in the price of electricity, has the minister encouraged people to have their meters read to clarify how much extra they will be paying under the new charges?

3. Given the recent massive hikes in the price of electricity, does the minister believe that customers should be able to arrange an after-hours meter reading? If not, why not?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer those important questions to the Minister for Energy and bring back a reply.

NOTICES OF MOTION

The PRESIDENT: Before I call on the Hon. Mr Sneath, who gave up his turn to allow the notices of motion to take place, I remind honourable members that members have an opportunity to provide notices of motion during the preliminary stages of the proceedings each day. Normally, it is only the province of ministers to present notices of motion at another time without leave.

ORGANIC FOOD SYSTEMS

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries and the Minister for Mineral Resources Development questions about the organics industry and mining.

Leave granted.

The Hon. R.K. SNEATH: While, locally, most consumers do not demand food that has been grown in organic production systems, there is most certainly a strong niche market. At present, the organic food market is the fastest growing category in food retailing on a global level, estimated at between 30 and 40 per cent. South Australia has a clean and green image that adds further to the attractiveness of this type of produce. My questions are:

1. Can the minister advise the council what the government is doing to foster the development of organic food production systems?

2. Has the minister had the opportunity to look at the meaning of 'mining' under the act?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I have had the opportunity to look at the definition of 'mining' as it appears in the Mining Act 1971, and I will share it with the council. The definition is:

> 'Mining', or 'mining operations', means all operations carried out in the course of prospecting, exploring or mining for minerals, or quarrying, and includes operations by means of which minerals are recovered from the sea or a natural water supply, but does not include fossicking—

clearly, there was no fossicking at Yumbarra, but there was exploration—

> and 'to mine' has a corresponding meaning. . .

Quite clearly, under the definition of 'mining' in the Mining Act 1971, the Minister for Environment and Conservation used that term entirely correctly.

Members interjecting:

The PRESIDENT: Order! Honourable members on my left will come to order.

The Hon. P. HOLLOWAY: When people such as the Hon. Angus Redford make all sorts of accusations and throw allegations at minister Hill completely without any foundation, when they are found out at least they could have the decency to cop it. You are great at chucking it, but you cannot take it, can you? You cannot take it when it is thrown back, when you are found out. Earlier, I was asked whether—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —I should apologise: it is you lot who should apologise.

Members interjecting:

The PRESIDENT: Order! The minister is capable of defending himself. He does not need any help from the back bench.

The Hon. P. HOLLOWAY: Let me return to the first question from the honourable member, and it is a very important one about the organic food industry. This subject has long held an interest for me. As the council would be aware, the State Food Plan has set some significant growth targets for food production, manufacturing and export industries of $15 billion per annum by the year 2010. While many strategies to help achieve this output have been put in place as a result, at this stage they focus predominantly on conventional food production systems and do not engage the organic sector to any degree. However, internationally, markets for organic produce are rapidly expanding into the multibillion dollar bracket, with global organic trade currently worth about $30 billion and forecast to reach $100 billion by the year 2006.

Australia already has an organics industry worth in excess of $300 million with significant exports to North America, Japan and Europe. This industry is, however, quite small in comparison to those in North America and Europe, where several countries have active government support. Given the scale of the international organic market, it represents an area in which there may be potential for appropriately targeted government involvement to add to the outcome. This potential is rapidly being recognised by competitors such as New Zealand, the United States of America and even by other Australian states.

Last night I announced to the Rural Industries Research and Development Corporation Organic Produce R&D Advisory Committee meeting in Adelaide that the South Australian government will fund the preparation of an organics industry strategy for South Australia. The preparation of the strategy will involve consultation with the organics industry and is intended to be completed by 30 June this year. Aspects of the proposal will be discussed at the Premier's Food Council meeting tomorrow. To assist in the development of the strategy, I intend to set up a consultative group from across various production sectors—horticulture, vegetables, meat and dairy, etc.—to help identify the right opportunities and to determine how government and industry can work together to achieve significant economic growth for the industry.

The process will also need to identify those areas where government may be able to make a calculated difference in production forms which have viable organic options and which fit within the other broad government goals for sustainable industry development, and to do so with an approach that is market and export driven. From this strategic plan we will provide a framework through which program development can be coordinated and fostered. This is not to suggest that there has been no involvement to date, either. Recently, the Rural Finance and Development Steering Committee approved an application for a significant amount of funds to develop the international market potential for organic wine.

In addition, the Premier's Food Council now includes an organics industry representative, Mr Don Fraser, who is an independent consultant and corporate adviser to five major food companies and who has international expertise in the food retail industry. He is Chairman of the Organic Produce R&D Committee and serves on the Lamb Industry Development Committee, and is a very welcome addition to the Premier's Food Council. In relation to the organic food industry, the Rann government is keen to ensure that we maximise the opportunities that are available in this growing industry.

The Hon. NICK XENOPHON: As a supplementary question, to what extent will the export market for South Australian organic produce be compromised by the introduction of GM crops in this state?

The Hon. P. HOLLOWAY: That, obviously, is a very significant issue and one that—

The Hon. J.S.L. Dawkins: —you don't know the answer to!

The Hon. P. HOLLOWAY: —that the select committee is looking at. That is probably a fair comment, that no-one really does know. One of the absurdities of the arrangements that we have for the introduction of genetically modified crops into this country is that the commonwealth Office of Gene Technology Regulator is responsible for health and environmental issues but marketing issues are left back for the states. But which level of government has trade information? It is of course the commonwealth. The commonwealth has a Department of Trade. That is the level of government that has most information to determine the market impacts in this area.

It is probably a pretty serious interjection that the honourable member makes. I am not sure that the states are really in the best position to determine some of these questions in relation to GM areas, because we do not have the level of expertise that the commonwealth would have in relation to the statistical information we need about the impact of GM crops. Nevertheless, the state government will do what it can within its much more limited resources, and of course we have the benefit of the select committee to try to gather that information and assist our farmers as best we can to make that decision. Certainly, it would be much easier if we were able to get the sort of information we need from the commonwealth government.

RIVER MURRAY BILL

Second reading.

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

This legislation is viewed by the Government as being historic legislation for the protection of the River Murray. Sadly but perhaps inevitably, the Government is introducing this legislation at a time when the need for such legislation could hardly be more self-evident. The Labor Party went to the last election promising to take bold action to protect the River Murray. This Bill honours that pledge.

As serious drought faces many parts of the country, we are reminded daily, and starkly, of the crucial importance of good water management. Safeguarding water systems is vital to our well-being but more critically, it is vital to our very survival—the health of our economy, our way of life and social fabric.

The River Murray is our most important water resource. It provides water not only for important regional industries—irrigation, manufacturing and industry and the communities that rely on those industries for their prosperity—but also water for the River townships, water for the city of Adelaide, water for growing industries in the Barossa Valley, and water for northern regional centres of Whyalla, Port Augusta, Port Pirie and numerous small townships between.

The River Murray is more, too, than a source of water for consumptive use. It is a living body whose ecological integrity must be maintained. Management of a river in a way that does not provide for environmental requirements threatens the entire river system and those who depend on it. At its most extreme, long term neglect of water for the environment threatens the very existence of dependent ecosystems, and the lives, livelihood and security of communities.

However beyond the fundamental and quantifiable value of a healthy river to our economy, and the importance of maintaining the River to ensure its future, is the subtle significance of the River to our cultural heritage, indigenous and since white settlement. All aspects of the River must be recognised and protected.

This is the first time in the State's history, and Australia's history, that the River Murray will be given special protection under its own legislation, in recognition of the importance of the river to all South Australians. The River Murray Bill takes us further in our commitment to the River than any other States' legislation. We hope it will create a bold precedent for other States as South Australia leads the nation in the protection and management of the Murray.

This legislation complements a number of other initiatives including the implementation of the Water Allocation Plan for the River Murray which was publicly released on 3 September 2002. Also, the Murray-Darling Basin Ministerial Council is finally getting serious about environmental flows for the River Murray, and this legislation has a number of features which will pave the way forward for the restoration of river health.

Why a new Act for the River Murray?

South Australia has a strong history of legislating for important reforms, including environmental reforms. For management of our natural resources we are well-served by Acts such as the *Water Resources Act 1997*, *Environment Protection Act 199*3 and *Development Act 1993*. But it is clear that the River Murray needs more than the protection that legislation can give, and it needs more than amendments to existing legislation alone. It needs a concerted effort, in part through new legislation and reforms to existing legislation, to ensure that protection and enhancement of the River is a paramount consideration for activities that have the potential to adversely affect the River.

The Parliamentary Select Committee on the Murray River investigated the current health of the River, the causes and impacts of its deterioration, and the further threats that face it, at both a national and local level. Many aspects of that report relate to integrated catchment management, an initiative we are actively pursuing with a view to introducing further legislative reforms later in the year. Many of the recommendations relate to operational and budgetary matters, and those too are being pursued at Departmental level. Many of the recommendations related to the national scene—the crucial Murray-Darling Basin Agreement, of which South Australia is, by necessity, a most active and committed partner. And a number of recommendations relate to identified legislative gaps that can be, and will be, covered by the River Murray Bill now before you.

Economic importance of the River

The Murray-Darling Basin in South Australia supports significant economic activity based on irrigation and dryland farming, and associated food processing, and tourism. The Murray Mallee and Riverland regions alone generate a gross regional product of over $1.5 billion (or 4 per cent of the gross state product). The regional economy is substantially based on the primary industry sectors, in particular grapes, cereals and irrigated horticulture. It is estimated that more than 70 per cent of the economic activity in the Riverland is based on the irrigation industry.

Benefits from this new legislation will include improved biodiversity, tourism, agricultural and recreational value. Sustainability of practices affecting the River will deliver improved long term security for the River and all those who are dependent on it.

Overview of the River Murray Bill

The Object of the Bill is to achieve a healthy working River Murray system, sustaining communities and preserving unique values. The Bill aims to do this through ensuring that development and other activities with an effect on the River are ecologically sustainable, and undertaken in a way that does not harm the River. The Bill also provides other mechanisms to
enhance management of the River and its catchment.

The 'River Murray' is defined broadly to mean the main stem of the River Murray, and all anabranches, tributaries, wetlands and flood plains, including the Lakes and Coorong. The definition incorporates the natural resources of the River Murray including the soil, water, ecosystems, cultural and natural heritage, and amenity and geological values of the River.

The River Murray Bill is a package in two parts.

The main part of the Bill:

- establishes Objectives for a Healthy River Murray ('ORMs');
- gives the Minister for the River Murray certain new powers and obligations, including preparation of a River Murray Act Implementation Strategy, obligation to promote integration of the *River Murray Act* with other relevant legislation, reporting to Parliament on the health of the River and implementation of the Act, having an input into statutory planning documents such as development plans, and having an input into some statutory authorisations;
- establishes a new duty of care—a duty not to harm the River, enforceable by a River Murray Protection Order or Reparation Order; and
- includes a power to make regulations which could include regulations to restrict or prohibit, subject to conditions, classes of activities that may harm the River.

The Bill also builds on and improves existing legislation to help to control and reverse the problems facing the River. The Schedule to the Bill amends numerous other Acts in order to improve the current regulatory framework. Amendments will require bodies administering those Acts to:

- take the River Murray into account in the preparation of plans and undertaking of functions; and
- seek input from the Minister for the River Murray before granting certain types of activities approvals in certain locations. Regulations will set out in detail the types of activities, in particular locations that are sensitive to the River, that will in the future be referred to the Minister for the River Murray under these new arrangements.

Additional amendments made in the Schedule to the *Water Resources Act 1997* will provide for closer controls over water licence conditions and water use. The changes will allow the recently released Water Allocation Plan for the River Murray to be fully implemented, supporting the improvements that have been made by South Australian irrigators over many years, and encouraging all irrigators to meet high standards.

Consultation overview

The Government has consulted widely over the Bill now before you. Following informal discussion with some key stakeholders, a Discussion Paper was developed a released for consultation. Comments received helped in the preparation of a draft River Murray Bill, which was itself released for consultation. In addition to direct contact with key groups and individuals, and loading the Bill and Explanatory Paper on the Departmental website, all River Murray licensees received a brochure informing them of the Bill. Stakeholder and representative groups were also engaged through small focus groups to discuss in detail the draft Bill and its potential application.

This is the first legislation of its type to be introduced anywhere in Australia. It meets one of the Rann Government's major promises to the electorate and has been embraced by the community.

It is now up to this House to ensure that we meet the expectations of the community and protect the River Murray.

Explanation of clauses

PART 1
PRELIMINARY

Clause 1: Short title
This clause is formal.

Clause 2: Commencement
The measure will come into operation on a day to be fixed by proclamation.

Clause 3: Interpretation
This clause sets out the meanings of term used in the measure. Some key terms include the 'River Murray'; 'natural resources' of the River Murray; and the 'Murray-Darling Basin'.

Clause 4: River Murray Protection Areas
This clause empowers the Governor to make regulations in order to designate areas as River Murray Protection Areas for the purposes of this measure or other Acts. The areas designated may vary for different purposes and Acts.

Clause 5: Interaction with other Acts
The measure does not derogate from the provisions of any other Act, unless that intention is otherwise expressed. This clause also sets out other Acts that are 'related Acts' for the purposes of the measure.

PART 2
OBJECTS OF ACT AND STATUTORY OBJECTIVES

Clause 6: Objects
The objects of this measure include to ensure that all reasonable and practicable measures are taken to protect, restore and enhance the River Murray, to develop mechanisms to ensure that any development or activities do not have an adverse effect on the river and are undertaken in a way that best protects and benefits the river while providing for the economic, social and physical well being of the community, and to promote principles of ecologically sustainable development in relation to the use and management of the river.

Clause 7: Objectives
This clause sets out the objectives to be referred to collectively as the *Objectives for a Healthy River Murray* (ORMs) that will apply in relation to the operation of the measure. These are:

-the river health objectives, which include the protection and restoration of habitat, floodplains and wetlands of the River Murray System and the prevention of extinction of native animals, fish and vegetation;

-the environmental flow objectives, which include the reinstatement and maintenance of the natural flow regime of the river, keeping the Murray mouth open and improving the connectivity between the environments of the River Murray system;

-the water quality objectives, which include improvement of water quality, minimising the impact of salinity, reducing algal blooms and the impact of sediment and pesticides on the River Murray system;

-the human dimension objectives, which include taking a flexible approach to river management to take account of community interests, knowledge and understanding of the River Murray system, recognising indigenous and other cultural and historical relationships with the river and the importance of a healthy river to the economic, social and cultural prosperity of the communities along the river and the community more generally.

Clause 8: Administration of Act to achieve objects and objectives
Those responsible for the administration of this measure must act consistently with, and seek to further the objects of the measure and the *Objectives for a Healthy River Murray*.

PART 3
ADMINISTRATION
DIVISION 1—THE MINISTER

Clause 9: Functions and powers of the Minister
This clause sets out the functions and powers of the Minister under this measure. These include to prepare an Implementation Strategy, to approve and provide advice regarding activities undertaken within the Murray-Darling Basin, to act to integrate the administration of this measure with other legislation and promote the co-ordination of policies and programs that may affect the River Murray and to undertake monitoring programs and promote research and public education in relation to the protection, improvement and enhancement of the River Murray. The Minister also has the function of reviewing the operation of this measure or a related Act and the extent to which the objects and the ORMs are being advanced. The Minister has such powers as are necessary to perform his or her functions under the measure.

Clause 10: Annual report
The Minister must prepare an annual report, to be laid before both houses of Parliament, on the implementation of this measure, the extent to which the objects and the ORMs are being achieved, and issues relating to enforcement.

Clause 11: Three-yearly reports
The Minister must undertake a review of the measure every three years to assess its interaction with the related operational Acts and to assess the health of the River Murray in light of the ORMs. This review must be included in the annual report for that year.

Clause 12: Power of delegation
The Minister may delegate any of his or her powers under the measure or any related operational Act.

DIVISION 2—AUTHORISED OFFICERS

Clause 13: Appointment of authorised officers
The Minister may appoint such authorised officers as are required.

Clause 14: Powers of authorised officers
This clause sets out the powers of authorised officers in relation to the administration, operation or enforcement of the measure. An authorised officer may use force to enter a place or vehicle on the authority of a warrant issued by a magistrate, or if immediate action is required in the circumstances.

Clause 15: Hindering, etc., persons engaged in the administration of this Act
It is an offence to hinder, obstruct or abuse an authorised officer or fail to answer or otherwise mislead an officer.

Clause 16: Protection from self-incrimination
A person will not be required to comply with a requirement that might tend to incriminate him or her of an offence.

PART 4
MINISTERIAL ACTIVITIES AND ARRANGEMENTS ASSOCIATED WITH THE RIVER MURRAY
DIVISION 1—MINISTER MAY UNDERTAKE WORKS

Clause 17: Minister may undertake works

This clause provides for certain activities of the Minister for the purposes of furthering the objects of the Act or the ORMs, carrying out projects, and performing other relevant functions.

DIVISION 2—MANAGEMENT AGREEMENTS

Clause 18: Management agreements

This clause allows the Minister to enter into a management agreement with the owner of land within the Murray-Darling Basin.

A management agreement may, with respect to the land to which it relates—

(a) require specified work or work of a specified kind be carried out on the land, or authorise the performance of work on the land;

(b) restrict the nature of any work that may be carried out on the land;

(c) prohibit or restrict specified activities or activities of a specified kind on the land;

(d) provide for the care, control, management or operation of any infrastructure, plant or equipment;

(e) provide for the management of any matter in accordance with a particular management plan (which may then be varied from time to time by agreement between the Minister and the owner of the land);

(f) provide for the adoption or implementation of environment protection measures or environment improvement programs;

(g) provide for the testing or monitoring of any aspect of the natural resources of the River Murray;

(h) provide for a remission or exemption in respect of a levy under Division 1 of Part 8 of the *Water Resources Act 1997*;

(i) provide for remission of rates or taxes in respect of the land;

(j) provide for the Minister to pay to the owner of the land an amount as an incentive to enter into the agreement.

A term of management agreement providing for a remission or exemption with respect to the specified levy or for the remission of rates and taxes has effect despite any law to the contrary.

Subclause (5) requires the Registrar-General, on the application of the parties to a management agreement, to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the *Real Property Act 1886*, against the land.

Subclause (6) provides that a management agreement has no force or effect under this Act until a note is made under subclause (5).

Where a note has been entered under subsection (5), the agreement is binding on both the current owner of the land (whether or not that owner was the person with whom the agreement was made, and despite the provisions of the *Real Property Act 1886*) and any occupier of the land.

The Registrar-General must, on application, enter a note of the rescission or amendment against the instrument of title, or against the land if satisfied an agreement has been rescinded or amended. The Registrar-General must also ensure that the note is not otherwise removed once made.

DIVISION 3—ENTRY ONTO LAND

Clause 19: Entry onto land

This clause provides that a person may, for specified purposes, enter or pass over any land that is not vested in the Minister, bring vehicles, plant and equipment onto that land, and temporarily occupy land not vested in the Minister. In doing so, a person must minimise disturbances to any land, and, subject to any alternative arrangement agreed between the Minister and owner of the relevant land, must restore any disturbed land to its previous condition. No compensation is payable with respect to the exercise of a power under this clause.

DIVISION 4—COMPULSORY ACQUISITION OF LAND

Clause 20: Compulsory acquisition of land

The Minister may, if necessary, exercise powers of compulsory acquisition under the *Land Acquisition Act 1969*.

PART 5
IMPLEMENTATION STRATEGY

Clause 21: Implementation Strategy

This clause sets out the requirements of the River Murray Act Implementation Strategy, which must be prepared by the Minister. The strategy must set out the priorities and strategies of the Minister in order to achieve the objects and implement the ORMs. The strategy must be reviewed every five years and must be published in the *Gazette* and be available for public inspection. The strategy is a policy document and does not affect rights or liabilities.

PART 6
DEVELOPMENT OF RELATED POLICIES AND CONSIDERATION OF ACTIVITIES

Clause 22: Development of related policies and consideration of activities

This clause deals with statutory instruments that apply within the Murray-Darling Basin and applications for statutory authorisations that are referred to the Minister for consideration under a related operational Act or as prescribed by the regulations.

A statutory instrument is defined in the interpretation provision as being a plan or policy prepared under an Act. A statutory authorisation includes such things as an approval, consent, licence or permit granted under a related operational Act.

In considering a statutory instrument or statutory authorisation referred to the Minister, the Minister must have regard to the objects of this measure and the ORMs. Additionally, in relation to a statutory instrument, the Minister must also take into account any agreement or resolution of the Ministerial Council under the *Murray-Darling Basin Act 1993*. In the case of a statutory authorisation, the Minister must also take into account the possible effects of the proposed activity on the River Murray and the extent to which similar activities undertaken may have an accumulative effect on the River. The Minister may also have regard to the views of other relevant persons and bodies the terms of the Agreement under the *Murray-Darling Basin Act 1993* and any relevant policy.

If the Minister considers that a statutory instrument should be amended but cannot reach agreement with the Minister responsible for the administration of the Act under which it was prepared, the matter must be referred to the Governor for resolution.

The Minister may impose conditions on the grant of a statutory authorisation, including a condition that a person enter into a bond to cover the cost of any damage to the River Murray caused by a breach of a condition, or develop an environmental improvement program.

The Minister may publish policies in connection with the Minister's function of assessing statutory authorisations referred to him or her. These policies may set out matters the Minister may take into account or conditions that may be imposed in relation to specified classes of authorisations, or set out circumstances where the Minister may oppose the grant of a class of authorisation.

PART 7
GENERAL DUTY OF CARE

Clause 23: General duty of care

Under this clause, a person has a general duty of care to take all reasonable measures to prevent or minimise harm to the River Murray through the person's actions or activities. Harm includes the risk of harm and future harm. There are certain things to be considered in determining what measures must be taken. These include the nature of the harm and the sensitivity of the environment, financial implications of alternative action and the level of risk involved. A breach of this duty does not constitute an offence but compliance may be enforced by the issuing of a protection order or reparation order under this measure.

PART 8
PROTECTION AND OTHER ORDERS
DIVISION 1—ORDERS

Clause 24: Protection orders

This clause provides that the Minister may issue a protection order to secure compliance with the general duty of care, a condition of a statutory authorisation or any other requirement under this measure. An order may require a person to stop or not start a particular activity, to only carry on an activity at a particular time, to take specified action within a certain time, to undertake tests or monitoring or prepare a plan or report. If urgent action is required, an authorised officer may issue an emergency protection order which will cease within 72 hours if not confirmed by a written order issued by the Minister. It is an offence not to comply with a protection order.

Clause 25: Action on non-compliance with a protection order

If a protection order is not complied with, the Minister may take any action required and recover any reasonable costs and expenses as a debt due.

Clause 26: Reparation orders

This clause provides for the issue of a reparation order if the Minister is satisfied a person has caused harm to the River Murray by contravening the general duty of care, a condition of a statutory authorisation or any other requirement under this measure. A

reparation order may require a person to take particular action to make good any damage or make payments to enable action to be so taken. The order may include other requirements to prevent or mitigate further harm to the River. An authorised officer may issue an emergency reparation order, which will cease to have effect within 72 hours unless confirmed in writing by the Minister. It is an offence to fail to comply with a reparation order.

Clause 27: Action on non-compliance with a reparation order

If a reparation order is not complied with, the Minister may take any action required and recover reasonable costs and expenses as a debt due.

Clause 28: Reparation authorisations

This clause provides for the issue of a reparation authorisation if the Minister is satisfied a person has caused harm to the River Murray by contravening the general duty of care, a condition of a statutory authorisation or any other requirement under this measure. A reparation authorisation may be issued whether or not a reparation order has been issued and authorises an authorised officer or other person to take particular action to make good any damage to the River Murray. The Minister may recover reasonable costs and expenses incurred in taking action under the authorisation as a debt due.

Clause 29: Interim restraining orders

If the Minister is of the opinion that a particular activity may cause harm to the River Murray, or there is insufficient information to assess the likelihood of harm or it is necessary to ensure the protection of the River, the Minister may issue an interim restraining order requiring a person to cease or not start a particular activity. It is an offence to fail to comply with an order.

Clause 30: Consultation with other authorities

Before issuing a protection order, reparation order or reparation authority, the Minister should consult with any relevant public authority unless it is a matter of urgency.

DIVISION 2—REGISTRATION OF ORDERS AND EFFECT OF CHARGES

Clause 31: Registration

If an order or authorisation relates to an activity carried on land or requires action to be taken on or in relation to land, the Minister may apply to have the order or authorisation registered in relation to that land and will be binding on the owner and the occupier of the land for the time being.

Clause 32: Effect of charge

A charge imposed on the land as a result of costs recoverable in relation to an order or authorisation has priority over any prior charges.

DIVISION 3—APPEALS TO COURT

Clause 33: Appeals to Court

A person is entitled to appeal to the Environment, Resources and Development Court against the issue of a protection order, reparation order, or interim restraining order, or any variation to these.

PART 9

MISCELLANEOUS

Clause 34: Native title

Nothing done under this measure affects native title in any land.

Clause 35: Immunity provisions

This clause provides that no act or omission of the Minister or a person acting under the Minister's authority in order to protect, restore or enhance the River Murray or further the ORMs subjects the Minister, that person or the Crown to liability, even if in doing so, damage is caused to land or the use and enjoyment of land is affected.

Clause 36: False or misleading information

It is an offence to make a false or misleading statement in providing information under this measure.

Clause 37: Continuing offence

A person convicted of an offence in relation to a continuing act or omission is liable for a penalty for each day that the act or omission continues of up to one tenth of the maximum penalty prescribed for the offence.

Clause 38: Liability of directors

If a corporation commits an offence under this measure, each director is guilty of an offence (unless the offence did not result from the failure of the director to take reasonable care). A director may be prosecuted regardless of whether the corporation has been prosecuted or convicted.

Clause 39: Criminal jurisdiction of Court

An offence against the measure will lie within the jurisdiction of the Environment, Resources and Development Court.

Clause 40: Service

This clause sets out the manner of service of a document, order or notice under the measure.

Clause 41: Application or adoption of codes or standards

This clause facilitates the adoption of appropriate codes, standards and related documents. Any such document will be required to be kept available for inspection by members of the public without payment of a fee.

Clause 42: Regulations

This clause sets out the power to make regulations for the purposes of the measure. These include regulations to prohibit or restrict activities within a River Murray Protection Area, or set requirements or conditions in relation to such an activity, or prohibit or restrict access to a River Murray Protection Area.

SCHEDULE

Amendments

1. *Amendment of Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986*

The amendments to this Act require that various programs undertaken under the Act and decisions to issue various permits that relate to any part of the Murray-Darling Basin must seek to further the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*, insofar as they are relevant.

The amendments also provide that if an application for a permit is of a prescribed class, and relates to a River Murray Protection Area, the Minister administering the River Murray Act must be consulted and any directions of the Minister in relation to the grant of the permit, including that the permit not be granted or must be granted subject to specified conditions, must be complied with.

2. *Amendment of Aquaculture Act 2001*

The amendments to this Act require that insofar as an aquaculture policy applies within the Murray-Darling Basin, the policy must seek to further the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*. The agreement of the Minister administering the *River Murray Act* must also be obtained before a draft policy that will apply to a River Murray Protection Area is approved.

3. *Amendment of Coast Protection Act 1972*

The amendments to this Act require the Coast Protection Board to take into account the objects of the *River Murray Act 2002* and the *Objectives for a Healthy Rover Murray*, insofar as they are relevant, when taking any action in relation to any part of the Murray-Darling Basin.

The Board must also consult the Minister administering the *River Murray Act 2002* when it prepares a management plan that may affect the River Murray.

4. *Amendment of Crown Lands Act 1929*

The amendments to this Act prevent the Minister from acquiring land within the Murray-Darling Basin solely or predominantly for the purpose of closer settlement.

In granting a licence under the Act that relates to the Murray-Darling Basin, the Minister or person authorised to grant the licence must take into account the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*. If a licence relates to a River Murray Protection Area, the Minister administering the *River Murray Act* must be consulted and any directions of the Minister in relation to the grant of the licence, including that the licence not be granted or must be granted subject to specified conditions, must be complied with.

5. *Amendment of Development Act 1993*

The amendments to this Act provide that the Planning Strategy is to include the *Objectives for a Healthy River Murray*, and the Strategy may be amended to reflect this.

The Development Plan may be amended by the Minister administering the *Development Act 1993* at the request of the Minister for the River Murray in order to promote the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*. If the two Ministers are unable to reach agreement on a proposed Plan amendment, the matter may be referred to the Governor for determination. The Minister for the River Murray is also given the power to comment on Plan Amendment Reports prepared by Councils or the Planning Minister if the amendment relates to an area within the Murray-Darling Basin.

The amendments also provide that the Minister administering the *Development Act 1993* may, at the request of the Minister for the River Murray, declare that the Development Assessment Commission is to be the relevant authority in relation to a development proposal on the grounds that the proposal may have a significant impact on the River Murray.

The Major Developments Panel must include a member selected by the Minister for the River Murray where the development or project may have a significant effect on the River Murray.

Where an Environmental Impact Statement (EIS), Public Environmental Report (PER) or Development Report (DR) relate to a development or project to be undertaken within the Murray-Darling Basin, they must include a statement of the extent the project is expected to be consistent with the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray* and the general duty of care under that Act. The EIS, PER and DR must also be referred to the Minister for the River Murray for comment.

The amendments also provide that where the Governor may approve a development that may have an impact on the River Murray, the Governor must have regard to the objects of the *River Murray Act 2002*, the *Objectives for a Healthy River Murray* and the general duty of care under that Act, and any requirements under the Agreement under the *Murray-Darling Basin Act 1993*.

6. *Amendment of Environment Protection Act 1993*

The amendments to this Act require that in administering the Act or taking any action under the Act that relate to any part of the Murray-Darling Basin, the Minister, the Environment Protection Authority and any other relevant persons must take into account, and seek to further, the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*, insofar as they are relevant. The State of the Environment Report will need to include a specific chapter dealing with the state of the River Murray.

7. *Amendment of Fisheries Act 1982*

The amendments require that where this Act applies to the River Murray, it must seek to further the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*. The Minister administering the *River Murray Act 2002* must also be consulted in relation to any proposed research, exploration, works or operations that relate to the River Murray.

The amendments also require that in granting licences of a prescribed class, or various permits or exemptions that relate to the River Murray, the Minister administering the *River Murray Act* must be consulted and any directions of the Minister in relation to the grant of a licence, permit or exemption, including that it not be granted or must be granted subject to specified conditions, must be complied with.

8. *Amendment of Harbors and Navigation Act 1993*

The amendments will require licences (unless excluded by regulation) that relate to waters that form part of the River Murray to be referred to the Minister administering the *River Murray Act 2002*, and that Minister will be able to give directions in relation to the grant of the licence, including that the licence not be granted, or if it is granted, that it be subject to specified conditions.

9. *Amendment of Heritage Act 1993*

The amendments require that if various permits granted under this Act relate to a River Murray Protection Area, the State Heritage Authority must, in granting a permit, take into account and seek to further the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*. If the permit is of a prescribed class, the Minister administering the *River Murray Act 2002* must be consulted and any directions of the Minister in relation to the grant of the permit, including that the permit not be granted or must be granted subject to specified conditions, must be complied with.

10. *Amendment of Historic Shipwrecks Act 1981*

The amendments to this Act require that if an application for a permit under the Act relates to a shipwreck located in the River Murray, the Minister must in considering the application, seek to further the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*. If a permit is of a prescribed class and relates to a River Murray Protection Area, the Minister administering the *River Murray Act 2002* must be consulted and any directions of the Minister in relation to the grant of the permit, including that the permit not be granted or must be granted subject to specified conditions, must be complied with.

11. *Amendment of Irrigation Act 1994*

The amendments to this Act require that an irrigation authority must not breach, or impose requirements that cause another person to breach, requirements imposed under the *Water Resources Act 1997*, or a duty or requirement under the *River Murray Act 2002*, in determining terms and conditions on the supply or drainage of water.

An irrigation authority may also reduce water allocations if necessary to meet a reduction of its allocation under the *Water Resources Act 1997*. In making any reduction in allocations, the irrigation authority may take into account opportunities for more efficient use of water in the district and the types of crops grown and may reduce various allocations by different amounts or proportions.

12. *Amendment of Mining Act 1971*

The amendments require that in granting applications for various licences, leases and authorisations under this Act that relate to the Murray-Darling Basin, the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray* must be taken into account.

If the licence, lease or authorisation relates to a River Murray Protection Area, the Minister administering the *River Murray Act* must be consulted on the application. If agreement cannot be reached on whether or not such a licence, lease or authorisation should be granted, the matter must be referred to the Governor for determination.

13. *Amendment of Murray-Darling Basin Act 1993*

The amendment to this Act inserts a new subsection that makes clear that the Minister is the Constructing Authority in relation to any works, or measures authorised by, or associated with, the Murray Darling-Basin Agreement

14. *Amendment of National Parks and Wildlife Act 1972*

The amendments to this Act require that any lease, licence or agreement that relates to a reserve located within a River Murray Protection Area, must be consistent with the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*. In granting a prescribed class of such a lease, licence or agreement, the Minister administering the *River Murray Act 2002* must be consulted and any directions in relation to the lease, licence or agreement including directions that the lease, licence or agreement not be granted, or if granted must be subject to certain conditions, must be complied with.

The amendments also provide that an objective of managing a reserve located within the Murray-Darling Basin is to promote the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*. The Minister must also consult the Minister administering the *River Murray Act 2002* in preparing a plan of management for a reserve located within the Murray-Darling Basin and must have regard to the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*.

A proposal to constitute or alter the boundaries of a reserve that relates to land within the Murray-Darling Basin must be submitted to the Minister administering the *River Murray Act 2002*, and that Minister's views considered.

The amendments also provide that a permit granted in relation to an activity that may be undertaken in a River Murray Protection Area must be consistent with the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*. In granting a prescribed class of permit that relates to a River Murray Protection Area, the Minister administering the *River Murray Act 2002* must be consulted and any directions in relation to the permit, including that the permit not be granted, or must be granted subject to certain conditions, must be complied with.

15. *Amendment of Native Vegetation Act 1991*

The amendments to this Act require the Native Vegetation Council to obtain the approval of the Minister administering the *River Murray Act 2002* before delegating any of its powers in relation to a matter within the Murray-Darling Basin.

Guidelines in relation to the management of native vegetation prepared by the Council that relate to the Murray-Darling Basin must seek to further the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray* and a draft must be submitted to the Minister administering the *River Murray Act 2002* for comment during consultation. The guidelines will only apply to land within the Murray-Darling Basin if they explicitly state that they do.

The amendments also require prescribed classes of applications to clear native vegetation within a River Murray Protection Area to be referred to the Minister administering the *River Murray Act 2002*, and any directions of the Minister as to the grant of the application or any conditions on the grant must be complied with.

A new requirement is also included in the Schedule of the Principles of Clearance of Native Vegetation that vegetation should not be cleared if it would cause significant harm to the River Murray.

16. *Amendment of Opal Mining Act 1995*

The amendments to this Act require that if a proposed declaration of a designated area or exclusion zone applies to any part of a River Murray Protection Area, the Minister administering the *River Murray Act 2002* must be consulted.

17. *Amendment of Parliamentary Committees Act 1991*

There is to be a new Committee called the *Natural Resources Committee*. The Committee will be constituted by seven members of the House of Assembly.

18. *Amendment of Parliamentary Remuneration Act 1990*

This clause provides for the remuneration of members of the Natural Resources Committee.

19. *Amendment of Petroleum Act 2000*

The amendments to this Act require that if a statement of environmental objectives applies to any part of the Murray-Darling Basin, the Minister must obtain the concurrence of the Minister administering the *River Murray Act 2002* before approving the statement. If agreement cannot be reached, the matter must be referred to the Governor for determination.

20. *Amendment of Soil Conservation and Land Care Act 1989*

The amendments to this Act require that a soil conservation board with a district that is located within the Murray-Darling Basin must take into account and seek to further the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray* in carrying out its functions. The board must also consult with and consider the views of the Minister administering the *River Murray Act* in developing or revising its district plan. Before the Soil Conservation Council approves a district plan, it must also consult and consider the views of the Minister administering the *River Murray Act*. Both a district plan or a soil conservation order that relates to land within the Murray-Darling Basin must seek to further the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*, insofar as they may be relevant.

If a soil conservation order is within a prescribed class and applies to land within a River Murray Protection Area, the Minister administering the *River Murray Act 2002* must be consulted and any direction in relation to the order, including any requirements of the order, must be complied with.

21. *Amendment of the South Eastern Water Conservation and Drainage Act 1992*

The amendments require that in administering the Act or taking any action under the Act that relates to any part of the Murray-Darling Basin, the Minister, the South Eastern Water Conservation and Drainage Board, the Council or any other relevant persons must act consistently with and seek to further the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*, insofar as they are relevant.

The Board, in reviewing its management plan is also required to consult with the Minister administering the *River Murray Act 2002* insofar as the plan affects the River Murray. Any water management works undertaken by the Board that may affect the River Murray must comply with the approved management plan or otherwise have the approval of the Minister administering the *River Murray Act*.

In granting a licence of a prescribed class to carry out work in relation to a River Murray Protection Area, the Minister administering the *River Murray Act 2002* must be consulted and any directions of the Minister in relation to the grant of the licence, including that the licence not be granted or must be granted subject to specified conditions, must be complied with.

22. *Amendment of Water Resources Act 1997*

The amendments will ensure that insofar as this Act applies to the Murray-Darling Basin that persons involved in its administration act consistently with and seek to further the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*.

The Minister administering the *Water Resources Act 1997* is the relevant authority for issuing permits for prescribed classes of activities within the Murray-Darling Basin.

The amendments also provide that an activity required by a protection order, reparation order, or reparation authorisation issued under the *River Murray Act 2002* will not require a permit under the *Water Resources Act*.

A person undertaking an activity in the Murray-Darling Basin pursuant to a development authorisation under the *Development Act 1993*, will not be exempt from the requirement to hold a permit under the *Water Resources Act* unless the development authorisation was referred to the Minister administering the *River Murray Act 2002*, or the exemption is otherwise excluded by the regulations.

The amendments also require prescribed classes of applications for permits that relate to an area within a River Murray Protection Area to be referred to the Minister administering the *River Murray Act 2002*, and any directions of the Minister as to the grant of the application, including that the application not be granted or that certain conditions be imposed on the grant, must be complied with. Consideration of an application that relates to an area within the Murray-Darling Basin must take account of the terms and conditions of the Agreement under the *Murray-Darling Basin Act 1993* if relevant.

A prescribed class of application for a licence or transfer of a licence must be referred to the Minister administering the *River Murray Act 2002* and any directions of the Minister as to the grant of the application, including that the application not be granted or that certain conditions be imposed on the grant, must be complied with. Consideration of an application that relates to an area within the Murray-Darling Basin must take account of the terms and conditions of the Agreement under the *Murray-Darling Basin Act 1993* if relevant.

The amendments provide that a licence condition that relates to a water resource within the Murray-Darling Basin may require that a licensee enter into a bond or otherwise make a payment to ensure that money is available to cover costs of any damage to the River Murray due to the taking or use of water under the licence. A condition may also specify that a licensee develop or participate in an environmental improvement program or other scheme to protect, restore or benefit the River Murray. These conditions may be imposed in relation to licences granted or damage caused before these amendments come into operation.

The amendments also provide for interstate trade to occur in water entitlements in accordance with the Murray-Darling Basin Agreement.

A water licence may be varied, suspended or cancelled if a licensee contravenes a protection order or a reparation order under the *River Murray Act 2002*.

The amendments insert a new Division which allows for the implementation of schemes by the Minister administering the *Water Resources Act 1997* to encourage (but not require) licensees to transfer or surrender their licences.

The amendments will also require the Minister administering the *Water Resources Act 1997*, insofar as the Act applies within the Murray-Darling Basin and is it is reasonably practicable to do so, to integrate the administration of this Act with the *River Murray Act 2002* and to integrate and co-ordinate policies, programs, plans and projects under both Acts.

A catchment water management plan that relates to the Murray-Darling Basin must identify changes and set out how a catchment water management board will implement the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*. A plan must seek to further these objects and objectives and be consistent with the requirements of the Agreement under the *Murray-Darling Basin Act 1993*.

A catchment water management plan or water allocation plan may be amended so that it furthers the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray* and has greater consistency with the requirements of the Agreement under the *Murray-Darling Basin Act 1993*, without following the usual procedures for amendment, provided the Minister certifies that the amendments will not significantly impact on the water allocations of licensees.

The amendments will also allow a differential levy to be declared in relation to the River Murray dependent on the effect that the use of the water may have on salinity levels in the River.

Under the Act, a catchment water management plan or the regulations may set out certain water usage and land management practices that may result in a refund of a levy. The amendments to the Act provide that these may include establishing or participating in a drainage scheme. The Minister will also be able to grant a refund of, or an exemption from, the whole or part of a levy as a condition of a water licence, through the mechanism of a management agreement under the *River Murray Act 2002*, or by notice in the *Gazette*.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

BRIGHTON SECONDARY SCHOOL

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I table a ministerial statement in relation to the Brighton Secondary trip to China, made today by my colleague the Minister for Education and Children's Services in another place.

MINTABIE HEALTH CLINIC

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I table a ministerial statement in relation to the Mintabie Health Clinic, made today by the Minister for Health in another place.

ELECTRICITY (PRICING ORDER) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 24 March. Page 1942.)

The Hon. R.I. LUCAS (Leader of the Opposition): The Liberal Party, as stated by the shadow minister in the other place, has indicated its willingness to support the legislation. It is a relatively uncomplicated and specific matter that relates to a particular provision of the Electricity Pricing Order that was issued back in 1999. This provision relates to the genuine endeavours of the former government to ensure as far as possible under the National Electricity Market and the privatisation arrangements that the consumers in rural areas, in particular residential consumers and small businesses, would be protected under the pricing arrangements that would apply to them.

This legislation gives the lie to the claims that have been made over and over by ministers of the current government that the former government had ignored the consumer protection provisions during the preparations for the National Electricity Market and also the privatisation. The former government spent a lot of its time on its arrangements, seeking to provide the framework for a competitive electricity market in South Australia; the disaggregation of our electricity businesses; the commencement of competition; and the attraction of new competitors. Nevertheless, there is a recognition that during a period of time there would need to be protection for residential customers and small customers in South Australia, both city and country.

Contrary to, again, erroneous claims being made by current government ministers, the process of ensuring that there was phased competition throughout the industry rather than it all occurring at one particular time, as it relates to the retailing industry in particular for small customers, was designed to allow protection for small customers in the transition period. So, for the five years to 1 January 2003, the retailer in South Australia—formerly ETSA, then, latterly, AGL—was required by law to charge a certain price which could increase only broadly—without going into detail—by the consumer price index. That meant that for the five year period the smallest and the most vulnerable customers were protected throughout this process.

The current minister, again erroneously, has been making claims of shock and horror because the previous government sold the retailing business to a monopoly private sector retailer. He knows that these claims are untrue, and that is the sad aspect of all of this. One can forgive ignorance, perhaps, as we have seen in other ministers of this government, and one can perhaps forgive negligence, as we have seen from other ministers who have refused to read their briefing notes, but this minister, while I am not accusing him of ignorance or incompetence, is outright not telling the truth as to the consumer protection provisions and particularly the arrangements for small customers during the preparations for full retail competition. By inference, the minister seeks to convince talk-back show listeners and others who are locked into listening to him—no-one would choose to listen to him of their own volition, as I am sure you would agree, Mr President—of the claim being made constantly that the previous government sold the business to a private sector monopoly retailer as it relates to the small customers.

The situation was that, as part of the preparation for the market and competition and also the privatisation process, the way of protecting the small customers was to lock in price increases for this period of up to five years at broadly no greater than CPI, and that was done as a contract condition as part of the sale and lease arrangements. The company which took over the process from ETSA, which was previously a monopoly retailer, was told that, for a certain period, under the pricing arrangements it could charge only certain prices and was not able to increase the prices above those locked-in contract provisions. However, the company was also told that, come 1 January 2003, the market would be opened up to competitive retailers to compete against it in that particular marketplace for customers. So, it is wrong and untruthful for the minister to claim that in some way the former government had locked in a position of the monopoly private sector retailer forever and a day and it is only the new government that is seeking to protect consumers by encouraging private sector competition for the small customer retail market.

Mr President, I am sure that you and others will be delighted to know that all of the sins, erroneous statements and untruths being made by the current government and minister on the electricity issue will not be canvassed by me on this particular occasion. As I said, this is a specific bill in relation to a specific provision of the pricing arrangements which relate to small customers and, in particular, small customers in the country areas.

As part of the arrangements, the former government took advice from the best people that we could in relation to the potential price exposures of small country consumers in the farthest flung country areas from metropolitan Adelaide. A number of people ask where this 1.7 per cent figure that is discussed in the second reading and the legislation has come from, and I place on the record that the work was done by Peter Nolan—and other advisers—who provided advice to the government that that was the potential level of the disadvantage that might be experienced, purely as a result of the location of these customers, for example, on the West Coast of South Australia.

What the then government did—and, as the member for MacKillop highlighted, as it was one of the issues that was important to him in terms of his decision to support the legislation in another place—was to lock in a guarantee that the price for small country consumers would be no more than 1.7 per cent higher than the price for small metropolitan consumers. As I said, the background to the 1.7 per cent was a complicated calculation which had been put together by the best advice the former government could obtain. So that was locked in as a provision to try to protect small country consumers—again, as I said, as a further indication that the former government did ensure that one of the key factors in its consideration of all these issues was this issue of the protection of country consumers in particular.

There was a number of other issues as well in terms of the protection of country consumers, and I will quickly note them. Having looked at the experience in Victoria, the decision was taken by the former government to not split up the distribution and retail areas of South Australia into more than one component part. I think in Victoria it had been split

into five different distribution areas, and the former government noted that the Victorian experience had been unfavourable for small country consumers and, for that reason, the government kept South Australia's one distribution area and ensured the capacity of the monopoly distributor to postage stamp, or cross-subsidise, its costs to ensure—again, to the extent that we could—that country consumers would be protected.

As part of this 1.7 per cent protection factor, the former government put aside a certain sum of money ($10 million) into the forward estimates, which was the best estimate that the Treasury and its advisers had at the time, to ensure that the country equalisation scheme, should it need to be activated, would be appropriately funded. I have a small number of questions, and I will give the government and its advisers reasonable notice of this to ensure that we receive answers.

The former government—and, as the then Treasurer, I am aware of this—had locked into its forward estimates a $10 million figure. I seek an undertaking before the bill is passed that the current government in its mad scramble for additional funds has kept that $10 million in the forward estimates. I seek advice as to where it is being held. I assume it is being held in the Treasurer's contingency fund or somewhere within the control of the Treasury; or has it been transferred to the Minister for Energy and agencies within his control? In what year of the forward estimates has provision been made, if any, for expenditure of the $10 million; or is there no provisioning at all in the forward estimates of the government for expenditure out of the $10 million provision that has been made?

I think in the second reading the minister indicated that these particular amendments had been sent to the three retailers—AGL, Origin and, I suspect, TXU. A draft of the proposed country equalisation scheme was provided to AGL, TXU and Origin as the retailers most likely to be affected. There is nothing from the minister to indicate the attitude of the three retailers to the proposed changes. Certainly, given the controversy on the last occasion the parliament debated changes, when the then opposition placed great weight on the fact that this should not be done without the agreement of the then retailer and other interested parties, I would like the minister to place on the record that all three companies have indicated their support for the proposed changes.

In conclusion, this bill is seeking to ensure that the objective originally outlined by the former government to protect small country consumers will continue to be implemented by the current and future arrangements. I am sure all members in the chamber would support that objective in order to ensure that small country consumers are protected. From the opposition's viewpoint, at the second reading stage, we are pleased to indicate our support.

The Hon. DIANA LAIDLAW: I, too, support the second reading of this bill. It relates to a further variation to the electricity pricing order made by the Treasurer. That order was executed initially to ensure that country consumers or rural consumers were protected under the changes that our nation has witnessed in recent years, in terms of entry into the national competition market, and the changes in this state relating to the sale of assets to relieve debt. The one matter that I want to talk briefly about today is that of rural consumers. I have not been at all surprised to hear talkback radio flooded with calls from concerned people, particularly from rural areas, following receipt of AGL bills in the past couple of weeks. These bills have related to estimations by AGL of electricity usage. The estimations have seen a frightening increase in the power charges for rural users, in particular. It does also relate to many people in the metropolitan area, but it is the country issues and country consumers that I am concerned about at this time.

I should indicate an interest in this matter because my constituent, being my father, raised this issue with me yesterday. He had just received a bill from AGL in relation to the power costs for irrigating our small vineyard of some 22 acres. Our power bill is seven times the bill received for the same quarter last year. My father is diligent and keeps records. We know that our water usage was less this year, notwithstanding the drought. We have always watered at night, but now AGL is charging us a daytime tariff. ETSA used to read the meter annually. My father is equally aggrieved that the same standard is not being provided under the new arrangements being overseen by AGL.

Apparently, yesterday on Radio 5AA, Mr Sandy Canale, General Manager of AGL, expressed some bewilderment about this issue of meters' not being read. He said:

> We prefer to read all the meters. If we can get into every premises and read every meter that is our no. 1 priority. . . it is not in the interests of the meter reader not to read that meter. He only gets paid if he reads the meter.

As an aside, I assume there are some women meter readers, but they are not being acknowledged here. Perhaps they are doing a great job and the men are not; I do not know. Anyway, these are the men who are not reading the meters. Apparently, it is in their interests to read as many meters as possible because that is how they gain income. I suspect that may be the reason why there is so much trouble in rural areas, and I do not know whether the Hon. Bob Sneath with his vineyard has encountered the same problem. If AGL has contracted out the reading of meters and they are paid on the number of meters read each day then, in country areas, people are disadvantaged. Because of the distances between properties, it is not possible for that meter reader to read as many meters and gain the same income. They would prefer to concentrate their time and activities elsewhere.

The Hon. R.K. Sneath interjecting:

The Hon. DIANA LAIDLAW: They have not bothered in the instance of my father and other callers, whereas ETSA used to do it annually. They have not made inquiries about the location of the meter. All that information or corporate knowledge was not passed on by ETSA as part of the sales process, although I would have thought that, as part of due diligence, they should have done so. In speaking to this bill, but not directly to the content of the bill, I ask the minister and the Minister for Energy whether there could be discussion with AGL, or through Mr Lew Owens, to see whether there could be a different basis for engaging meter readers in country areas, compared with the city, so there is an incentive in the country to read the meters; and rural users, large and small, are not vulnerable to estimation, simply because there is a disincentive for the meter readers to read the meter, not necessarily because of a lack of inclination to do so but, rather, because of the basis on which they are paid to do their job.

As an aside, because I am going into the wine sales business, if I do not get this matter of AGL's bill sorted out quite soon, the price of our Pancake Estate will have to rise—and that is not a good prospect for any member in this chamber or me.

The Hon. G.E. GAGO: One of the many problems of privatising essential services, such as electricity, lies in the difficulty in regulating such industries when privately owned. Generally, the private sector provides services and goods and sets prices for those services and goods according to the profits they believe they are able to raise. The aim is to minimise expenditure and maximise income. In short, they aim to maximise profits. If a privately owned company deems it is not profitable, or indeed not profitable enough, to sell goods and services to a particular community or region, they face two choices. They can withdraw the service from that community or they can charge additional money for those services. This can result in either some communities in particular regions being unable to access those services or goods, or the price being increased above the amount charged to other communities, which can create undue hardship.

While this situation may be tolerable or even desirable in the provision of some services and goods, there are some which are of such intrinsic importance as to warrant certainty in provision and fairness and consistency in their price. This Labor government believes in the principles of fairness and equality of access, at the very least, to those things that are essential to the general maintenance and function of prosperity with respect to our community. These are the principles that we embrace at the heart of our ideals.

The Australian population relies upon an affordable and reliable supply of electricity to carry out everyday activities, and we believe that every person in South Australia is entitled to access affordable electricity and presume reliability of supply. It is vital that we ensure that our electricity supply is regulated and that we guarantee that community interests are considered. We know that populations require services such as electricity to maintain a healthy economy and a reasonable standard of living. This government is not willing to take the risk of the supply of an essential service, such as electricity, being determined purely by the profit margins of a private company. This government is not willing to gamble with the wellbeing of our most vulnerable communities, but it is willing to act to ensure that the supply of those services occurs in an appropriate manner.

As members are well aware, when the Labor government came to power, we immediately ceased the process of privatisation. We did this because we believe that some services are crucial to the interests of the community and the economy, and that the welfare of the state can be assured only by preserving those services under state control. It is essential that electricity supply in South Australia is provided at a fair and reasonable price, and that it is of a good quality and is reliable. It is obvious, as I have said before in this place, that privatisation of our electricity and a range of other privatisations was pursued without appropriate cost benefit analysis by the previous government or a comprehensive examination of the full implications of the sale for our state. It was pursued purely as an end in itself.

The flawed belief that the supply of electricity is more efficiently and effectively provided by the private sector than the public sector was the basis of the former government's quest for privatisation. It was also presumed that the effect of privatisation would be electricity price reductions. It certainly got that wrong! As an aside, I must say that I believe that the desire for privatisation of our electricity industry by the previous government was so strong that, even now, with the benefit of hindsight, it would still do exactly the same thing again if it had the chance.

It is vital that we protect our rural counterparts and ensure that those already disadvantaged communities are not further disadvantaged by even larger price rises in their electricity. The former government, during the process of privatisation of our electricity assets—commendably—committed to ensuring that small country customers would not have to pay an exorbitant amount more than city customers for their electricity. As a result of this commitment, the country equalisation scheme was incorporated into clause 8.2 of the Electricity Pricing Order. This stipulated that small country customers would not be charged more than 1.7 per cent of the price charged to similar metropolitan customers. This provision came into effect on the first day of this year to coincide with full retail contestability. Not surprisingly, however, during the preparation for full retail contestability, the Essential Services Commission discovered that the abovementioned scheme was inoperable. The then government messed it up yet gain!

While maintaining the scheme, the amendments made in the bill before us today are to ensure that the scheme is workable and results in the protection of small country customers. The Department of Treasury and Finance and the Crown Solicitor's Office have developed a simplified country equalisation scheme which this bill seeks to have incorporated as a revised clause 8.2 of the Electricity Pricing Order. It might be added, as was noted by the Hon. Patrick Conlon (Minister for Energy) in another place, that AGL is currently required, in accordance with amendments recently made to the Electricity Act, to sell electricity to small customers. It is undoubtedly more expensive for electricity suppliers to supply country areas with a similar service to metropolitan areas.

It is, however, a requirement of the Electricity Pricing Order that most of the cost differentials that occur in the supply of power between city and country areas is to be allocated on a state wide basis—that is, the cost of things such as transmission and distribution is to be allocated equally between customers of a small nature, regardless of whether they live in the country or the metropolitan area. Many country people are already struggling, as we well know, due to a range of factors relating to the isolated nature of their location. In many areas, there are low or falling levels of employment and low levels of service provision, to mention just a few. It is important that we ensure that further disadvantage is not added to this situation, and I commend the bill to the council.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the members who have contributed to the debate. The Leader of the Opposition asked several questions, and I think it would be preferable if I addressed those during the committee stage. I think we can provide an answer to those questions of the honourable member but, in case he has any follow up, it will probably be easier to do that when we reach the committee stage. I think the other members who have spoken have made some interesting comments about the background of this bill. It is, of course, a relatively straightforward piece of legislation.

It simply involves an amendment to the Electricity Pricing Order as it relates to the country pricing scheme. But, of course, I can understand why members would take this opportunity to talk about the changes that have been made in the electricity industry over the past two or three years, because they have had a profound impact upon the community. Sadly, that impact, as we have seen, was not the

promised price reductions that former premier Olsen told us of but some rather significant increases in electricity prices. I do not propose to go through all that again now. I thank members for their contribution. I am keen to see this bill proceed so that any doubts in relation to the country equalisation scheme on electricity prices can be overcome as quickly as possible. I commend the bill to the council, and I look forward to the committee stage.

Bill read a second time.

In committee.

Clause 1.

The Hon. P. HOLLOWAY: Perhaps I can make some remarks on clause 1 to try to address those questions that the leader raised and, if he has any follow up questions, we can deal with them now. I am informed that $10 million has been transferred into a special deposit account in Treasury and Finance. There is a small amount of money in each year of the forward estimates, based upon the work of the former government's consultants. I am advised that, given the AGL standing offer, there are unlikely to be any payments this year, as the offer incorporates an average loss factor.

The Hon. R.I. LUCAS: I thank the minister for that. Has all the $10 million been allocated in the forward estimates period—that is (without knowing what the division is), over this financial year and the next three years, has the whole of the $10 million been allocated? Alternatively—and I would have thought that this was more appropriate—given that it is meant to cover a period of 10 or 15 years, has only a pro rata component been allocated over this current forward estimates period in terms of possible expenditure and, whatever the amount is for this financial year, that would therefore be a carry over saving into the next financial year?

The Hon. P. HOLLOWAY: There is no expenditure in a special fund, so essentially what the leader is suggesting is correct. In relation to the second question, the leader asked about the response from the three electricity companies. My advice is that AGL made a number of comments on the draft bill. AGL's comments were reviewed by the Crown Solicitor's Office, which advised the government that they raised no issues, which, after analysis, required any changes to the proposed scheme or to the manner in which the scheme is drafted. I understand that the other two companies did not respond.

The Hon. R.I. LUCAS: For the sake of the committee, can we be clear on the government's position? Has AGL objected to any provisions in the proposed changes?

The Hon. P. HOLLOWAY: My advice is that they raised a number of technical issues but the crown law advice was that, after analysis, those issues did not require changes to the scheme.

The Hon. R.I. LUCAS: I understand what the minister has said, that they raised technical issues and crown law advice was that they could be ignored. What is AGL's position? Has AGL, as a result of that, had any further contact with the minister or the Treasurer and lodged objection to the bill's proceeding, or through its representatives has it said that it understands the government's position and it does not intend to pursue the technical objections that it raised?

The Hon. P. HOLLOWAY: My advice is that there has been no formal contact on this issue from AGL since the bill was introduced in the other place on the last sitting day in December. I am further advised that AGL is part of the FRC steering committee, so it has had plenty of contact with the department and the opportunity to raise issues if it wished. I understand that there has been no formal contact from AGL on the bill since it was introduced.

The Hon. R.I. LUCAS: When were the proposed changes sent to AGL, TXU and Origin?

The Hon. P. HOLLOWAY: There is a note that departmental officers sent them in October last year reminding them of the response time, so clearly the original information was sent to them prior to that date. It would have been some time last year. If the honourable member wants the exact date, we will have to get it, but that at least indicates that it was about September or October 2002.

The Hon. R.I. LUCAS: That allays some concerns that I had. It would appear that AGL was given some notice prior to the bill's introduction on 5 December. If AGL has any ongoing concerns, it has had plenty of time to raise them with members of parliament. I have not been contacted by AGL and, whilst I am not the shadow minister with responsibility for this area, AGL knows my ongoing interest in this issue. I am not aware that it has contacted any other member, so one can only assume that AGL has decided not to proceed with any objection it might have had and raised.

I do not intend to pursue this any further other than leaving it on the record that it would at least appear that AGL has been given a reasonable period of notice, based on what the minister has indicated in relation to when it was advised. If it had ongoing concerns, it had time to raise those with members in order to have the issues raised in the house.

My final point is that it would have been useful for the minister in charge of the bill to have indicated what the responses of the respective retailers were. Members would have been interested to know what those responses to the proposed scheme arrangements were, and it would have been useful to have that information as part of the second reading explanation, or perhaps as an update when the bill was debated earlier this year in the House of Assembly. I do not intend to proceed with any further questions on that aspect.

The Hon. P. HOLLOWAY: During my speech to close the second reading debate, I omitted to inform the council that the Hon. Sandra Kanck indicated to me that the Democrats had no issues with the bill.

Clause passed.

Remaining clauses (2 to 4) and title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

PUBLIC FINANCE AND AUDIT (HONESTY AND ACCOUNTABILITY IN GOVERNMENT) AMENDMENT BILL

In committee.

(Continued from 27 March. Page 2010.)

Clause 6.

The Hon. R.I. LUCAS: I do not intend to proceed with my amendment at this stage. The opposition's position is the same as it was when we last debated this bill, and that is that I will move to report progress. I am not sure whether the government is adopting the same position. If it is, it will be determined by the non-major party members of this chamber as to whether or not we continue. The opposition's position was made absolutely clear when last we discussed this, and that is that this last clause of the bill is critical from parliament's viewpoint and from the opposition's viewpoint.

We need to have the advantage of the advice of the Under Treasurer on how this task will be tackled. I have flagged the possibility of an amendment, which is on file. The Hon. Mr Stefani has flagged the possibility of an amendment which involves the Auditor-General in this task. At the outset, I say—and I am sure that the Hon. Mr Stefani is aware of this—that I start from a position of probably not being attracted to the notion of the Auditor-General being involved in this process.

Certainly, I understand what I am sure would be the government's position—that this may well have practical difficulties in how it is to be conducted. But, if this parliament is to continue to be treated with contempt by the government and its advisers, the Liberal Party may need to consider what possible amendment the Hon. Mr Stefani is to recommend so that we can at least assure ourselves that these processes to be adopted by the Under Treasurer—and, in particular, the two new Deputy Under Treasurers who have recently been appointed—are absolutely impartial, independent, transparent and accountable.

I have expressed my concerns earlier in this debate, and in other debates as well, about this process and this provision. The only way to allay some of those concerns is to have the advice provided by the minister, but the advice is being provided by the Under Treasurer. We are in the hands of the Leader of the Government. We are in a position where we are moving to report progress and, ultimately, it will be for the non-major party members of the committee to determine whether we continue.

The Hon. P. HOLLOWAY: I will restate the government's position. It believes that it is adequately advised in relation to this bill. In any case, there is a principle here that it is the government that should determine who provides it with advice. If the opposition really wants to pursue this matter of what particular officers in the Public Service would do, I suggest that the more appropriate way in a parliamentary sense would be to refer this bill to a select committee at the second reading stage so that they could have the opportunity to pursue it.

We can have whatever advisers we like but, as the Leader of the Opposition has pointed out, it is not possible to ask questions directly of those officers anyway. So, I think that it is a fairly futile exercise. If the Leader of the Opposition has any questions about this bill that we are not able to answer here, I suggest that he raise them. We have a three-week break coming up and, if we do not have the answers now, they can be provided. I think that is a better way of doing it.

It has only just been brought to my attention that the leader had amendments on file. A number of Independent members are not here, so it is probably not appropriate to pursue the bill at this time. However, I want to use this opportunity to restate the government's position. We can have this matter decided by the minor parties when we come back.

The Hon. R.I. LUCAS: I will be brief. I accept the position that the Leader of the Government has outlined in terms of reporting progress. I will conclude by saying that my colleague the Hon. Mr Stefani has flagged the possibility of a further amendment, which provides for the involvement of the Auditor-General in this process. I know that the Treasurer and the Under Treasurer will turn up their toes at the prospect of the Auditor-General being involved in this process of producing the charter of budget honesty. As a former treasurer, I understand the practical difficulties that might be involved in having the Auditor-General as part of the process. However—

The Hon. Ian Gilfillan: How long will it take you to do the job as envisaged by the Hon. Julian Stefani—about six months?

The Hon. R.I. LUCAS: The Hon. Mr Stefani outlined that one knows when the next election will be, so the work will obviously have to commence beforehand. The Auditor-General is in a better position than you and I to do this sort of task, because he is obviously looking at the books all the time. That is his ongoing job, and that is what he is paid for. So, he starts off with a running advantage over anybody else. As they have indicated on previous occasions, I know that members of parliament, including the Australian Democrats and the Hon. Mr Stefani, have great faith in the capacity of the Auditor-General to undertake difficult tasks expeditiously and efficiently.

I am being frank about this. I understand the potential practical difficulties in having the Auditor-General involved in this process, but I can see why the Hon. Mr Stefani is saying that maybe this is a way of ensuring impartiality and transparency in the process. From our viewpoint, we do not start off from a position of wanting to support such a provision, but we are prepared to at least consider it. If we are to continue to be treated with contempt by this government and its advisers and not have answers provided to the sorts of issues we have been flagging on a number of occasions, it might be that an amendment, such as that of the Hon. Mr Stefani, will be the end result if the majority of members are prepared to support such a provision in the legislation.

Without putting words into the Hon. Mr Xenophon's mouth (I have to check the *Hansard* record), my recollection was that he indicated some interest perhaps in exploring—and I will put it no stronger than that—the notion that the Hon. Mr Stefani had raised. I conclude on that note. I am happy for the government to consider the amendment that I have already flagged. It will obviously consider the amendment not yet moved by the Hon. Mr Stefani, but at least he has flagged that it is being considered in relation to a role for the Auditor-General in this process. I have previously flagged questions that I believe require and deserve the response of the government through the Under Treasurer, in particular, and I will be happy, if given the opportunity, to indicate further areas that I believe deserve response as well.

The Hon. IAN GILFILLAN: By way of clarification, can I check with the Leader of the Opposition that he implied that very little, if any, extra work would be required by the Auditor-General to do the task that was outlined previously by the Hon. Julian Stefani?

The Hon. R.I. LUCAS: I say at the outset that I would never seek to represent the views of the Auditor-General. Appropriately, that would—

The Hon. Ian Gilfillan interjecting:

The Hon. R.I. LUCAS: No, I know, but I have learnt to my own cost on a previous occasion that I need to be very cautious—although I was then in a position of being in government—about trying to interpret the views of the Auditor-General; appropriately, that would come from him. The only assessment I make is that, whilst he is involved in an ongoing basis, the specific roles and functions of some officers within Treasury are in a particular area where he is not always involved—for example, if I look at the areas of prediction of revenue lines, such as taxation and so on, that would not be an ongoing part of his auditing process. So, in terms of expenditure, one imagines that he should be able to

do things relatively quickly, although he does not always work in aggregates. Of course, Treasury has to. Obviously, he produces overall aggregate accounts after the event and, obviously, he has longer than 10 days within which to do so.

I think that, if this issue is to be further explored by members in committee, it may well be appropriate for the government, however it wishes to conduct the discussions, to get advice from the Auditor-General. He is really the only one who could indicate how long it might take and, if he was to have a role, how that role might be appropriately legislated for. I think there would be some practical difficulties but, if it is the only way of getting answers to questions or, at least, ensuring that the framework we outlined is acceptable to all parties in this chamber and in the community, then it might be something that, reluctantly, we would also have to look at.

The Hon. P. HOLLOWAY: I just wish to make one point. The leader claims that he has asked questions that have not been answered. I believe that I provided an answer to those two questions on the last occasion on which we discussed this bill. There have been some matters raised that will need some further consideration. In particular, we need to see whether or not the Hon. Julian Stefani is proceeding with amendments, so we can look at those matters and take them up when we resume in three weeks. Unless anyone else wants to make a comment on this bill, I propose that progress be reported.

The CHAIRMAN: As the Chairman of Committees in these matters I have to make the observation that we have been into committee on a number of occasions and discussed the same principles, and a bit of a Mexican standoff seems to be developing. There are practices and protocols in respect of these matters that most participants are fully aware of. I find it a slight on the dignity of the council when we keep coming back to committee meetings, then reporting progress and getting up. I have two responsibilities, as Chairman of Committees and as President of this place.

You have put me on the constitutional committee to represent you to maintain the dignity of this council and I strive to do that. I find that this process is not in accordance with what I have been advocating. I would ask participants in the committee to come to these arrangements outside the committee stage, because it is my observation that it does lower the dignity of our proceedings.

Progress reported; committee to sit again.

ADJOURNMENT

At 4.19 p.m. the council adjourned until Monday 28 April at 2.15 p.m.