HOUSE OF ASSEMBLY

Wednesday 29 May 2002

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

INSURANCE, INDEMNITY

In reply to **Mr BRINDAL** (13 May).

The Hon. J.W. WEATHERILL: I am advised that Planning SA does not have statistics readily available which indicate how many applications have been stalled for any reason—the insurance problem or otherwise. Statistics provided by ABS on building approvals on a monthly basis do not reflect the impact of the problems with builders obtaining insurance cover. In fact they are unable to reflect the impact because the approval process is not dependent on a certificate of insurance.

Under the Development Regulations 1995, a person must not commence domestic building work unless or until a copy of a certificate of insurance in relation to that work has been lodged with the relevant authority. So, in order to answer the member's question accurately we would have to:

1. Ask councils how many applications have been stalled, and
2. Ask councils to investigate the reasons for any stalling in the approval process for each application so as to determine that any delay was due to problems with obtaining insurance cover.

In addition, because the certificate of insurance is required for building to commence, it would also be necessary to ask councils to communicate with development proponents who, having already received an application approval, have not provided a certificate of insurance and determine the reason for this.

I provide this information not to suggest that a problem does not exist for builders in obtaining insurance. This is a consumer protection issue and is not a matter covered by the Development Act or Regulations. If the member for Unley has some information in this regard I would urge him to refer it to the Hon Michael Atkinson, Minister for Consumer Affairs.

STREAKY BAY PIPELINE

In reply to **Mrs PENFOLD** (13 May).

The Hon. P.F. CONLON: The Minister for Government Enterprises, has provided the following information:

The pipeline is due to be completed in December 2002.

MILLICENT HEALTH SERVICE

In reply to **Mr WILLIAMS** (14 May).

The Hon. L. STEVENS: Millicent and Districts Hospital recently sought a loan under the Aged Care Loan Facility provided by HomeStart. This loan facility was recently suspended due to concerns about the borrowing of money by country hospitals to fund capital works projects that would normally apply for funding through State Budget processes. Approvals for loans are suspended pending the outcome of the Treasurer's review of the HomeStart program.

GAMMON RANGES

A petition signed by 20 residents of South Australia, requesting that the house not pass the motion requesting the Governor to make a proclamation to remove all rights of entry, prospecting, exploration or mining in the Gammon Ranges National Park, was presented by Ms Rankine.

Petition received.

SEWAGE SPILLS

The Hon. P.F. CONLON (Minister for Government Enterprises): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P.F. CONLON: I wish to advise the house about two sewage spills which occurred last Friday 24 May. Both of these spills occurred in regional areas, at facilities operated by SA Water. The first of these spills occurred at a pumping station at Whyalla. The spill was noticed at 9 a.m. during a routine inspection. Operators discovered that the pumping station was not operating and that sewage was overflowing to an adjacent low lying swampy area. It is estimated that between 200 to 300 kilolitres of sewage had overflowed and had covered an area approximately 50 metres by 50 metres. The pump station was immediately set to begin operating and the area cleaned up. The majority of the spill had, however, soaked away very quickly and was not able to be contained.

Mr Brindal: So it was soaking away and it still got to 50 metres by 50 metres. It's not a bad blunder is it?

The Hon. P.F. CONLON: I will come to that in a moment. Investigations by regional electricians indicated the cause of the spill was a failure of a timer switch on the electrical switchboard which meant that the station had not automatically reset following a suspected power interruption during the night. A secondary problem occurred with the alarm system resulting in the high level alarm not being received by the on-call operator. The timer switch was replaced and the alarm system reprogrammed on Friday 24 May. Both systems have been tested and are working correctly.

The incident was reported as a type 2 incident, meaning the spill was not considered to be a health risk. Both the EPA and Local Council Environmental Officer were notified of the incident. The EPA reports that there has been no environmental harm as a consequence of this spill—much to the disappointment of the member for Unley.

The second sewage spill occurred at Port Lincoln due to a burst sewer pumping main. In this case, the spill was reported to SA Water at 9.35 a.m by members of the public who noted the raw sewage on the roadway at Laguna Drive. When SA Water personnel attended the site at 10 a.m. they found raw sewage had discharged through the adjacent stormwater pit directly into the marina. Part of the bitumen road surface was ruptured due to the burst. The burst area was immediately isolated and a sewage tanker was called to start carting sewage from the major pumping stations prior to SA Water shutting down the pumping main. SA Water contacted the EPA, the Department of Human Services, Fisheries Fishwatch and the Port Lincoln Marina manager within an hour of the spill being noticed. At 11.20 a.m. the pumping main was completely isolated and the discharge of uncontrolled sewage into the marina ceased. SA Water estimates 260 kilolitres of sewage had been discharged into the marina.

SA Water personnel conducted doorknocks to advise residents in the affected area. Port Lincoln City Council organised 'No Swimming' signs to be erected at the marina and at the beach: signs were erected at 1 p.m. The EPA reports that whilst, at the time of the spill, there was a risk to human health because of the presence of e.coli in the water the effluent dissipated quickly and there are no ongoing risks to health or the environment.

Excavation of the burst site commenced at 11.45 a.m. and it was later discovered that a section of the sewer pumping main was split at the bottom half. The repair was completed on Monday afternoon. I am advised by SA Water that this pipe system has failed on a least five occasions since June 1999. Plainly this is a problem which was not given sufficient attention by the previous government. SA Water is currently undertaking a project to replace this main which it expects to

be completed by the end of August this year. I have advised the house of these issues today to assure the parliament that this government will not try to hide problems or dodge responsibility, as did the previous government, but, instead, will continue to be open and accountable.

INSURANCE, INDEMNITY

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

Leave granted.

The Hon. M.J. ATKINSON: The ministerial statement is about building indemnity insurance and the proposal to grant ad hoc ministerial exemptions—and I apologise at once for the length of the statement. Members would be aware that I recently announced that I am prepared to grant exemptions for builders who are experiencing problems obtaining building indemnity insurance from the requirement to take out insurance. This is a measure designed to alleviate temporarily the difficult position that some builders currently find themselves in after the withdrawal of Dexter Corporation from the building indemnity insurance market.

The SPEAKER: Order! Minister, are there copies of the statement available?

The Hon. M.J. ATKINSON: Not yet sir, no.

An honourable member: Why not?

The Hon. I.F. EVANS: Mr Speaker, we are happy to wait until after question time for copies to be made available.

GAMMON RANGES

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Petition received.

LEGISLATIVE REVIEW COMMITTEE

Mr HANNA (Mitchell): I bring up the third report of the committee.

Report received and read.

Mr HANNA: I bring up the fourth report of the committee.

Report received.

QUESTION TIME

HOSPITALS, FLINDERS MEDICAL CENTRE

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Will the Minister for Health explain why the government has not honoured the previous government's commitment to provide $2.5 million to the Flinders Medical Centre Foundation for the construction of a new cancer care and research centre? On 18 January 2002, the previous Liberal government committed $2.5 million for the construction of a new cancer care and research centre. The commitment—

Members interjecting:

The SPEAKER: Order! The member for Mawson will come to order.

The Hon. DEAN BROWN: That commitment was signed off by the cabinet, included in the forward estimates and signed off by the minister. The new building was to provide cancer laboratories, a new cancer care day facility, a new bowel cancer clinic and a cancer information resource centre for patients. Last week on ABC radio the Premier was reported as saying that there cannot be anything more important than raising money for cancer research. However, the government has withdrawn the commitment of the previous government and, as a result, the new facility is now at risk as part of the government's cost cutting measures.

The Hon. L. STEVENS (Minister for Health): It is nice to have the deputy leader, the member for Finniss, back in the house. In answer to his question I would say that any commitment in relation to the Flinders Medical Centre cancer centre is part of the budget process and will be announced in due course. In the meantime, I would like to remind the other side of the house, and in particular the former minister for human services, of the issue in relation to the 50 bed mental health unit which was planned for Flinders Medical Centre and funded in the 1998 budget but which has never been built. What gall you have to stand in this house and point a finger at me when you did precisely the same yourself. You are a hypocrite!

Members interjecting:

The SPEAKER: Order! May I let the minister know that the last sentence of her reply is a gratuitous insult and it is unnecessary. It does not add anything to the understanding of the information and, can I say in the kindest possible terms, it only inflames the passions of other people in the chamber.

Members interjecting:

The SPEAKER: Order!

GAS PIPELINE

Ms THOMPSON (Reynell): Will the Premier advise the house as to the future of the SEA gas pipeline proposal to bring natural gas into South Australia from Victoria?

The Hon. M.D. RANN (Premier): That is a very good question. I am delighted to be able to announce today that in a press conference a short while ago International Power and Origin Energy announced the building and construction of a 680 kilometre gas pipeline from western Victoria through to Adelaide. I can also announce that—

Members interjecting:

The Hon. M.D. RANN: You are clearly disagreeing with what the industry leaders say about that; that is probably why you are no longer the minister.

Members interjecting:

The SPEAKER: Order! The member for MacKillop will come to order; and the member for Bright will do likewise immediately.

The Hon. M.D. RANN: Construction on the $300 million project announced today will start in about October this year, and I am sure members will be pleased to know that a large part of this crucial pipeline will be built on the basis of about 6 kilometres a day, even though it is an underground pipeline. I am sure the Speaker will be pleased to know that his concerns about the broomrape region have been taken into account. Indeed, I was told by the SEA gas proposers today that that was a very sensible deviation in terms of ensuring that the position is not worsened.

Perhaps I can give members opposite an opportunity to understand this. The pipeline will cross the Murray River at

about Tailem Bend, and will provide an opportunity to plug in gas for Tailem Bend for the first time. Let us put this into perspective. Today I paid tribute to the former government and, indeed, present ministers for clearing the hurdles for the necessary environmental and planning work to occur. The lesson shall continue. We are talking about the gas flowing in January 2004—eventually up to 70 petajoules.

For the benefit of the member for Bright, 70 petajoules is about 80 per cent of the capacity of the existing Moomba gas pipeline. Indeed, 70 petajoules is roughly South Australia's needs supply on any normal day. Of course, obviously, this gives us—because we have been so dependent for a generation on one gas pipeline and, of course, any catastrophic event (God forbid that might happen) would mean that all of us, even in this Parliament, would be whistling Dixie in the dark—security and diversity of supply that industry has been talking about needing for decades.

So, we have an important go ahead. This is part of the process of guaranteeing supply, and 70 per cent of the state's electricity needs are from gas-fired power stations. Whilst it is true that this gas pipeline will feed in through a process of crossing the Mallee and the Murray, going around the Adelaide Hills, around Gawler way and then back into Adelaide to join up with Pelican Point, it will be an open access gas pipeline, and that will mean that industries, as well as commercial and non-commercial residential customers, can take advantage of it. We are finally going to have basin-to-basin competition, and that is obviously important in terms of trying to drive power prices down. But this is only the first step.

We are still committed to interconnection, because we want to put more pressure on getting prices down. We are still committed to introducing legislation for an essential services commission that will put in place a range of price justification measures, and we hope that the opposition will support us. We are still passionately committed to wind power; announcements were made earlier this week; and more announcements are to come. I am delighted that this $300 million decision today for the building of the pipeline will also help guarantee $1 billion worth of investment.

I am advised that, in terms of western Victoria's offshore supplies, it has been particularly planned to avoid environmentally sensitive areas, such as national and conservation parks and the Adelaide Hills. To use a former premier's famous saying, I think that this is a win-win for South Australia.

Mr Brokenshire interjecting:

The SPEAKER: Order! I call the Deputy Leader of the Opposition.

HOSPITALS, AFTER HOURS GP PROGRAM

The Hon. DEAN BROWN (Finniss): Will the Minister for Health explain to the house why the after hours GP programs at the Women's and Children's Hospital and the Queen Elizabeth Hospital have been cut, and will he say whether this is consistent with the ALP's election promise to increase health services? Today the *City Messenger* reported that the after hours GP service operating at the Women's and Children's Hospital and the Queen Elizabeth Hospital had been closed by the government. Throughout the election campaign the Labor Party pledged the following:

> . . . to improve and extend health and community services for all South Australians.

It promised to ensure that South Australians had access to health care when they needed it. Just 12 weeks into government, it is now slashing those services.

The Hon. L. STEVENS (Minister for Health): Unfortunately, I cannot find the detailed brief on this question. However, when I do I will be very happy to provide a more comprehensive answer. The point is, though, as the deputy leader knows, that the GP trials were pilots; they were trials. The GP after hours care service was trialled at the Queen Elizabeth Hospital, the Women's and Children's Hospital and, of course, as we know, at the Blackwood Hospital. The former minister knows full well, because last year, together with me, he was a member of a select committee that heard evidence from the directors of emergency departments in relation to those trials which, from memory, were set up primarily to try to reduce demand in emergency departments. In fact, they told us that those trials had little effect in that area. The point is that these were trials. Those two trials (at the Queen Elizabeth Hospital and the Women's and Children's) have been discontinued. I will obtain further information to be able to provide to the house—

The Hon. Dean Brown interjecting:

The Hon. L. STEVENS: Just listen to what I am saying. In the meantime, I would like to reiterate this government's clear commitment to improve health services and particularly to improve the interface between GPs and our hospitals. I would like to pay tribute to the Noarlunga hospital, which has established a very sustainable program with GP collocation at that hospital. When I do provide the fuller answer, I will also provide more detail to the house about just what Noarlunga hospital is doing.

ELECTRICITY, PRIVATISATION

Mr CAICA (Colton): Will the Minister for Energy advise the house about the outcomes for electricity users in South Australia as a result of the privatised electricity industry in the national electricity market?

Members interjecting:

The Hon. P.F. CONLON (Minister for Energy): I note the interjections on the other side, asking whether we would like to buy it back. I wish we were in that position, because there is absolutely no doubt that the privatisation policy of the former government is an unmitigated disaster, and the only people who would not know that in South Australia must be living in the most distant and remote corner of the state or occupying the opposition benches, as they so richly deserve after their broken promise on ETSA at the last election.

Members interjecting:

The Hon. P.F. CONLON: They mention Paul Keating. One of the things I want to raise in answering this question is that we do know the outcomes from the abject failure of the policy of the previous government in terms of electricity. We saw the last tranche of contestability for business show an average price increase of 35 per cent and as high as 90 per cent for some businesses. This is what they are proud of: this is what they say they do better than we. I did notice the other day that Joe Hockey wants us to nationalise the risk in health insurance because they are a very confused mob.

Members interjecting:

The Hon. P.F. CONLON: For public liability.

Members interjecting:

The Hon. P.F. CONLON: They go on about Paul Keating, but I will come to that in a moment. The other unfortunate outcome is the prospect of very high price rises

when full retail contestability is with us early next year. We are working night and day—

Members interjecting:

The Hon. P.F. CONLON: It affronts me that they laugh. On account of members opposite, we have ordinary consumers in South Australia facing increases, according to the retailers, of some 20 to 30 per cent, and they laugh. Sir, I am affronted. Let me make absolutely plain why we are in this position. After telling people they would never privatise ETSA, for four years their single obsession was maximising a price for the assets that were purchased by the hard labour of South Australians over many years.

I can look at the painting behind me: it is from a time when Liberal leaders actually had some social conscience, had some planning, had some nous. We are in the position we are in because the former government was obsessed with nothing but selling ETSA and did nothing to prepare people for the national electricity marketplace.

Members interjecting:

The SPEAKER: Order! Let me say that I am fond of the member for Mawson but I can do without his company.

Mr BRINDAL: I rise on a point of order. I believe ministers are required to attend to the substance of the question that they are asked, not to enter into debate. I ask you, sir, to listen carefully to the minister's answer because I believe he may be entering into debate.

The SPEAKER: Order! I advise the member for Unley that I did listen to the substance of the question and it was about the consequences of the energy policy of, I guess, the previous government. This one has not been in office long enough to have had any impact on energy policy outcomes for South Australians. So I tell the honourable member that I do not find that there is a point of order. The question was in order and the answer seems to be still within the framework of that, although I trust that the minister has about finished.

The Hon. P.F. CONLON: Thank you, sir. The outcomes, in short, have been grim for the businesses in South Australia and now, on 1 January, it appears that we are locked into some very unpleasant outcomes for ordinary South Australians. The former government washed their hands, as they continue to do today, and they continue to laugh at what they have done for South Australian electricity consumers. I can tell members from meeting with businesses that they do not laugh. The former government's one excuse was that it was all Paul Keating's fault or Bob Hawke's fault because they started the national electricity market.

I simply refer to the report today from that famous left winger, Mike Woods, the Productivity Commissioner, who, when talking about restructuring, pointed out that for domestic consumers under the national electricity market there had been a moderate drop in price and, for business users, there had been a significant drop in price. That serves to illustrate just what this previous government's policy has done for South Australia. They want to blame Paul Keating, they want to blame everyone else, but the simple truth is, as we found out at the energy ministers' meeting, it is South Australia that is suffering—not the rest of Australia, just South Australia—because of their failed privatisation.

HOSPITALS, BLACKWOOD

Mrs REDMOND (Heysen): Can the Minister for Health advise the house if the after hours GP service at the Blackwood Hospital will be cut and, if so, has she consulted with the hospital? The Blackwood Hospital was informed about the closure of the after hours clinics at the QEH and Women's and Children's Hospital after a report in today's *City Messenger*. The after hours GP clinic is a valuable service for people living in the area of the Blackwood Hospital and it would be a tragic loss for it to end.

The Hon. L. STEVENS (Minister for Health): I am pleased to answer the question put to me by the honourable member because in the time between questions I have been able to find the detail in my folder.

Members interjecting:

The Hon. L. STEVENS: So, let us be quiet and hear the answer. The GP trials that the member refers to were funded by $480 000 from the National Health Development Fund and $750 000 approved by the former government. The Queen Elizabeth Hospital trial finished on 30 April and the Women's and Children's Hospital trial finished on 12 May. The Blackwood Hospital trial will finish in mid-August, subject to ongoing work to achieve a transition to a sustainable model at Blackwood, where the service has significant local support and patient numbers have been slowly growing.

As I said in my previous answer to the deputy leader, as a mechanism to take the pressure off emergency departments, the trials have had little effect. The Select Committee on Funding for Public Hospitals was given evidence last year that the trial at the Queen Elizabeth Hospital was seeing only 53 patients a week and that, as the emergency department received up to 140 patients a day, the trial had little impact on the operation of emergency services. It is clear, however, that the trials have been well received by many people who have had difficulty accessing GP services, and my department will continue to work with divisions of general practice, which we are doing, and SADI to develop models of after hours GP services where that is practicable and where it is also cost effective.

As I mentioned in my earlier answer, I received a letter dated 19 April from the Chief Executive Officer of Noarlunga Health Services—

Mrs Redmond: I don't want to know about Noarlunga.

The Hon. L. STEVENS: —I'm sure you don't want to know but I am going to tell you, anyway—advising me of plans to establish an after-hours GP service collocated with the emergency department of the hospital that is sustainable without government subsidy. The CEO said that they hoped to have this operating by the end of this month and that this will be part of a broader strategy to attract more GPs to the south. I congratulate Noarlunga hospital on its efforts in this area. We will certainly be looking very closely at what it is doing there and hope to learn from it to enable us to implement it elsewhere in Adelaide and in the state.

Mrs REDMOND: I rise on a point of order, Mr Speaker. I did not ask the Minister for Health anything about the Noarlunga hospital.

The SPEAKER: Order! That is highly disorderly. The answer has been given according to what the minister believes is appropriate to the question. Does the member for Heysen have a supplementary question?

Mrs REDMOND: Thank you, sir. I will ask again whether the Minister for Health—

The SPEAKER: No, I said a supplementary question; we are not to repeat the same question.

Mrs REDMOND: Following the previous question, Mr Speaker, I still wish to know whether the Minister for Health consulted with the Blackwood Hospital. No mention was made in response to that.

The SPEAKER: Order! May I suggest to the member that she write to the minister and seek that information.

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

Members interjecting:

The SPEAKER: Order! The member for Goyder has the call. What is the point of order?

Mr MEIER: Mr Speaker, in the light of your directive to the member for Heysen—

The SPEAKER: It was not a directive.

Mr MEIER: Sorry, sir; I thought you directed that she should write to the minister. In fact, I was certain you said that. I was going to ask: what is the purpose of question time if we have to put everything in writing?

The SPEAKER: Order! There is no point of order. In order for the member for Goyder and other members of the house to understand, the minister has answered the question in the manner in which she thinks appropriate within the framework of practices of the house and in the context of standing orders. If the member still feels that there are matters not canvassed in the answer that she would like canvassed, then she is at liberty to do that. However, she is not at liberty to ask the same question again. If a substantial element of the question she asked was not answered, she had the opportunity to put that as a supplementary question. The matter rests at that, because I suggested her to do that she might do that; I did not direct. I call the member for Torrens.

MUNDULLA YELLOWS

Mrs GERAGHTY (Torrens): Will the Minister for Environment and Conservation inform the house about the government's commitment to research into Mundulla yellows syndrome, a disease that is killing off an increasing number of native trees throughout parts of South Australia?

The Hon. J.D. HILL (Minister for Environment and Conservation): On the weekend, as part of the community cabinet in the South-East, I was asked questions on a number of occasions by local people who had concerns about the Mundulla yellows research program, and I am delighted to have the opportunity of informing the parliament and the community of the government's attitude to it. The state government, in cooperation with the commonwealth, is committed to a five year research program into Mundulla yellows which was recently recognised as a dieback syndrome affecting native plants including eucalypts and banksias. The program is jointly funded by the commonwealth and state on a dollar for dollar basis. I understand that approximately $215 000 has been spent on research to date. The research program was agreed upon by the former minister for the environment (Hon. Iain Evans) and his federal counterpart at that time (Senator Robert Hill). That was in March last year.

However, since that time both state and federal departments have become increasingly concerned about the quality of the research that has been undertaken, and it was decided that a new research program be negotiated with the University of Adelaide. In fact, a workshop was held in Adelaide on 9 and 10 April this year to review the previous research and to develop a draft strategy for future research. Future funding partnerships were contingent upon this comprehensive review of previous research. A five-year funding partnership between Environment Australia and DEH has been agreed, DEH assuming a leadership role in managing this project in partnership with the EA. So I want to assure the people of the South-East who had concerns about this that the government is committed to it, and the program will be continuing. We are looking at the research program that has been undertaken to date and recasting it to get the outcomes that the community is looking for.

GROUP 4

The Hon. R.G. KERIN (Leader of the Opposition): Did the Premier consult with the Public Service Association before a decision was taken to renew the Group 4 contract for prison movement and in-court services? Yesterday, in response to questioning on this issue, the Attorney-General indicated that the government would be renewing the Group 4 contract for prison movement and in-court services. On ABC radio this morning, the General Secretary of the PSA, Jan McMahon, stated that she was quite outraged to learn of the decision through the ABC. She went on to say that she had been let down very quickly by the new government, which clearly, in writing and in many of its speeches, indicated that it would not allow outsourcing to continue.

Ms McMahon indicated that she had previously written to the Minister for Correctional Services and also that she understood that she had a commitment from the Premier that talked about ending outsourcing, and she saw Group 4 as one of those contracts that could have not been renewed.

The Hon. M.D. RANN (Premier): I know that the Leader of the Opposition was heartened by the story in the *Advertiser* today, running on from his splendid performance yesterday. But it was quite clear that as soon as the deputy leader came back the Leader of the Opposition was rapidly eclipsed. We all know what is going on.

Members interjecting:

The Hon. R.G. KERIN: I rise on a point of order, Mr Speaker. I believe that it is an issue of relevance, and the fact that I was more heartened by the ABC article this morning—

The SPEAKER: Order!

The Hon. M.D. RANN: I understand that the new Leader of the Opposition is concerned about this issue—

The SPEAKER: Order! I uphold the point of order. The Premier needs to answer the question.

The Hon. M.D. RANN: I was just saying that I can understand the Leader of the Opposition's concerns about relevance when he looks around him. Labor made it perfectly clear during the election campaign that there would be no more privatisation. Members of the media only have to go back to their copy to see that during the election campaign we also made it clear that you cannot unscramble the egg. The opposition is asking questions about privatisation: you are the people who debauched our electricity system; you are the people who are responsible for 35 to 95 per cent increases in the cost of power; you are the people who told the people of this state, before the 1997 election, that you would never privatise ETSA—and look at what you did straight after the election. Let us face it, the Liberal Party would privatise people's gold teeth if it could get away with it.

This government has announced an end to privatisation, but we also said that we were not about unscrambling the egg. Also, if you want to know about my meeting with the PSA, I have its information update—'PSA and Premier meet', stating that the Premier advised that all existing contracts were being removed and that decisions would be made on a case-by-case basis. So, that is the story. You know and I know what I said before the election. I know what you

wanted to do to this state: you would not be content until you sold out everyone in this state in terms of privatised assets.

We know what you planned for the Queen Elizabeth Hospital. We know what you planned for TAFE. We know what you had in mind for the state purse. We know what you proposed for the Lotteries Commission. Let us remember what the Liberal Party said. It said that it had to privatise the Lotteries Commission because it was too risky—the only government in Australian history which has admitted that it was not sensible enough to run a lottery, to run a raffle: you could not run a raffle. Fortunately, smarter minds prevailed amongst the Independents but you went willy-nilly, rushed over the line to privatise the TAB and we are still paying more for that privatisation as a result.

So, you are total hypocrites on the issue of privatisation. We are the party that day after day fought the privatisation of electricity, and we warned the people of this state that if you went ahead and privatised electricity it would cost them dearly, and we were right—and you know it.

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. Kotz: Who was going to privatise water in 1993?

The SPEAKER: Will the member for Newland come to order? I remind the Premier and all the ministers not to use the second person pronoun. It only inflames passions. Standing orders require that remarks be addressed to the Speaker. I am still here.

RECONCILIATION WEEK

Mr HANNA (Mitchell): Can the Minister for Administrative Services advise the house what he will be doing to support Reconciliation Week?

The Hon. J.W. WEATHERILL (Minister for Administrative Services): I thank the honourable member for his question and acknowledge his keen interest in matters of Aboriginal reconciliation. I am pleased to announce to the house that today I launched two reconciliation initiatives. This week is, of course, Aboriginal Reconciliation Week, and we have already seen a number of initiatives that the government has announced.

Today I was privileged enough to launch two projects, a video and a book. The video, *Distant Voices*, was produced by the Department for Administrative and Information Services and the South Australian Film Corporation. It demonstrates the processes involved in accessing archival information from State Records and, in particular, it focussed on information that may be of interest to Aboriginal people. It also acknowledged that not everybody has access to the internet, so it was provided in a format which allowed one to see how Aboriginal people had gone about accessing that information and the trails in which it led them. For many of them, it was a very emotional experience as they could access family records which allowed them to find material about their own lives, and so better understand their own lives and indeed the lives of their family members.

It was also supported by a book called *A Little Flour and a Few Blankets: an Administrative History of Aboriginal Affairs in South Australia 1834-2000.* That is a publication containing a chronology of events, personalities and changing legislation during the period. It also provides an interesting list of the sorts of records which are available—and which are kept by State Records—in this area.

Even though we have engaged in this and other activities during this special week, reconciliation is not something we can focus on for just 10 days. It involves an ongoing commitment and a change in attitude by the whole of the community to Aboriginal Australia. Federal and state governments have done a great deal since the stolen generations report, and this is, of course, a particular response to that report. However, there are many more things to be done. I know that the Minister for Aboriginal Affairs, in another place, is committed to this process, as is the whole of cabinet. This initiative (such as the launch of the video and the book), which gathers together this archival information, is just a small step in this important process.

INSURANCE, INDEMNITY

The Hon. R.G. KERIN (Frome): Given that Premier Carr has introduced a bill in the New South Wales parliament to tackle the crisis in public liability insurance, can the Treasurer tell us whether the South Australian Labor government accepts that it, too, must play a greater role in finding a solution to the problems faced here in South Australia? It was reported in the *Advertiser* today that the New South Wales Civil Liability Bill 2002 introduced by Premier Carr proposes a number of reforms which would see a cap placed on personal injury claims and a restriction placed on the costs obtained by lawyers and barristers. A report prepared by accountants Price Waterhouse Coopers shows that the Carr bill is expected to reduce insurance premiums by 12 per cent. The Treasurer has repeatedly stated Labor's view that this is a federal issue and one that his government will not address through legislation.

The Hon. K.O. FOLEY (Treasurer): The interesting thing, from what I have read, is that the problem that Bob Carr has in New South Wales is the fact that the Liberal Party is blocking this legislation in the upper house in that state. So I assume, from what the Leader of the Opposition has said, that whatever Labor decides is necessary in this state, should it be legislation, he has foreshadowed that he will support it. That is a very good offer of bipartisan support from the Leader of the Opposition.

As I have said, I meet tomorrow with my interstate colleagues. It is the responsibility of all states and—as I have said on a number of occasions in answer to questions from the leader, from the member for Davenport and from others—there are a number of options being put to ministers. I read about some of them on the front page of the *Financial Review* this morning. A report from Trowbridge (the company that is advising on a number of options), which I am told by my Treasury officers was meant to be tabled at tomorrow's meeting, appears to have been provided by someone to the *Financial Review*, so the leader may have read some of the issues canvassed in that report. I was briefed yesterday on the many options being canvassed, and they vary between states. The reality is that there will be a set of solutions for each state. Some will be the same as other states but some will be different because each state has different laws as the statutes currently stand. It is not just about tort law reform: it is about a whole range of other issues—about management issues and various other options—and we will look at pooling schemes. I am going to the meeting—

Mr Brokenshire: Make a decision.

The Hon. K.O. FOLEY: The member says, 'Make a decision.' You cannot make a decision on these issues until you actually go to the meeting that is—

Members interjecting:

The Hon. K.O. FOLEY: Bob Carr has taken a couple of decisions that he flagged at the time of the last meeting for his particular circumstances in New South Wales. I have said that I will attend tomorrow's meeting and determine from that meeting the options available to South Australia, along with other states, and we will then ensure that we can give a considered position to cabinet, which will make its decision and advise the public accordingly.

RAILWAYS, BELAIR LINE

The Hon. R.B. SUCH (Fisher): Will the Minister for Transport review the decision of the previous government to close stations on the Belair line?

The Hon. M.J. WRIGHT (Minister for Transport): I acknowledge that the member for Fisher is a passionate user of rail and, indeed, this particular service. On 1 May 1995 Millswood, Hawthorn and Clapham stations were closed along the Belair railway line. I am advised that the stations were closed due to the following: the low number of passengers boarding and alighting at these stations; the close proximity of bus services to each of these stations (these stations being relatively close to the city); and standardisation of one of the two lines between Adelaide and Belair, which meant that new crossing loops needed to be constructed on the single suburban track in the most effective locations given the budget available.

Rail services operate most effectively when carrying large passenger loads over significant distances. Stations where few passengers board and alight inconvenience the large number of longer distance passengers. I am further advised that closing the poorly patronised stations at Millswood, Hawthorn and Clapham made the Belair line more effective by increasing station spacing whilst minimising the number of crossing loops required on the line.

The following options exist for reopening the stations: constructing additional crossing loop or loops. This would allow trains to cross at this extra loop, giving the trains time to stop at the extra stations while maintaining the week day service. The significant expenditure required for a loop is not considered to be warranted given that bus services are available in the vicinity and relatively few passengers would be likely to benefit. The second option is to alter the service so that different trains stop at these stations and not at others. Given the expected low usage of these stations, this would reduce the effectiveness of train services on the Belair line because of the impact on other passengers. The third is to alter the timetable so that trains are able to cross each other at the available loops. In the interpeak period this would mean operating trains either every 22 to 23 minutes or every 45 minutes instead of the current 30 minutes.

The 22 to 23 minute frequency would involve considerable additional operating costs on a line that is already the most heavily subsidised in metropolitan Adelaide and would necessitate corresponding timetable change for connecting buses at the Blackwood station. It would mean loss of connections with other trains in Adelaide, as each metropolitan rail service operates on a 15 or 30 minute cycle in the interpeak. It would confuse passengers accustomed to the current timetabling. A 45 minute service would result in a significant reduction in service quality on the Belair line.

Given these considerations there are no plans at this time to reopen these railway stations. However, the platforms will be retained until the government has completed its draft strategic transport plan over the next 12 months. In preparing the plan, the government will consider the integration of transport infrastructure and services, and the most appropriate use of these stations will be considered in this process.

INSURANCE, INDEMNITY

Mr GOLDSWORTHY (Kavel): What specific solutions will the Treasurer be contributing at the forthcoming state ministers meeting to overcome the current crisis facing recreation and tourism operators now that many will not be able to renew their public liability insurance when it expires on 30 June this year? I have many constituents who are faced with this crisis, one in particular at Inglewood in the Hills, the Templewood riding school. I know the Premier has visited that school. After 30 years of operation this institution will be forced to close its doors come 30 June if urgent action is not taken to address this crisis.

The Hon. K.O. FOLEY (Treasurer): I thank the member for his question. It is clearly a very serious question and one of significant concern not just to his constituents but to constituents in all our electorates. One of the answers is not what is suggested by some of the federal Liberal ministers. I will be interested to hear Senator Coonan's reaction to Senator Joe Hockey's suggestion that governments re-create state government insurance corporations. That is not a solution. As we have said here before, a variety of options are available. No single option will be a quick fix to this issue. That has been my consistent position and that of all ministers responsible for this issue nationally. In significant part, this issue has occurred as a result of actions beyond the control of state governments, but we are doing and will do what we can.

Members interjecting:

The Hon. K.O. FOLEY: No, they're not. Each state is taking measures that it hopes in some way might alleviate premium increases. In fact, if you read the *Financial Review* article today, you will see debate among financial writers for the *Financial Review* who are questioning whether tort law reform will indeed deliver the reduction in premiums that some are hoping for, because we do not know how the insurance companies will react.

More specifically, in answer to the honourable member's question—and this is the important element of it—I refer to the options to deal with small community groups that are experiencing great difficulty. As I have said previously, we are looking at group buying arrangements. The Local Government Association of South Australia currently has a scheme and, if your clubs have not contacted—have they contacted the local—

Mr Brokenshire interjecting:

The Hon. K.O. FOLEY: I am talking to the honourable member behind you, Robbie.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: The point I would make to members opposite—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —through you, sir, and particularly to the honourable member who asked the question, is that the Local Government Association has a group purchasing scheme. I know that has helped a number of clubs but, indeed, the LGA has not been able to offer the assistance to all clubs. I am mindful of the problem. We are

hoping that, out of tomorrow's meeting, we will be in a position to make further decisions, but it is not an easy solution. There is not an easy quick fix to this problem.

I say to members opposite: what is your solution? What are you suggesting? Are members opposite suggesting, like Joe Hockey, that we should have state government insurance corporations? I will do what your federal senator (Senator Coonan) asks: I will go to Melbourne tomorrow to have some discussions to see what options are possible.

COMMONWEALTH GRANTS

The Hon. I.F. EVANS (Davenport): Will the Treasurer admit that some $50 million of his claim of a supposed black hole was created by his and Treasury's decision to reduce estimated grants from the Commonwealth Grants Commission by $50 million, even though there is no decision from the Commonwealth Grants Commission for such a reduction? After the election this year, South Australian Treasury was advised by the Commonwealth Grants Commission of actual increases in commonwealth grants to South Australia of some $100 million over the forward estimates period. However, information provided to the Liberal Party indicates that the Treasurer included in his 14 March budget update, and claims of the black hole, an actual cut of $50 million in the commonwealth grants to South Australia in 2004-05, even though there is no commonwealth grants decision to justify such a reduction. This claimed $50 million cut conveniently increases the black hole by some $50 million.

The Hon. K.O. FOLEY (Treasurer): As I have said previously, the briefing note that was waiting for either me as Treasurer or the former treasurer, the Hon. Rob Lucas, contained the budget deficit, all of the cost pressures and timing adjustments, and revenue adjustments were accounted for. But I will get an answer for the honourable member and provide it to him at the earliest opportunity.

BEVERAGE CONTAINERS

Mrs PENFOLD (Flinders): Will the Minister for Environment and Conservation advise the house when information and material to educate the public and recycling agents on changes to beverage container legislation to come into force on 1 January 2003 will become available? The Liberal government extended the type of containers covered by the legislation that is to come into force on 1 January 2003. Recycling agents are becoming increasingly restive as the time approaches and ignorance of the new provisions abounds.

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the honourable member for this important question. Interestingly enough, a couple of days ago I spoke with officers of my department who deal with that issue, so I am well briefed on what is going on. As the former minister and probably some members would know, getting organised to introduce that new regime early next year is quite a cumbersome process, because hundreds of items have to be assessed and many companies have to be informed, and the departmental officers are going through that process now. I asked them the same question: when will the advertising campaign be undertaken? An extensive advertising campaign will need to be undertaken, naturally, both for consumers and producers. I am advised that that campaign will start well before the kick-off date of 1 January 2003. As to the exact date on which it will begin, I cannot tell the house now, but I will get further advice and inform members.

TEACHERS' SALARIES

The Hon. I.F. EVANS (Davenport): Will the Treasurer explain the difference between his claim in the parliament yesterday that the total cost of the teachers' wage case was about $335 million and the information provided by the government to the *Advertiser* for today's exclusive front page story that the total cost was actually some $240 million?

The SPEAKER: Order! I invite the member for Davenport to reconsider the way in which that question is framed. It is not appropriate for ministers to respond to items that are alleged to have appeared in the press or in the media in other forms.

RECONCILIATION COUNCIL FUNDING

The Hon. D.C. KOTZ (Newland): Will the Premier guarantee future funding for the South Australian Reconciliation Council Incorporated? In answer to a question yesterday in the house, the Premier acknowledged his support for reconciliation and strategies to 'Walk the talk' with Aboriginal people. The South Australian Reconciliation Council Incorporated was previously supported by state government funding of some $100 000 to initiate programs and to promote reconciliation across the state. Will this funding continue?

The Hon. M.D. RANN (Premier): I can make the announcement here today, in Reconciliation Week, that my government is totally committed to reconciliation and totally committed to ongoing funding to assist the Reconciliation Council in its important work. I would also like to say just one thing. I think that it was extremely unwise for the former government to discontinue the parliamentary Aboriginal lands committees. Those committees were about reconciliation in action, and it stunned me as a former Minister for Aboriginal Affairs, a portfolio—

The Hon. D.C. KOTZ: On a point of order, in terms of relevance, talking about another act of parliament has nothing to do with the question of funding for the Reconciliation Council.

The SPEAKER: I will listen carefully to the answer. I am not sure that I got that inflection.

The Hon. M.D. RANN: Perhaps I need to advise all members that the whole point about reconciliation is about all of us playing a part. It is about every member of parliament playing a part. It is about this parliament playing a part, which is why we were proud in a bipartisan way to say sorry to Aboriginal people a few years ago. I want to congratulate the Deputy Leader of the Opposition for his role. He and I both spoke that day and I believe we both spoke from the heart on an important issue.

But if you really want practical reconciliation on the ground—and we saw the evidence given to the Coroner yesterday about appalling Aboriginal health outcomes in the Aboriginal lands, in the Pitjantjatjara lands and elsewhere, with petrol sniffing and other problems—it is about the parliament and the minister being informed about what goes on. It stunned me to find that the last meeting of the parliamentary committee—a bipartisan committee that included the minister and members from both sides, covering the Pitjantjatjara lands, the Maralinga Tjarutja lands and the Aboriginal Lands Trust land—was in 1992.

The Hon. D.C. KOTZ: On a point of order, again I point to relevance. My question was extremely specific: is $100 000 going to be given by this government to the Reconciliation Council? All we are hearing is debate on other issues.

The SPEAKER: Order! It is not necessary for the member to debate the relevance of her question. The Premier is responding to that inquiry in a manner that he considers appropriate. I cannot make the Premier answer an explicit point in the question during the course of his remarks, but I listen intently, trusting that there will be an answer to that. What he is providing is background information that is still relevant.

The Hon. M.D. RANN: Let us remember that I was a member of that parliamentary committee. This is about practical reconciliation. It is what John Howard and all the premiers and chief ministers talked about in Canberra a few weeks ago. As a backbencher, I was a member of that committee, and we went up to the lands and we heard evidence about educational issues, health issues and other issues that we fed back in to ministers and into this parliament. The honourable member for Stuart was a member of that committee with me, and I hope he would agree how useful it was.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: The point is that we all remember the censure motion—

Ms Rankine interjecting:

The SPEAKER: Order, the member for Wright!

The Hon. M.D. RANN: —in this parliament, but the truth of the matter is that it helped me as a minister to be able to go into the lands with Liberal members and Labor members and hear evidence from Aboriginal people about what was going on so that we could take action. And action was taken, for instance, the Royal Commission into Aboriginal Deaths in Custody; and I am proud, as the minister—

The Hon. D.C. Kotz interjecting:

The SPEAKER: Order! The member for Newland will come to order.

The Hon. M.D. RANN: —that we led Australia on. We led Australia in that response and I am proud of my role in that.

Members interjecting:

The SPEAKER: Order! The member for Schubert will do likewise.

The Hon. M.D. RANN: Why would you be so terrified of information from the lands that you had to close down—

The Hon. D.C. Kotz interjecting:

The SPEAKER: Order! I warn the member for Newland!

The Hon. M.D. RANN: —the committee for 10 years so that the sort of information we are now finding in coronial inquiries was not getting through to this parliament as it should have been? What happened is a matter of extraordinary shame for the former minister. I will make that commitment. Yes, we will continue the funding for the Reconciliation Council, because we have a genuine commitment on this issue, unlike the former minister.

TEACHERS' SALARIES

The Hon. I.F. EVANS (Davenport): Will the Treasurer explain the difference between his claim in the parliament yesterday that the total cost of the teachers' wage case was about $335 million and the information provided by the government that the total cost was actually $240 million? Yesterday, the Treasurer admitted that he was not certain of the exact figures of the teachers' wage case and its impact on the budget. However, he eventually told parliament that the total was about $130 million more than the $205 million included in budget forward estimates. This latest claim by the Treasurer of $335 million is some $95 million higher than today's figure of $240 million.

The Hon. K.O. FOLEY (Treasurer): Let me say from the outset that I am advised that today's story uses figures from the AEU, not the government, but the figures that I have talked about relate to what they were as at 14 March. Your government failed to make an allocation in the mid-year budget review of an extra $130 million. That is an undeniable fact.

The Hon. I.F. Evans: Yesterday's figure was for 14 March?

The Hon. K.O. FOLEY: That is correct, it was, but I have news for you. The full year effect of the three-year EB agreement with the teachers' union is now in excess of that, and it is not the $240 million—

Members interjecting:

The Hon. K.O. FOLEY: You can't have it both ways. You just said to me it was $240 million, not $335 million. At the end of the day, you can't keep chopping and changing your figures, Iain. You have got to give us some consistency. But I will say this: you failed to put approximately $130.6 million in your mid-year budget review. The EB agreement is yet to be formally accepted by the teachers' union but, once it is, the government will have an exact figure and it will be provided at the appropriate time. However, it is now in excess of the $335 million, but the $240 million figure that you have thrown in today is simply of no relevance whatsoever.

GRIEVANCE DEBATE

RETIREMENT VILLAGES

Mrs REDMOND (Heysen): I rise in this grievance debate to bring to the attention of the house a matter that is concerning me regarding the retirement villages legislation in this state and the inadequate state of that legislation. I am not here to cast any blame, but it has come to my attention that there are serious difficulties with this legislation and the way it is administered in terms of the protection of people who have become residents of retirement villages. Of most concern to me is a particular retirement village in Stirling which is in private ownership, and it operates on a slightly different basis to that of other retirement villages in this state. Members may be aware that retirement villages generally operate on the basis that the person entering a retirement village pays a premium to enter and, upon their departure, they will get back some of that premium, but usually a percentage taken out for each year of their residency in the village. That is the most common way for retirement villages to operate.

The alternative way is the way this village in Stirling operates, that is, people pay a premium and, when they leave, they get back 100 per cent of what they paid. So, instead of getting back a percentage of the new selling price of their

village unit, they get back 100 per cent of the price they originally paid to move into that unit. The difficulty that arises under the current legislation is in the case of the Sevenoaks retirement village. The owners of that village (which is privately operated), who are there to make a profit, take from the money that is due back to the people leaving the village an amount of money that they assess as being due to them to cover the costs of reinstatement of the unit. In their interpretation of that—although they have asserted in their disclosure statement when people have entered the village that no moneys will be deducted by way of depreciation and no moneys will be taken on the basis of the time spent in the unit—they are causing a depreciation, in effect. This obviously is a legal problem, and it has led to numerous cases going to the Residential Tenancies Tribunal.

Under the Retirement Villages Act, if there is a dispute and it is unable to be resolved within the village, the matter can go to the Residential Tenancies Tribunal. In the latter six months of the year 2000, 13 out of the 19 matters that went to that tribunal from retirement villages all around the state came from the one village in Stirling. Members would appreciate that retirement village occupants must be at least 55 years of age to move into a retirement village, and the average age in most retirement villages is well above that. In fact, the people in question are about 75 to 80 years of age when they go into a village. At that time of life they deserve and expect to be able to spend their last years in peace and quiet, and without any financial pressures. However, the result of what is happening in this village in Stirling is that time and again people are electing to leave that village and seeking the refund of their money in accordance with what they have understood to be in terms of the contract. They are faced with having to go to the Residential Tenancies Tribunal.

Time and again the Residential Tenancies Tribunal has made findings in favour of the residents. However, because there is no clear provision in the act—other than a discretionary one—for the payment of costs, for a start those people are often faced with significant costs in seeking their just entitlements from the village operators. Furthermore, obviously the village operators incur legal costs in taking on these matters, and they dispute them at great length. The result of that is that the village operators then turn around to the remaining residents in the village and say that they will pay those costs as part of the administration costs of the village, with the result that the residents of the village are damned if they do and damned if they do not. If they do not take action, they do not get the money they are entitled to. However, if they take action, first, the people succeeding in that action often have to pay significant legal costs in getting their just entitlements; and, secondly, the penalty is that their friends and neighbours in the retirement village are faced with paying the money to the retirement village administration authority to cover the legal costs that were incurred in the case.

The government has introduced new regulations which I have examined. However, they do not appear to canvass the difficulty that has arisen. I bring this matter to the attention of the house in the hope that the new government will look further at this legislation, because it is a significant problem for people in retirement villages who, as I said, in the latter years of their life deserve and expect to have some degree of peace and quiet, as well as enjoyment in life. In the case of at least one private operator, the legislation just was not designed to cope with people who do not obey what one expects to be the normal rules.

ETSA UTILITIES

Mrs GERAGHTY (Torrens): I recently received copies of correspondence between AGL and a resident who had reported a dull street light in early January. The residents wrote a letter to AGL in February, which was more than a month after the first phone call to ETSA Utilities to report this dull light. The constituent's letter states that the street light was not switching off during the day, and was very dull. Having gone through all the procedures to make the phone call, they were then given a receipt number saying that it had been reported. They were informed that if it was not fixed within five working days, they would receive a $20 credit off their electricity account. The residents go on to say that on 22 January the light had still not been repaired, so they again phoned Street Light Faults and reported it again. They attempted again on 23 January and on the afternoon of 24 January, they contacted ETSA Utilities, and said:

> I note that the street light had been fixed. It was turned off. I telephoned and asked to see how I would go about claiming my $20 credit.

The person to whom they were speaking looked through the computer records and said that if no-one else had reported the fault, they would receive a $20 credit on their next electricity account. When they received their next electricity account, it did not include the $20 credit. They then made another call to inquire as to what had happened. They then received a letter from ETSA Utilities which stated that it was responding in regard to the repair of a faulty street light, and it goes on to say:

> Where we are responsible for the repair of a faulty street light which has gone out, we will repair the light within five working days in the Adelaide metro area. . .

They go on to say that in rural areas, it will be within about 10 working days. The letter continues:

> If the light is not repaired within these times and you are the first person to report the faulty street light, we will arrange for your retailer, in your instance AGL, to credit your next bill with $20 (including GST). In addition, the payment will be recurring for each time the target is not achieved. We endeavour to fix all faults within the above standard. . .
>
> We will still rectify street lights that remain on continuously for 24 hours, however, these lights do not remain within the definition, as outlined above in our service standard. We encourage and appreciate these reports to assist us with the conservation of energy.

I asked my staff to make a few inquiries to confirm that that was the case. We were told that a dull light fell within a grey area and usually they would not offer the $20 credit in such a case, but they would try to fix the light within the five day period. It seems that the $20 credit scheme is certainly a means of ensuring that lights get fixed, and encourages people to report faults. But it seems to me, and certainly to the resident, that if a street light is dull, it is a safety hazard to motorists and pedestrians and should be treated in the same manner as a burnt-out street light. So, I would like to suggest to ETSA Utilities that it rethinks its attitude to the reporting of street light faults. If members of the public take their time and, in this case, quite a bit of effort, to phone and report a faulty light, ETSA should consider providing some reward to those people. I do not believe that is an unreasonable suggestion, because a dull light is clearly a danger, and a light that is burning all day is using electricity.

Mr Venning interjecting:

Mrs GERAGHTY: I am sure that the member for Schubert enjoys the pun of a dull street that is in a grey area, and I have also had a chuckle over that one, too.

FLINDERS AND GAMMON RANGES

The Hon. D.C. KOTZ (Newland): The Minister for Aboriginal Affairs tabled a ministerial statement in this house yesterday. The intent of the statement appeared to be one of a congratulatory nature relating to good news about future development of the Northern Flinders and Gammon Ranges. This had come about because of a meeting recently convened by the Aboriginal Lands Trust and held in Port Augusta to sort out differences between the IGA Iga Warta community and the Nepabunna Community Council. The meeting was apparently successful inasmuch as it moved a resolution to allow the development to proceed subject to the formal appeal process and a commitment by both parties to work towards what would be the improvement of relationships between the communities into the future.

I am very pleased to hear that a successful process has in fact been agreed to between the two parties to work together harmoniously. However, the minister chose to use his ministerial statement to malign me in my previous role as minister for Aboriginal affairs, when he stated:

> It is a great pity that former minister Kotz did not consider it to be an important part of her responsibilities to find solutions to disputes and to look at the long-term issues of education, training and economic development.

The current minister has a very short and selective memory. I remind him that he was privy to information briefings on issues dealt with by me over the years in that portfolio, briefings which were frank and were certainly open and to which he gave his support on every occasion. I also remind the minister that the Iga Warta dispute, which was the focus of the ministerial statement, has been ongoing for many months, and the recent meeting at Port Augusta was not the first meeting held to negotiate positive outcomes but one of several meetings that I had previously initiated. I am pleased that the minister acknowledged that the Aboriginal Lands Trust played a major role in these negotiations and, in particular, mentioning George Tongerie, John Chester and Bob Jackson. I point out to the minister that it was I who approached the Aboriginal Lands Trust and the Chairman, George Tongerie, to seek their support to facilitate meetings between the disputing parties and to seek a solution.

So, I say to the Minister for Aboriginal Affairs that, yes, I am sincerely pleased to hear of the positive outcome of this dispute and to hear his acknowledgment that the team of negotiators that I appointed were successful. I trust the minister is not naive enough to believe that the one meeting where he was represented by a member of his 'personal staff' was the sum total of involvement required. The last paragraph of the minister's statement is of immense interest to me, for two reasons. His statement was as follows:

> I believe that solutions in country areas must come from the communities themselves but I want to assure you that I will continue to work with all stakeholders and play an active and support role.

One of the reasons I have an interest in that statement is that it is almost a sense of deja vu, because it is a statement that I have made many times over the years. Secondly, it is a bit step for the minister to admit that solutions must come from the communities themselves. This is a minister whose first three weeks in the portfolio saw him exacerbate and prolong a dispute between two Aboriginal groups on the lands that brought on calls for his resignation. In the most amazing display of outmoded paternalism, he demanded that they respect his opinions and to do what they were told. Not exactly the right format to promote reconciliation or, indeed, Aboriginal autonomy and independent decision making, which, in the lands, is the statutory right of the elected council. I would suggest that it is the minister who has a credibility problem in this portfolio and has a long way to go to gain respect from the very people to whom he has ministerial responsibilities.

As to the long-term goals of education, training and economic development, I will let the Labor government's first budget papers speak for me and the previous Liberal government on the many achievements in that area that should be published under 'Outcomes' in each of the portfolio areas. I am happy to encourage bipartisanship in the area of Aboriginal Affairs with the minister, or anyone else who has an interest. But if the minister wants to shake his tail feathers at the expense of recognising community support of traditional owners and elders, or indulge in the obscenity of paternalism, he cannot expect respect or support from me or the Liberal opposition.

DOMESTIC VIOLENCE

Ms THOMPSON (Reynell): I rise today to pay tribute to the work of the Onkaparinga Collaborative Approach for the Prevention of Domestic Violence Group and for the Southern Domestic Violence Action Group. The Southern Domestic Violence Action Group has existed for quite some years as a voluntary group coming together to enable the effective prevention of domestic violence and action in relation to domestic violence in the south.

The Onkaparinga Collaborative Approach group is a much more recent initiative in accordance with the state collaborative approach. The long-term work undertaken by the Southern Domestic Violence Action Group has meant that it has been able rapidly to come together and establish a working paper that contains sound principles as the basis for action and some excellent action plans.

It was hard work to ensure that a diverse group of people were able to agree on what the priorities should be. I would like to identify some of the organisations involved in this difficult task. There are in fact 46 partners to the OCA; 22 of them are government, including the local members, the member for Kingston, the member for Kaurna, the member for Mawson and me. I will not detail all the government services, as I would prefer to spend the time giving credit to some of the community organisations that have come together to work with the government agencies in this important collaborative approach.

There are 17 community organisations and representatives involved, and they include the Southern Domestic Violence Action Group and Zonta. I particularly want to commend Zonta for the way it has been actively involved in supporting the work of the Southern DVAG. Also involved are Healthy Cities Noarlunga; the Hackham West Uniting Church; a Ngarrindjeri elder; a Kaurna elder; the Women's Healing Circle; the Lesbian Domestic Violence Action Group; the Happy Valley Community Childcare Centre; the Hackham West Community Centre, the Women's Housing Association; a group called Relationship Violence, No Way; and five individual community members who have given of their time and expertise and often of their serious personal experiences to contribute to this important work.

Among the non-government organisations are Relationships Australia; the Southern Domestic Violence Service; Adelaide Central Mission; Anglicare; the Seaford Ecumenical Mission; the Aged Care and Housing Group; and OARS. From this group you can see, Mr Speaker, how broadly the impact of domestic violence is felt and how broadly spread is the responsibility for dealing with and preventing domestic violence.

As I said, it was important first to establish some general principles for dealing with domestic violence. There was great debate about whether domestic violence needed to be considered in conjunction with or separate from general community violence. There is a recognition that the violence within our community supports domestic violence, but there is also a feeling that unless we concentrate on what is happening in the home, the family violence issue, we will not tackle either that issue or the broader issue of community violence. I commend the group on coming together and developing the general principles and the intervention and prevention principles to which all can subscribe.

I want to mention two brief points that have been noted in recent meetings. Indeed, at a function recently I met the mayor of a suburb which is not close to mine and he suggested that there would be no domestic violence in the leafy green area that he serves, but it is something that is probably a major issue in my area. I went on to assure him that it was probably a very major issue in his area but perhaps the bruises do not always show. The Southern DVAG in particular is concerned that recently there has not been concentration on a public education program as there has been in the past.

Time expired.

TEACHERS' SALARIES

The Hon. I.F. EVANS (Davenport): I rise in this grievance debate to express some concern about the confusion that now exists within the public arena in regard to budgetary figures given by the government, in particular the Treasurer. Dealing with the Treasurer's statements in logical sequence since the government was elected, first we were told that there was no provision for teachers' salaries within the former government's forward estimates; then we were told in a ministerial statement, 'Hang on, now that I've been questioned about it, there is some provision in the forward estimates for teachers' salaries.' If you believe the answers to questions asked in today's question time, suddenly we are told that it is the opposition's fault that there is not enough provision in the forward estimates for teachers' salaries.

We all know that the government of the day ultimately negotiates the various enterprise bargaining agreements with the various unions and sectors. My very strong advice to the Treasurer is to get himself briefed, go and talk to the industrial relations people in the office of the Commissioner for Public Employment (Paul Case), go to the industrial relations section of the education department or, indeed, speak to Treasury officers and get briefed on the actual cost of the enterprise bargaining arrangements for the teachers' deal.

The education union, if we believe the Treasurer, is today saying that the cost is something like $240 million. Figures of $205 million and $335 million have been mentioned and today, if I heard him correctly, the figure is greater than $335 million. Yesterday in the house the Treasurer, in response to a direct question, said he was unsure of the total package cost of the teachers' enterprise bargaining arrangements. I am staggered that we are months into this government, it is the single biggest wage negotiation the government will undertake and the government is not across the detail in relation to the cost of the enterprise bargaining arrangements for teachers. We were promised answers to two questions yesterday in question time. The minister had the opportunity to come in here today and clarify those answers. The Treasurer will not be here tomorrow during question time and we will not get a response until Monday next week. It is unacceptable for the Treasurer of a government that claims to be honest, accountable and open to say that he will get back to us but delays it until Monday next week. The answers cannot be that difficult.

The Treasurer has written to all MPs explaining this fictional black hole. He raises the issue of the teachers' enterprise bargaining arrangements in his own memo. He would have been briefed on it and he, surely, would have asked the question: what is the total cost of the teachers' enterprise bargaining arrangements; what is included in the black hole; and what is not included in the black hole? He revealed during question time today the rather stunning decision by himself and Treasury to cut $50 million off the Commonwealth Grants Commission's funding which they have been allocated. They have made a notional cut of $50 million so that they can add that to orchestrate a fictional black hole. That is almost a deception of his cabinet colleagues and a deception of parliament. I guess that raises the question about the Treasurer: did he do that deliberately of his own volition or is he taking the advice of Treasury (as suggested by his own memo) about what is politically acceptable?

So, we again raise doubts about the capacity of the Treasurer to be across his portfolio. Today we asked questions—simple questions—about matters supposedly concerned with the black hole that he alleges exists, and he is not across the detail and promises to get back to us. Yesterday we asked about contingency funds (over $600 million dollars of contingency funds: not an insignificant amount). He is claiming a black hole of over $300 million. We asked him about a $600 million contingency fund and we got no answer today. We sought information yesterday about reconciliation of other figures and, again, we got no answer today. I suggest to the Treasurer that he take his briefing folder to Melbourne tomorrow and get briefed. I think it is obvious to everyone—it is obvious to the media observers—that the Treasurer is not across his portfolio on the details of his fictional black hole and the details of what the enterprise bargaining arrangements will cost the government. Today was a farcical situation when the Treasurer sat there and blamed the opposition because the very negotiations being undertaken by the government have blown the government's estimate.

Time expired.

WOOMERA

Ms BREUER (Giles): Last week in parliament I attacked that dreadful blot on our environment, the Woomera Detention Centre, and I still stand by my comments; but today I want to give parliament some positives about Woomera. Unfortunately, that once very proud town in South Australia which is such an important part of our history (it was a thriving community of many thousands in the 1960s and 1970s—I think the population reached 7 500 at one stage) has been tarred in recent times by its image as a detention centre

and as a potential site for a radioactive waste dump. Let me tell the house that Woomera still has a proud place in our space program—in fact, it has an essential and a primary place, with a very active and very full space program. Last week I was in Woomera and I was thrilled by the sight and the sound of some huge aircraft passing over the township. It was part of another test—I am not sure what was being tested because you do not find that out, but it was really quite exciting to observe.

Woomera could be the site, very shortly, of one of the world's most expensive extreme sports. A British company called Starchaser has announced plans to open the world's first commercial spaceport at Woomera in the year 2006. People would pay $500 000 for a 23 minute rocket ride 100 kilometres above the earth's surface. Probably the member for Schubert would be the only one here who could afford to pay that, but it would be an exciting trip: drinking Grange Hermitage at 100 kilometres above the earth's surface could be quite an experience. Passengers will experience about eight minutes of zero gravity, as well as have a spectacular view over much of northern Australia, Indonesia and the Indian Ocean. If the spaceport is built at Woomera, it is expected to inject hundreds of thousands of dollars into the town's economy.

Earlier this month the first two Japanese rocket boosters arrived in Australia, travelling via sea to Darwin and then to Woomera by road. The rocket booster design, which is about 30 years old, was originally developed for the Japanese space program and has now been brought to Woomera in Australia. It was used to launch the first Japanese satellite some years ago. The rocket boosters used for the National Experimental Supersonic Transport (NEXST1) have been tailored to boost an experimental aeroplane to the precise conditions required for testing. The rocket booster burns out after about 50 seconds, by which time it has travelled down range about 13 kilometres, and has achieved a speed of 2.6 times the speed of sound (mach 2.6). After about 70 seconds the booster separates. The aeroplane by this stage is 27 kilometres down the range—faster than the Harley of the member for Schubert—and has achieved an altitude of 19 kilometres, or about 62 000 feet (mach 2.1). This is an exciting potential development for Woomera, and we hope that we will hear much more about it over the next few months.

I am particularly pleased that St Michael's residential camp site at Woomera has successfully accessed a grant to establish an accommodation facility in the old St Michael's primary school in Woomera, which will be used to attract educational tourists and school groups to the area. Groups will be able to stay overnight and visit sites such as the Woomera space school and rocket launching sites, with an opportunity to see the space program in action and discover some of the history of our space program and some of the history of Woomera in South Australia.

Also, something I have not seen but which I am very interested to see and hope I can see in the very near future is the new $3.75 million telescope which provides a unique view of the universe from Woomera. This is a major new telescope that will help in the study of gamma ray bursts, supernovas, pulsars, black holes and other phenomena. It is being constructed near Woomera and is called the Cangaroo III gamma ray telescope. It will cost about $3.75 million and is a joint project of a number of Australian universities, including the University of Adelaide, ANU, Sydney University and the University of Tokyo. Four telescopes will complete the project and they are nearing completion. Much of the material is coming to Australia from Japan. This will be the twin of an existing gamma ray telescope which was built and unveiled two years ago. The addition of the second 10 metre telescope will enable researchers to gain results from the heavens in stereo, and this will greatly improve the accuracy of their data. Two more telescopes are due to be built over the next two years.

Time expired.

INSURANCE, INDEMNITY

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

Leave granted.

The Hon. M.J. ATKINSON: This is a ministerial statement on building indemnity insurance and our proposal to grant ad hoc ministerial exemptions. I apologise for the length of the statement. Members would be aware that I recently announced that I am prepared to grant exemptions to builders who are experiencing problems obtaining building indemnity insurance from the requirement to take out the insurance.

This measure is designed to alleviate temporarily the difficult position some builders currently find themselves in after the withdrawal of Dexta Corporation from the building indemnity insurance market. I emphasise to members that this is a short-term measure designed to take the pressure off builders and enable them to continue building in the short term while they sort out their insurance situation.

It is a requirement under the Building Work Contractors Act 1995 that builders take out a policy of building indemnity insurance in relation to domestic or residential building work. This currently applies to domestic building work valued at $12 000 or more. The policy is required to cover the owner who contracts with the builder as well as subsequent purchasers for the costs of completion or rectification of the work.

The policy applies only where the builder has become insolvent, has died or disappeared and ceases to have effect at the end of the five year statutory warranty period covering defects. Section 45 of the Building Work Contractors Act authorises me as Minister for Consumer Affairs to grant an exemption to a person, upon application, 'from compliance with a specified provision of [the] act. . . ' Such an exemption may be subject to conditions and may be varied or revoked at the minister's discretion. The granting or variation or revocation of an exemption must be notified in the *Gazette*.

As the primary purpose of the Building Work Contractors Act relating to insurance is to provide consumer protection, an application for an exemption would need to establish that there was alternative consumer protection in place, or no necessity in the particular circumstances for the consumer protection afforded by building indemnity insurance, or that the risk to consumers had been minimised as far as possible.

For the information of the member for MacKillop, I can say that this ministerial statement will be on the Office of Consumer and Business Affairs web site from tomorrow.

A set of criteria or guidelines has been developed to assist builders in applying for an exemption. It is proposed that exemptions may be granted where the applicant is able to provide some other form of surety or assurance of alternative cover, including, but not limited to:

- a bank guarantee providing cover for owners as an alternative to building indemnity insurance;
- an insurance bond or other form of guarantee of performance (for example, from directors or a parent company) that would provide adequate alternative protection to the owner; or
- evidence of the existence of professional indemnity or other relevant insurance held which may provide alternative protection to the owner. Alternatively, it is proposed that exemptions may be granted where the owner of the land on which it is proposed to build is a council, statutory authority, educational institution or company.

Notwithstanding that the work in question is residential rather than non-residential building work, dealings with such entities could be considered to be akin to commercial dealings, with such entities in a better position to protect themselves and therefore less in need of the protection afforded by the insurance requirement.

Another situation in which it is proposed that exemptions could be granted is where the applicant builder is at the time of making the application also the owner of the property on which the building work is to take place. On that basis, speculative building projects could be exempted.

In a similar vein, it is proposed that exemptions could be granted where the owner of the property on which the building work is to take place is a developer. Again, such entities are better placed to protect themselves in the building industry than ordinary consumers. However, an exemption will be granted only where there is a satisfactory mechanism in place to ensure that subsequent purchasers are required to be notified of the exemption before purchase.

The criteria I have outlined are not exhaustive. Where an applicant is able to provide any other good reasons why in the particular applicant's case an exemption would be justified, bearing in mind the consumer protection objective of the insurance provisions, these reasons will be taken into account.

Ultimately, although these guidelines have been developed to assist builders in making applications for exemption, the discretion to grant or refuse an exemption will rest with me as Minister for Consumer Affairs.

It should be emphasised again that it is not intended to grant exemption to builders who are unable to obtain insurance because they are a bad financial risk. This measure is designed to assist those who are severely prejudiced by delays in processing applications for insurance because of the influx of applicants to the remaining insurer in the market after Dexta's withdrawal. It is also important to note that exemptions will only be guaranteed where the consumer has given informed consent—that is, the builder is able to demonstrate, preferably in the form of a certificate, that the builder has informed the owner of the requirements of the Building Work Contractors Act as to insurance and explained the effect of an exemption and the owner has consented to the making of the application for exemption.

Every application will be dealt with on its merits, and exemptions will be approached with the utmost caution, given that their potential effect is to reduce the available consumer protection. An application will need to be in respect of a specific identified building contract, and exemptions will be granted on a project by project basis. Although an owner who contracts with a builder will need to consent to the builder obtaining an exemption, it will be important to ensure that any subsequent purchasers of the property within the five year statutory warranty period are aware that there is no building indemnity insurance covering that work—that is, that subsequent purchasers need to know that there is not a building indemnity insurance standing behind the home builder with whom they are dealing.

The section 7 statement prescribed under the Land and Business (Sale and Conveyancing) Act 1994 and required to be served on all prospective purchasers of land contains a section headed 'Particulars of building indemnity insurance'. This section of the section 7 statement should serve to alert prospective purchasers to the existence or lack of existence of building indemnity insurance with respect to a property and allow the prospective purchaser the opportunity to consider this and cool off where appropriate.

However, it is considered desirable that the regulations under the Land and Business (Sale and Conveyancing) Act be amended to make it clear where a lack of building indemnity insurance is due to an exemption. As stated earlier, in relation to speculative building or building for developers who may sell 'off the plan', an exemption will only be granted where there is a satisfactory mechanism in place to ensure that subsequent purchasers are required to be notified of the exemption before purchase. Although it is regrettable that the circumstances necessitate this measure, there is anecdotal evidence that builders and owners are in fact finding ways to circumvent the requirements of the legislation.

I am concerned that owners who proceed this way may not understand the implications for them, and may suffer later as a result. It is preferable that, if insurance is not to apply, this is controlled through the granting of exemptions. I am aware that some sections of the building industry do not support the granting of exemptions and, indeed, it was this conflict that delayed my announcement of these measures, albeit by only a few days. I am concerned that, unless some short-term assistance is made available in appropriate cases, the impacts on some builders of being unable to obtain insurance immediately will be disastrous.

The Local Government Association, on behalf of councils that are involved in administering the development approval process, has indicated its support for the proposal. As has been stated previously by the Treasurer, it is expected that, after the recent reforms of the building indemnity insurance schemes in New South Wales and Victoria, as well as the reforms around the country in terms of exempting high-rise residential buildings from the insurance requirement, and allowing insurers to impose a $10 million cap on claims arising from a single event, new players will be attracted into the builder indemnity insurance market.

The market should be given the opportunity to right itself. In the meantime, this measure will provide short-term relief to a minority of builders caught between the requirement for insurance and the current reported delays in obtaining insurance.

STATUTES AMENDMENT (THIRD PARTY BODILY INJURY INSURANCE) BILL

The Hon. K.O. FOLEY (Deputy Premier) obtained leave and introduced a bill for an act to amend the Motor Accident Commission Act 1992 and the Motor Vehicles Act 1959. Read a first time.

The Hon. K.O. FOLEY: 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.

Compulsory Third Party bodily injury insurance arrangements have been reviewed as required under Clause 5 of the Competition Principles Agreement (CPA), to which the South Australian Government is a signatory. Reviews are based on the principle that legislation should not restrict competition unless the benefits outweigh the costs of the restriction and its objectives can only be achieved by restricting competition.

Tasman Asia Pacific (TAP) and Macquarie Bank were engaged to undertake a scoping review of Compulsory Third Party (CTP) insurance arrangements provided by the Motor Accident Commission (MAC), including a legislation review of restrictions on competition. This review thus covered both the requirements under Clause 5 as well as those under Clause 4 of the CPA dealing with structural reform of public monopolies (required prior to potential introduction of competition into the market or privatisation). Further work was also commissioned from the SA Centre for Economic Studies and Trowbridge Consulting.

In addition, Clause 3 of the CPA requires the implementation of Competitive Neutrality (CN) for significant government business activities. MAC is not listed as a significant government business activity. However, CN issues were considered as part of the TAP report. As a sole provider, CN principles are inapplicable to MAC and would only be a consideration if competition were to be introduced.

In February 2001 an indicative Government response was released, for public consultation, in relation to the review of CTP arrangements.

Whilst TAP found retention of MAC as sole provider of CTP insurance was not consistent with NCP obligations, this was rebutted by further analysis by the SA Centre for Economic Studies, which concluded that 'there is a sound argument to be made that community rating and the sole insurer arrangement do pass the benefit test....current CTP arrangements do not appear to conflict with CPA'.

Since the review was completed, the failure of HIH has resulted in substantial additional costs for those States in which there were private sector providers of CTP insurance. South Australian taxpayers were spared those costs, due to control and responsibility resting with the statutory authority MAC, which is the sole provider of CTP insurance in this State. The HIH situation indicates that State Governments and therefore taxpayers and motorists are ultimately exposed to the risks of failure of private sector providers of a compulsory insurance product.

The Government's view is that the benefits of the restrictions upon competition in the provision of CTP insurance in South Australia (compulsory insurance, monopoly provision and community rating) outweigh the costs. There is general agreement that compulsory insurance is in the community's best interest. It seems highly likely that moving to a multi insurer market would result in higher costs of CTP insurance than under current arrangements. Affordability of CTP and equity can best be achieved through retention of community rating.

Accordingly, national competition policy requirements are met by retaining current sole provider CTP insurance arrangements as objectives of CTP legislation (in particular, universal coverage, fair claims settlement, (maximum) affordability of premiums, fairness and community acceptability) can only be achieved by restricting competition.

One of the big advantages of a statutory public fund is that the MAC Board can act to ensure equity between claimants at all times and not to discount that objective where circumstances permit under the pressure of profit motivation.

Under a statutory fund arrangement the proper recompense of injured third party drivers, passengers and pedestrians, which might be any of us, can occur from funds collected from all motorists without the intervention of shareholder interests, whether pursued in a rational or irrational manner such as in the case of HIH.

Similarly, funds can be collected from motorists on the community rating principle without any nonsense.

I quote from the SACES report 'National Competition Policy Review of South Australian CTP Arrangements—Consideration of Public Benefit Issues':

"For instance, Tasman/Macquarie commented in a separate communication that:

- insurers tend to take action to avoid high risks rather than attract low risks. For example, post codes and income levels are apparently strong indicators of risk—high risk people ringing to make premium inquiries from high risk areas may be put on hold for long periods (hoping that they will hang up and go to another insurer). Alternatively, insurance companies may not open offices in high risk areas."

It is so much more difficult to regulate against this behaviour in a multi private sector provider system than to avoid it by pooling all risks in the one pool.

Incentives for responsible driver behaviour are properly and effectively directly regulated. Without community rating, young people would be expelled from the roads (or more likely for some, to drive a parent registered vehicle) on the basis of actuarial discrimination. Yet the larger preponderance of drivers who do not have accidents is only a little smaller for the young than for other drivers.

The former Liberal Government previously announced that MAC was not to be privatised and would be retained as the sole provider of CTP bodily injury insurance in South Australia. This is also the position of the current Government. Consistent also with the position previously announced by the former Government are the following changes to CTP arrangements reflected in this Bill:

- To amend the Motor Vehicles Act 1959 so that the Minister need not consider applications for CTP licences so long as MAC is intended to be the sole provider but might invite applications for CTP licences from insurance companies as the Minister determines;
- To clarify that MAC is not a significant government business activity for CN purposes;
- To clarify the role of MAC and restate its functions and objectives accordingly;
- To remove the requirement to make income tax equivalent payments;
- To reaffirm the community rating principle for CTP premium setting;
- To amend the composition and operation of the Third Party Premiums Committee (TPPC);
- To introduce a requirement for MAC to seek to achieve and maintain "sufficient solvency";
- To introduce a requirement that CTP premiums may not be less than TPPC determined premiums so long as MAC's solvency is less than sufficient solvency, subject to direction of MAC by the Treasurer;
- To repeal Section 100 of the Motor Vehicles Act 1959 relating to the exemption from CTP Insurance for Crown vehicles.

In addition the following changes are consistent with the Review:

- To remove a variety of reporting and public disclosure requirements which were appropriate to create a level playing field for a multiline insurer, such as the former State Government Insurance Commission, which competed for business with the private sector but which are costly and onerous in terms of management time and add no extra value in the context of a single statutory provider which already has thorough reporting requirements under the Act; and
- To repeal Part 6 of the Act pertaining to the sale of the operations of the former State Government Insurance Commission.

I need to advise the House that it would appear that the National Competition Council does not agree with the findings and outcome of the NCP Review that a privatised multi-provider system of CTP provision should not be introduced in South Australia. It cannot be ruled out that the NCC will recommend a cut in the State's Competition payments of some magnitude. However I can advise also that it seems most unlikely that the Federal Treasurer would accept such a recommendation if it were made, in light of the APRA supervised HIH debacle.

In any event as a Government and as a Parliament we must make decisions on the merits of the case and in the interests of the SA community whether or not those decisions conform to the agenda of others.

The opportunity is also being taken to make explicit the Commission's power to prosecute an offence under Part 4 of the Motor Vehicles Act 1959, while it remains the sole approved insurer of compulsory third party insurance.

With respect to "sufficient solvency", the proposals in this Bill are based on advice from actuaries Brett and Watson, that APRA capital adequacy concepts are not relevant to a statutory fund. The requirements for solvency of a statutory CTP scheme are different to the APRA capital adequacy requirements for a private insurance company. In the private insurance company model, capital adequacy is achieved by shareholders funds. Market contestability should deter capital adequacy being achieved by overcharging on premiums. In the MAC situation the analogy would be the Government injecting funds into MAC—but such an approach could tend to undermine the

idea that the CTP fund and motorists have got to stand on their own two feet. On the other hand, it would not be appropriate to internally fund APRA type capital adequacy ie to overcharge a current generation of motorists with the result that future generations would be undercharged by the interest on the accumulated past overcharge.

Furthermore, changes are proposed in relation to a new issue quite separate from the NCP review that has since arisen as a result of taxation changes announced by the Commonwealth in relation to structured settlements.

Structured settlements provide an alternative to lump sum settlements as a means for personal injury compensation. Structured settlements provide for the lifetime periodic payment of damages to an injured person, thus reducing the scope for the award of excessive lump sums to cover the possibility that an injured person will live longer than the average life expectancy of such injured persons. Until now, the disincentive for selecting a structured settlement (periodic payment) has been that, in part, they are regarded as income and therefore taxable—on the other hand, lump sum payments are not subject to tax.

The Commonwealth Government announced in September 2001 that legislative amendments would be introduced, designed to encourage the use of structured settlements for personal injury compensation. The amendments will ensure that injured persons can negotiate to receive all or part of their lump-sum compensation entitlement in the form of a tax-free annuity or annuities. Previously, if an annuity were purchased out of a lump sum tax free payment, it would be taxable to the extent that the annuity payments included a component related to the investment earnings on the underlying lump sum. The amendments are targeted at seriously injured people who would be reliant on their compensation settlement for the rest of their lives.

The measures are intended to protect the security of an injured person's tax free income stream by ensuring that tax exempt annuities are paid from a prudentially regulated source and that the annuities will not be commutable or assignable to another party. The Commonwealth has outlined eligibility conditions for accessing the exemption but the detailed operations of these provisions are subject to finalisation of the legislative amendments.

The proposed eligibility conditions for tax exemption for structured settlement annuities require they be purchased from 'an institution authorised to provide life-based annuity products'. The Commonwealth Treasurer has been asked to ensure that proposed new legislation applies to State guaranteed CTP insurers.

Under section 14(1)*(a)* of the current Motor Accident Commission Act, one of the functions of MAC is "to carry on insurance business of any kind". Under the Bill, this general provision has been deleted to tighten up on the scope of MAC's functions to the provision of CTP insurance rather than being able to operate as a general insurance business. However, the intention was not to constrain MAC's current operations and thus there is a need to ensure that there are no unintended consequences of this change and to put their powers to provide structured settlements beyond doubt.

Whilst there is nothing in the Bill or current Act to prevent MAC from entering into arrangements to provide structured settlements, it may be helpful to MAC gaining 'authorised' status pursuant to proposed Commonwealth taxation law amendments if MAC's legislation specifically allows for provision of structured settlements.

The Bill therefore contains a new provision in the Motor Accident Commission Act that facilitates MAC to pay the whole or part of any amount of compensation to a claimant in lifetime periodic payments, by way of an annuity or otherwise, instead of in a lump sum and provide any investment or other incidental services for that purpose.

This provision does not extend MAC's current powers. MAC would not offer structured settlements where this was not considered appropriate but compensation payments in this form may ultimately result in lower CTP costs.

These amendments are aimed at ensuring that MAC manages the State's compulsory motor vehicle third party injury scheme in the public interest and demonstrate the Government's commitment to provide universal insurance coverage for third parties involved in motor vehicle accidents at premiums that are affordable and fair. I am confident that the sole statutory provider arrangement we have in this State results in lower CTP premiums for a fault-based scheme than would otherwise be the case notwithstanding the substantial increase in premiums determined by the Third Party Premiums Committee to apply from 1 July. I note that the large increase is mainly due to a catch up to premium levels previously determined by the Premiums Committee but which the former Treasurer directed MAC not to apply. Court awards drive CTP costs and if there is to be appropriate recompense for road accident victims, which as I noted earlier could be any one of us at any time, sufficient funds need to be collected from all motorists.

I commend the bill to the House.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for the Act to come into operation by proclamation, except for section 8, which will be back-dated to 1 July 2001 (section 8 removes the Motor Accident Commission's liability for income tax equivalents).

Clause 3: Interpretation

This clause is formal.

PART 2

AMENDMENT OF MOTOR ACCIDENT COMMISSION ACT 1992

Clause 4: Insertion of s. 13A

This clause inserts a new interpretative provision that spells out what is meant by a "sufficient level of solvency" in respect of the Compulsory Third Party Fund held by the Commission. The Treasurer will periodically determine (and publish) the formula for setting the minimum amount that is to be in the Fund at any given time.

Clause 5: Amendment of s. 14—Functions and objectives of Commission

This clause substitutes the provision that sets out the Commission's functions. Emphasis is given to the Commission's primary roles of being the sole provider of compulsory third party bodily injury insurance in the State and of acting as the nominal defendant under the *Motor Vehicles Act*. The function of carrying out general insurance business is now limited to residual SGIC business only. The Commission is also to provide support (financial or otherwise) to motor accident and injury reduction programs. Objectives are spelt out for the Commission in conducting its third party insurance business. It must seek to achieve and maintain a sufficient level of solvency in the CTP Fund; it must minimise premium charges; it must deal with compensation claims expeditiously.

Clause 6: Insertion of s. 14A

This clause inserts a new section that exempts the Commission from the *Government Business Enterprises (Competition) Act*.

Clause 7: Repeal of s. 22

This clause repeals section 22 of the principal Act which requires the Commission to supply the Minister and policy holders with certain information required to be provided by insurance businesses under Commonwealth legislation, and to comply with Commonwealth legislation declared by regulation as applicable to the Commission. Repeal of the section is consistent with the reduction of the scope of insurance business carried on by the Commission and the closed nature of the compulsory third party insurance market.

Clause 8: Amendment of s. 23—Tax and other liabilities of Commission

This clause removes the liability of the Commission to pay income tax equivalents to the Treasurer for the benefit of the Consolidated Account.

Clause 9: Amendment of s. 25—Special fund for compulsory third party insurance

This clause removes subsection (2) being the provision which would have relieved the Commission from its obligation to maintain the CTP Fund in the event that the market was to be opened up to other third party insurers. The clause also removes the Commission's current obligation to attempt to achieve "prudent annual surpluses" and replaces it with an obligation to seek to achieve and maintain at all times a sufficient level of solvency in the CTP Fund. Unless the Treasurer directs otherwise, the premiums fixed for third party insurance must not be lower than the level fixed by the committee (established for that purpose under the *Motor Vehicles Act)* at any time while there is not a sufficient level of solvency in the CTP Fund. Income from fines for offences under Part 4 of the *Motor Vehicles Act 1959* prosecuted by the Commission will be directed to the Fund. Administrative costs of the committee, including members' remuneration, are to be paid out the CTP fund. New subsection (5a) allows the Commission to pay out compensation claims by providing annuities to successful claimants where the Commission thinks it appropriate to do so. These are known as "structured settlements".

Clause 10: Amendment of s. 26—Requirement by Treasurer for payment from surplus

This clause removes the obligation of the Commission to pay surpluses to the Treasurer from its general funds. In giving any direction to the Commission to pay over any surplus from the CTP Fund, the Treasurer must have regard to the Commission's obligation to seek to maintain a sufficient level of solvency in the Fund.

Clause 11: Amendment of s. 29—Annual report

This clause requires the Commission's annual report to include the current formula that has been fixed by the Treasurer for the purposes of calculating sufficient levels of solvency for the CTP Fund.

Clause 12: Insertion of s. 29B

This clause inserts a new provision which makes explicit the Commission's power to lay a charge for, or prosecute, an offence under Part 4 of the *Motor Vehicles Act 1959*, again, while it is the sole approved insurer under that Part. The clause also provides that fines recovered for such offences are payable to the Commission.

Clause 13: Repeal of Part 6

This clause repeals Part 6 which is considered surplus now that the sale of SGIC has been completed.

Clause 14: Repeal of Sched.

This clause repeals the Schedule which contains repeal, transitional and validation provisions that were necessary at the time the *State Government Insurance Commission Act 1970* was repealed and the business of SGIC was transferred to the Motor Accident Commission. The Schedule is no longer required.

PART 3

AMENDMENT OF MOTOR VEHICLES ACT 1959

Clause 15: Amendment of s. 99—Interpretation

This clause provides for the inclusion in the interpretative section of Part 4 of the Act of the definition of "GST law". This term is used in section 129 in relation to the basis on which the Third Party Premiums Committee may fix differential premiums.

Clause 16: Repeal of s. 100

This clause repeals section 100 of the Act, being the section that relieves the Crown of the obligation to insure its vehicles for third party bodily injuries risk.

Clause 17: Amendment of s. 101—Approved insurers

This clause provides that, while the Motor Accident Commission remains the sole provider of compulsory third party insurance, no new insurers will be approved unless the Minister has determined that it would be in the best interests of the State for there to be more than one approved insurer and has invited interested persons to apply for approval.

Clause 18: Amendment of s. 124—Duty to co-operate with insurer

This clause increases the maximum penalties for providing false or misleading information from $1 250 or imprisonment for 3 months to $50 000 or imprisonment for one year.

Clause 19: Amendment of s. 129—Inquiries into premiums

This clause makes a number of amendments to the section that establishes the Third Party Premiums Committee. Supreme Court judges and magistrates will no longer be specifically eligible for appointment to the committee. However, one member will continue to be any legal practitioner of 10 years' or more standing. Instead of 3 members being appointed to represent approved insurers, 3 will be appointed as persons who have expertise in the insurance industry, with at least one representing the interests of approved insurers. Out of the 8 member committee, at least one must be a woman and one must be a man. The committee can only fix differential premium levels on specified bases namely, vehicle type, vehicle use, garaging location and whether or not a person is entitled under GST law to an input tax credit in respect of his or her compulsory third party insurance premium. The committee must also have regard to the Motor Accident Commission's obligations relating to sufficient levels of solvency in the CTP Fund, when the committee is determining premium levels. In laying the committee's determinations before Parliament, the Minister must also include a statement of reasons for the determinations. New subsection (7) provides the committee may not incur expenses for consultancy services or expert advice (other than for witnesses in proceedings before the committee) without the prior approval of the Minister and the Treasurer (but the approval must not be unreasonably withheld). New subsection (8) provides that the committee's administrative costs and expenses are recoverable from the CTP Fund while the Motor Accident Commission is the sole provider of compulsory third party insurance. If ever there is more than one approved insurer, the administrative costs will be borne by each insurer in fair proportions determined by the Minister jointly with the Treasurer.

Mr HAMILTON-SMITH secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (OFFENCES OF DISHONESTY) AMENDMENT BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935; to repeal the Secret Commissions Act 1920; and to make related amendments to other acts. Read a first time.

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

That this bill be now read a second time.

The bill is the result of a review of the criminal law in the area of criminal offences punishing dishonesty in its various forms. The review is based on the earlier comprehensive work of the Model Criminal Code Officers Committee (MCCOC), a committee reporting to the Standing Committee of Attorneys-General which, in turn, drew largely on the substantial English experience in reforming of the criminal law in this area. The Model Criminal Code Officers Committee review involved substantial public consultation. After the Model Code Report, published in December 1995, South Australia developed a model reflected in this bill.

The bill (and a brief accompanying explanation) was released for public comment, and the comments received have been taken into consideration. The bill was introduced into the last parliament and passed in another place, but lapsed when parliament was prorogued before the last election. I seek leave to insert the remainder of the second reading explanation in *Hansard* without my reading it.

Leave granted.

The State of the law in South Australia

South Australian criminal law on theft, fraud, receiving, forgery, blackmail, robbery, and burglary is almost entirely contained in the *Criminal Law Consolidation Act 1935* (the principal Act), Parts 5 and 6, sections 130-236, as largely supplemented by the common law. The offences are antiquated and inadequate for modern conditions. They are, in general terms, the offences contained in the English consolidating statutes of 1827, 1861 and 1916. Those consolidating statutes, in turn, brought together a wide range of diverse specific enactments that went back to the time of Henry III (*circa* 1224).

The definition of larceny at common law as the 'asportation of the property of another without their consent' dates from the *Carrier's Case* of 1474.

Cheating was a common law offence from very early times, but false pretences was not made a criminal offence until 1757.

The current South Australian false pretences offence (section 195) is in very much the same form as it was originally. The distinction between obtaining by false pretences, on the one hand, and larceny by a trick, on the other, turns on the question whether the fraud induced the victim to intend to pass property or merely possession to the thief. This is very difficult to understand and apply, and makes no real sense at all. It is only one example of the deficiencies and unnecessary complexities of the current state of the law.

Examples could be multiplied but, in general terms, the position can be summarised by saying that South Australian law in the areas of theft, fraud, receiving, forgery, blackmail and robbery (and associated offences) is the common law, as overlaid and supplemented by numerous other enactments, of various ages, which, in many cases, are inconsistent with the general principles with which they are supposed to work. In addition, there are a large number of anomalies, such as offences directed at the forgery of currency (sections 217-220) and offences relating to the conduct of company directors (sections 189-194). Neither of these sets of offences are of any use.

South Australia has the most antiquated law in these areas in Australia. It is unnecessarily complex, difficult to understand, full of anomalies and a barrier to the effective enforcement of the law against dishonesty generally, both in this State and nationally.

In 1977, the Mitchell Committee said:

The defects of the present law are that it is unduly complex, lacks coherence in its basic elements and has not kept up to date with techniques of dishonesty. . . . [The] distinctions are difficult enough for lawyers; for laymen they are an abyss of technicality.

The law in South Australia on 'secret commissions' is set out in the *Secret Commissions Prohibition Act* enacted in 1920. It came into effect on 1 January 1921. It creates a series of offences which, broadly speaking, criminalise the behaviour of giving, soliciting, or receiving, payment by or for an agent in order to influence a judgement or decision. Some offences deal with 'secret' payments and some do not. Some offences require that the payment be made or received 'corruptly' and some do not. The object of the legislation was to create a series of criminal offences dealing with corruption in both private and public life. The offences deal with variations on bribery and deceit in dealings. It differs from the more widely known criminal laws dealing with bribery and corruption in that it was primarily aimed at private, rather than public, business dealings.

In 1992, the South Australian Parliament passed the *Statutes Amendment and Repeal (Public Offences) Act 1992*. That Act contained a new regime of public sector oriented corruption offences. Although the current secret commissions legislation does cover 'servants of the Crown', the 1992 offences dealing with bribery and corruption of public officers and abuse of public office deal comprehensively with the serious offences appropriate to this area. The area left untouched by the 1992 reforms is the area of corruption and bribery in private life and business.

There are a number of reasons why this Act requires an overhaul.

- The *Secret Commissions Prohibition Act* is drafted in a style common to legislation of that age, but one which makes it hard to understand by and obscure to those who must conform their actions to its dictates. Further, in South Australia, its prohibitions have remained in an obscure separate Act of Parliament rather than, as in most other jurisdictions, incorporated into the mainstream of criminal legislation, be that a Criminal Code or a general Crimes Act. At the very least, therefore, the legislation requires a modern form and an integration into the general body of the criminal law.
- Much has changed since the legislation was originally passed. It overlaps with the general criminal law relating to fraud, extortion, and bribery and corruption, and the assumptions about those areas of the criminal law against which its needs were assessed and its scope defined may not be valid today. The same is true, if not more so, about the society in which it operates. The legislation needs to be reconsidered in light of the current legal and social environment in which it is intended to operate and, in particular, integrated with bribery and corruption offences.
- While the offences contained in the legislation have not been widely used since its enactment, a number of matters requiring attention has been exposed. These include, significant confusion about the meaning of the word 'corruptly', a reversal of onus of proof which could be described as 'draconian', a need to reconsider the applicable penalties, and a peculiar statute of limitations which bars action 6 months after the principal discovers the offence.

The Model Criminal Code and the Standing Committee of Attorneys-General

In 1991, the Standing Committee of Attorneys-General (SCAG) formed what became the Model Criminal Code Officers Committee (MCCOC) with a remit to make recommendations about a model criminal code for all Australian States and Territories. In September 1992, a special SCAG meeting on complex fraud cases requested MCCOC to give priority to theft and fraud as the first substantive chapter of such a code. This request was based in part on Recommendation 8 of the National Crime Authority's conference on white collar crime held in Melbourne in June 1992, which said:

That the various State laws and codes be revised so as to provide uniform fraud legislation as a mechanism for consistency for investigation and presentation of evidence in all Australian jurisdictions.

MCCOC took up the issues in the following way. It issued 2 discussion papers; the first, in December 1993, dealing with theft, fraud, robbery and burglary and the second, in July 1994, dealing with blackmail, forgery, bribery and secret commissions. In December 1995, it issued a Final Report which consolidated its recommendations in those areas. The Final Report was based on nation-wide submissions (including 40 written submissions) and consultations. In June 1996, MCCOC released a Discussion Paper on conspiracy to defraud followed by a Report in May 1997. Implementation of the Model Code recommendations is a matter for each Australian State and Territory to decide for itself.

It follows that the current law in South Australia in the areas of theft, fraud, receiving, forgery, blackmail, robbery, burglary and secret commissions is long overdue for reform. A complete overhaul of the law is overdue, not only on its intrinsic merits, but also in light of the recommendations of the National Crime Authority Conference and the special meeting of SCAG.

MCCOC recommended a structure for theft, fraud and related offences based on the English *Theft Act*. The *Theft Act* model was developed by the English Criminal Law Revision Committee in 1966 and enacted in England in 1968. It represents an almost entirely fresh start and is, as far as possible, expressed in simple and plain language. Its basics are offences of theft, obtaining by deception, and receiving, with the aggravated offences of robbery, forgery, burglary and blackmail. There are, in addition, supplementary offences, such as taking a motor vehicle without consent and making off without payment.

Some form of the *Theft Act* model has already been enacted in Victoria, the Australian Capital Territory and the Northern Territory. The scheme thus has the advantage of having been tested in 3 Australian jurisdictions and, more substantially, in England over the past 28 years. However, the view has been taken that the drafting of the English *Theft Act* and, in consequence, the MCCOC recommended provisions, is antiquated and does not comply with the drafting style of the South Australian statute book. Consequently, an entirely fresh version adopting a substantially modified approach to the whole subject has been drafted. The result is a Bill quite different in form from other models, although its effect is very similar.

Theft

The general offence of larceny and the large number of specific offences of larceny, currently contained in sections 131-154 of the principal Act, are to be replaced with a general offence of theft. Hence, specific offences of stealing trees, dogs, oysters, pigeons, and so on, will be subsumed into a general offence. Theft is defined as the taking, retaining, dealing with or disposing of property without the owner's consent dishonestly, intending a serious encroachment on the proprietary rights of the owner.

The core of the meaning of theft (and a number of other offences in the Bill) is 'dishonesty'. The Bill captures and codifies the meaning of 'dishonest' as it has been developed in the English *Theft Act* environment. 'Dishonest' is defined as acting dishonestly according to the standards of ordinary people and knowing that one is so acting. This is a community standard of dishonest behaviour and, accordingly, will be a matter for a jury to decide in serious cases.

It may be noted that the definition of dishonesty includes the current common law defence of 'claim of right'—that is, a person will not be dishonest if he or she mistakenly believes that he or she is exercising a right. This is (and has always been) an exception to the old rule that ignorance of the law is no excuse, but the mistake must be about some legal or equitable (in the technical sense of that word) right, as opposed to moral right. It is not enough that the person thinks that there is some moral right to do what they are doing (such as defrauding rich insurance companies). They must believe that they are acting in accordance with law—for example, taking back property which the defendant honestly (but mistakenly) believes belongs by law to her.

The old offence of larceny required proof of what was known as an 'intention to permanently deprive the owner' of the object of the larceny. The meaning of this phrase became the subject of some litigation at common law. In the case of the *Theft Act* and this Bill, the law is reduced to a codified form of words, rendering the state of the law more certain. In the case of this Bill, it is referred to as 'intending a serious encroachment on an owner's proprietary rights'.

The existing law concerning theft by trustees, rules in relation to theft of real property and the rule relating to 'general deficiency' are preserved by the Bill.

In common language, a thief is someone who steals goods and a receiver is someone who pays the thief for the stolen goods. However, it has never been as simple as that. There has always been a considerable overlap between theft and receiving and that overlap has produced complex legal disputes. This has been so ever since the offence of receiving was invented by statute. Section 196 of the principal Act currently provides as follows:

(2) Charges of stealing any property and of receiving that property or part of that property may be included in separate counts of the same information and those counts may be tried together.

(3) Any person or persons charged in separate counts of the same information with stealing any property and with receiving that property or part of that property may severally be found guilty either of stealing or of receiving the property or part of the property.

Under the modern approach to the area, theft is defined, in law, so widely that all receiving amounts to theft, because theft has moved away from its mediaeval roots as a crime simply involving the *taking* of possession without consent. The only reason for keeping any crime of receiving is the popular perception that there is some kind of difference between the archetypal thief and the archetypal receiver. This maintains an unnecessary complication in the law and unnecessarily complicates the task for judge and, where it is appropriate, jury. Therefore, the crime of receiving is being formally incorporated into theft and hence the *separate* offence of receiving will disappear; but, in deference to the popular conception, the name of receiving will still be referred to in the crime of theft.

Robbery

The traditional offences of robbery and aggravated robbery are retained with no substantive change. The double references to assault with intent to rob are removed, with assault with intent to rob being dealt with by section 270B of the principal Act.

Money-laundering

The offence of money-laundering is transferred from its current location in the principal Act to a Division dealing just with money laundering. An additional offence has been added, directed at a person who ought reasonably to know that the property is tainted. This amendment brings South Australian law into line with all other jurisdictions except New South Wales.

Fraud and Deception

A variety of offences of fraud are replaced by one general offence of deception. The effect of this is to do away with the archaic differences between the various statutory fraud offences and, also, to do away with the archaic difference between the offence of obtaining by false pretences and larceny by a trick. The offence also collapses the distinction between obtaining and attempt to obtain. No actual obtaining as a result of the deception is required.

Conspiracy to Defraud

The common law offence of conspiracy to defraud remains alone among the abolition of the rest of the common law relating to offences of dishonesty. While this decision is not in line with a determination to codify the law for reasons of access and precision, it conforms to the same decision that has been made in Victoria (and other places, notably, the UK). It really is an amorphous 'fall back' offence of uncertain content designed to catch innovative dishonesty when all else fails.

There is no doubt at all that conspiracy to defraud catches conduct that goes beyond any specific offences. It exists in 2 main forms which are not mutually exclusive. The first variant was described by an eminent judge as follows:

[A]n agreement by two or more by dishonesty to deprive a person of something which is his or to which he is or would be or might be entitled and an agreement by two or more by dishonesty to injure some proprietary right of his, suffices to constitute the offence of conspiracy to defraud.

This form of the offence does not necessarily involve deception.

The second form of the offence requires a dishonest agreement by 2 or more persons to 'defraud' another by deceiving him/her into acting contrary to his/her duty. It now appears to be settled that the person deceived need not be a public official and need not suffer any economic loss or prejudice.

Some time ago, the UK Law Commission comprehensively surveyed what it thought conspiracy to defraud (which was not caught by the then existing (*Theft Act*)) law covered. The latest summary of the position is quoted below. Like the Law Commission, the position taken by this Bill is that it is not currently possible to represent adequately, and in a principled manner, the scope and operation of the protean offence of conspiracy to defraud and, therefore, as a matter of practical reality, it must be retained.

. . . we have already concluded, in our conspiracy to defraud report, that we could not recommend any restrictions on the use of conspiracy to defraud 'unless and until ways can be found of preserving its practical advantages for the administration of justice'. Our view at that time was that conspiracy to defraud added substantially to the reach of the criminal law in the case of certain kinds of conduct (or planned conduct) which should in certain circumstances be criminal. We set out a number of instances of conduct within that category, some of which we have subsequently considered. One such lacuna was that it was not possible to prosecute an individual for obtaining a loan by deception. We recommended that the offence of obtaining services by deception, contrary to section 1 of the Theft Act 1978, should extend to such a case; this recommendation was repeated in our money transfers report and implemented by section 4 of the Theft (Amendment) Act 1996. Another lacuna, that of corruption not involving consideration, has been addressed in our recent report on corruption. Yet another, the unauthorised use or disclosure of confidential information, is the subject of our continuing project on the misuse of trade secrets. There are further possible lacunae that might emerge if conspiracy to defraud were abolished. We think that the proper course is to await the responses to this consultation paper and then, if it is agreed that a general offence of dishonesty would not be appropriate, consider whether the matters that we have previously considered as possible lacunae should be the subject of specific new offences. We are very conscious that some of them are highly controversial.

Forgery

The current law contains a great many specific offences of forgery which are of considerable age. They are all to be replaced with a general offence of 'dishonest dealings with documents' which extends the offence of forgery, based on the pivotal notion of dishonesty, beyond creating and using a false document to dishonestly destroying, concealing or suppressing a document where a duty (as specified in the Bill) to produce the document exists. There is also a summary offence of strict liability of possession, without lawful excuse, of an article for creating a false document or falsifying a document. It should be noted that the definition of 'document' includes electronic information.

Penalties

It is appropriate, at this point, to comment about maximum penalties. Forgery maxima provide as good an example as any. Some of the current forgery offences are punishable by life imprisonment. This is merely the result of the abolition of capital punishment (and its replacement by life imprisonment) in relation to non-homicide offences in the nineteenth century, and is absurd in the twenty first. It amounts, in its current state, to an abdication by the legislature of any role at all in indicating to the courts the level at which penalties for offences should be set. It is not only the life maxima that are absurd. Interference with a crossing on a cheque with intent to defraud carries a maximum of 14 years compared with, for example, 10 years for the indecent assault of a child under 12 years of age. Preserving the sanctity of certain, sometimes important, documents is one thing—getting comparative social priorities right is quite another, and it is the latter that should take precedence.

It is not intended by any amendments in the area of penalties to send the message to either the judiciary or the general public that the current applicable penalties in practice should be reduced. On the contrary, all that is being done is to fix applicable maxima at a realistic level when compared to other offences of comparable general gravity.

Computer and Electronic Theft/Fraud

It is notorious that the old common law system had great difficulty dealing with the new ways in which various old forms of dishonesty (and some new ones) were facilitated by the use of electronic and, more recently, computerised forms of money and money's worth. There are essentially 2 ways in which the law can be changed in order to cope with the problem. The first is to try to use definitions in order to integrate the new concepts to a general set of offences. That is the course that has been taken in relation to the new offences relating to the dishonest dealings with documents. The second method is to try to create a specific offence or specific offences to cover the field. The latter is what the Bill tries to do with general dishonesty offences. The Division is headed *Dishonest Manipulation of Machines* and the notions of manipulation and machine have been defined specifically with this in mind.

The Problem Of Appropriation

The common law of larceny and, hence, current South Australian law, requires that the offender take and move the goods before they can be stolen. This reflects the requirements of a traditional society in which a thief was seen as someone who took something. But that is inadequate. The common law had to invent the idea (and offence) of 'conversion' to cover the idea that a person could come into possession of something lawfully and then unlawfully do something with it. The *Theft Act* offence of theft, and those models derived from it, solve the problems created by this *ad hoc* approach by basing the offence on the idea of 'appropriation' which, in turn, is defined in terms of 'any assumption of the rights of the owner'. This concept

is, and was intended to be, wider than the combined offences of taking and conversion. But it, in turn, has given rise to problems. This can best be illustrated by example.

Example 1:

Suppose D removes an item from the shelf of a supermarket and switches labels with another item with the intention of getting a lower price from the checkout. Is that an act of appropriation? The answer is—yes. And so it should be. What is the appropriation? The answer is—the switching of labels. It cannot be the taking of the item off the shelf, because that is not an act by way of interference with or usurpation of the rights of the owner in any way (and because, otherwise, all shopping would be appropriation—which would not be sensible, and the court so held). There is no problem under the general formula of 'assumption of the rights of the owner'. The owner has the right to affix the price to the item but D has assumed that right.

Example 2:

Suppose D1, D2 and D3 go into a supermarket. D1 and D2 distract the manager while D3 takes 2 bottles of whiskey from the shelf and conceals them in her shopping bag. Is there an appropriation? The answer is—yes. Where is the appropriation? On parity of reasoning, it has to be the concealment of the bottles. It is very hard to find an exact usurpation of the rights of the owner there.

Other examples can be given. This sort of problem gave rise to some complex and confusing English court decisions on the subject. The result appears to be that the general concept of appropriation has become so wide as to have virtually no limits at all. In that case, it is reasonable to question whether it serves any useful purpose.

The solution to this problem adopted by the Bill is to return to basic concepts of taking, retaining, dealing with, or disposing of, property, including the notion of conversion, and to supplement these ways of describing theftuous offences with supplementary offences which specifically cover the margins of appropriation.

So, for example, the instance of label swapping in example 1 is dealt with by an offence of dishonest interference with merchandise. Other famous examples are included under an offence of dishonest exploitation of advantage. These offences savour of both theft and fraud and so are set out on their own.

This set of offences also contains a generalised offence of making off without payment. The current offence, which is contained in section 11 of the *Summary Offences Act 1953*, is confined to food and lodging, but there is no sound reason (but for the accidents of history) why that should be so and, indeed, there has been a consistent demand from the petrol station industry for a general offence to criminalise 'drive-offs' from petrol stations. This offence will cover that situation.

Preparatory Conduct—Going Equipped

The current law contains a series of offences labelled 'nocturnal offences'. These include the offence of being armed at night with a dangerous or offensive weapon intending to use the weapon to commit certain offences, possession of housebreaking equipment at night, and being in disguise or being in a building at night intending to commit certain offences. These offences also attract generally disproportionately high maximum penalties ranging from 7 to 10 years imprisonment. The current offences are also limited in that they are only committed if the relevant conduct takes place at night.

These offences derive originally from the notorious *Waltham Black Act* of 1722 (9 Geo 1, c 22) entitled 'An Act for the more effectual punishing of wicked and evil disposed Persons going armed in Disguise, and doing Injuries and Violences to the Persons and Properties of His Majesty's Subjects, and for the more speedy bringing of Offenders to Justice'. In fact, the *Waltham Black Act* was the most severe Act passed in the eighteenth century and no other Act contained so many offences punishable by death.

The current provisions of section 171 of the principal Act (Nocturnal offences) derive from that Act. For example, the *Waltham Black Act* was so called because it made it an offence to be out at night with a blacked up face. The offence was aimed at nocturnal poachers. That provision is now in section 171(3) ('being in disguise at night with intent'). There seems no obvious modern justification for such an offence, particularly one punishable by 7 to 10 years imprisonment. The offence in section 171(4) ('being in a building at night with intent') has been dealt with more comprehensively by the home invasion amendments of 1999.

It is proposed to deal with the offence in section 171(1) ('being armed at night with a dangerous or offensive weapon with intent') in 2 ways. First, the proposed offence in what would become section 270C will cover possession of *any* article with intent in relation to offences of dishonesty, whether it be during the day or at night. However, the ambit of the current offence will be limited, in that it must occur in 'suspicious circumstances', as defined in the Bill. It is suggested that this limitation is justified by the true purpose of the offence; that is, to catch behaviour preparatory to the commission of a more serious offence. Second, insofar as the current offence deals with possession of weapons with intent to commit an offence against the person (as opposed to an offence of dishonesty), a corresponding offence is proposed to be enacted as section 270D. It can then be reviewed in its proper context when offences against the person are examined in the future.

Similarly, it is proposed to replace the offence in section 171(2) ('possession of housebreaking implements') with new section 270C. This section will cover possession of *any* article with intent, whether it be during the day or at night. However, again, the ambit of the current offence will be limited in that it must occur in 'suspicious circumstances', as defined in the Bill. It follows that *mere* possession of housebreaking implements at night is proposed no longer to be an offence as such, but will have to occur in suspicious circumstances as defined.

In general, therefore, it is proposed to replace these outmoded offences with modern offences, with suitable penalties, directed at similar conduct. The Division is headed 'Preparatory Conduct', for these offences are aimed at conduct which is more remote from the offence than an attempted offence, extending to behaviour which is preparatory to the commission of an offence. It is for that reason that an intention to commit an offence in suspicious circumstances is required.

Secret Commissions

The South Australian *Secret Commissions Prohibition Act 1920* is the current source of law on this subject, and its shortcomings have been addressed above. The Bill, therefore, proposes a new Part in the principal Act to replace the *Secret Commissions Act*. The offences concern unlawful bias in commercial relationships. They cover both public and private sector fiduciaries. The essence of the offences is the exercise of an unlawful bias in the relationship, resulting in a benefit or a detriment undisclosed at the time of the transaction. The series of offences also includes a correlative offence of the bribery of a fiduciary.

Blackmail

Blackmail (or extortion, as it is sometimes known) has always been regarded as a serious offence and there are a number of variations on the offence in the principal Act. These are all old specific variations on the main theme, and the essence of the proposal contained in the Bill is to generalise them into one offence. The difficult part of the offence(s) is, and has always been, that the demand must be 'unwarranted', and the Bill proposes that the test be analogous to that proposed for the equally slippery notion of 'dishonesty'; that is, a demand will be 'unwarranted' if it is improper according to the standards of ordinary people and if the accused knows that this is so.

Piracy

The part of the principal Act under review contains a series of very serious offences indeed, dealing with piracy. These offences are very old and are, more or less, almost identical to the English statutes from which they were copied. For example, the offence contained in section 208 of the Act is almost word for word from the *Piracy Act* of 1699 and the offence of trading with pirates in section 211 is almost word for word from the *Piracy Act* of 1721. These are all punishable by life imprisonment as a result of the abolition of the death penalty.

It should be obvious that there is not a great deal of piracy in South Australia but that some offence of piracy should be on the criminal statute book, not only because of the obligations imposed by international conventions, but also because of the complexities surrounding the reach of State and Commonwealth criminal laws in the seas surrounding the State. The Bill, therefore, contains updated piracy offences. Advice is being sought from the Commonwealth about a co-operative legal regime in this area. The old piracy offences are punishable by life imprisonment and that maximum penalty is retained in the Bill.

Maximum Penalties

The subject of maximum penalties has been discussed in part above. In general terms, the maximum penalties provided for this sequence of offences in current legislation are inconsistent and the product of uncorrected historical accident, with the exception of the offences relating to serious criminal trespass, where the law was renewed and the will of Parliament firmly expressed in late 1999. An attempt has been made to rationalise the rest. It is repeated that there is no

intention to send a message that any of this rationalisation is directed at a lowering of currently applicable actual penalties. The law relating to serious criminal trespass remains substantively the same as that passed in 1999.

The following table compares the old maximum penalties and those proposed by the Bill.

Offence	Old Maximum Penalty	New Maximum Penalty
Larceny (General)	5 years	10 years
Larceny (Various specific)		Up to 8 years
	2 years to 10 years	
Robbery	14 years	15 years
Aggravated robbery	Life	Life
Receiving	8 years	10 years
Money laundering	$200 000 or 20 years (individual) $600 000 (body corporate	$200 000 or 20 years (individual) $600 000 (body corporate)
Fraud (Deception)	4 years (general offence) 7 years (some specific offences)	10 years
Forgery (Dishonest dealings with documents)	Various, but up to life in a number of instances	10 years
Dishonest manipulation of machines	N/A	10 years
Miscellaneous dishonesty offences	N/A	2 years to 10 years
Nocturnal offences (Prepatory offences)	7 to 10 years	up to 7 years
Secret commissions offences	$1 000 or 6 months (individual) $2 000 (body corporate)	7 years
Blackmail	Various—2 years to life	15 years
Piracy offences	Life	Life

Miscellaneous

Although the focus of this Bill is on offences of dishonesty and related matters, including necessary consequential amendments, it now also contains some miscellaneous amendments to the principal Act which would, in the absence of this Bill, be contained in a portfolio measure.

Clauses 10 and 11 of the Bill contain drafting amendments to the provisions of the principal Act dealing with mental incompetence designed to tidy up some wording to better achieve the purposes of these provisions. Clause 17 of the Bill removes an archaic reference to insanity from the principal Act, hitherto overlooked.

Clause 18 of the Bill provides for a regulation making power. There has not been a general regulation making power provided for in the principal Act to date, but recently a situation arose in which it would have been expedient to have such a power. It is not, however, contemplated that the power would be used very often.

Conclusion

This Bill represents a major reform effort in a technical and complex area of the criminal law. Technical and complex it may be but, in a sense, there are few more important areas of the law. A great deal of the workings of the criminal justice system are spent in the area of offences of dishonesty. Dishonesty is distressingly prevalent, but it has ever been thus. The law of South Australia has, for many years, been burdened with an increasingly antiquated legislative framework which represents the law as it essentially was in 1861 and earlier. This Bill is an attempt to reform and codify the law on the subject, bring it up to date, sweep away anachronisms and provide a fair and reasonable offence structure.

I commend the Bill to the House.

Explanation of clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 5—Interpretation

This clause proposes to insert the definition of local government body into section 5(1) of the principal Act.

Clause 4: Substitution of ss. 130-166

Sections 130 to 166 of the principal Act (which comprise much of the current Part 5 of the principal Act) are to be repealed and new Parts 5 (Offences of Dishonesty) and 6 (Secret Commissions) are to be substituted.

PART 5: OFFENCES OF DISHONESTY

DIVISION 1—PRELIMINARY

This Division is necessary for understanding how new Part 5 is to be interpreted and applied in relation to a person's conduct and the criminal law.

130. Interpretation

New section 130 contains a number of definitions for the purposes of the new Part, including definitions of benefit, deception, detriment, fundamental mistake, manipulate (a machine), owner (of property), proceeds, property, stolen property and tainted property.

131. Dishonesty

New section 131 discusses what makes a person's conduct dishonest (and, therefore, liable to criminal sanction). The concept of what constitutes dishonest conduct flows throughout new Part 5.

There are 2 limbs to dishonest conduct. A person's conduct is dishonest if—

1. the person acts dishonestly according to the standards of ordinary people (a question of fact to be decided according to the jury's own knowledge and experience); and
2. the person knows that he or she is so acting.

The conduct of a person who acts in a particular way is not dishonest if the person honestly but mistakenly believes that he or she has a legal or equitable right to act in that way.

132. Consent of owner

Reference to the consent of the owner of property extends to—

- the implied consent of the owner; or
- the actual or implied consent of a person who has actual or implied authority to consent on behalf of the owner.

A person is taken to have the implied consent of another if the person honestly believes in the consent from the words or conduct of the other. A consent obtained by dishonest deception cannot be regarded as consent.

133. Operation of this Part

This clause provides that new Part 5 operates to the exclusion of offences of dishonesty that exist at common law or under laws of the Imperial Parliament. However, the common law offence of conspiracy to defraud continues as part of the criminal law of South Australia.

DIVISION 2—THEFT

134. Theft (and receiving)

Three things must be satisfied for a person to commit theft. A person is guilty of theft if the person takes, receives, retains, deals with or disposes of property—

- dishonestly; and
- without the owner's consent; and
- intending to deprive the owner permanently of the property or to make a serious encroachment on the owner's proprietary rights.

The maximum penalty for theft is imprisonment for 10 years.

Subclause (2) explains how a person intends to make a serious encroachment on an owner's proprietary rights. This will occur if the person intends—

- to treat the property as his/her own to dispose of regardless of the owner's rights; or
- to deal with the property in a way that creates a substantial risk (of which the person is aware) that the owner will not get it back or that, when the owner gets it back, its value will be substantially impaired.

A person may commit theft of property—

- that has lawfully come into his/her possession; or
- by the misuse of powers that are vested in the person as agent or trustee or in some other capacity that allows the person to deal with the property.

However, if a person honestly believes that he/she has acquired a good title to property, but it later appears that the title is defective because of a defect in the title of the transferor or for some other reason, the later retention of the property, or any later dealing with the property, by the person cannot amount to theft.

Theft committed by receiving stolen property from another amounts to the offence of receiving (but it is not essential to use that description of the offence in an instrument of charge). If a person is charged with receiving, the court may, if satisfied beyond reasonable doubt that the defendant is guilty of theft but not that the theft was committed by receiv-

ing stolen property from another, find the defendant guilty of theft.

135. Special provision with regard to land and fixtures

A trespass to land, or other physical interference with land, cannot amount to theft of the land (even when it results in acquisition of the land by adverse possession), but a thing attached to land, or forming part of land, can be stolen by severing it from the land.

136. General deficiency

A person may be charged with, and convicted of, theft by reference to a general deficiency in money or other property, and it is not necessary, in such a case, to establish any particular act or acts of theft.

DIVISION 3—ROBBERY

137. Robbery

A person who commits theft is guilty of robbery if—

- the person uses force, or threatens to use force, against another in order to commit the theft or to escape from the scene of the offence; and
- the force is used, or the threat is made, at the time of, or immediately before or after, the theft.

The maximum penalty for robbery is imprisonment for 15 years.

A person who commits robbery is guilty of aggravated robbery if the person—

- commits the robbery in company with one or more other persons; or
- has an offensive weapon with him/her when committing the robbery.

The maximum penalty for aggravated robbery is imprisonment for life.

If 2 or more persons jointly commit robbery in company, each is guilty of aggravated robbery.

DIVISION 4—MONEY LAUNDERING

138. Money laundering

A person who engages, directly or indirectly, in a transaction involving property the person knows to be tainted property is guilty of an offence. The maximum penalty for a natural person convicted of money laundering is imprisonment for 20 years and for a body corporate a fine of $600 000.

A person who engages, directly or indirectly, in a transaction involving tainted property in circumstances in which the person ought reasonably to know that the property is tainted is guilty of an offence. The maximum penalty for a natural person convicted of such an offence is imprisonment for 4 years and for a body corporate a fine of $120 000.

A transaction includes any of the following:

- bringing property into the State;
- receiving property;
- being in possession of property;
- concealing property;
- disposing of property.

DIVISION 5—DECEPTION

139. Deception

A person who dishonestly deceives another in order to benefit (*see new section 130*) him/herself or a third person, or cause a detriment (*see new section 130*) to the person subjected to the deception or a third person is guilty of an offence the maximum penalty for which is imprisonment for 10 years.

DIVISION 6—DISHONEST DEALINGS WITH DOCUMENTS

140. Dishonest dealings with documents

For the purposes of this new section, a document is false if the document gives a misleading impression about—

- the nature, validity or effect of the document; or
- any fact (such as, for example, the identity, capacity or official position of an apparent signatory to the document) on which its validity or effect may be dependent; or
- the existence or terms of a transaction to which the document appears to relate.

A true copy of a document that is false under the criteria prescribed above is also false.

A person engages in conduct to which this new section applies if the person—

- creates a document that is false; or
- falsifies a document; or
- has possession of a document knowing it to be false; or
- produces, publishes or uses a document knowing it to be false; or
- destroys, conceals or suppresses a document.

Proposed subsection (4) provides that a person is guilty of an offence if the person dishonestly engages in conduct to which this proposed section applies intending one of the following:

- to deceive another, or people generally, or to facilitate deception of another, or people generally, by someone else;
- to exploit the ignorance of another, or the ignorance of people generally, about the true state of affairs;
- to manipulate a machine or to facilitate manipulation of a machine by someone else,

and, by that means, to benefit him/herself or another, or to cause a detriment to another. The maximum penalty for such an offence is imprisonment for 10 years.

A person cannot be convicted of an offence against proposed subsection (4) on the basis that the person has concealed or suppressed a document unless it is established that—

- the person has taken some positive step to conceal or suppress the document; or
- the person was under a duty to reveal the existence of the document and failed to comply with that duty; or
- the person, knowing of the existence of the document, has responded dishonestly to inquiries directed at finding out whether the document, or a document of the relevant kind, exists.

It is a summary offence (penalty of imprisonment for 2 years) if a person has, in his/her possession, without lawful excuse, any article for creating a false document or for falsifying a document.

DIVISION 7—DISHONEST MANIPULATION OF MACHINES

141. Dishonest manipulation of machines

A person who dishonestly manipulates a machine (*see new section 130*) in order to benefit him/herself or another, or cause a detriment to another, is guilty of an offence, the penalty for which is imprisonment for 10 years.

A person who dishonestly takes advantage of the malfunction of a machine in order to benefit him/herself or another, or cause a detriment to another, is guilty of an offence, the penalty for which is imprisonment for 10 years.

DIVISION 8—DISHONEST EXPLOITATION OF ADVANTAGE

142. Dishonest exploitation of position of advantage

This new section applies to the following advantages:

- the advantage that a person who has no disability or is not so severely disabled has over a person who is subject to a mental or physical disability;
- the advantage that one person has over another where they are both in a particular situation and one is familiar with local conditions (*see new section 130*) while the other is not.

A person who dishonestly exploits an advantage to which this proposed section applies in order to benefit him/herself or another or cause a detriment to another is guilty of an offence and liable to a penalty of imprisonment for up to 10 years.

DIVISION 9—MISCELLANEOUS OFFENCES OF DISHONESTY

143. Dishonest interference with merchandise

A person who dishonestly interferes with merchandise, or a label attached to merchandise, so that the person or someone else can get the merchandise at a reduced price is guilty of a summary offence (imprisonment for a maximum of 2 years).

144. Making off without payment

A person who, knowing that payment for goods or services is required or expected, dishonestly makes off intending to avoid payment is guilty of a summary offence (imprisonment for up to 2 years).

However, this proposed section does not apply if the transaction for the supply of the goods or services is unlawful or unenforceable as contrary to public policy.

PART 6: SECRET COMMISSIONS

DIVISION 1—PRELIMINARY

145. Interpretation

New section 145 contains definitions of words used in new Part 6. In particular, a person who works for a public agency (as defined) by agreement between the person's employer and the public agency or an authority responsible for staffing the public agency is to be regarded, for the purposes of this new Part, as an employee of the public agency.

DIVISION 2—UNLAWFUL BIAS IN COMMERCIAL RELATIONSHIPS

146. Fiduciaries

A person is, for the purposes of this new Part, to be regarded as a fiduciary of another (the principal) if—

- the person is an agent of the other (under an express or implied authority); or
- the person is an employee of the other; or
- the person is a public officer and the other is the public agency of which the person is a member or for which the person acts; or
- the person is a partner and the other is another partner in the same partnership; or
- the person is an officer of a body corporate and the other is the body corporate; or
- the person is a lawyer and the other is a client; or
- the person is engaged on a commercial basis to provide advice or recommendations to the other on investment, business management or the sale or purchase of a business or real or personal property; or
- the person is engaged on a commercial basis to provide advice or recommendations to the other on any other subject and the terms or circumstances of the engagement are such that the other (that is, the principal) is reasonably entitled to expect that the advice or recommendations will be disinterested or that, if a possible conflict of interest exists, it will be disclosed.

147. Exercise of fiduciary functions

A fiduciary exercises a fiduciary function if the fiduciary—

- exercises or intentionally refrains from exercising a power or function in the affairs of the principal; or
- gives or intentionally refrains from giving advice, or makes or intentionally refrains from making a recommendation, to the principal; or
- exercises an influence that the fiduciary has because of the fiduciary's position as such over the principal or in the affairs of the principal.

148. Unlawful bias

A fiduciary exercises an unlawful bias if—

- the fiduciary has received (or expects to receive) a benefit from a third party for exercising a fiduciary function in a particular way and the fiduciary exercises the function in the relevant way without appropriate disclosure of the benefit or expected benefit; and
- the fiduciary's failure to make appropriate disclosure of the benefit or expected benefit is intentional or reckless.

Appropriate disclosure is made if the fiduciary discloses to the principal the nature and value (or approximate value) of the benefit and the identity of the third party from whom the benefit has been (or is to be) received.

149. Offence for fiduciary to exercise unlawful bias

A fiduciary who exercises an unlawful bias is guilty of an offence and liable to a maximum penalty of imprisonment for 7 years.

150. Bribery

A person who bribes a fiduciary to exercise an unlawful bias is guilty of an offence and liable to a penalty of imprisonment for up to 7 years.

A fiduciary who accepts a bribe to exercise an unlawful bias is guilty of an offence and liable to a penalty of imprisonment for up to 7 years.

It is proposed that this new section will apply even though the relevant fiduciary relationship had not been formed when the benefit was given or offered if, at the relevant time, the fiduciary and the person who gave or offered to give the benefit anticipated the formation of the relevant fiduciary relationship or the formation of fiduciary relationships of the relevant kind.

DIVISION 3—EXCLUSION OF DEFENCE

151. Exclusion of defence

It is not a defence to a charge of an offence against new Part 6 to establish that the provision or acceptance of benefits of the kind to which the charge relates is customary in a trade or business in which the fiduciary or the person giving or offering the benefit was engaged.

Clause 5: Substitution of heading

It is proposed that sections 167 to 170 (as amended in a minor consequential manner—*see clauses 6 and 7 below*) will become a separate Part of the principal Act. These sections would comprise new Part 6A to be headed 'SERIOUS CRIMINAL TRESPASS'.

Clause 6: Amendment of s. 167—Sacrilege

Clause 7: Amendment of s. 168—Serious criminal trespass

On the passage of the Bill, the use of the term 'larceny' will become obsolete and 'theft' will, instead, be used. The amendments proposed in these clauses are consequential.

Clause 8: Substitution of ss. 171 to 236

It proposed to repeal sections 171 to 236 of the principal Act and to substitute the following new Parts dealing with blackmail and piracy.

PART 6B: BLACKMAIL

171. Interpretation

New section 171 contains definitions of words and phrases use in this new Part, including demand, harm, menace, serious offence and threat.

The question whether a defendant's conduct was improper according to the standards of ordinary people is a question of fact to be decided according to the jury's own knowledge and experience and not on the basis of evidence of those standards.

172. Blackmail

A person who menaces another intending to get the other to submit to a demand is guilty of blackmail and liable to imprisonment for up to 15 years. The object of the demand is irrelevant.

PART 6C: PIRACY

173. Interpretation

A person commits an act of piracy if—

- the person, acting without reasonable excuse, takes control of a ship, while it is in the course of a voyage, from the person lawfully in charge of it; or
- the person, acting without reasonable excuse, commits an act of violence against the captain or a member of the crew of a ship, while it is in the course of a voyage, in order to take control of the ship from the person lawfully in charge of it; or
- the person, acting without reasonable excuse, boards a ship, while it is in the course of a voyage, in order to take control of the ship from the person lawfully in charge of it, endanger the ship or steal or damage the ship's cargo; or
- the person boards a ship, while it is in the course of a voyage, in order to commit robbery or any other act of violence against a passenger or a member of the crew.

174. Piracy

A person who commits an act of piracy is guilty of an offence and liable to imprisonment for life.

Clause 9: Amendment of s. 237—Definitions

This amendment is consequential on the amendment proposed to section 5 of the principal Act by clause 3.

Clause 10: Amendment of s. 269G—What happens if trial judge decides to proceed first with trial of objective elements of offence

Section 269G should have provided for the Court to direct that a person who was found to be mentally incompetent under that section be declared liable to supervision under the relevant Part. This amendment corrects a drafting oversight.

Clause 11: Amendment of s. 269Y—Appeals

In place of section 354(4) of the principal Act (*see* clause 17 of the Bill), this clause proposes to amend section 269Y of the principal Act dealing with appeals. Section 269Y is located in that Part of the principal Act (Part 8A) which makes provision for mental impairment within the criminal justice system. The proposed amendment will confer powers on the appellate court where the court is of the opinion that the appellant was mentally impaired or unfit to stand trial.

Clause 12: Amendment of s. 270B—Assaults with intent

Section 270B of the principal Act provides that a person who assaults another with intent to commit an offence to which the section applies is guilty of an offence. The proposed amendment to this section is consequential. The note to section 270B (which refers to larceny) is to be struck out and a subsection inserted that provides that the section will apply to the following offences:

- an offence against the person;
- theft or an offence of which theft is an element;
- an offence involving interference with, damage to, or destruction of, property that is punishable by imprisonment for 3 years of more.

Clause 13: Insertion of Part 9 Div. 4

New Division 4 is to be inserted in Part 9 of the principal Act after section 270B dealing with conduct preparatory to the possible commission of an offence.

DIVISION 4—PREPARATORY CONDUCT

270C. Going equipped for commission of offence of dishonesty or offence against property

A person who is, in suspicious circumstances, in possession of an article intending to use it to commit an offence to which new section 270C applies is guilty of an offence, the maximum penalty for which is—

- if the maximum penalty for the intended offence is life imprisonment or imprisonment for 14 years or more—imprisonment for 7 years;
- in any other case—imprisonment for one-half the maximum period of imprisonment fixed for the intended offence.

It is proposed that this new section will apply to the following offences:

- theft (or receiving) or an offence of which theft is an element;
- an offence against Part 6A (Serious Criminal Trespass);
- unlawfully driving, using or interfering with a motor vehicle;
- an offence against Part 5 Division 6 (Dishonest Dealings with Documents);
- an offence against Part 5 Division 7 (Dishonest Manipulation of Machines);
- an offence involving interference with, damage to or destruction of property punishable by imprisonment for 3 years or more.

A person is in suspicious circumstances if it can be reasonably inferred from the person's conduct or circumstances surrounding the person's conduct (or both) that the person—

- is proceeding to the scene of a proposed offence; or
- is keeping the scene of a proposed offence under surveillance; or
- is in, or in the vicinity of, the scene of a proposed offence awaiting an opportunity to commit the offence.

270D. Going equipped for commission of offence against the person

A person who is armed, at night, with a dangerous or offensive weapon intending to use the weapon to commit an offence against the person is guilty of an offence.

The maximum penalty for such an offence is—

- if the offender has been previously convicted of an offence against the person or an offence against this proposed section (or a corresponding previous enactment)—imprisonment for 10 years;
- in any other case—imprisonment for 7 years.

Clause 14: Amendment of s. 271—General power of arrest

On the passage of the Bill, the use of the term 'larceny' will become obsolete and 'theft' will, instead, be used. The amendment proposed in this clause is consequential.

Clause 15: Repeal of ss. 317 and 318

These sections of the principal Act are obsolete and are to be repealed.

Clause 16: Insertion of Part 9 div. 15

The following new Division is to be inserted in Part 9 of the principal Act after section 329.

DIVISION 15—OVERLAPPING OFFENCES

330. Overlapping offences

No objection to a charge or a conviction can be made on the ground that the defendant might, on the same facts, have been charged with, or convicted of, some other offence.

Clause 17: Amendment of s. 354—Powers of Court in special cases

When the power to detain for the Governor's pleasure was removed and replaced with the provisions in the principal Act in relation to persons being declared liable to supervision under Part 8A, one reference to the power to detain for the Governor's pleasure was accidentally retained. This clause proposes to strike out section 354(4), which contains this reference. Subsection (4) relates to the powers of the appellate court to quash a conviction and order detention where it appears to the court that the appellant was 'insane' at the time of commission of the offence. The powers of the court set out in subsection (4) will be provided for by the proposed amendment to section 269Y of the principal Act (*see* clause 11 of the Bill).

Clause 18: Insertion of Part 12

New part 12 is to be inserted after section 369 of the principal Act.

PART 12: REGULATIONS

370. Regulations

The Governor may make regulations for the purposes of the Act.

Clause 19: Further amendments of principal Act and related amendments to other Acts

The principal Act is further amended as set out in Schedule 2, while Schedule 3 provides for related amendments to other Acts.

Schedule 1: Repeal and Transitional Provision

The *Secret Commissions Prohibition Act 1920* is to be repealed as a consequence of new Part 6.

The principal Act as in force before the commencement of this measure will apply to offences committed before this measure becomes law. The principal Act as amended by this measure will apply to offences committed on or after this measure becomes law.

Schedule 2: Further amendment of Criminal Law Consolidation Act 1935

These amendments remove italicised headings in the principal Act and replace them with, where relevant, Divisional headings.

Schedule 3: Related Amendments to Other Acts

Schedule 3 contains amendments that are related to the amendments proposed to the criminal law by this measure to the following Acts:

- *Criminal Assets Confiscation Act 1996*
- *Criminal Law (Sentencing) Act 1988*
- *Criminal Law (Undercover Operations) Act 1995*
- *Financial Transaction Reports (State Provisions) Act 1992*
- *Kidnapping Act 1960*
- *Road Traffic Act 1961*
- *Shop Theft (Alternative Enforcement) Act 2000*
- *Summary Offences Act 1953*
- *Summary Procedure Act 1921.*

Mr HAMILTON-SMITH secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (TERRITORIAL APPLICATION OF THE CRIMINAL LAW) AMENDMENT BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935. Read a first time.

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

That this bill be now read a second time.

The Criminal Law Consolidation (Territorial Application of the Criminal Law) Amendment Bill was introduced into the last parliament and committee debate was scheduled for February 2002. The bill lapsed in January 2002 when the parliament was prorogued before the last election. The bill seeks to clarify the application of the criminal jurisdiction of South Australian courts. This area of the law is complicated and recent statutory attempts to clarify it have been only partially successful. I seek leave to insert the remainder of the second reading explanation in *Hansard* without my reading it.

Leave granted.

The common law was that a State could only take jurisdiction over criminal offences committed within its territory. This approach did not adequately address modern criminal behaviour, which is often trans-territorial. In fact some serious crimes are more likely than not to be trans-territorial—for example internet crime, drug trafficking, and some kinds of fraud and conspiracy.

Under the common law, it was difficult to determine which State should prosecute offences where part of the conduct occurred in another State or Territory. Because of this difficulty, there have been occasions when people who had clearly committed offences were acquitted for want of jurisdiction, because it was not clear which elements of the offence occurred in which State, and which were significant for the purposes of determining jurisdiction.

An additional problem with the common law manifested itself in the case of *Thompson* in 1989. In this case, the High Court dismissed an appeal against conviction by a man who had murdered two people. One of the grounds of appeal was that the ACT Supreme Court had no jurisdiction to hear the matter. The accused had killed two sisters, placed their bodies in a car and simulated a car crash. He and the victims lived in the ACT. The car, with the bodies in it, was found crashed into a tree in NSW beside an ACT/NSW highway near the ACT/NSW border. There was no evidence of where the actual killings had taken place. The claim of "no jurisdiction" was based on the assertion that it could not be established to the required standard that the murder had taken place in the ACT, and not in

NSW. While the case turned on the required standard of proof of jurisdiction, it revealed potential loopholes in the common law.

Recognising this, the Standing Committee of Attorneys-General referred the matter to a Special Committee of Solicitors-General. In 1992, these bodies recommended that all States enact a statutory criminal jurisdiction provision in addition to the common law. The South Australian provision is section 5C of the *Criminal Law Consolidation Act 1935*, enacted in 1992. NSW, Tasmania, and the ACT enacted similar provisions. All of these provisions operate alongside the common law.

Section 5C of the *Criminal Law Consolidation Act 1935* provides that an offence against the law of South Australia is committed if all of the elements necessary to constitute the offence exist and a territorial nexus exists between South Australia and at least one element of the offence. That territorial nexus exists if an element of the offence is, or includes, an event occurring in South Australia, or the element is, or includes, an event that occurs outside South Australia, but while the person alleged to have committed the offence is in South Australia.

While able to deal with the *Thompson* scenario, section 5C and its equivalent in other States and Territories have been shown not to work in the way contemplated by the Special Committee of Solicitors-General, particularly in conspiracy cases.

In some conspiracy cases, the courts have preferred to follow common law principles on jurisdiction, and have ignored this more general provision. In the case of *Isaac*, in 1996, the defendants conspired in NSW to commit a robbery in the ACT and were prosecuted in NSW. The facts fell squarely within the formulation proposed in section 3C (the NSW equivalent of section 5C). The agreement which constitutes the entire conspiracy took place wholly within NSW (the prosecuting State). There was a territorial nexus between not just one but *all* of the elements of the offence and the prosecuting forum in that the parties made all arrangements for the robbery while in NSW. Under section 3C, the fact that the object of the conspiracy (the robbery) was to occur in another State should have been irrelevant. However, the court refused to allow a NSW prosecution, following instead a line of British cases on conspiracy, under which, simply stated, State A has jurisdiction over a charge of conspiracy to commit a crime outside State A only if State A would have jurisdiction over the crime to be committed. It was said, in *Isaac*, that the crime was an ACT crime over which NSW had no jurisdiction. The result of this is that the only possible place which could try the offence might have been the ACT in which no relevant act was committed at all.

A further technical difficulty with this sort of case was revealed in the case of *Catanzariti*. In 1996, the defendants conspired in South Australia to commit a cannabis offence in the Northern Territory and were prosecuted in South Australia. Again, and for the same reasons as in *Isaac*, the facts fell squarely within section 5C. However, the court found that South Australia had no jurisdiction because the indictment charged conspiracy to commit a specified Northern Territory offence, and not a South Australian offence, and there was no such offence of conspiracy under South Australian law. The problem is that the defendants could not be said to have conspired to have broken South Australian law, because they did not plan to break South Australian law, and it is not a criminal offence against the law of South Australia to conspire to commit an offence against the law of another place.

In another conspiracy case, section 5C was shown to be entirely deficient. In *Lipohar*, in 2000, the High Court found that section 5C did not extend jurisdiction to South Australia but, by a variety of means, found that South Australia had jurisdiction at common law. *Lipohar* involved a conspiracy outside South Australia, by persons who did not enter South Australia, to defraud the State Bank of millions of dollars in relation to property in Victoria (the SGIC building in Collins Street). The only physical connection with South Australia (as it happened) was the sending of a facsimile consisting of a false bank guarantee from Victoria to the victim's solicitors in South Australia. While the only State with any interest in prosecuting was South Australia, section 5C would not allow this, because there was no element of the offence with which a territorial nexus with South Australia could be demonstrated. (The sending of the fax was not an element of the offence, just a minor part of it. The territorial location of the victim (in this case, in South Australia) is not an 'element' of the common law offence of conspiracy to defraud.).

The decision in *Lipohar* prompted the Model Criminal Code Officers Committee of the Standing Committee of Attorneys-General (MCCOC) to review judicial decisions on section 5C and its counterparts in other States and Territories. In its report in January 2001, MCCOC endorsed a new model criminal jurisdiction provision, and recommended its adoption by all States and Territories. MCCOC pointed out that section 5C may also be ineffective in some non-conspiracy cases, citing the following example. Suppose NSW allows pyramid selling and South Australia does not. Hypothetically (and for the purpose of this example), this is because NSW considerspyramid selling a valid expression of free market forces with which the State should not interfere while South Australia considers such schemes to be frauds on the public and punishable by the State. If a person in NSW sets up an internet pyramid selling scheme aimed at South Australians, section 5C would not allow prosecution by South Australian authorities if none of the elements of the offence could be shown to have occurred in South Australia.

This bill, and the model provision recommended by MCCOC in Part 2.7 of the Model Criminal Code on which the bill is based, corrects this and other defects in section 5C in a number of ways.

First, the bill makes it clear that the provision *extends* the territorial reach of State offences in a substantive sense.

Secondly, the commission of an offence is defined without reference to where it occurs, but rather by reference to the act, omission or state of affairs constituting the offence or giving rise to the offence (the relevant act).

Thirdly, the bill redefines the geographical nexus that must exist before South Australia may claim jurisdiction.

The effect is that South Australia has jurisdiction in the following kinds of offences:

- It may try offences where the relevant act giving rise to the alleged offence occurred wholly or partly in South Australia.
- It may try an offence where it cannot be ascertained whether the relevant act giving rise to the alleged offence took place within or outside South Australia, so long as it can be demonstrated that the alleged offence caused harm or a threat of harm in South Australia.
- It may, in certain circumstances, try an offence where no relevant act occurred in South Australia. These circumstances include where the relevant act is also unlawful in the State where it occurred and the alleged offence causes harm or a threat of harm in South Australia; and where the relevant act took place in another State and gave rise to an offence in that State, and the defendant was in South Australia when the act took place. If the relevant act took place wholly within another State and was lawful in that State, jurisdiction may only be asserted by South Australia if the alleged offence caused harm or a threat of harm sufficiently serious to justify the imposition of a criminal penalty under South Australian law.

The bill also allows South Australia to try offences of conspiracy if the offence which is the object of the conspiracy has the appropriate geographical nexus with South Australia.

The common law of conspiracy will not allow South Australia to prosecute an offence of conspiracy to commit something which is not an offence against South Australian law but is an offence against the law of another State. The bill will allow such a prosecution where there is, under South Australian law, an offence which corresponds with the interstate offence the object of the alleged conspiracy. It make no sense that a person who has committed an offence which crosses a border can escape by the means of a technical jurisdictional argument when he or she would be guilty of an offence in relation to that conduct in any place with which the crime is substantially connected.

Finally, the bill requires the jury to find a person not guilty on the grounds of mental impairment if they were the only grounds on which it would have found the person not guilty of the offence. This is a technical procedural requirement to ensure that these cases are appropriately recognised because they do not involve an acquittal (as do cases where jurisdiction is not made out).

In any case, the territorial nexus is presumed, and an accused who disputes it must satisfy the jury, on the balance of probabilities, that it does not exist. In other respects, the procedures set out in section 5C have not been changed.

To date, the only Australian jurisdiction to have enacted a provision based on Part 2.7 of the Model Criminal Code is New South Wales (new Part 1A of the *Crimes Act 1900 (NSW)*).

The object of the bill is to clarify the law about the jurisdiction of South Australian criminal courts and to extend that jurisdiction to enable the effective application of South Australian criminal law within nationally agreed parameters.

I commend the bill to the house.

Explanation of clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Repeal of s. 5C

Current section 5C of the principal Act sets the limits of the criminal jurisdiction of South Australian courts. It was enacted in 1992 and applies in addition to the common law principles (which held that a State could only take jurisdiction over criminal offences committed within its territory). It is, however, now considered to be inadequate to address the prosecution of crimes which may extend beyond State territorial limits (for example, crimes such as drug trafficking, fraud, internet crime, conspiracy and hijacking). This section is to be repealed and a new Part 1A (comprising new sections 5E to 5I) is to be inserted after section 5D of the principal Act to provide more extensively for the territorial application of South Australian criminal law.

Clause 4: Insertion of Part 1A

PART 1A: TERRITORIAL APPLICATION OF THE CRIMINAL LAW

5E. Interpretation

New section 5E sets out definitions for the purposes of new Part 1A, including the definition of a relevant act in relation to an offence. The question whether the necessary territorial nexus (*see new section 5G(2)*) exists in relation to an alleged offence is a question of fact to be determined, where a court sits with a jury, by the jury.

5F. Application

New section 5F(1) provides that the law of this State operates extra-territorially to the extent contemplated by new Part 1A.

New section 5F(2) provides that—

- new Part 1A does not operate to extend the operation of a law that is expressly or by necessary implication limited in its application to this State or a particular part of this State; and
- new Part 1A operates subject to any other specific provision as to the territorial application of the law of the State; and
- new Part 1A is in addition to, and does not derogate from, any other law providing for the extra-territorial operation of the criminal law (for example, the *Crimes at Sea Act 1998*).

This new subsection is similar in its effect to current section 5C(8)*(a)* and *(b)*.

5G. Territorial requirements for commission of offence against a law of this State

New section 5G(1) provides that an offence against a law of this State is committed if all elements necessary to constitute the offence (disregarding territorial considerations) exist and the necessary territorial nexus exists.

New section 5G(2) sets out the new nexus tests. It provides that the necessary territorial nexus exists if—

- a relevant act occurred wholly or partly in this State; or
- it is not possible to establish whether any of the relevant acts giving rise to the alleged offence occurred within or outside this State but the alleged offence caused harm or a threat of harm in this State; or
- although no relevant act occurred in this State—
  - (1) the alleged offence caused harm or a threat of harm in this State and the relevant acts that gave rise to the alleged offence also gave rise to an offence against the law of a jurisdiction in which the relevant acts (or at least one of them) occurred; or
  - (2) the alleged offence caused harm or a threat of harm in this State and the harm, or the threat, is sufficiently serious to justify the imposition of a criminal penalty under the law of this State; or
  - (3) the relevant acts that gave rise to the alleged offence also gave rise to an offence against the law of a jurisdiction in which the relevant acts (or at least one of them) occurred and the alleged offender was in this State when the relevant acts (or at least one of them) occurred; or
- the alleged offence is a conspiracy to commit, an attempt to commit, or in some other way preparatory to the commission of another offence for which the necessary territorial nexus would exist under one or more of the above if it (the other offence) were committed as contemplated.

5H. Procedural provisions

The procedural provisions set out in new section 5H are similar in effect to those provision set out in current 5C(3) to (7) (inclusive), with the addition of dealing with the technical issue of a finding of not guilty on the grounds of mental impairment (*see new section 5H(3)(a)*).

5I. Double criminality

New section 5I creates a specific offence (an auxiliary offence) under the law of this State where—

- an offence against the law of another State (the external offence) is committed wholly or partly in this State; and
- a corresponding offence (the local offence) exists.

The maximum penalty for an auxiliary offence is the maximum penalty for the external offence or the maximum penalty for the local offence (whichever is the lesser).

If a person is charged with an offence (but not specifically an auxiliary offence) and the court finds that the defendant has not committed the offence as charged but has committed the relevant auxiliary offence, the court may make or return a finding that the defendant is guilty of the auxiliary offence.

Mr HAMILTON-SMITH secured the adjournment of the debate.

CRIMINAL LAW (SENTENCING) (SENTENCING GUIDELINES) AMENDMENT BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Criminal Law Sentencing Act 1988. Read a first time.

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

That this bill be now read a second time.

The idea that only a judge (or a court) can impose a sentence is central to our idea of the rule of law. Where the other organs of state, the legislature or the executive, try, in effect, to impose a sentence, there is a lack of legitimacy and moral stature that is felt by the public. One important way of expressing this idea is by referring to the separation of powers as part of the unwritten constitutional structure of the state. It was precisely this idea that led the High Court in *Kable* (1996) 189 CLR 51 to strike down legislation that purported to require a state court to impose a sentence upon a named individual as being contrary to the implied doctrine of the separation of powers inherent in Chapter III of the Commonwealth Constitution.

Although the sentencing of offenders is a very clear exercise of the judicial power, that does not mean that neither the parliament nor the executive has a role in determining punishment. Both do. Parliament may prescribe such penalty as it thinks fit for the offence and may even fix an absolute penalty. It has been undisputed for a very long time that parliament has the power to fix a mandatory life sentence for murder. That does not mean that parliament could make all sentences mandatory nor does it imply that, for example, parliament could make grossly disproportionate sentences for a crime or crimes mandatory. The limits of the principle are currently jurisprudential and political rather than legal.

The executive, in its prosecutorial function, importantly through the Director of Public Prosecutions, also plays a role, albeit a more minor one, in the sentencing process considered as a whole. The prosecution decides whether to bring charges, what charges to bring, what sentence it seeks and whether it will appeal a sentence on the ground of manifest inadequacy. None of this is improper or unusual. The role of the executive in corrections is more controversial.

Correctional Services (or its equivalent) affects the sentence imposed on a prisoner by, for example, provisions in relation to prisoners dealing with administrative leave, home detention and temporary leave. It is commonly thought that the 'old' model of 'judge-centred sentencing' was (and, perhaps, still is) completely individualistic. That is, the judge

hears the case, hears whatever is put to him or her on sentence, considers a myriad of conflicting facts and objectives of sentencing, weighs up the considerations of deterrence, rehabilitation, desert and retribution, and then delphically pronounces the result of this mystic process. This has been called 'instinctive synthesis'.

Indeed, the more analytical the sentencing judge is, the more likely he or she is to be taken on appeal. Some of this is, of course, true. But a great deal of it is not. It is, however, important to note that not only does the public (including the media) think that it is true but also that many of those who would defend the current system do so by characterising the current system in this general way and then defending that idea. I think that the two former Attorneys-General could be included in this category.

The Criminal Law (Sentencing) Act 1988 (the principal Act) treats the process in this way. It sets out a notoriously long list of what the judges shall take into account. Deterrence, rehabilitation, desert, and retribution (among many others) are important and pull in different directions in any given case, but it is not true that there are no rules at all to which the judge must give heed when arriving at what seems to be an impossible conclusion. For example, one of the most significant principles to which the judge is subject is the principle of proportionality. This principle says that an offender should not be sentenced to punishment that is more than proportionate to his or her degree of offending in the range contemplated by the offence and the punishment set by statute.

The more specific principles of sentencing, such as the proportionality principle, are not to be found in any statute. They are to be found in the course of judicial decision making. In general terms, once it is conceded (as it was quite some time ago) that granting the right of appeal against sentence to the DPP was not a violation of the rule against double jeopardy, the way was opened for appellate control of individual sentencing judges. This control was (obviously) capable of being exercised in the individual case but also more generally. It became possible for appellate courts to give guidance to sentencing judges by setting out not only general principles of sentencing but also what became known in the legal profession as 'tariffs'.

These tariffs (although the term was recently disapproved by the Court of Criminal Appeal in *Place* [2002] SASC 101) often approximated the proportionate sentence that could then be tailored by the sentencing judge to fit the circumstances of the particular case. Taking the individualistic notion of the judge-centred model at its highest, which is what the public does, there are three problems in the sentencing system. The first problem is the irrationality problem.

This problem is well known to participants in the criminal justice system. It does not mean that sentences are inappropriate or improper: it means that some sentences appear to lack any expressable rationale. The conflicting aims of punishment require information that a sentencing judge simply does not have. Some of the questions are as follows:

What constitutes effective deterrence?

What kinds of offenders are deterred?

What kinds of offenders can be rehabilitated?

What kinds of offenders are likely to commit more offences?

What are the treatment choices available and will they remain available to sentenced offenders?

There is a vast amount of theoretical and practical information on these and other related questions. Judges hear little or none of it. Instead, judges make a rough intuitive guess about what seems right for this offender and this case. This usually involves some sort of comparison with what other judges have done in the past, and in New South Wales that information is available to the sentencing judge on computer at the bench.

But it is impossible, on a case by case analysis, to give an understandable and systematic reason why one particular sentence is chosen rather than another. There is no objective, or even partially objective, basis to test the validity or integrity of intuitive judgment. Typically, all that can be said is that a commentator has to know all the facts and hear all the arguments, and I have said this often on Radio 5AA. Hence, one finds recourse to the notion that sentencing is an art and not a science. Alas, the public and the media are not convinced.

The second problem is that of disparity. Even assuming that a coherent and understandable rationale for each sentence could be stated, there is still a disparity problem. Judge A may rationally believe that it is best to take a rehabilitative approach based on harm minimisation principles to drug offenders, and Judge B may rationally believe that it is best to take a deterrent approach to drug offenders based on principles about the reduction of supply and demand. The result will be that Judge A and Judge B will give quite different sentences for the same offence.

There is nothing surprising about this. Intelligent and thoughtful people differ on these issues constantly. But such disparities are not in the public interest because they depend, in the end, on the rule of the individual and not the rule of law. Here, justification depends on the degree to which one shares the point of view of the sentencing judge. Offending is controversial. That is why the public will disagree about a sentence based on these grounds. There is plenty of evidence for disparity.

The third problem is the transparency problem. The problem here is to ensure that the sentence imposed by the court is transparent. It used not to be the case. People used to see that offender X was sentenced to 10 years in prison and later find out that he or she would be out after five years. The sentence imposed was not the one that the offender served, and that was owing to automatic remission across the board. This undermined the credibility of the courts. It sometimes distorted sentencing patterns and it undermined the deterrent message.

Transparency was addressed by Australian governments across the country in the 1990s by the use of what may generally be called truth-in-sentencing legislation. In general terms, truth-in-sentencing legislation did not eliminate parole, nor should it, and other forms of discretionary release but, to a large extent, made the courts announce the release date so that the true sentence was transparent. This was the best legislation ever introduced by the Hon. K.T. Griffin, who was Attorney-General for most of the Liberal's eight-year term, and it was supported by me in this house in 1994. It was opposed only by the Australian Democrats. Truth-in-sentencing legislation did the job that it was supposed to do in addressing transparency. That, in turn, leaves the other two problems to be addressed.

The modern solution to these problems is guideline sentencing, which has been most effectively pioneered in New South Wales. In 1998, the NSW Court of Criminal Appeal handed down its judgment in Jurisic (1998) 45 NSWLR 201. Jurisic pleaded guilty to three counts of

dangerous driving causing grievous bodily harm arising out of an incident involving three victims.

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

A quorum having been formed:

ADDRESS IN REPLY

The SPEAKER: I have to inform the house that Her Excellency the Governor will be pleased to receive the Speaker and honourable members for the purpose of presenting the Address in Reply at 4.30 p.m. today. I ask the mover and the seconder of the address and such other members as care to accompany me to proceed to Government House for the purpose of presenting the address.

[Sitting suspended from 4.25 to 5.02 p.m.]

The SPEAKER: I have to inform the house that, accompanied by the mover and seconder of the Address in Reply to the Governor's speech and by other members, I proceeded to Government House and there presented Her Excellency with the address adopted by the house on 16 May, to which Her Excellency was pleased to make the following reply:

To the honourable Speaker and the members of the House of Assembly: thank you for the Address in Reply to the speech with which I opened the second session of the 50th Parliament. I am confident that you will give your best consideration to all matters placed before you. I pray for God's blessing upon your deliberations.

CRIMINAL LAW (SENTENCING) (SENTENCING GUIDELINES) AMENDMENT BILL

Second reading debate resumed.

The Hon. M.J. ATKINSON: The modern solution to these problems I outlined before we went to Government House is guideline sentencing which has been most effectively pioneered in New South Wales. In 1998 the New South Wales Court of Criminal Appeal handed down its judgment in Jurisic (1998) 45 NSWLR 201. Jurisic pleaded guilty to three counts of dangerous driving causing grievous bodily harm arising out of an incident involving three victims. He was effectively sentenced to 18 months' home detention with a minimum period of nine months in home detention, plus a bond. The Crown appealed against the sentence. The Court of Criminal Appeal allowed the appeal and sentenced the offender to two years' imprisonment with a non-parole period of one year. The guidelines handed down in the course of the judgment read as follows:

(1) A non-custodial sentence for an offence against section 52A should be exceptional and almost invariably confined to cases involving momentary inattention or misjudgment.

(2) With a plea of guilty, wherever there is present to a material degree any aggravating factor involving the conduct of the offender, a custodial sentence (minimum plus additional or fixed term) of less than three years (in the case of dangerous driving causing death) and less than two years (in the case of dangerous driving causing grievous bodily harm) should be exceptional.

It can be seen at once that this guideline is just that—it is something rather less than a fixed determination or a mandatory minimum. As Chief Justice Spigelman said:

Guideline judgments are a mechanism for structuring discretion, rather than restricting discretion.

The New South Wales Court of Criminal Appeal has gone on to give guideline judgments in cases of armed robbery, drug importation and discounts for pleas of guilty. In Attorney-General's application (No. 1) under section 26 of the Criminal Appeal Act (Ponfeld and others), which is reported in 1999 NSWCCA at page 435, the court declined to deliver a quantitative guideline for the offence of break, enter and steal because of the great diversity of circumstances in which that offence is committed and also the fact that the overwhelming majority of such cases are prosecuted, with the consent of the DPP, in the Local Court where the maximum sentence is only two years' imprisonment. However, a guideline was delivered in relation to the relevant sentencing considerations.

The New South Wales guideline system appears to have been a resounding success. The New South Wales government took the path with respect to guidelines suggested by the judiciary after a great deal of favourable publicity that increased public confidence in the sentencing process. Although the measure attracted unfavourable attention from some parties (including the DPP, the NSW Law Society and the Bar Association), the New South Wales government enacted the Criminal Procedure (Sentencing Guidelines) Act 1998. The most important provision of that measure states that the Attorney-General may make application to the Court of Criminal Appeal in relation to the sentencing of persons found guilty of a specified indictable offence or category of indictable offence and make submissions about the framing of guidelines.

The basis for opposition to such legislation was both theoretical and practical. The theoretical objection was that it reposed the relevant discretion to make an application in the Attorney-General rather than the DPP. The practical objection was (unlike cases which were true appeals in which there was an adversarial situation) who, in the application of the Attorney-General, would make the arguments for other points of view and from what position. So, given that we have an adversary system, if the Attorney-General applied for a sentencing guideline, who was going to argue the opposite case for the other 11, because inheriting our law from England we have an adversary system. It is a little like cricket and we have to have two sides on the pitch. So, who are going to be the other eleven?

The NSW Attorney-General thought that the second criticism could be answered in that state by use of the Public Defender. There is no Public Defender in this State, much to the chagrin of Michael Abbott QC. However, an equivalent may be found. The role in question can and should be undertaken by the Legal Services Commission. Guideline judgments are used in a variety of shapes and sizes in Canada and New Zealand. However, this government has decided to follow the successful New Sout Wales system.

The provisions proposed are procedural and not substantive. They will allow the Full Court of the Supreme Court (known as the Court of Criminal Appeal when sitting in the criminal jurisdiction) to set guideline judgments on its own motion or on the application of the Attorney-General, the DPP or the Legal Services Commission. The Attorney-General, the Legal Services Commission and the DPP may become parties to any proceedings in which a guideline judgment is proposed to be set. The general discretion of the court is preserved and the court may inform itself in any way that it sees fit.

One other matter of central importance in this area of law remains to be mentioned. On 15 November 2001, the High Court delivered judgment in the case of Wong. The decision was at first thought to cast severe doubt upon the New South Wales sentencing guidelines system. However, the actual

decision in Wong was that the New South Wales sentencing guidelines were inconsistent with the legislative structure for sentencing set out in the Commonwealth Crimes Act. Because it was a drug importation case it was a commonwealth offence.

So, although three of the judges in Wong (Justices Gaudron, Gummow and Hayne) went out of their way to cast doubt on the common practice in this state now and others of granting a fixed range of sentence discount for an early guilty plea and/or cooperation with the authorities, the judgment was regarding a commonwealth offence.

A Full Bench of the South Australian Supreme Court of five judges convened to hear argument on that question in an appeal called Place [2002] SASC at Page 101. Judgment was handed down on 26 March 2002, 20 days, sir, after you had been kind enough to put me into office. The Court of Criminal Appeal unanimously decided both that the decision in Wong did not have the effect of precluding the setting of sentencing guidelines generally and did not have the effect of delegitimising the practice of granting a discount for an early plea of guilty and cooperation with authorities. A discount for an early plea of guilty and cooperation with the prosecuting authorities seems to me to be a virtue that ought to be rewarded in our sentencing rules. The proposed legislation will provide statutory support for the decision in place.

This bill proposes to implement a Labor election policy. At the last election, Labor promised guideline sentencing, and we did so in these terms. Criminal sentencing must be consistent. The Attorney-General may reflect public concern about sentencing for a particular crime by asking the Court of Criminal Appeal to hand down sentencing guidelines for a particular offence next time that particular offence comes before the court on appeal. The court should nominate what the common sentence for that crime should be and list the mitigating and aggravating elements. This system has been introduced in New South Wales and it is effective because judges are able to indicate a typical sentence for a particular crime. This means that there will be less room for the discretion of individual judges and more consistency across the legal system.

This legislation fulfils a Labor election promise in its precise terms. I commend the bill to the house. I seek leave to have the explanation of clauses inserted into *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 27—Service on guardian

This amendment is to correct an incorrect reference. The reference to "an application under this section" should be a reference to "an application under this Division".

Clause 4: Insertion of Part 2 Division 4

New Division 4 is to be inserted in Part 2 of the principal Act immediately after section 29. Part 2 is headed "General Sentencing Provisions" and contains Division 1 (Procedural Provisions), Division 2 (General Sentencing Powers) and Division 3 (Sentences of Indeterminate Duration).

New Division 4 (Sentencing Guidelines) (comprising sections 29A, 29B and 29C) is procedural in nature and provides that the Full Court may give judgments establishing sentencing guidelines. These guidelines are to guide sentencing courts in determining sentences for offences generally or a particular class of offences, or for offenders generally or a particular class of offenders. Sentencing courts are not bound to follow a particular guideline if, in the circumstances of the case, there are good reasons for not doing so.

Sentencing guidelines may be established or reviewed—

- on the Full Court's own initiative; or
- on application by the Director of Public Prosecutions, the Attorney-General or the Legal Services Commission.

Each of the following is entitled to appear and be heard in sentencing guideline proceedings:

- the Director of Public Prosecutions;
- the Attorney-General;
- the Legal Services Commission;
- an organisation representing the interests of offenders or victims of crime that has, in the opinion of the Full Court, a proper interest in the proceedings.

If the Full Court thinks it appropriate, it may establish or review sentencing guidelines in the course of proceedings arising from an appeal against sentence. The exception to this is if sentencing guidelines are to be established or reviewed on the application of the Attorney-General. In that case, the proceedings must be separate from any other proceedings in the Full Court.

The Full Court may inform itself in any way it thinks fit on any question affecting the formulation or revision of sentencing guidelines and is not bound by the rules of evidence. However, if evidence relevant to the formulation or revision of sentencing guidelines is considered by the Full Court in the course of appellate proceedings, that evidence must not be used as a basis for increasing the sentence imposed on the offender unless the evidence was before the court that imposed the sentence in the first instance.

Mr HAMILTON-SMITH secured the adjournment of the debate.

SUPPLY BILL

Adjourned debate on motion:

That the house note grievances.

(Continued from 28 May. Page 343.)

Mr HAMILTON-SMITH (Waite): The debate on supply has largely focused on the issue of budget honesty and the accuracy of claims by the Treasurer that some sort of a black hole was left behind by the former government. The Treasurer has made some wild and woolly claims about the financial state of South Australia, and these allegations have been resoundingly refuted by the former treasurer, the Hon. R.I. Lucas, in another place.

These allegations by the Treasurer, the member for Port Adelaide, have been proven to be wrong. Cost pressures were taken into account, where appropriate. Head room was used as a management instrument to assist in that process. The new Treasurer clearly lacks confidence in the new duties before him, and has failed to understand the true state of the budget and cannot accurately explain it to the house or, alternatively, he has sought to confuse and misrepresent, for Labor Party political purposes, in order to facilitate an argument that will be put to the people of South Australia around the time of the budget release that savage cuts need to be made to a range of programs in order to cover some sort of a black whole when in fact those cuts will be designed to cover unfunded promises made by the Labor Party and other promises associated with their formation of government.

The Treasurer has made a serious of mistakes. Claims have been made that some of the figures he has provided have been untruthful, that he has misunderstood—

Mr KOUTSANTONIS: On a point of order, sir, the member for Waite has just accused the Treasurer of misleading this house. As I understand it, he can only do that by substantive motion.

The SPEAKER: Did the member for Waite use the words 'misleading the house'?

Mr HAMILTON-SMITH: I was referring to the debate that has occurred—

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

Mr HAMILTON-SMITH: Thank you, Mr Speaker. The Treasurer has also made incorrect statements regarding expenditure in the outlying years of the budget. The Treasurer has made mistakes in the house in explaining provision for teachers' wage increases and has even tried to argue that the sensible and appropriate provision made by the former treasurer was somehow inadequate because it has failed to incorporate the far more generous and excessive provision for teachers' wage increases that the government quite clearly intends to approve. It was certainly not the job of the former government to provide for the excesses of the current government but that seems to be the present Treasurer's logic.

He has demonstrated an inability to accept fiscal management strategies long established in Treasury, particularly in regard to the management of cost pressures and the use of head room as a facility. He has been unable to succinctly define what a cost pressure is. The Treasurer seems to be talking about something quite different from reality in his description of cost pressures and how they should be taken into account.

I will not revisit all the arguments presented in the debate today except to say that, as someone who has sat in cabinet in the former government, I can attest that the former treasurer was an outstanding treasurer and a commendable gatekeeper for the Treasury benches, and that he required all ministers at all times to be most thorough and proper in the way they presented their requests for public funds and managed them. If the present Treasurer is even a patch on the former treasurer then he will have accomplished something.

There are a number of fatal flaws in the government's debate about supply and fiscal management to date. The government has demonstrated a poor attention to detail and a failure to appreciate that being in responsible government is different from being in opposition. There has been a propensity towards wild and woolly claims, in fact, leading to a matter of privilege being raised in this place. Poor judgment has been shown in a range of fiscal matters, and there is an element of immaturity evident in the debate on Treasury matters coming from government.

It is the case that facilities like the Wine Centre, the Entertainment Centre and a range of industry activities have been thrown into confusion by negative, irresponsible and quite outrageous claims from the Treasurer and others opposite, designed to score short-term political points but which have resulted in damage to South Australia and damage to the organs of government.

The history is that the Labor Party delivered ruin to South Australia in 1993. The history is that the Premier, when he was a minister in the former government, and the Treasurer, when he was an adviser to the former government, delivered a $9 billion debt and a recurrent deficit of $300 million per year. Labor Party governments in Victoria, Western Australia and at the federal level delivered the same chaos. Not only that, but the Treasurer has to go into cabinet and argue with his cabinet colleagues while also holding down the portfolio of industry and trade and whilst also funding the Motorsport Board and the Clipsal 500.

I can say to members opposite, particularly to cabinet ministers, that they should be very careful that the Treasurer does not dominate cabinet deliberations too coercively. They should check very carefully the figures they are being given. They will have needs for their portfolios—needs that must be met. I suggest that they hold the Treasurer to account, or they may well be dudded. The forthcoming budget on 11 July may well be built on a false premise.

It is interesting to note the government back-pedalling so fast on privatisation that it is almost astonishing. If it really does not like the contract at Modbury Hospital, release the private contractor from the contract. If it is so angry about ETSA, take up the option of buying it back. The argument of the Premier that you cannot unscramble the egg is total nonsense. In other words, if you see something that is wrong and you want to right it and you are in government you are unable to do so. That is the logic of the Premier. It is nonsense. If this government has any moral courage and is so opposed to privatisation, it should go ahead and rectify what it perceives to be the wrong—reverse the privatisation decisions, go and borrow money and buy back ETSA and the electricity assets. Of course they are not going to do that: it is nonsense! The former government enabled the present government to escape financial chaos by rebalancing the books.

The government has got off to a very poor start. It is making no decisions except short term populist decisions designed to get a quick reaction from the public but with no long term vision. They are poor on consultation and poor on detail. The structure of the government is fundamentally flawed. It is too convoluted and complex. Ministers do not know whether they are coming or going in most cases, and industry (particularly in the portfolios for which I am shadow minister) are waiting to hear a plan, a path and a way ahead from the government. It is simply not forthcoming, and I will talk more about that later.

In conclusion, South Australia is in fabulous shape. We have handed over a fabulous situation to the government opposite, both in terms of fiscal responsibility in government and the general running of the economy. This state now needs a bold vision from the government full of purpose and of future. This government cannot afford to be timid, but I fear it will be—it has little choice. The ALP has lost its way. It is factionally divided and has no drive for reform. There seems to be no agenda from this government. It is confused about privatisation; it is totally out of touch with regional South Australia; it is obsessed with equity; and it is unable to create a dream for the future that inspires South Australia, and I doubt whether the lessons of the past have been learned by the government.

Time expired.

The Hon. R.B. SUCH (Fisher): I want to make a very brief contribution in relation to supply. It is becoming rather tiresome to hear the two sides arguing about whether the budget is in surplus or in deficit. The way to resolve this is to use the services of the Auditor-General to sign off on what is the real state of the budget at the time of the change of government. Last year members will recall that I argued strongly for the mid year budget review to be presented to parliament, not put in our pigeonholes, to enable true and accurate scrutiny of the finances at the mid year point. That did not happen but I hope it will happen in the future. Members will know that the true financial situation is presented to the commonwealth, because it is upon those figures, which are published in the *Government Gazette*, that the state gets its grants.

Those figures have to reflect a true accrual accounting position without any rubbery additions or deductions. Until that is presented as a mid year statement along the lines of

what is currently published in the *Government Gazette*, no-one will be in a position to accurately debate the situation in this house. The way to clarify matters and to get rid of this endless boxing match would be to call in the Auditor-General and ask him to sign off on the figures, so that all of us would be spared the continual belt around the ears that we are getting day after day, which does nothing for anyone and does not enlighten us or the general public, the taxpayers. So, my earnest plea to both the opposition and the government is that they support a measure which in the future would have the Auditor-General assess the state of the books at the change of a government, and that would be the end of the story.

Mr RAU (Enfield): I rise to make a contribution which is not on the subject of supply—although I am informed by the Clerk that that is in order in these circumstances. I would like to move away from some of the conflict that seems to have been in the speeches we have heard thus far.

Mr Koutsantonis interjecting:

Mr RAU: Exactly. I want briefly to address the house today on a matter which I think should not pass without some note by this house, which is the passing of Sir John Gorton. I would like to say a few words about this very remarkable man. First, Sir John Gorton was a man of his time and, in many respects, he was a man ahead of his time.

The Hon. R.B. Such: He was a decent bloke.

Mr RAU: He was a very decent bloke. In the 30 years that have passed since he occupied high office I think it is reasonable for people to have formed some sort of objective view about him, and I would just like to make a few observations. First, many of us perhaps do not remember the time that he was in power. He was elected on 10 January 1968 after the demise of Harold Holt, and he left office on his own vote on 10 March 1971. During that time, just so members of the house have some idea of the times in which we were living, we had the assassinations of Dr Martin Luther King and Robert Kennedy, the election of Joh Bjelke-Petersen for the first time as Premier of Queensland, the invasion of Czechoslovakia by the Soviet Union, the explosion by France of the first nuclear bomb at Muroroa Atoll, the election of Richard Nixon as the 37th President of the United States—

Mr Koutsantonis interjecting:

Mr RAU: Mayor Daley was re-elected, yes—the aircraft carrier *Melbourne* being sliced in half, the phased withdrawal of Australian forces from Vietnam announced by Prime Minister Gorton on 16 December 1969, the election of Bob Hawke to the presidency of the ACTU in January of 1970, and we had the famous Australian films (if you can call them that) *The Adventures of Barry McKenzie* and *Alvin Purple* starring on the silver screen. That is a bit of nostalgia, I think, for some of us who can remember those times.

I do not make this contribution on the basis that had I had the vote at that time I would have been a supporter of Mr Gorton, but I appreciate the great efforts he made and it is, I think, significant that, unfortunately for him, he was caught between Menzies and Whitlam, which means that, on the one hand, there was this very much larger than life figure from the earlier part of the 20th century in the form of Menzies and, on the other hand, this dynamic figure, whether you like him or not, in the form of Gough Whitlam arriving on the stage shortly afterwards. And he was sandwiched between two reasonably unremarkable people—Harold Holt, who by all accounts was an excellent fellow but not particularly colourful, and Billy McMahon, who was certainly colourful but by many accounts not an excellent fellow.

Sir John's relatively short period as prime minister contained a lot of controversy, but I would like to touch on some of his great achievements. First and foremost, he was a great Australian nationalist. He took a very positive view of Australia's role in the world and set out to achieve many things which, ultimately, were taken up and carried on by the Whitlam government. Due credit needs to be given to him for some of these initiatives. Of course, many on this side of the parliament would disagree with his views in some areas. I know that some members have said as much to me, particularly in regard to Aboriginal affairs and other matters on which they think he did not have particularly progressive views, and I am sure that is probably true, but, on balance, you have to look at the man's achievements.

The Great Barrier Reef and its saving from resource development, oil exploration and so forth, is one of his achievements and that was done over the objection of the Queensland government, which was, of course, a friendly government—or at least theoretically a friendly government.

There was the establishment of the Australian film and television industry, and people who are not known supporters of the conservative side of politics, such as Phillip Adams, have recently been in print giving great praise to Sir John Gorton's achievements in that regard. He also adopted a very independent foreign policy and a national approach to issues of significance to the whole of Australia. I must say that, if issues such as water resources and those related to the Murray-Darling Basin had been on the agenda as they are now when Sir John Gorton was Prime Minister, I am sure we would have seen far more active and effective federal government intervention. He was an independent minded individual whose merit in some respects can be judged by those who found his company most uncomfortable, if I can put it that way. Those people included Malcolm Fraser, Sir Henry Bolte and Sir William McMahon. I hope his place in history will be one which those on the other side of the house will do as much as they possibly can to rehabilitate, because I think they have given him undeserved bad press in many respects.

It is important to remember that Sir John Gorton was never an advocate of the Vietnam war. In fact, he was completely opposed to the war and did everything he could to get Australian troops out of Vietnam. He was also a person who did great things in terms of national issues, such as the Seas and Submerged Lands Act case, attempts he made in relation to corporations law reform and so on. Unfortunately, his fairly idiosyncratic way of dealing with things fell foul of people in his own organisation, and the result of that was that he was ultimately defeated, albeit on his own vote, which is an unusual way to depart the scene, his predecessor departing the scene in tragic circumstances and Sir William McMahon departing the scene at an election.

An honourable member interjecting:

Mr RAU: Happier circumstances from this side of the house. I should say also that Sir John certainly held the view that, had he been left in office in 1971, he would have had a reasonable prospect of holding government in 1972. Many people forget that the margin by which the McMahon government was defeated was only 9 seats and that there was not a great deal in it. Whether or not that is correct, it is important that we note Sir John Gorton's passing with some measure of loss.

I would like to conclude by quoting a passage which appeared in the *Australian* in an article by Ian Hancock where, talking about Sir John Gorton, he said:

> It was a choice between being proudly or apologetically Australian. Gorton was never apologetic. Whether seen as good, bad or only fair, he made a difference. Few of his contemporaries or detractors did that.

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): I rise to comment on a number of matters that were raised by the Leader of the Opposition last night during the grievance debate. In his comments, the Leader of the Opposition made a number of criticisms about the ministerial statement that I made to the house concerning population projections which should have been released in 2000—

Mrs Geraghty interjecting:

The Hon. J.W. WEATHERILL: —and his suppression order, as the member for Torrens reminds me. I want to set the record straight on this matter, because it goes beyond personal opinion; it is really about whether the population projections are properly understood. It is not a question about whether the population projections were correct or incorrect: the real issue is whether or not they should have been released, and that was the point I was seeking to make.

This issue is really about the ability of state government agencies to be able to consider information and statistics that are based on soundly collected data. In this unfortunate incident the state government agencies were not given access to population projections at the time that they were made ready, because the former deputy premier, now opposition leader, personally believed that some of those statistics were incorrect. In his remarks the other night he also made some unfortunate reflections on the integrity of those people who collected the data. In fact, the material was obviously collected in good faith and presented for the use of government to make sure that its public policy processes were carried out in the best way possible.

In the Leader of the Opposition's remarks last night he demonstrated a lack of understanding about what population projections mean, and he confuses the question of population projections with economic development. In my statement I did not refer to economic development or the number of trucks that go up and down a highway: I was talking about population projections. They are two very different matters. It may well be that the Eyre Peninsula is expanding, and that is a good thing, but it is not directly linked, nor does it deny the notion of population decline or the ageing of particular regions. That throws up different policy dilemmas for agencies and government.

It is also interesting that, in the debate and criticism that the opposition leader made, he said:

> The figures for the South-East were probably very wrong.

Two years down the track, using terms such as 'probably' is not very helpful. This indicates that what we are really talking about here are hunches, not analysis based on properly collected material.

On the last occasion the opposition leader's advice to the government was to 'read all of your files, do not sign anything without reading it because the bureaucracy have a different point of view'. That is very good advice, and as a new member I will take that on board, but I would like to emphasise this. You will be interested in this. At the front of this document here is the term 'caveat', and the caveat reads in these terms:

> The populations projections presented in this publication are not intended as predictions or forecasts. They are illustrations of population change that will occur if certain assumptions as to future demographic trends are realised. While these assumptions were carefully—

An honourable member interjecting:

The Hon. J.W. WEATHERILL: Perhaps you could just listen. The caveat continues:

> While these assumptions were carefully formulated, it is not certain that these trends will eventuate. As with all demographic projections for planning purposes, these projections should be carefully reviewed and revised on a regular basis as new information becomes available. It would be feasible to begin the next major revision of these projections when detailed data is released from the [next] census... The present... schedule suggests that these data will be available about the end of 2002.

That is an important phrase, because the population projections report contains within it the very caveat that the information there may not be definitive but provides useful information that can assist in planning.

The caveat I just read out advises or cautions the reader about the nature of the information. That does not diminish its importance, and there might be selected aspects of the data that can be used for certain purposes. The real issue here is that it should have been made available to agencies. They would then take that information and then for their particular purposes they would look at it carefully and, if they were faced with information that the Leader of the Opposition had regarding his concerns about regional figures, they would factor that into their analysis.

The criticism of the Leader of the Opposition and its nonsensical nature becomes even more egregious when you remember that he was worried about only the regional population projections; he did not have anything to say about the metropolitan figures. He was prepared to have the whole of the report suppressed on that basis.

We should remember that this was in an era when we had a recent election result in Victoria, and where the Liberal or Coalition parties in that state were embarrassed by the drubbing they had received because of the way in which regional Australia was regarding the policies of the Coalition. There was a degree of sensitivity.

There were also remarks in that very report that talked about the reduction in the number of seats in the country and the obvious pressure that would put on friends opposite when they scrabbled among themselves for preselection to fit into the seats that remained within the country regions. They did not want that information in the public sphere because it contained information that was embarrassing politically. So, the public interest had to be sacrificed to protect the private political interest. That was the point that was made. These documents are projections.

The Leader of the Opposition, I think in his question soon after the release of the projections, asked whether they were accurate. Well, in a sense, the question is a nonsense. They are, by their nature, unknowable because they are projections: they are about the future, and one would have to climb into the member for Mawson's time machine to know what was going to happen in the future. The point that I sought to make was about suppression of material: it was not about the accuracy of the material. The material is there. It is capable of criticism; criticisms will be taken into account, and it will be used for proper planning purposes.

Mr VENNING (Schubert): I raise today a community's frustration in relation to waiting for a deal to be finalised with

the government. It is with continuing frustration that the community of the Barossa awaits confirmation as to whether Crown Lands of South Australia will complete the title transfer of the old Tanunda Primary School site to the Barossa council. This redevelopment is of strategic importance to the future of Tanunda and the Barossa Valley. It has been a community concern for over two years. Since the change of government, repeated attempts to contact the education minister to arrange a meeting between the Barossa council and me have resulted in no response.

Three attempts have been made by the minister, including an invitation to visit the region. In a letter to the Barossa council, the Minister for Education stated that the council must pay the full price ($565 000) for the old Tanunda Primary School site. The minister will not look at reducing the purchase price because of the vandalism and massive white-ant damage estimated at between $30 000 to $40 000. That damage has been caused to the building over recent months and, of course, as a result of all these delays the problem is getting worse. As a result of these delays and lack of commitment, the buildings are falling into a state of disrepair, with further attacks by vandals and structural damage from the white ants escalating the problem.

The Barossa council agreed to purchase the old Tanunda Primary School site in June 2001 from the previous state government with plans to transform it into a community asset for the Barossa. Today, the Environment Protection Agency contacted the Barossa council's CEO, Ms Judith Jones, to announce that it has been authorised to undertake a land contamination survey on the site, which will further add to the frustrations and delays. The longer the process is delayed, and with a feeling of uncertainty, the site continues to deteriorate. The longer it is left the harder and more expensive it becomes to restore these historic buildings.

The site is becoming an eyesore—it is an eyesore. To drive past these once proud buildings is just an exercise in futility and frustration in that we cannot get agreement from the minister. It is a disgrace. An historic area such as this, in the middle of beautiful Tanunda, on the corridor between the main street and Chateau Tanunda, is a disgrace. The people of the Barossa Valley want to see the site developed as a tourism precinct. The people of the Barossa have a vision. The council has acted on this vision and is prepared to acquire and restore the area for public use.

In 1998, the Barossa Regional Residents Association raised that issue with me and also the heritage value of the old Tanunda Primary School, a site which, of course, is of local importance. As a result of numerous public meetings from 1999, some outstanding plans have been finalised for the site: landscaped pedestrian links and bike trails connecting the Chateau Tanunda (a famous landmark and icon), the railway station, the central recreational reserve and, of course, the main tourism street; a village green; and developing a town square for community events for music, markets and the arts.

It is also envisaged to reuse existing old buildings for tourism and art purposes, to maintain its heritage values and to relocate one of Australia's most famous choirs, the Liedertafel, to this site. That will make space available under the Soldiers' Memorial Hall for the restored original Adelaide Town Hall grand organ, the Hill and Son organ, which has been in storage for all these years. Certainly, much is contingent on this decision being made, and this frustration is felt community wide. Such plans allow for future civic and tourism facility growth. It is important that we act now to ensure that the agreement between the Barossa council and the state government can reach the contract stage so that ownership can be signed over to the Barossa council.

The Barossa council and community just want to see the ownership transferred to the Barossa as soon as possible so that the development plan can come to fruition. Where are we at now? This project was agreed to in mid-2001. What has happened? What are we waiting for? We are waiting for it to be processed, and it goes on and on. All I can say is that further wrangling between the state government in relation to the cost of the vandalism will further stall the process and add to the cost. A decision needs to be made either to pay the cost of the vandalism (that may continue to increase the longer the building lays dormant) or reduce the price of the old Tanunda Primary School site to allow for the damages to be met by the council. The Barossa Valley is being ignored by this new government. This is about the sixth project I have raised this week where we have had no action.

The only action that we have had—the cancellation of the Barossa Music Festival—has been negative. It is yet another example of the new government forgetting the Barossa Valley and leaving a development languishing. Is this the way the Labor government plans to treat the Barossa Valley community? As we all know, it is a region with tremendous economic growth and it is the driving force of this state's economy. We wait with bated breath for a commitment from the government to finalise the sale of the old Tanunda Primary School site to the Barossa council.

In mid-2001 with visitations to the council and the site by the then minister, I thought that it had been agreed to negotiate the price down $30 000 to $40 000—and that was evaluated to be correct—and that they were just awaiting the book work and transfer. Well, that was mid-2001. And here we are almost in mid-2002, and nothing has happened. For the Treasurer to say that the council should now pay the full cost before the damage, I think he is being unrealistic and uncooperative and damned well unfriendly towards this region. It has been a whole week of negative stories. I hope the government will realise what is happening, and that they will not allow this continual negative comment from me and from others in the community as to what is going on. I have to say that I have been keeping this out of the local media. But that will change next week. It has to.

I have been under great pressure, particularly with the Barossa Hospital, the music festival, the band festival, the old school site and Angaston Primary School—the list goes on and on. These are projects that the community expects to happen. They are in the pipeline. Previous ministers had agreed that money be laid aside in the last budget. This is money that the Barossa council is willing to pay to the government for an old school site, and by its wrangling, the government is keeping the money out of Treasury. It is causing frustration to the community. It is causing the community to be frustrated with the Barossa council. The blame is not with them, through the Mayor, Brian Hurn (whom the government knows as the previous Local Government Association president) and its CEO, Ms Judith Jones. It is causing a lot of frustration.

They have been very patient with me as the local member and with the previous government, but now, a year later, this minister should say that he will honour the previous minister's word and allow the transfer and receive the cheque. It is money for the government. Certainly, this is the best development for this region. I invite the member for West Torrens to come up. This piece of land is between the main street and Chateau Tanunda—right in the middle—and this

will be a corridor through from the main street to the magnificent, historic Chateau Tanunda, which the honourable member and every brandy drinker would know because it is on every brandy bottle that Seppeltsfield ever made. This is a very historic area and a very important issue. I make a plea to the minister: agree to the previous minister's agreement, sign the agreement and receive the cheque.

Ms RANKINE (Wright): Tonight I will take the opportunity to finish what I started yesterday during the grievance debate. At the end of my contribution yesterday I called the former Minister for Environment and Conservation and former Minister for Aboriginal Affairs a disgrace. The member for Bright objected to that and you did not hear the comment, sir, so I am happy to put my hand up and say that I did say that she was a disgrace, and I will take your guidance as to whether or not that was unparliamentary. It certainly is my view. However, if it is unparliamentary to say that the member for Newland was a disgrace as a minister in those capacities, I am happy to withdraw those comments.

The SPEAKER: Order! Can I help the member for Wright to understand that, yes, that is unparliamentary. You may refer to her actions or decisions as being disgraceful, but not to the honourable member personally. It is not appropriate to reflect on the personality of the physical being of a member; rather, their actions and ideas, and to do so by substantive motion.

Ms RANKINE: Thank you, sir. I would say that in her actions as Minister for Environment and Conservation and as Minister for Aboriginal Affairs she was hapless, hopeless and desperate. She was dumped by her own party from the cabinet, so I think that is an indication of how she conducted herself as a minister. I could not believe my ears—and I am sure that no-one else in this house could either—at the comments that she made. Clearly, Dorothy had lost her way on the yellow brick road.

The SPEAKER: Order! The member for Newland is the name by which the member for Newland should be known by all members, including the member for Wright.

Ms RANKINE: Thank you, sir. The member for Newland lost her way on the yellow brick road. At the very least she was in fairyland yesterday. I could not believe that I could hear the former minister for environment and conservation trying to discredit me in relation to the representation of my electorate. I do not think that she even knows where her electorate is, and I am sure her electors are probably very grateful for that. I was the duty member for Newland for four and a half years, and I am happy to bring in for the member for Newland a list of the people who came to me in most desperate circumstances and who told me that they had been turned away from her office.

An honourable member: Tell us about the amputee.

Ms RANKINE: I could tell you about the man who was in the wheelchair, the amputee, who received no help from that particular member. I had to harangue the government for 18 months to get him a new wheelchair. He had to push himself backwards with his one good leg. Let me be really clear about whom and what we are dealing with. First, let me look at the member for Newland's credentials and those of her government. This is the member for Newland and the Liberal government that allowed Vodaphone to establish a telephone tower in our Cobbler Creek Recreation Park. Those are her credentials as a Minister for Environment and Conservation.

It was I who stood alongside the residents of Golden Grove to stop that tower. Every morning and every evening I was on site. There was no sign of the local Liberal member and no sign of the member for Newland: not a squeak from her. It was this Liberal government that brought in the police to evict law-abiding residents who were trying to protect their precious park. It was the Liberal government that sold off the lease for a song. I remember each and every treacherous act.

I remember how this government, through its actions, brought discredit on local organisations that have still not recovered. The Liberal government has no credibility in environmental issues, and the member for Newland has even less. Nevertheless, let me return to the substance of my grievance rather than the lack of substance of the member for Newland.

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

Ms RANKINE: As I said before we broke, I will return to the substance of my grievance—that is, the proposed development at Springhill—rather than the lack of substance of the member for Newland. Let me advise the house that this development was passed in 1999, rubber-stamped by Tea Tree Gully Council. I ask: who was in government at that time? We know full well who was in government and who allowed it to happen. What did the member for Newland have to say about it back then? In her grievance yesterday she tried to allude to the fact that this development somehow abuts the Cobbler Creek Recreation Park; it does not. It does not come within 1½ kilometres of the park. It abuts the corridor reserve. It is not part of the park that they allowed the tower to be built in.

I also referred to the motion passed by the Tea Tree Gully Council, and so did the member for Newland. That motion suggested that the Tea Tree Gully council should write to the Premier, through the local member—and, as I said yesterday, all they did was give me a sealed envelope—seeking a deputation to bring the community concern to his attention. They sent a copy off to some of our ministers, and the motion suggested that the Premier, the local member and developer be invited to meet with the council and representatives of the community with regard to this development. Nowhere in the letter or in the motion was there an objection. It is a motion that says nothing, and the council could not even undertake its committed process properly—that is, write through the local member.

Again, the member for Newland was wrong. I told the mayor that I was happy to support the council. It was the council that could not get it right. This, of course, is the very same mayor and council that stood by and allowed the degradation of Cobbler Creek Recreation Park with the construction of the telephone tower. It is the very same mayor that stood side by side with the then Liberal minister and the Liberal local member telling residents it had all gone too far and there was no turning back. At that stage not a sod of soil had been turned, and we found out that the information was wrong.

When I became aware of the concerns of residents back in January, rather than say there was nothing I could do, which is the response residents received from the council, I picked up the phone and spoke directly with the developers. I told them of the community's concern and asked that they not proceed with the development until such time as the community was consulted, and they agreed. In fact, the resident who originally raised this issue with me has said no-

one else would listen to him: I was the only one. So much for the member for Newland's claims of my refusal to become involved.

Delfin agreed to my request. They held off until they could contact every resident who had registered a concern, and I gave them the list. However, there still remained some concern after speaking with Delfin, so rather than perform the 'pea and shell' trick like the council—that is, pass a motion that says nothing—I took the action of contacting the Minister for Environment and asking for an assessment of that particular piece of land. I also asked the Minister for Government Enterprises not to proceed with the development until such time as that environmental assessment had been undertaken.

Residents accepted that we needed a better reason than, 'We just don't want the development.' Development has occurred all the way along the creek throughout Golden Grove and throughout Tea Tree Gully. This is the last piece of land, and that is what makes it so special. It is a beautiful piece of land, and I absolutely understand the residents' desire to retain it, but I was not prepared to mislead them. I was not prepared to make promises I could not keep. What I promised to do was take action and do my best for them. I have been up-front and honest with them all the way along the line.

The environment minister outlined to the house yesterday the outcome of his department's assessment of the land. I have taken positive and strong action, as has the minister, unlike the council, which rubber-stamped this development in 1999 and, as far as I am aware, still has not lodged any formal objection to the development. It certainly has not advised me of any if it has, nor has the member for Newland. The developers tell me that there has been not a whisper from the member for Newland, she is so concerned about it! That is typical of the member for Newland, and it is typical of the actions of this council.

It was my intention to tell the house about other things that this council is up to, but time is against me so I will not be able to mention them in great detail, suffice to say that this government has made the mess, as we have seen in so many areas—

Members interjecting:

Ms RANKINE: The last government, yes. The last government made the mess and once again it is leaving it to someone else to clean up.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. D.C. KOTZ (Newland): I was not going to make any further comment on the Golden Grove development because my reason for coming into the house in the first place to discuss the Cobbler Creek Recreation Park was to try to get some action from this government on behalf of the residents in Golden Grove. However, it was very interesting to hear the member for Wright in answer to the comments that I made yesterday, so now I would like to take the opportunity to correct some of the statements that have been made in this house.

The member for Wright predominantly used her time to again mention the Vodaphone tower in the Cobbler Creek Recreation Park, and the member rightly says it is one of her credentials. One of her credentials happens to be that, when all the protests about the Vodaphone tower were happening prior to the last election, the member was noted for the photograph in the paper that showed her standing with her mobile phone in front of the tower that she did not want, which was most ironic and particularly recognised as such by the people who live in the area.

Ms Rankine: What photo?

The DEPUTY SPEAKER: Order!

Ms Rankine: Show me the photo.

The DEPUTY SPEAKER: Order! The member for Wright will not speak over the chair. She has had her opportunity to speak and she will listen now to the member who has the call.

The Hon. D.C. KOTZ: This is a very old issue and it is one that the member for Wright brought into the house many times during the initial stages of the building of the Vodaphone tower. It was pointed out to her quite categorically that there was nothing that either the state government or local government could do at that time to stop the Vodaphone tower going up because they had no powers under the Keating government's charter of telecommunications. The member for Wright chooses to ignore that fact and continues to blame not only the Tea Tree Gully council but also the former state government for something over which they had no power to alter the situation that had developed at the time.

The member also mentioned that at that time some of the mallee trees in the area were showing signs of dying and she stated that, during her investigation into the issue, the minister threatened to prosecute her for taking a dead twig out of the park to prove that the minister's advice to the house was wrong that bugs were killing the trees. That was the case, although I do not think I threatened to sue. However, I pointed out to the member that the national parks act does not allow anyone to take anything out of national parks and it was a friendly reminder that it was not a very good precedent to set, especially by a member of parliament, to other members and the constituency in the area.

Ms Rankine: You were wrong though, weren't you, because it was poison killing the trees?

The Hon. D.C. KOTZ: No, because the member will recollect that at no time did she bring any evidence into this house that contradicted anything discovered by the national parks biologists, who went into the park and found that it was bugs.

Ms Rankine: Vodaphone admitted it.

The DEPUTY SPEAKER: Order! I warn the member for Wright for continually interjecting. The honourable member has made her contribution; it is now the member for Newland's turn.

The Hon. D.C. KOTZ: It is more important that we address the issue that I brought into this house because that is what is important. It is important because the residents of that area did not believe that they had the support of their elected member who represents them in terms of the potential development which will destroy a very beautiful and, indeed, very picturesque area of Golden Grove. In her statement the member says:

> It is a picturesque area that will be developed. . .

To me that sounds very much as though the member for Wright has already agreed that the area will be developed. It is not a statement that implies that the honourable member is assisting her residents and attempting to put a case about whether the whole area can be protected. When the member states categorically that, 'It is a picturesque area that will be developed,' it sounds very much as though it is a fait accompli.

This is probably the reason why the member for Wright has not been very anxious to take up this matter on behalf of her residents. She also states that she will go on to detail the action she has taken to assist those residents later on in her five minute grievance speech. Unfortunately, at no time during that speech did the member detail any actions she had taken, when in fact a full five minutes would have given her great opportunity to tell her residents publicly exactly what she wanted to do. However, she did not do that. The member has stated many times throughout this debate and the previous debate that the letter she was asked to deliver by the Tea Tree Gully council was not done through a proper process. The honourable member stated:

> When the mayor arrived at my office the council did not write through me at all: it gave me a letter addressed to the Premier signed and sealed in an envelope. It was not up to me to open that letter. That is not my job; I would say that that would be interfering with the mail.

I am sorry to tell the member for Wright that what she received in her office was not one letter addressed to the Premier but four letters: one addressed to the Premier; one addressed to the Minister for Environment and Conservation; one addressed to the Minister for Local Government; and one addressed to the member for Wright.

If the member for Wright had taken the time to open the letter that she as parliamentary secretary was being asked to deliver to the Premier, then perhaps she would have understood the whole situation. To stand in the house and say time and again that she received one letter addressed to the Premier and she did not feel that it was right to open it is a complete untruth, because what happened to the four letters? There is no denial from the member for Wright. It is not proper in any way, shape, size or form—

The Hon. K.O. FOLEY: Mr Deputy Speaker, I rise on a point of order. The member for Newland just made the statement that the member for Wright did not deny—

The Hon. D.C. Kotz interjecting:

The DEPUTY SPEAKER: Order! The deputy leader has the call.

The Hon. K.O. FOLEY: The accusation from the member opposite is that the member for Wright did not deny an accusation that the member for Newland just made. As you would know, sir, responding to members opposite by way of interjection is against standing orders. The member is prohibited from making a denial. I would ask the member for Newland to retract that statement.

The DEPUTY SPEAKER: The member for Newland was very close to suggesting that the house had been misled and she needs to be very careful. I ask the member for Newland whether she is prepared to withdraw that statement.

The Hon. D.C. KOTZ: Thank you, Mr Deputy Speaker, no. The fact is that truth is the only way to go in a place such as this, and, in terms of the comments that I have made, they are truthful comments. I stand by truth as any defence if there is any question about what I have just said. The member for Wright has every opportunity to stand in this place and ask me to withdraw if she believes that anything wrong was said. When I know for a fact that four letters were delivered and that during debate yesterday and today the member has said on more than three occasions that only one letter was received—and we all know that that is not the case—then I believe that this is a matter upon which the member has to reflect, not I. The member for Wright also went on to say that the council—

The Hon. K.O. FOLEY: I rise on a point of order, Mr Deputy Speaker. Clearly the member is not prepared to heed your warning or your suggestion, sir. I just repeat: the member for Newland accused the member for Wright of not responding to her accusation about the member for Wright. However, the member for Wright cannot respond because to do so would be to interject. Sir, you have already warned her for interjecting, so her responding would almost certainly lead to her naming. I simply ask the member for Newland to acknowledge that the member for Wright cannot respond to her accusation as she would have to deliver it during the member for Newland's contribution.

The DEPUTY SPEAKER: Order! The member for Newland is very close to imputing an improper motive to the member for Wright and needs to be careful. She has not specifically said that the member for Wright has misled the house, but she is very close to implying or imputing that motive. She needs to be careful. I do not believe that I can direct the member for Newland to retract. I can ask her to withdraw the comment, but it is up to her whether she wishes to do so.

The Hon. D.C. KOTZ: Now that the Deputy Premier has taken up most of the time in this debate, it leaves me with only a few minutes. However, I already have put my comments on record.

Time expired.

Mrs GERAGHTY (Torrens): I want to take the opportunity to talk about a number of issues relating to my electorate. Recently, we have seen changes in some of the suburbs in my electorate and a rather huge increase in the number of folk moving into newly created suburbs or redeveloped older ones. With this increase in population we are finding the need to take greater care with traffic use on our internal roads. One of the main problems experienced by residents is the speed at which cars travel on the internal roads and the danger they pose for other road users and pedestrians. Over recent times—in fact, just this week again—there has been a call for a lower speed limit in our suburbs. Given the number of calls to my office and the number of letters I have received, it is clear that the majority of folk support a lowering of the speed limit.

There is still a debate about whether 40 km/h or 50 km/h is the better limit but, nonetheless, residents are certainly quite genuinely concerned about the issue. In my electorate the excessive speed of vehicles is much more noticeable on a number of roads. We believe that most of the drivers speeding on our internal roads do not live within the local area but reside elsewhere and use some of the internal roads as a shortcut to their destination or, in a number of cases, as a way of circumventing traffic snarls at traffic lights. Some of these problems are caused by the poor design of our older suburbs many years ago, or the redevelopment of some suburbs and the creation of new suburbs without thought as to where all the new traffic is to go. Or, in some cases, the problems are due to the upgrading of some of our intersections. Those upgradings have brought problems with them.

One such corner—and I must have mentioned it so many times that I cannot count them now—is the intersection of North East and Sudholz Roads. The traffic jam at that intersection is enormous at times and, while a great deal has been done to upgrade the intersection, it carries a heavy amount of traffic which certainly is not just local traffic but which is passing traffic coming from suburbs further north-east of my electorate, or from the northern areas. Naturally,

those people are either travelling to work or to some other activity.

When the O-Bahn, which I must say is a wonderful means of transport, was established, it was never envisaged that such a huge number of people would be using it. While this is a wonderful thing, it has brought its own problems with it. The car parks are inadequate, and certainly at Paradise and Klemzig interchanges they are inadequate. Paradise has been extended and, even with the extension of the car park, we are still having problems today. A lot of the people who use the O-Bahn come from many destinations. Many people from Salisbury and Ingle Farm travel along Sudholz Road to get to the Paradise interchange, and that is adding to the problems at the North East Road and Sudholz Road intersection.

Regrettably, I realise that we are limited in what we can do with the intersection at this time, but I feel that some modifications could be made to alleviate some congestion, perhaps by moving a couple of bus stops away from the intersection. That would help the situation because they are too close and in a most inappropriate place. People who use the intersection have expressed their concern at the lack of turn right arrows during peak hour traffic, and while this is an argument that I have raised on numerous occasions with the minister and Transport SA they continue to tell us that, if the turn right arrows were reinstated, there would be a disruption of flow to traffic travelling from the city to the north-eastern suburbs and beyond. I realise that it will slow down traffic a bit, but I still think we need to pursue that.

We also have a serious problem at the corner of Thistle Avenue, Muller Road and North East Road, and I have raised that issue on a number of occasions as well. In fact, I presented a petition from residents. This is another intersection where we believe we need a turn right arrow for the safety of local people, particularly those who come from Thistle Avenue to get onto North East Road. However, again, we are presented with the same argument that, if turn right arrows were put in, it would slow down the traffic travelling along North East Road. Anyone who has travelled along North East Road during peak hour traffic will know how tiring it can be—and it is exceptionally slow. Local people in the area are well aware of the difficulties, but would like to be given some consideration in their traffic needs.

During peak hour my electorate is basically cut in two, and the opportunity to drive across North East Road from one side of the electorate to the other is extremely difficult. Often we have to go quite a distance out of our way to cross that road. I think that is probably where the improper use of some of our local roads is created. The only way, for example, to make a right turn from the southern side of the electorate around the Windsor Gardens and Klemzig area is to use either Pitman Road, which is under heavy pressure already, or OG Road intersection. Both have traffic lights, making the turn much easier and safer, but the people who live along or around Pitman Road are finding that the increase in traffic in their street is causing not only problems of congestion but also safety issues.

In fact, I think it might have been about a week ago that I received another complaint from a lady who has lived there for many years. She told me that she is really feeling the strain of the number of cars that are now using this road. Another constituent, a resident of Pitman Road, has had his fence run into so many times that it has become particularly concerning, as he has young children who play in the garden. I have actually witnessed the damage done to his property on a number of occasions and also adjoining properties. I can certainly understand the fear that those residents have.

The Port Adelaide Enfield council has now begun to make some changes at one of the Pitman Road intersections, and we are hoping that will alleviate some of the problems. However, there is still a great deal to be done. In fact, one Saturday morning, while standing on the roadside talking to some residents, I witnessed a car travelling down this internal suburban road in excess of 100 km/h—and that was quite frightening.

I would also like to mention Sir Ross Smith Boulevard at Oakden. This road is a through road from Sudholz Road to Fosters Road and then on to Hampstead Road. The boulevard is very narrow and windy and, while it is a wonderful road to travel along with its lakes and beautifully kept verges, it is amazing that people travel along that road in excess of 60 km/h. A speed of 50 km/h is quite comfortable, but motorists speed along the road well in excess of the speed limit. So, people are very concerned about exiting their properties if they happen to front onto Sir Ross Smith. A mirror has been installed at one intersection because of the danger of being unable to view oncoming traffic. Unfortunately, the council gave approval for a block of units to be built next door to the couple's driveway, and that has further impeded their view of traffic. There have been a number of near misses, which has caused them a great deal of concern. I have concerns about many other roads, and I have raised these matters with the Minister for Transport, Michael Wright. As we have heard, the minister has indicated his support for the lowering of speed limits in our suburbs. I have also raised other issues with him and plan to have further discussions with him quite soon.

Time expired.

The DEPUTY SPEAKER: The member for Morphett.

Dr McFETRIDGE (Morphett): Thank you, Mr Deputy Speaker. It has been very remiss of me not to have congratulated you on your appointment before now, and I apologise for that, but I do congratulate you. I have just had the pleasure of visiting the new life saving club headquarters at Henley Beach and of meeting and greeting some of the stalwarts of Surf Lifesaving South Australia. This facility is the new headquarters for Surf Lifesaving SA and was opened by the Minister for Emergency Services. When I was down there, I took note when the minister said that one of the good parts of his job is that other people do all the hard work and he gets to unveil the plaque. So I would like to acknowledge the shadow minister for all the hard work that he has done. He was down there as well. He did a lot of hard work for all the emergency services over the term of the former government. The member for Colton was also there, and I congratulate him on the grieve he gave yesterday on surf lifesaving. I believe he is still an active participant at the West Beach Surf Lifesaving.

Mr Caica interjecting:

Dr McFETRIDGE: And Henley—very active from what I am told.

The Hon. K.O. Foley: The member should be careful that he does not mislead parliament.

Dr McFETRIDGE: I would never do that in relation to the member for Colton.

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Morphett has the call.

Dr McFETRIDGE: Thank you, Mr Deputy Speaker. To move onto more serious matters, the Minister for Local Government recently spoke about Planning SA statistics. I am not sure what statistics he was referring to. I reiterate the remarks, as reported in the newspaper, of the mayors of West Torrens, Holdfast Bay and Onkaparinga that they were shocked when Planning SA stated that these areas are actually reducing in size. In my maiden speech, I mentioned, and I will repeat it today, that I have the largest electorate (almost 24 000 constituents) in this state on a population basis. I have signed almost 800 electorate letters to new constituents in the last few months. True, some are moving out of the electorate, but a lot are moving in. I will be very interested to see the demographics from last year's census. I believe that the statistics being used by Planning SA are quite old, and it is a bit of a concern that our future is being based on such old facts.

Later this evening we will be talking about nuclear physics, I think. I hope we get there after all the grieves. However, I now want to talk a little about astrophysics and black holes. Everyone knows that a black hole is something out there in the universe that everything gets sucked into. Black holes start out as beautiful bright shining stars. When those shining stars collapse into a black hole the gravity field around the vortex creates a time warp. I am not sure whether the government is being sucked into its own black hole or whether it is in some sort of time warp, but whatever you do, do not turn this shining bright star—this economy, this state, the pride of Australia—into a black hole. It is not just me: let me read a couple of quotes from Peter Vaughn, the CEO of Business SA. I have my glasses on, and I know that the Treasurer has his new glasses on. Life is a blur. Peter Vaughan, CEO, Business SA, said this on the ABC on 24 May:

> Indicators which are all economically going north. . . reality is that translates to people's ordinary everyday lives. . . their security of employment. . . money they have to spend. . . they can enjoy [their life now]. . . fruits of their labour without having to worry how they're going to survive. . . mortgage payments—

they do not have to worry about those—

> . . . how they're going to survive in a job. . .

They do not have to worry about that. This state is in a tremendous position. This state has been saved by jobs created, Mitsubishi, and interest rates at a 35 year low. He continues:

> Our exports have all been in strong favour. . . [and South Australia has] brought back millions and millions. . . in this economy.

Peter Vaughan goes on to say:

> How important. . . was it. . . we got rid of the state's debt from the State Bank. . . freeing up money throughout the system. . . if you are crippled with debt. . . you have to pay out loan moneys—

and that means you are clearly reduced in what you can do—

> . . . clearly South Australia faced that debt problem in a far worse way than any other capital city. . . any other state in Australia. . . the recession that Paul Keating said we had to have [certainly added to this situation]. . . sacrifices [were] made by everybody in the South Australian community over the last [few years].

How did the previous government get rid of that debt? Let us go back to the 2001-02 budget. Following parliament's approval in June 1999, all the state's electricity assets were sold or leased off. These transactions realised proceeds of over $5.3 billion. The South Australian government no longer has to bear the risk of operating in the national electricity market, and it was able to significantly reduce the state debt.

Mr Brokenshire interjecting:

Dr McFETRIDGE: It was $6.3 billion. South Australia regained a AA credit rating. But just do not believe that. Let us see why we had to lease the electricity assets. Looking at the Auditor-General's Report at page 102, it states:

> In 1992 the Council of Australian Governments. . . commissioned an inquiry into National Competition Policy.
>
> . . . in 1995. . . a package, agreed upon by all Australian Governments, and called National Competition Policy.
>
> National Competition Policy. . . [was] designed to enable and encourage competition, including:
>
> · the extension of 'Trade Practices' laws to all businesses, including those that are government owned;
> · the introduction of 'competitive neutrality' so that privately-owned businesses can compete with those owned by government on an equal footing;
> · the review and reform of all laws that restrict competition unless the benefits of the restriction outweigh the costs and the objectives of legislation cannot be met except by restricting competition;
> · the development of a 'National Access Regime' to enable competing businesses to use nationally significant infrastructure (like airports, electricity cables, gas pipelines and railway lines);
> · specific regulatory reforms to the gas, electricity, water and road transport industries.

These were all things that this state was compelled to be involved with by the national competition policy which I believe was a product of the Labor government. Members do not have to believe just me, because it is not just me talking about the condition of this state. This state is in a healthy position. Do not turn this bright shiny star into a black hole. Do not get sucked in by the time warp of being over there in government. You do lose track. Life is a blur. Make sure you have the right sort of glasses, that you are in focus, and be truthful to yourself and to the people of South Australia.

Talking about being truthful—and I am sorry that the Minister for Environment and Conservation is not in the chamber—with respect to the Barcoo outlet, in my maiden speech I emphasised the fact that the Barcoo outlet is a significant project for South Australia. Sure, it is at the end of a catchment. Sure, we need to spend money on the upper reaches of the catchment, but we are—everything from the $31 million we are spending on the Glenelg waste water treatment plant right through to the $18 million—correct me if I am wrong—we are spending on the Heathfield waste water treatment plant.

Everyone has to contribute to the improvement of catchments. When we drive motor cars on the road, bits of rubber come off the tyres. When we wash our cars on the road, using detergents, and have exotic trees with their leaves falling, we are polluting and degrading the catchments. It all goes somewhere. Sure, the Barcoo outlet will not solve the problem instantly. The Patawalonga was known as the worst, dirtiest waterway in Australia. Nobody in their right mind could leave it like that: it would have been criminally insane and environmentally negligent to do so. So, the former government made hard decisions and spent significant amounts of money and, while some people said it was at the wrong end of the catchment, at no stage were the upper reaches being ignored. We have seen the development of the Urrbrae wetlands, the Warraparinga wetlands and now the new Morphettville wetlands. Did members go to the Morphettville racecourse for the Adelaide Cup? What a fantastic weekend that was. Despite the enormous amount of rain that had fallen, the track was fantastic. It must be the best racetrack in the world. With the camber on the corners, it will be interesting to see what times those horses are running.

Once we get the wetlands in the centre of that track, there will be 600 megalitres of water going through those wetlands every year which will then be pumped into the aquifer underneath, recharging it. That water will then be pumped back out—300 megalitres a year—and used to irrigate the track. It is a fantastic system. Excess water that is in the aquifer will then flow down in a south-easterly direction, I believe—I am no geologist—providing an opportunity for people in that area to put down bores and for the irrigation of council areas and open spaces for the people of South Australia.

The Barcoo Outlet is a fantastic opportunity to see how things can be integrated. We hear about an integrated approach from the government with some of their natural resources. Let us look at this not just as a drain, as the minister called it; it is a fantastic, scientific approach to the problem. Those who know about wetlands say that this is the best thing we could have done. They also focus on the Murray River and tell us that, while it is important to look at what is happening on the coast, we must not forget that 400 tonnes of salt is going into the Murray River every day.

The DEPUTY SPEAKER: Order! The honourable member's time has expired. The chair will try to be fair to allow people to finish a sentence when their time has expired—

Ms Bedford: I can speak in very long sentences.

The ACTING SPEAKER: —but only as long as members do not abuse the situation: if they do they will be cut off right on the clock. The member for Florey has not been called yet but has already started her speech. The member for Florey.

Ms BEDFORD (Florey): I acknowledge that we are gathered tonight on Kaurna land, particularly as this week we are celebrating Reconciliation Week. The City of Adelaide has witnessed some very special acknowledgments this week. One important step forward was the dual naming of Victoria Square, Tarndanyangga, the Place of the Red Kangaroo Dreaming. Adelaide City Council has also adopted measures that see the permanent flying of the Aboriginal flag, first flown here in our city of Adelaide in 1972, and only proclaimed as an Australian flag in 1995. They have also introduced a Kaurna acknowledgment at the opening of all future council meetings. These measures were progressed by council's reconciliation committee, formed in October last year. While I do not have all the 19 names with me tonight, I must commend Councillor Greg Mackie and Lord Mayor Alfred Huang for their leadership in the adoption of these measures.

Last week we saw the passing of Australia's oldest man and the week before the passing of Alec Campbell, our last living ANZAC Gallipoli veteran. I wish to acknowledge the very moving tribute that our Premier, Mike Rann, made in Mount Gambier on the occasion of Alec Campbell's funeral. It was truly one of the greatest speeches of its kind made in this state and has been widely recognised for its moving and very poignant statements in which every South Australian, every person in this chamber of whatever political persuasion, can take pride, and I thank the Premier on behalf of us all.

Alec Campbell had a remarkable life and, although he was at Gallipoli and saw action as a very young man who had gone on an adventure with his mates, he became a true pacifist, and later a union leader and a civil activist, contributing fully to community life. He dreamt of a world in which war would never again wipe out generations of young people, a world in which nationalism, racism and greed would never again destroy our sense of mutual concern for the well-being of each other. He fought for the dignity of workers and the responsiveness of governments, particularly at the local level, to the needs of people. He was, and will always be, a great Australian and a great humanitarian, and he leaves a huge legacy. Violence is an abomination in our community, and I share Alec Campbell's deep belief in peaceful solutions and peaceful communities, in a world where peace is valued and where war and violence are not an option. As Alec said, the politicians send the soldiers in and, in the end, the politicians make the peace. There is much for us to contemplate in that statement, and the peaceful coexistence of all must be our aim.

Lately we have had to consider the shocking crime of gay bashing—the wilful violation or even murder of others simply because of their physiology, their life choices or their culture or religion. To know that in this state a young person can be brutally murdered—bashed and later die from injuries inflicted—simply because of the hate of others, the bigotry and senseless victimisation of difference, is very deeply distressing to me and, no doubt, to all of us here. In my own local area I have seen evidence that violent hate crimes and gay bashings continue, and I can only hope that our government and opposition work together to provide the leadership needed—especially as the time for the release of the details of the death of Dr George Duncan approaches—to educate the community that there will be zero tolerance by all of us of violent acts that are racially, sexually or hate based in this state.

During this week of reconciliation, in giving our attention to the Anzac heroism of Alec Campbell and his comrades, I propose to this house that we give special attention to the lives, contributions and deaths of our indigenous military personnel from this state. Aboriginal men and women contributed in large numbers—I believe in proportion to their percentage of population—as recruits in the armed forces and volunteers to defend this land against outside attack during the first and second world wars, engagement in Vietnam and so on—in every battle we have fought as a nation. Aboriginal people have fought alongside their non-indigenous comrades with heroism and distinction. Whilst at home not granted citizen status, and not even counted in the official population statistics until 1967, and subjected to disgraceful racism at both interpersonal and institutional level, at war they were heroic, fighting to keep Australia as it is today. And there is much to reconcile. Their children were stolen, and those losses continue to haunt them today. Their work and health conditions—parallel to Third World or slavery servile conditions—remain to this day, and we see this week a coronial inquiry into the shocking loss of life due to substance abuse and loss of hope.

The stories of our local Kaurna, Ngarrindjeri and Narrunga peoples at war, their contributions and heroism, deserve special attention at this time. Let us sponsor, in consultation with Aboriginal communities, appropriate memorials or celebration sites that will make visible the indigenous war effort from the Anzacs at Gallipoli to the fields of France, to Vietnam and now Timor and Afghanistan.

When we think of Afghanistan and the troubles that have continued in that country for so many years, we think of the plight of the refugees, the asylum seekers who have come to this country to start a new life in a place where freedom and the Anzac ideals have demonstrated that life is valued. And we do well to remember this is the latest wave of people

coming to these shores—and I was reminded last week in very vivid terms of how coming to Australia is not always a happy ending for these people.

In dramatic scenes in our own District Court we saw a mother's anguish at the incarceration of her son, a heroin addict. These scenes were indeed shocking, and when I looked closely at the newspaper report of the incident the following day I was shocked to recognise a family that I had known over 10 years ago as a caring and decent family. As I remember it, the father had been a school principal in Kabul but was unable to find commensurate employment in this state, and so became a taxi driver. I know that he sent what money he could to his sister, who, with her family of, I think, about six children, were caught up in a refugee camp on the Pakistani border. I know that every time he came close enough in the points score test to get her to Australia the rules were changed and, in those really difficult conditions, it was impossible to get paperwork backwards and forwards fast enough. I saw them lodge form after form for at least five years, that I can remember. Some years later, I remember seeing the father in the paper again after he had been attacked and beaten in his cab while he was going about his job. I have now learnt that, as recently as last week, he was also a volunteer, interpreting for Afghanis now seeking asylum. I remember his son being bullied at school. I am not sure whether it is the same son who appeared in court, but I can only think that the family was not able to obtain help for him to save him from his heroin addiction. I remember the mother as being a kind and gentle woman, and I cannot imagine what has happened to them in the ensuing years, but I mean to find out.

We hear much about the need for indigenous and other Australians to help themselves overcome the generations of disadvantage that European occupation has placed on communities. In this Reconciliation Week I hope that we might commit special efforts to making permanent, visible recognition of the Aboriginal community, and thanking it, for its continuing contribution to the state of South Australia both during times of conflict and times of peace and prosperity.

I also hope that we consider matching the initiatives of the Adelaide City Council by permanently flying an Aboriginal flag from this place—perhaps from the poles on the northern side of the building—and acknowledging that we meet on Kaurna land at the commencement of each day's sitting in this house. Our willingness to include indigenous participation in the opening of this 50th session of parliament indicates that we are becoming 'Without Prejudice' and that we are really on the way to Walking the Talk.

The Hon. R.B. SUCH (Fisher): I take this opportunity to canvass a few issues of importance to my electorate. First, I acknowledge the good work of the after hours GP service at Blackwood Community Hospital. I had an opportunity to use that service recently and was very impressed—and the patient is doing well. I encourage people not only from the Blackwood area and my electorate farther south but also people on the southern part of the Adelaide plain to use that service. It charges a $20 flat fee, and I was very impressed with Benson Radiology (and I am not being paid a commission), which accepted the Medicare rebate as full payment for being called out at 10.30 p.m. to the Blackwood hospital to x-ray my foot. So, I commend that service. I have written to the minister urging her to continue that Blackwood service. I notice that the other two services have been withdrawn, but I believe that, over time, the Blackwood service will show that it is needed by the community and is well supported.

Another issue that is close to my heart (and I have written to the Premier along these lines) is that we in South Australia get a higher percentage share of backpacker tourists than do other states. Obviously, while they are here we cannot ask them to stay, but I have written to the Premier urging that he write a letter to be included in a package to be given to each of those backpackers telling them that when they return home we would like them to consider migrating to South Australia. They are the very people whom we should be encouraging—they are young and dynamic and the sort of people who are likely to establish a family here. They have some get up and go and some skills, and I believe it is an untapped market for potential migrants to South Australia. I trust that the government will pick up on that suggestion.

One of my hobby horses—and I have raised this recently with the Minister for Local Government who, I must say, has been supportive in his initial reaction—is that the graves of pioneers are not protected in this state. Indeed, many of the general cemeteries have 50 year leases, and if the cemetery authority—

The ACTING SPEAKER (Mr Snelling): Order! I am sorry to interrupt the member for Fisher but can he clarify whether he has already contributed to this grievance debate?

The Hon. R.B. SUCH: Not in the grievance debate, no.

The ACTING SPEAKER: I will allow the member for Fisher to continue his remarks with the indulgence of the house.

The Hon. R.B. SUCH: My understanding is that I have not spoken on the 10 minute grievance.

The ACTING SPEAKER: Order! I will allow the honourable member to continue his remarks.

Ms CHAPMAN: So that this goes on the transcript—it is not a question of indulgence of the house—I do not recall the member for Fisher having participated in a grievance debate in relation to supply, as he is entitled to do for a period of 10 minutes. There has been an earlier grievance, but it ought to be on the record. We do not have the same recollection as you have.

The ACTING SPEAKER: I will allow the member for Fisher to continue his remarks.

The Hon. R.B. SUCH: I am confident that I have not spoken on the supply grievance. I raised with the police and environment ministers the problem of noisy and polluting vehicles, and I trust that those issues will be attended to with greater policing and vigour. Native vegetation in the urban area is a serious matter. We find that councils give permission for development of sites and request that trees be protected, and then we find they are not. The current act does not have enough teeth to protect and ensure that the vegetation the council wants retained is retained.

Another issue that is continually before us is the tragic road toll. I have argued for a long time that we should be doing more about that. I am amazed that as a community we accept the tragedies that occur every day on our roads as if it is inevitable and acceptable: it is not. We should have a higher standard in driver training and expectations of people on the road. Indeed, we have a double standard because, if the same rate of accidents occurred in the air or as a result of aeroplane crashes as occurs with cars, there would be immediate and drastic action. You can do things on the road which, if you did in an aircraft, you would be put out of business very smartly.

Another issue that concerns me greatly is the rate of teenage pregnancy and abortion in this state. We are way above the average for nations in the western world. I do not pass moral judgment on people who get into that situation, but the idea that ignorance is the way to go in terms of sex education is completely wrong. In countries where they have a more open and intensive program of sexual education in their schools, such as in the Scandinavian countries and Germany, they have a far lower rate of teenage pregnancy and abortion than we have in Australia. That does not detract from what the organisation SHINE does in trying to promote sexual awareness and knowledge, but it is time that our whole school system took this issue far more seriously than it has done in the past. The Catholic school system puts a lot of time and effort into human relationships and sexual education and I would like to see the same commitment in terms of those programs extended through the state school system in particular and also other private schools.

In our society we have become somewhat lopsided regarding the emphasis on sport. Sport is great and fantastic and everyone should be involved in it one way or another, but in our community we overdo it in terms of having an imbalance and lack of recognition of people involved in other fields, for example, science and to some extent the arts. I would like to see a more balanced and even-handed approach by the community at large to recognise excellence in a whole range of fields. I am not in any way decrying sport, but at the moment we have somewhat of an imbalance.

Another issue I have pursued over time and will keep coming back to—and I have written to the new Treasurer about it, so he is well aware of it—is the need to consider in South Australia the possibility of following the Northern Territory model of having infrastructure bonds to help fund schools, hospitals and roads. These bonds are very popular in the Northern Territory, with locals subscribing to them—happy to do so—and getting a good rate of interest, knowing that the money contributed by way of a bond is actually doing something in their own area for their own people, their children and grandchildren.

So, I think there is merit in it. I know the Treasurer has been a bit cautious about it, but it has worked brilliantly in the Northern Territory for a long time. I believe it has merit and would work even better if the commonwealth government gave some special tax consideration to the provision of those infrastructure bonds. The Tonsley interchange was highlighted once again during the election campaign. It has potential as a transport facility using the under utilised Tonsley rail line, and it would provide quick connection to the city centre. I urge the new Minister for Transport to keep pursuing that matter to see whether it can be brought to fruition. It is not the total answer to transport needs in the south, but I believe it would certainly help.

These are not necessarily in any order of importance but are a bit of a smorgasbord. One of the programs operating in the United Kingdom which has merit and which could be replicated here is what they call foresight, where the government encourages and involves thinking people in industry to look at where the country will be in a few years and what the needs of the country will be. I think it is something that we could consider in terms of a special committee here in parliament, because at the moment most of our committees look at issues on a day-to-day basis without any real coordination or necessarily coherence. The Social Development Committee of which I was a member one day would be looking at voluntary euthanasia and its next reference would be dangerous dogs.

I believe we need a supra type committee which looks at the bigger picture—where South Australia should be heading, what are the key issues, what we should be doing in education, health and so on—and bring in some expertise from the wider community—the private sector, top academics, researchers and thinkers—and try to chart our way forward in a macro sense rather than the ad hoc basis we seem to engage in day to day.

Finally, on my recent overseas tour visiting Microsoft I found some of the features of the house of the future interesting, but at the conference I attended some concern was expressed about the commitment to e-democracy. In the United Kingdom where they have piloted this, some people expect instant answers and instant change of government policy, and we were cautioned that when we go down that path people may have expectations of electronic democracy that cannot be realised.

The ACTING SPEAKER: Order! From a check with Hansard it has been established that the member for Fisher has previously spoken in this grievance debate. However, he may have mistakenly thought—

Members interjecting:

The ACTING SPEAKER: Order! You may have thought that you were contributing to the second reading debate on supply when in fact you were contributing to the grievance debate. However, given that you had not contributed to the supply debate, the chair decided to show you some lenience.

Mr WILLIAMS (MacKillop): I sincerely hope that the member for Fisher stuck to the topic in his earlier grievance, given that he thought he was talking to the supply debate.

Mr Brokenshire interjecting:

Mr WILLIAMS: Well said; we got two Bobs' worth from the house tonight. We can thank the member for Mawson for that one. It is a bit hard to follow that.

I rise tonight to take part in this grievance debate which is associated with the Supply Bill, so I will take the first few minutes of my time to talk about supply matters and some of the issues we have recently been discussing as a parliament. It is interesting to note two or three rather exciting articles on the opinion page of today's *Advertiser*, not least of which is that written by Rex Jory, who suggests that the current government might break its election promise not to increase taxes or introduce new taxes.

Mr Brokenshire interjecting:

Mr WILLIAMS: No, this is what Rex Jory says in the *Advertiser* this morning. I guess he thought that he could take the liberty of offering that to the government since it has broken every other promise that it made during the election campaign—and I will come back to that in a moment. I do not know whether Rex Jory reads *Hansard*, but I certainly hope that he does read my contribution tonight because I want to correct a few of the things that he wrote in this morning's newspaper. The first thing that I want to correct is his suggestion that the South Australian public might wear the government's breaking more or all of its election promises by increasing taxes or, as he said, 'do we go on treading water and drifting slowly backwards?' I would like to point out to Rex Jory that, over the last few years, South Australia has not been drifting backwards; it has been marching solidly forward.

Mr Brokenshire: The first time for decades.

Mr WILLIAMS: The first time for decades, as the member for Mawson said. If Rex Jory took advantage of any of the economic data and statistics which have been around over the last six to 12 months and even a bit longer than that, he would know that South Australia certainly is not drifting backwards in spite of what the current Treasurer says. The Treasurer does not realise that he is now in government; he thinks he is still in opposition, because he is still quite willing to talk down the economy of South Australia. I think that is reprehensible of the Treasurer, because I think it is incumbent on him to support businesses, entrepreneurs and everyone in the economy of South Australia and encourage them to be positive and to take the risks that are necessary to create more employment and drive the economy through the growth of wealth in this state.

Rex Jory goes on to suggest that the new government might be able to hit smokers. I would like to inform him that, if he looked at the taxation regimes that the state has available to it at the moment, he would realise that the state government does not have the ability to increase taxation on smokers following a High Court decision probably three or four years ago. That avenue of revenue can now only be used by the commonwealth. In fact, the commonwealth collects the excise on tobacco, fuel and alcohol on behalf of the states. If Rex Jory consulted the Australian Constitution he would know that the commonwealth can only collect those excises on an equal level right across the nation. So, it is impossible for South Australia to up the ante against smokers—as much as we might want to.

He then goes on to suggest that we could put some further taxes on poker machines. Every member of this place at least now realises that one of the problems we have made for ourselves—and this is a hangover from the previous Labor administration—is reliance on gambling taxes and the gambling dollar. That has created its own social problems. Any government would be going in the wrong direction if it decided to become even more reliant on the taxation dollar from the gambling industry. The suggestion that really astounded me appeared towards the end of the article where Rex Jory says:

> Labor governments, traditionally, have a proud record of upgrading public facilities.

That absolutely bowled me over, because for the past 4½ years during the 49th Parliament I sat on the Public Works Committee and I know exactly what happened with regard to public works in South Australia during that period. I know, from research the Public Works Committee conducted into projects which were before the parliament and which had been funded through our capital works program over the last 4½ years, exactly where capital spending on public works in South Australia went during those bad Bannon years of the 1980s and early 1990s. It just did not happen, because the Labor government, as Labor governments do, was spending and wasting so much money on its recurrent expenditure that it presided over the downgrading and the running down of all our public assets in South Australia.

I think that Rex Jory should inform himself a little better as to exactly what is and has been happening in South Australia. I must say that, in taking this bit of a swipe at Rex Jory, I do not always read his articles. Many of his articles, I think, make a fair bit of sense, but I can tell the house that I do not think that his article, which appeared in this morning's *Advertiser*, made very much sense at all.

I would like to speak on a range of issues tonight, but I see that I have already used more than half my allotted time, so I will move on fairly quickly. Again, on page 39 of this morning's *Advertiser* an article appeared in the business section about the wine industry under the headline, 'Investors misled on supply of grapes.' We have heard a lot of talk from the new government about the National Wine Centre at Hackney and threats that it will close the National Wine Centre. One thing the previous government did was to preside over an absolute boom in exports out of South Australia. Export dollars coming into South Australia in 1996 totalled about $4 billion. It took 160 years (from 1836 to 1996) for the exports out of this state to reach $4 billion. Between 1996 and the year 2000 (the next four years) exports in this state more than doubled to well over $8 billion. Many of those export dollars came from the rural sector and the wine industry in South Australia.

The article in this morning's *Advertiser* notes that presently the wine industry in Australia is contributing $1 billion a year in taxation, and South Australia, as we know, proudly makes up at least half of the national wine industry. We can easily extrapolate from that that the South Australian wine industry contributes to the Australian tax revenues of around about half a billion dollars, at least, in taxation; and this government, in a mealy-mouthed way, would actually dud the wine industry, close down the National Wine Centre and allow it to move to Melbourne or Sydney, like it allowed the Grand Prix to be shifted to Melbourne.

I implore the government to think about what it is doing, think about how important the wine industry is to South Australia and just move away from the populist politics in which it is indulging and think seriously about spending dollars wisely. At present the wine industry has reached not only $1 billion worth of taxation in Australia but it is also an industry that is set to grow substantially over the next couple of years. This government claims to be open, honest and accountable. It has not been open: it has been closing health centres and GP services at our major hospitals in the city.

It has ripped out $2.5 million of funding that was promised to cancer research at the Flinders Medical Centre without any consultation. It has not been honest. It has dudded the Public Service Association over outsourcing. Jan McMahon, on ABC radio this morning, said that the Premier promised both in writing and orally in many speeches he made during the election campaign in the run-up to the election that this government would do away with outsourcing and wind it back. Well, we see that it will not do it with respect to Healthscope or to Group 4. The government should now come out and admit that those outsourcing deals were, in fact, good deals for the taxpayer of South Australia.

Mr SNELLING (Playford): I wish to speak this evening about the science of stem cell research, and in doing so I do not want to pre-empt the debate that will follow, as the government has already announced its intention to legislate to allow destructive embryonic research. However, I wish to take the opportunity to bring the parliament up to speed on the science of stem cell research.

The first thing I would like to put to the parliament is that, when it comes to a choice between adult stem cell research and embryonic stem cell research, the smart money is on adult stem cells. This is evidenced by the fact that, of the 15 biotech firms in the United States that are researching stem cell cures, only two have a focus on embryonic stem cells, the

rest being focused on adult stem cells. What is the difference between adult stem cells and embryonic stem cells?

Mr Brindal: Do you want us to answer your question, or are you—

Mr SNELLING: It was a rhetorical question, member for Unley. Embryonic stem cells are extracted from embryos at the blastocyst stage (that is between five to six days), when a cell wall, which later becomes the placenta, is formed. The inner cell mass of the blastocyst contains the stem cells. These stem cells are extracted, and the theory is that the stem cells can be manipulated to form other human tissues, which can then supposedly be transplanted into patients with a disease. Adult stem cells, however, are derived from the tissues of born human beings. Tissues such as the brain, pancreas, liver, skin, fat, muscle, bone marrow and the umbilical cord (among many others) are all ripe places for extracting these adult stem cells.

The argument relating to the superiority of embryonic stem cells as opposed to adult stem cells is that the embryonic stem cells are more pliable than adult stem cells. With embryonic stem cells, there is a far greater ability to manipulate them into a whole range of tissues, whereas adult stem cells, it is argued, are rather more limited in the sort of tissues which they can form and be transplanted.

Whilst on the surface it might seem that this pliability of embryonic stem cells is a bonus, it is not an unqualified bonus because it also means that embryonic stem cells are far more prone to form tumours. An article by Maureen L. Condic, who is assistant professor of neuro-biology and anatomy at the University of Utah and who has been working on regeneration of adult and embryonic neurones following spinal cord injury, states:

> Many of the factors required for the correct differentiation of embryonic stem cells are not chemicals that can be readily 'thrown into the bubbling cauldron of our petri dishes'. Instead, they are structural or mechanical elements uniquely associated with the complex environment of the embryo.
>
> Cells frequently require factors such as mechanical tension, large scale electric fields, or complex structural environments provided by their embryonic neighbours in order to activate appropriate genes and maintain normal gene-expression patterns. Fully reproducing these non-molecular components of the embryonic environment in a Petri dish is not within the current capability of experimental science, nor is it likely to be so in the near future. It is quite possible that even with 'patience, dedication and financing to support the work,' we will never be able to replicate in a culture dish the non-molecular factors required to get embryonic stem cells 'to do what we want them to'.

Dr McFetridge: What's the date on that?

Mr SNELLING: The member for Morphett asks what the date is: the date is January 2002. The quote continues:

> Failing to replicate the full range of normal developmental signals is likely to have disastrous consequences. Providing some but not all of the factors required for embryonic stem cell differentiation could readily generate cells that appear to be normal (based on the limited knowledge scientists have of what constitutes a 'normal cell type') but are in fact quite abnormal. Transplanting incompletely differentiated cells runs the serious risk of introducing cells with abnormal properties into patients. . . To date there is no evidence that cells generated from embryonic stem cells can be safely transplanted back into adult animals to restore the function of damaged or diseased adult tissues.

She continues:

> Arbitrarily waiving the requirement for scientific evidence out of a naive faith in 'promise' is neither good science nor a good use of public funds.

Essentially, what she is saying is that to try to manipulate an embryonic stem cell to form a tissue that can be transplanted is a very difficult if not impossible process to do artificially; that it is not something that is possible, or at least very difficult to do artificially, because in the embryo, when the stem cells form the different tissues that go to making the organs within the foetus, the processes involved are so complex. They are not just chemical processes or molecular processes that can be manipulated. The processes involved are so intricate that they are almost impossible to replicate, and trying to replicate them is more likely than not to produce tissues with serious defects and perhaps forming tumours.

Adult stem cells, however, have proven far more malleable than we first thought. It seems now that it is much more possible to regress adult stem cells to a stage where they are able to differentiate into other tissues. This is automatically better because, if you have a patient who has some illness, you are able to extract stem cells from that patient, manipulate them and then return them to the patient. Automatically, you do not have an immunological problem. Referring to the malleability of adult stem cells, Malcolm Moore from the Memorial Sloan-Kettering Cancer Center in New York says:

> Lineage-defined progenitor cells in adult tissues [adult stem cells] may be more plastic than hitherto thought. They might have the capacity to de-differentiate, or be reprogrammed, becoming totipotent stem cells.

Mr BRINDAL (Unley): Today I think it was the Premier who rose in his place rather dramatically and invoked the ghost of Sir Thomas Playford.

The Hon. K.O. Foley: You look good in that seat.

Mr BRINDAL: I know. Thank you. I would prefer to be in that seat.

An honourable member interjecting:

Mr BRINDAL: I am told it was the Minister for Government Enterprises. I believe that is apposite in the context of the Supply Bill that the house is currently debating, because, indeed, even the Treasurer will acknowledge that this Supply Bill fulfils the new government's commitment to stick with the budget of the old government and not tamper with it too much. One of the clauses of the Supply Bill provides that the money is to be used for the purposes for which the money was applied in the government.

So, this Supply Bill is the honouring of a new government's commitment towards ongoing government, and it says that it will at least see this budget through before it puts its own stamp on the new budget. It is a very good time to invoke Sir Thomas, for indeed in many ways he embodied the social conscience of the Liberal Party, and long may his sort of thinking do so.

Sir Thomas understood that a thriving economy is necessary for a healthy society. While he went down the road of the corporatisation of ETSA into public ownership, taking it out of private hands, he saw that as a necessary remedy at the time. Without going into the same debate, the past eight years of Liberal government sought, through a number of mechanisms—and this is a point of difference on both sides of the chamber—to create in this state a thriving economy, so that there was the taxation base and the means by which government could gain revenue to enable us to better equip our hospitals, build better schools, maintain our roads and do all the things that are necessary.

You do not have to be a member of the Labor Party to understand that a population on the dole needs a support base from taxation and, if by definition everybody in the country

was unemployed, where would government get its revenue to pay all the unemployment—

Mr Koutsantonis: What has Howard done for us with the GST payments?

Mr BRINDAL: The Prime Minister has done nothing with the GST payments. They are not coming through. Ask the Treasurer. One of the biggest problems with the GST is the length of time all state governments, except perhaps Queensland, will have to wait until it flows through and is cash positive. If the Treasurer, whether it be Rob Lucas or the current Treasurer, could get his hands on a positive GST flow as quickly as he would like, then none of the states would perhaps be in quite the position they are in currently.

The Hon. K.O. Foley: Exactly—a big black hole.

Mr BRINDAL: That has nothing to do with this. I think the Treasurer has big black holes on the brain. He has been eating too many crumpets for breakfast: everywhere he looks there are big black holes, and half of them are more in his mind than anywhere else.

Sir Thomas was a good Liberal, because he realised that to create a good society in South Australia there needed to be a thriving economy. Look at everything he did: the creation of Elizabeth and the placement of ETSA into government hands. One of his great achievements, I think, was the blossoming of the Housing Trust and the fact that low cost, affordable housing was a right not just for social welfare recipients in South Australia but to any South Australian.

The Treasurer will remember the Hon. Bob Gregory, who quite proudly—at least until he came in here, and I think for a number of years afterwards—lived in a rented Housing Trust property, and he then decided to buy it not because he necessarily wanted to stop renting it but because he was on a level of income where perhaps he thought he should buy it. So, there are members of this place who, even as ministers, have not been ashamed to call a Housing Trust property their home and to continue to live in it. Again, it was a deliberate social ploy of Sir Thomas to keep costs down so that business could be competitive and thrive in this state.

I raise that in the context of the grievance debate on supply because what worries me about the new government, and I mean this constructively, is that we have seen a good period in South Australia, some of which the new government is getting the credit for, slightly unjustly, because the current favourable social conditions, as everyone knows, are months in the making. If by definition they are months in the making, they are not entirely to the credit of this government. They must at least in part be to the credit of the last government and, incidentally, to members like the member for Stuart, who has some interest in rural areas and who knows that one of the reasons South Australia is doing so well is because we had an extraordinarily good year in most sectors of our rural economy last year, and the same applies to the member for Goyder. In my entire life I cannot remember a year where every part of the rural economy seemed to blossom at the same time.

Ms Breuer: Have you been to my electorate?

Mr BRINDAL: I often come to your electorate. I have to because it needs some help. The member for Stuart is too busy with his vast electorate so sometimes I have to come to Whyalla and help the poor people whom you neglect, so I have been there quite a lot lately, and you know I have. As I said, the blossoming of the rural economy has a lot to do with our present good conditions in South Australia but, importantly, and this is the message that I want to give the government, unless it continues working now as we worked to encourage new industries and new ventures into this state, within some months we could get a faltering because we need to do that all the time. At one stage when Playford was premier, for more than a year a new factory opened every week in South Australia. Despite the fact that we would like to be on the Treasury benches, this opposition does not want to win office after this government puts the state down the drain. We would at least like to see—

Mr Koutsantonis: You wouldn't have said that in 1993.

Mr BRINDAL: Excuse me. The member for West Torrens should not talk too loudly. I remember in 1993 the conditions under which we picked up the state. I also remember in 1993 the number of the Labor team who sat here, and the member for Port Adelaide will tell the honourable member that it was not a very good situation for this parliament to have almost a mighty army over there and less than a cricket team here. It was not a healthy democracy and it was not an easy job for premier Brown to pick the problem that was—

Mr Koutsantonis: You relieved him of that burden.

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

Mr BRINDAL: Sir Thomas Playford's legacy is quite clear and his continuing message to this parliament is equally clear, that this government is currently the government and they have not only a right but a duty to continue to encourage new business, new enterprise, to thrive in this state. I do not know the mechanism by which the Treasurer and Premier are going to carry on the working of DIT. I know that they are looking at the future of the Department of Industry and Trade and, frankly, I believe it is for them as the government to determine what shape it will take, but I can only say quite honestly that, whatever shape it takes, I hope they do take on board the philosophy that we must attract new business and that we must continue with business. I have served with the Treasurer on the Industries Development Committee and, unfortunately, the Treasurer was inclined to talk too much about the IDC on one or two occasions.

Mr KOUTSANTONIS: I rise on a point of order. As much as I know—

The DEPUTY SPEAKER: What is the point of order of the member for West Torrens?

Mr KOUTSANTONIS: I am going to tell you in a minute if you listen to me.

The DEPUTY SPEAKER: Order! The member for West Torrens will resume his seat. The honourable member will not speak over the chair at any time; otherwise, he will be named. The member for West Torrens.

Mr KOUTSANTONIS: My point of order, sir, is that the honourable member is speaking out of his place.

Mr BRINDAL: I rise on a point of order, sir. I am on front bench duty and it is traditional to sit here when one is on front bench duty and, if the member has been here four years, he should have learnt at least that.

The DEPUTY SPEAKER: Order! I have taken note of that point.

Mr KOUTSANTONIS: Mr Deputy Speaker, I rise on a further point of order. Yesterday, Speaker Lewis ruled that, when the shadow minister the member for Bright was speaking out of his place, he should resume his seat. The shadow minister is a member of this house and is not recognised. He is not a minister of the house or an officer of the house, and he is speaking out of his place. I ask you to uphold standing orders and Speaker Lewis's ruling from yesterday.

The DEPUTY SPEAKER: The member for West Torrens is probably technically correct, but my understanding is that the practice of the house has been not to object to a shadow minister taking the position of the leader when he is acting in that role. I will get clarification, but my understanding is that the practice has always been that a shadow minister acting on behalf of the leader has a right to be in that position.

Mr BRINDAL: I do not mind, sir, where I stand in this place. I can always do better than the member for West Torrens, even if I am right in the back corner. He is yet to get on to a front bench, at least I have had that distinction—

Ms Breuer: He's got years on you.

Mr BRINDAL: He has more than years on me; he has stamina on me, too, believe me. I would urge the government, as I said, to consider seriously the industrial health of this state. Our economy is a partnership between working people, capital and owners who invest, and the community who service the two, and unless all parts—the worker, the owner and the community—are equally well treated, we will not have the state we have now.

Ms BREUER (Giles): Tonight I want to speak on an issue of great importance to schools in my electorate and to our health services, our Department of Family and Youth Services, many other government service providers in the region and other service providers across the state. It relates to the difficulty of attracting professional staff to country regions, and particularly to remote areas. I would hardly consider Port Augusta and Whyalla as remote by my standards, because they are only three or four hours from Adelaide, but I include those places in those figures because they, too, are having big trouble attracting professionals to their areas.

I believe that the situation is now critical and I have some real concerns about the viability of many of our services and, in some cases, the quality of staff who go to these places because of the shortage. Last week, I visited Roxby Downs at the request of the school council to discuss the problems they have in attracting teachers to their school. I must say it is opportune for me to congratulate the Roxby Downs school as by most standards it is a state-of-the-art school in South Australia. It has over 750 pupils, and consequently very high staff numbers. The principal is Jim Michalanney who has a very good understanding of country and isolated schools and does a very good job of managing that area school.

It is a pleasure to go to Roxby Downs school. While I was there I also had discussions with the management of Western Mining and I attended a school council meeting with a school councillor to talk about this issue. Basically what is happening is that there is a very high turnover of staff in these areas. By 'a very high turnover', I mean that each year they are finding it necessary sometimes to replace over 50 per cent of their staff who were on short-term contracts and, in many cases, want to head back to the city. They are very often left to last in having staff appointed to their schools. Teachers may be offered positions in the school, but then are offered positions in other areas and they take those places.

Roxby Downs school has a real problem in getting enough people to staff the school. The previous minister was aware of this situation but chose not to believe it. He constantly quoted to us the fact that there are over 4 500 teachers on the teachers' list and that there was no teacher shortage. If members talk to the principals of any schools in country and isolated regions, they will tell you horror stories about trying to ring these teachers. They are given 20 or 30 names. They start ringing. They are told, 'No, he left and went overseas two years ago;' 'No, I cannot possibly leave. My partner is working and I cannot go out to the bush. I cannot leave here;' or 'No, I am already working. I have a job in a private school.' So, that list of 4 500 teachers was wrong. I know principals tore their hair out and school superintendents had major problems. That was their biggest headache: getting teachers to come to these schools.

I was interested to read today that the President of the AEU is urging teachers to accept the new enterprise bargaining agreement that the government has arranged with them. I was also interested to read some of the incentives that they are looking at; for example, country incentives to be paid in cash on a fortnightly basis and extended to contract and preschool staff; and existing employees in locations at country centres may choose to stay with the current scheme, etc. I am pleased to see this. We still have to think seriously about attracting teachers to these areas.

One incentive that has been offered in the past is that, after seven years service in the country, teachers will be offered a term off. If they have been there for 10 years, this extends to their getting a full year off. That is fine for the teachers there. However, to a young teacher in Adelaide who is just leaving college or who may have been teaching one or two years in the metropolitan area, the thought of a 10 year term in the country is probably a lifetime sentence for them. They will not consider it, and they do not see it as any sort of incentive at all.

Very often what happens in country schools is that they get young teachers out of teachers' college, and in some places—for example, in schools in the Pitjantjatjara lands—those young teachers do an admirable job. It frightens me to think of what they are doing, because there are occupational health and safety issues in those areas, and the teachers are not experienced in working in what are probably some of the most difficult conditions in which they will ever work in their lives. I know that the land schools also have similar problems. We might think that we have problems in Whyalla and Port Augusta, but it is just horrendous for them.

Given this shortage, the other issue that worries me is that very often teachers are teaching subjects or year levels that they are not qualified to teach. So often you get primary school teachers teaching high school subjects, and English teachers teaching maths, physics, etc. This can prove to be very difficult, and that concerns me, because although they are a qualified teacher they are slung into an area of which they have no concept. I think they do a good job. The story is that, if you know how to teach, you can teach anything. However, that does not always hold true, especially given some of the subjects that are taught nowadays such as IT.

A lot of these schools use the Open Access College, and there are some real problems in that respect which I will follow up. Year 11 and 12 children are having to do subjects because there are not enough students in the school to do the subject, and very often there is not a teacher able to teach the subject. They get only limited access to teaching when they do open access subjects. There seems to be a lack of resources or an understanding of some of the difficulties that these students have. I am concerned about young people in year 11 or 12 having to manage their own learning. I do not think many of them have the maturity to be able to do that, and I admire those who are able to get through.

I do not think there are any real incentives to get teachers into country areas. Teacher housing is a real problem in many areas; first, there is not enough and, secondly, maintenance

has been so poor over the last few years under the previous government that substandard housing exists in many places. That is an issue that really needs to be looked at. Often they are paying much higher rents than other people in their communities because of the way the system operates.

The situation is crucial now. I am talking not just about teachers here tonight—and this was pointed out to me last week—but about professionals of any sort in country areas: they are a major problem. I know medical staff in many of the hospitals and health centres in country regions are having difficulty attracting, first, doctors and nurses, and very few hospitals have midwives or obstetric practices. Most people in country regions have to travel to the capital city or one of the larger centres to have a baby. Roxby Downs is a prime example. It has the highest birth rate in the country, and all its young mums have to go to Adelaide, Port Augusta or Whyalla to have their babies. A lot of that is because of the lack of qualified staff. It has a great hospital and health centre, with midwives, but it does not have an anaesthetist or a GP who is able to manage.

One of the answers may be that we need to look at training more professionals in country regions. Yet social workers in country areas, in FAYS, Centrelink, etc. or in counselling services, do not seem to want to go into those areas. Social workers are trained in Whyalla at the University of South Australia. I know that they base a large number of social workers who are trained there, but we still do not seem to be able to solve our problems.

While I think we need to look at training teachers and professionals in the country, I do not think that is the answer either. This is a crucial issue which must be addressed, because great pressure is being put on the workers already there. One of the answers possibly could be—and I have talked this over and I do not know whether it is the answer—I remember many years ago pressure was put on teachers to go to the country to do country service. Maybe we need to start thinking about that again, but not give them a life sentence: put them out there for only two or three years. I think three years is ideal: a year to settle in, a year to get moving and then a year to think, 'It won't be long until I'm out of here if I really want to leave.'

One of the things that often happens with professionals when they go into country areas, while they think their throat is cut when they leave the Adelaide Town Hall and it will ruin their lives, when they get there they enjoy themselves and decide to stay. I know many teachers in Whyalla who came for one, two or three year contracts and stayed for 20 or 30 years. This happens in many areas. Once they are there, they enjoy themselves. It is just actually getting them there that is the real problem.

I think this government is certainly looking at this issue, and I am very pleased with some of the agreements that have been reached. I have had numerous discussions with the new minister and she is very aware of these issues. We need to look further at other professionals in country areas. I know that I am supported fully by other people around the state in relation to this issue. It is not just an issue in regional and remote South Australia: even some of the closer country towns are having similar problems. As I said, it is crucial and something will have to be done very quickly.

The Hon. G.M. GUNN (Stuart): I am pleased to participate in this debate because I want to add to some of the things I said in my Address in Reply speech (when I ran out of time) in relation to the state election, particularly the campaign in the electorate of Stuart, the personalised attacks made on me, and the manner in which the campaign was carried out by the Labor Party. Let's get one or two things straight: if the Labor Party wants to go down that track, then two can play the game. The first thing I want to say is that the Liberal Party in Stuart never paid people $200 a day to stand at the polling booth.

Ms Breuer: Where did you get that story from, Gunny? Where do you think we got $200 a day for those people?

The Hon. G.M. GUNN: For the benefit of the member for Giles, that is what the people handing out how-to-vote cards were telling the Liberal people who were there.

Ms Breuer: They were pulling their legs.

The Hon. G.M. GUNN: These young agitators from Adelaide and around Australia were brought up there. They had them at Eudunda and Orroroo and various places. They had a senator at Yunta and they had a former mayor, the member for Broken Hill, up at Port Augusta, and they all their other cronies—

Ms Breuer interjecting:

The Hon. G.M. GUNN: $200 a day.

Ms Breuer interjecting:

The Hon. G.M. GUNN: Don't say you didn't spend tens of thousands of dollars, because you can't send out two or three direct mails a day without someone paying for it. It costs about $20 000 a shot to send out personalised direct mail around the area. Look, I've got them all; we know. Of course, what the shop assistants in Port Augusta and other places did not know is that they were helping to pay for this. There is a cosy arrangement between the management of Woolworths and those places: we'll send the cheque each month, you just sign here, automatically deducted, and send it out. I am told on good authority it is a very cosy arrangement. They are entitled to know what they were funding. We had all these letters organised; one was sent in by Mr Gavin Keneally, and one would think that Mr Keneally, who was a member of this chamber, the deputy speaker and a minister, would stick to the facts. Unfortunately, he got confused or whoever wrote the letter for him is ill-informed. Mr Keneally said that I lived in the leafy suburbs of Adelaide.

I understand why he is confused, because when he was a member he lived at Walkerville in a two-storey townhouse. That is a very working class suburb! How do I know? I know because my brother had one in the same block. Like most rural members, I have a home unit in Adelaide. I have not changed my electoral enrolment since the day I enrolled at the age of 21 in the Hundred of Weetra, where I have always lived. Mr Keneally wants to get his facts straight. He goes on to say that they inherited me after the redistribution, but he does not say that when I first contested the seat of Eyre—which included Port Augusta—the Liberal Party polled 47 per cent of the vote in that seat. I beat a sitting Labor Party member to enter parliament. So, again, he needs to get his facts straight.

Of course, we know that he was beside myself, going around the streets, arguing with people and demanding to put up posters, but he did not do too well. I do not mind what Mr Keneally says about me as long as it is true. I know that he is a bit agitated, because a few years ago he was at a public function where I was asked to speak. I wanted to do the right thing by Mr Keneally, so I said, 'It is nice to see the Hon. Gavin Keneally tonight, and for the first time in his life he is well represented.' He did not think that was very funny, but everyone else did. If you hand it out, you have to—

Ms Breuer interjecting:

The Hon. G.M. GUNN: I might come to the member for Giles, if you want. If you hand it out, you have to be prepared to get a bit back. All I can say to Mr Keneally is that, if he wants to write letters about me and he wants to talk about the Labor candidate, I ask him, 'Where is the Labor candidate, and is he still working in Port Augusta today?' I was surprised that a right wing member of the Labor Party had to go to a Duncan left member to get a job. Peter Duncan agreed to supply him with a job. It is an interesting little exercise. But to infer that the Labor Party did not outspend us 10 to one is a nonsense, because it is clear that it engaged in two things: personality attack and massive spending. It had 10 signs plastered everywhere to one, two or three of our signs. The only people that it can get to write letters are named Keneally, because a Mr Russell Keneally put out a document. It annoyed the Labor Party that the Mayor of Port Augusta wrote a glowing letter of thanks about me, and I was most humbled.

Members interjecting:

The Hon. G.M. GUNN: I don't know; you can't take it.

Mr KOUTSANTONIS: I rise on a point of order, sir. Standing order 128 provides:

> If a Member indulges in irrelevance or tedious repetition of substance already presented in a debate,. . . [you] may direct the Member to cease speaking.

I would argue, sir, that this is tedious repetition and I ask that he desist.

The DEPUTY SPEAKER: Order! There is no point of order. If that standing order was enforced, as suggested by the member for West Torrens, no-one would say much at all in this place.

The Hon. G.M. GUNN: Mr Deputy Speaker, I was going to make the same observation. The member for West Torrens has made the same speech on every occasion since he has been in the house. We know he is the highest paid JP in South Australia.

The DEPUTY SPEAKER: Order! The member for Stuart is repeating himself now.

The Hon. G.M. GUNN: No, that was the last parliament when I talked about him being the highest paid JP. I was just bringing the new members up to date. I would not want them to miss out because it is a good story. I take it from the campaign launched against me that the Labor Party is opposed to travel. It put out a card which is signed 'Missing you'. I do not know who was missing whom. Over the page it talks about where I had been. We know that the most travelled person is the Treasurer of South Australia. He spent the most money, which is why I recorded it in *Hansard*.

Well, if that is the game the Labor Party wants to play, about where people stay in hotels, I will put a series of questions on notice and we will know, whenever a member goes overseas, where they stayed and how much it cost. I am one of those people who have always believed that it is good for members of parliament and South Australia generally, as it is in the public interest, for members to travel, because they learn. This is a silly, childish campaign, just like the superannuation campaign that they conducted. Do they not believe in superannuation? We will find out about these other matters, including how much people are entitled to receive.

I wonder if Mr Keneally would like to say how much superannuation he is being paid. One of the things he did not tell the people of Port Augusta, when he left the parliament on a ministerial superannuation, was that he was put on a number of state and commonwealth boards, so he was double dipping.

An honourable member interjecting:

The Hon. G.M. GUNN: If you want to hand it out, you will get a bit back. He was on the national rail corporation board, an alternate member of the pastoral board, and on two or three other things. I have no problem with that, but do not have a forked tongue on these issues.

The last thing I want to say in this grievance debate is that I am very pleased that the government is starting to burn off and has fuel hazard reduction programs in national parks. That is an excellent idea, and it has my full support and encouragement. The other thing we have to make sure of is that land-holders and people who have large areas of native vegetation are able to put decent and sensible fire breaks and control measures in them.

Instead of having these little snoops from the national parks and wildlife checking up on people, I want to know from the government, if people are prevented from putting in decent fire breaks to protect themselves, who will be responsible. Who will accept the public liability? I call on the minister to tell the parliament. These people are going out harassing farmers at present, as I understand it, and I want to know who will accept the public liability when a fire gets out of control and causes damage, even loss of life. It will happen, there is nothing surer.

Time expired.

Ms THOMPSON (Reynell): Today we have been listening to a lot of discussion from the member for Schubert about what has not been happening in the Barossa Valley in the last four months. I am resisting very strongly the urge to use my time tonight in asking what on earth he has been on about. I have listened to the member for Schubert over the last four years talk about the beautiful schools he has in the Barossa Valley, and he has described the new facilities in those schools. He has described the new ovals and the new libraries, as I recall, but generally he has told us about school after school in the Barossa Valley that has been significantly improved over the last few years, and he regards them as really first-class schools. In the past, I have debated this matter through interjection, but tonight I want to talk about it on the record.

I do not have one beautiful school in my area. I have 17 preschools or public schools in the electorate of Reynell, but not one of them could be described as beautiful. In these schools there are some wonderful teachers and some wonderful leaders, and there are some devoted parent communities who give of their limited means and generously of their time to provide the best education they can for their children. But there is not one beautiful school. There are schools that have been asking over the last five years, again and again, for upgrades to their facilities. Wirreanda High School, which is a designated sports school, managed to get approval for a gymnasium suitable to the activities required in that school at the very last moment, when the member for Davenport changed some rules in relation to grants to enable the school to receive the money. I am very pleased that Wirreanda is getting the gymnasium: they need it. However, it took special consideration in the pre-election environment for them to finally get it.

There are other important issues at Wirreanda. There are other facilities required at Christies Beach High School. I have spoken here before about the second-rate job that was done by the previous government in upgrading Christies Beach High School. There are other facilities needed at Morphett Vale High School. The member for Unley seems

to think that the Minister for Education might have been able to put right in two months what he and his lot could not put right in eight years. The member for Unley recognises that this government is extremely skilled and extremely committed, but even a government of such high calibre cannot, in two months, and before a budget, fix up what his government could not in eight years. However, they were able to do it for the Barossa. I look forward to this sort of accomplishment in the electorate of Reynell.

But there is a lot of ground to recover. We are at the stage in many of our schools where a lot of replenishment is needed. Many of the schools in my area are now about 30 years old and, it is quite clear to me that there are quite significant differences between the requirements of a school that is 20 years old and a school that is 30 years old. It seems that in that intervening 10 years a lot of renewal and refurbishment are required and it simply has not happened. At Morphett Vale West Primary School we still have hessian ceilings that are disintegrating and dropping dust on the students, the teachers and the desks, causing difficulties in terms of breathing for both students and teachers. On a hot day they have to leave the door open and they can smell the stench of urine from the boys' toilets. The members opposite seem to think that these sorts of things can be fixed in two months. They cannot be. I have every confidence, however, that in the next four years there will be significant steps towards these things being fixed.

Mr Brindal: We want them fixed. Absolutely we want them fixed.

Ms THOMPSON: I am glad that the member for Unley recognises the needs in my area: I wish he had done so earlier. I do recall that when the member for Unley was first made the minister for youth I wrote to him pointing out some of the issues to do with youth recreation in the area. I asked for his support—

Members interjecting:

The DEPUTY SPEAKER: Order! The three not-so-wise members on the opposition benches will remain silent. The member for Reynell has the call.

Ms THOMPSON: I asked for the support of the then minister for youth in providing some recreation facilities for young people, particularly entertainment facilities. I pointed out that there are many young people who cannot afford to participate in the types of activities that young people like to engage in. They like to go indoor rock-climbing, they like to go to pool-halls, they like to just hang out. But all that costs money and they and their families do not have the money that is required. There have been a number of commercial enterprises started down south, as you would be aware, Mr Deputy Speaker, which were simply not commercially sustainable because the people in the area could not afford the charges.

I recognise that developing the sort of public-private partnership that would provide entertainment facilities for young people is a complex issue, and it was way beyond the complexity that the previous Minister for Youth could deal with. As he said, he sent some people down to talk to me, and they also talked to other people in the area. They were all convinced of the need for youth entertainment and recreation facilities, but they were not convinced of the need for action. When in the adjacent area (which the member for Fisher, the Deputy Speaker, knows well) there was a request for some SA Water land for a youth skate park, this was just all too hard for the previous government.

There was an issue about which the member for Schubert would know—an excess school—which arose as a result of the consolidation of the Christies Beach High School on the eastern campus. The western campus then became available for redevelopment. The council expressed an interest in securing that area for a youth recreation park, but that was just a bit too much money to spend on the youth of the south, and the plans were for that to be used for housing. We are looking at that issue again.

We need to consider what is the most feasible way of providing recreation and entertainment facilities for our young people to give them a sense of belonging, a sense of hope and a sense of being valued in our community. Perhaps that might be a more constructive way of attacking the issue of graffiti, which is also something about which my community complains frequently, rather than just saying when or where paint cans can be sold. I know that the community wants a control on the sale of paint cans, but that by itself is simply not sufficient. We must provide a sense of hope and purpose for young people, and we have to provide the education and the entertainment and recreation facilities that they require.

The member for Schubert seems to think that, if something is not decided in four months and he does not continue to get the sorts of decisions he likes, the world will come to an end. I have to advise the member for Schubert (who I hope is listening in his room) that this is not the experience that I had when the Liberal Party was in government. Perhaps he needs to learn some of the patience that I had to learn when we were in opposition, because I will be consistently making claims for facilities for the people of Reynell. I have talked to many of them, and they recognise that these problems I have mentioned and many others will not be solved overnight. They recognise that it requires quite a considerable redirection of public funding to the outer suburbs to make sure there is a future for these young people, and they are patient. But they want us to continue advocating for our needs.

Mr BRINDAL (Unley): I seek leave to make a brief personal explanation.

Leave granted.

Mr BRINDAL: While I acknowledge the valuable contribution of the member for Reynell, she raised a number of specific matters that directly touched on me in my capacity as minister for youth in the last parliament. I would like to say to the parliament that, on some of the issues—and specifically on the issue of the acquisition of land for the scout hall—I did everything that I could, and I can produce for this parliament a series of letters and correspondence where I acted in good faith on a number of occasions to deliver to the people of the south things which ultimately I could not deliver. But if this government can deliver them to the people of the south, I, for one—and, I am sure, members of this party—will support them.

The DEPUTY SPEAKER: The member for Unley and others should realise that a personal explanation is just that; it is not a speech.

Mr SCALZI (Hartley): There has been much talk about the economy and how the Liberal government left the Treasury benches, and in recent days we have found that somehow it has come about that the government is exaggerating a little—

An honourable member: Why are you still up the back?

Mr SCALZI: Why am I at the back: because the back bench is the backbone.

An honourable member interjecting:

The DEPUTY SPEAKER: Order! Will the member for Hartley please resume his seat. Will members please extend to the member the courtesy of hearing his contribution to the supply grievance.

Mr SCALZI: Thank you, sir. Members opposite might have difficulty seeing me but I assure you they have no difficulty hearing me. The economic indicators—economic growth, exports and employment—have never been better. I think that members opposite acknowledge this. The fact that the debt that we inherited decreased from $9 billion to around $3 billion shows that we have a healthy, sound economy. If only we could have inherited such an economy in 1993, but we did not. Despite that, we have made significant progress in this state. You may not believe members on this side of the house, but Access Economics, the economic commentators and the political commentators will tell you that South Australia has gone ahead and is participating in new technologies as well. So we have a bright future, but we cannot take that for granted. It must be nurtured and it must have the correct government input to allow it to happen. I am pleased that the new government, as I said previously, has taken initiatives to ensure that we are heading in that direction. At least in rhetoric they tell us that they take a bipartisan approach in this, and certainly South Australia does deserve to progress and to move ahead.

We know the election result. The Liberal Party got 50.9 per cent of the vote and the ALP got over 49 per cent on a two party preferred basis. We know that the Liberal Party got around 40 per cent of the primary vote and the Labor Party got 36 per cent; and in the Legislative Council the Labor Party got a very low 32 per cent of the vote. But, despite that, governments are formed with the numbers in this place.

An honourable member interjecting:

Mr SCALZI: Yes, it is the same—24 members to 23 members and there you form government. As I said previously, both major parties say that they have policies in regard to families, yet Family First did manage to get a seat in the first election and we should ask ourselves why. If those issues are being addressed why did a new party come in and have a member elected in another place? I congratulate Andrew Evans in another place for becoming a member of the Legislative Council.

The success of the South Australian economy in general, as I have said, is well understood. When I became member for Hartley in 1993, I remember going to East Marden Primary School where there was a lot of work to be done. The school was run down, the numbers were going down, the gutters were falling off and the grounds needed a lot of tender loving care. They looked a bit like what you see in real estate advertisements when they are trying to sell you a bargain. Today, East Marden Primary School is one of the best primary schools in the state, and you can see it in the refurbishment and the upgrading that have taken place, in the back-to-school grants that have been awarded, and in the success of that school, under the principal Maggie Kay, with the SHIP programs and the literacy competitions. I was pleased that the minister went to that school last year and saw how vibrant it is.

I do not know why the member for Reynell is saying that she does not have a happy school. I was a teacher for 18 years and at times I noticed that the safe Labor seats in the northern suburbs and in the southern suburbs were those that were most neglected. The schools were built 30 years before when the Liberal Party was not in power. We were only in government for eight years and so could not have built all of the schools in that time; but we did upgrade all the ones that had been built under Labor.

Perhaps if more upgrading was needed in some of those schools members opposite should have had better representation. We can look at the merger of the former Hectorville and Newton primary schools to become the successful East Torrens Primary School, where the numbers are going up. It is a credit to Frank Mittiga, the Principal of East Torrens Primary School, the staff, the school council, as in East Marden, that that school is also thriving. The Labor campaign told us that the school would shut and the numbers would go down, but instead it is a vibrant school. Not only did we manage to get $550 000 for the merger but we managed to get an extra $270 000 to build a gym in the area. The schools in my electorate are well looked after.

It is pleasing to see some of the awards these schools have. Norwood Morialta has new capital works, with a new arts centre being built in the past eight years. Norwood Morialta has an excellent reputation as one of the best schools in the state, and I include all schools—state and private. We only have to attend some of the competitions, such as the Penguin Speaking Competition, to see how well our students are doing. Norwood Morialta has overseas programs in, for example, China and some other countries. I am working on getting agreement with a school in Salerno, Italy as well, which is going ahead.

All the primary schools in my area participated in the 'eat healthy lifestyle' campaign, and I personally delivered the fruit and vegetables to all primary schools in the area, both state and private. I again thank the Adelaide Produce Market and the merchants who supported that. In respect of the environment, the Geoff Heath golf course was saved on the linear park. I refer also to the trash racks at Felixstow and the work by the Torrens Catchment Board at the University of South Australia site at Magill. We have had a commitment of at least 20 per cent open space to Lochiel Park. The Labor opposition, with the then leader of the opposition, promised 100 per cent of Lochiel Park for open space. When will you deliver? Why make promises you cannot keep? Why are you not answering those 340 people who were at the public meeting? They are wanting to know: are you going to keep 100 per cent of Lochiel Park?

In respect of law and order, I refer to the successful crime prevention program with the Norwood Payneham St Peters and Campbelltown councils and to the Neighbourhood Watch program and the 24 hour surveillance at the Paradise interchange, where there are problems still. I have written to the minister and I look forward to a resolution. There is a lot to be done. We had a pedestrian crossing on Payneham Road, and traffic surveys are still taking place in the area. Crossings on Reid Avenue need to be looked at, but are you going to deliver?

Time expired.

The Hon. W.A. MATTHEW (Bright): In the time available to me this evening I will focus on the resources sector and the benefits provided to our economy and the importance of continuing to support the resources sector in the coming state budget. Mr Speaker, you may recall that in the handing down of the last state budget, in what was the fourth year of a $23.2 million program, the targeted explor-

ation initiative of South Australia, or TEISA program, was funded. Essentially the intent of the program was to ensure that moneys were expended to provide the incentive for the minerals and petroleum sectors to undertake exploration that they might not otherwise be so enticed to undertake. In providing a variety of accurate data on mineral and petroleum deposits in the state we have been able to prove very successfully since the program was introduced that it allows for a very efficient way of targeting potential mineral and petroleum deposits and thereby effectively encourage greater exploration initiative.

In fact, in the areas that are being covered by the program, we have already been able to demonstrate a 10 per cent increase in the activity of exploration in the area beyond that which was in existence at the time. To date, the funding that was proffered by the Liberal state government has enabled the flying of some 400 000 linear kilometres of aeromagnetic surveys across different parts of the state, and that has been the work in particular that has caused a significant increase in exploration licences in those regions. We have also seen other types of airborne surveys in several provinces, providing excellent insights into opportunities through the use of new and developing technologies in mineral exploration, in particular, gravity programs in the Curnamona province, and in the Southern Gawler Craton, to further improve the quality of geophysical data coverage for those regions.

New technologies such as airborne electromagnetic surveys have provided new insight into the conductive characteristics of the surface geology of regions, and in particular this data has been very useful in assisting programs at Challenger and, as I know that my colleague the member for Goyder is interested to know, on Yorke Peninsula, an area he so ably represents.

Mr Meier: That's a mine and a half; it could be another Roxby there.

The Hon. W.A. MATTHEW: As the member indicates, it is a mine and a half; there is potential there indeed. Impressively, the program has been particularly useful in assisting petroleum exploration, and the biggest petroleum project in the TEISA program has been effectively a petroleum data capture and archiving project. I was particularly keen on ensuring that this project was progressed. It has involved focusing on scanning and validating existing hard copy seismic and geological databases and making those databases electronically available to industry, be that industry based locally, elsewhere in Australia—or, for that matter, anywhere else in the world—to further encourage greater petroleum exploration activity in our state.

There has also been a range of other petroleum projects, but one I am particularly pleased about has been the funding of a chair at the National Centre for Petroleum Geology and Geophysics in Adelaide. That is something we saw as being a particularly important area of funding. There has also been a range of geological studies focusing on specific aspects of frontier Cambrian basins and Cooper Basin projects. These projects in themselves, particularly in the Cooper Basin, assisted in obtaining $240 million investment in the Cooper Basin through a number of rounds of gazettals in the province, but the expenditure of this money will be subject to the success or otherwise of native title negotiations. That is another area to which I draw the focus of government.

Native title has proven to be a considerable difficulty in a number of jurisdictions around Australia. But, on Monday 22 October last year, South Australia put itself on the map as being a state which had a government with the will, intent, intellect and preparedness to sensibly negotiate native title agreement. I was particularly proud to be involved as a signatory to a native title agreement that was signed within this building, within our South Australian parliament. It was an agreement which involved a number of significant and important peoples and companies. The three native title claim groups that were represented at the signing were the Edward Landers Dieri, the Yandruwanda/Yawarrawarrka and Wangkangurru/Yarluyandi peoples, seven different exploration consortiums and the Liberal South Australian government. The seven petroleum consortia were: Australian Crude Oil Company Inc, Stuart Petroleum, Beach Petroleum, Strike Oil and Australian Gasfields as a combination, Liberty Petroleum Corporation, Tyers Investment, and Beach Petroleum and Magellan Petroleum. That agreement has paved the way for some exciting exploration opportunities.

I was particularly delighted that, on 9 April this year, Stuart Petroleum was in a position to celebrate an oil strike in the Cooper Basin, an area in which that company was able to undertake activities as a direct result of the signing of that native title agreement. This particular oil strike could yield up to 5 million barrels based on what is known at this time. Stuart Petroleum is the first company in this consortia (which I detailed to the house) to have success but it will certainly not be the last. It was the first to undertake exploration after the signing of what I repeat was an historic native title agreement. Regrettably, this agreement did not get the media coverage that it should have.

An honourable member: There was good news coverage.

The Hon. W.A. MATTHEW: There was good news coverage, but unfortunately the media did not give it the coverage that it deserved. I have occasionally bumped into some of the Aboriginal people who were involved in that signing. I enjoy a particularly good rapport with them, and they are enthusiastically looking forward to success in the region. The negotiations were possible because all parties, including the Aboriginal people, were prepared to be sensible. They acknowledged that it was unreasonable to look at getting significant monies upfront in exchange for exploration. They needed the companies to achieve in order to be able to derive a dividend for their people, one which they can spend on greater opportunities for Aboriginal people in their region.

The companies themselves acknowledged the fairness of providing an opportunity for the Aboriginal people who inhabit the region to provide a future for their people and to derive benefit in employment terms and money derivative terms as well as educational, health and housing opportunities, a whole range of opportunities that they would not otherwise be able to undertake, and the Liberal government saw its role as a facilitator as of paramount importance.

Other governments in Australia have not been able to achieve where we were able. In Queensland, native title negotiations are virtually at a standstill—Western Australia likewise—and the companies will say that the Liberal government of South Australia was able to achieve where Labor in other states failed. Now we have the dilemma of a Labor government in office in South Australia.

An honourable member interjecting:

The Hon. W.A. MATTHEW: It is horrific. The challenge for the Labor government in South Australia is to keep in place the negotiations that we have achieved and further extend them, because there are still a number of rounds of negotiations on native title to achieve. If those negotiations come to a standstill, the Labor government can be sure that

I will be one who stands in this place and condemns it for its failure if it joins in the failure of other Labor governments around this country. The mining industry is paramount. Labor has a dismal record with the mining industry in this state, but it now has an opportunity to improve that dismal record and I, for one, will make sure that, for a change, it does something about it.

Motion carried.

The Hon. K.O. FOLEY (Deputy Premier): Whilst tempted to speak on the third reading—

Members interjecting:

The ACTING SPEAKER (Mr Koutsantonis): Order!

The Hon. K.O. FOLEY: —given that, over the last 48 hours, it has been an attack on Kevin Foley, I am, of course, a humble Treasurer and I will not take the bait. I move:

That this bill be now read a third time.

Motion carried.

MEMBER FOR REYNELL

Mr SCALZI (Hartley): I seek leave to make a personal explanation.

Leave granted.

Mr SCALZI: In the last contribution I made, I referred to the contribution by the member for Reynell. I misquoted her by saying that the honourable member did not have a happy school. In fact, the honourable member said that she did not have a beautiful school. I would like to correct the record, and I have apologised.

ADJOURNMENT

At 9.56 p.m. the house adjourned until Thursday 30 May at 10.30 a.m.