HOUSE OF ASSEMBLY

Thursday 15 August 2002

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

WORLD CONGRESS ON INFORMATION TECHNOLOGY

The Hon. D.C. KOTZ (Newland): I move:

That this house congratulates the executive committee, members and staff and volunteers of the World Congress on Information Technology on the immense success of the congress which attracted over 2 000 delegates to Adelaide and received international acclaim which acknowledged that South Australia's presentation of the congress was the best ever.

In March this year, one of the most exciting and successful worldwide conventions was held in Adelaide and, as the motion says, attracted some 2 000 delegates, with representation from over 50 countries as well as nationwide representation. More than 136 national and international media representatives saturated news services heralding the success of the World Congress on Information Technology (WCIT) 2002 and profiling South Australia as the host state. Brady Haran of the *Advertiser* said:

Adelaide may not be the centre of the universe, but for five days next week we will be the centre of the information technology world. . .The event is huge. BBC World will be here and beaming the event to millions of people through Asia. . .All those people, including business leaders, are out there and will be seeing Adelaide, North Terrace, the convention centre and other places in our city. From that, it is possible that companies which are thinking of setting up headquarters or call centres in Australia will think of Adelaide for the first time.

The IT World Congress was held in Adelaide over three days from 27 February to 1 March 2002. The impact of the congress is best summarised by likening it to the Olympic Games of the information technology and communications industry. It was the first time that this prestigious event has been held in the Southern Hemisphere.

WCIT 2002 is the biennial Congress of the World Information Technology and Services Alliance (WITSA). WITSA is an international organisation, the membership of which comprises national information technology industry representative bodies from around the world. Its role is to develop public policy positions on issues of concern to the information technology industries and present these positions to governments and international organisations.

The Adelaide congress attracted business, political and social leaders from around the world which provided a singular opportunity for South Australia to show its achievements and readiness to meet the challenges of the information economy into the future. Across the world, 24 hours a day, intelligence and defence organisations exchange information; governments confer on political crises; business negotiates multi-million dollar deals; products and services are bought and sold; banks process millions of financial transactions; and journalists report news stories from where and as they happen; travel agents organise business and holiday trips; students research assignments; friends and families chat and exchange letters and pictures all via the electronic communications. This is the information economy.

As minister for information technology at the time of the congress, and representing the previous minister who set up all of the basis for the congress to be held in Adelaide (Hon. Michael Armitage), and the previous Liberal government, I take this opportunity to express my congratulations and sincere thanks to the executive committee whose collective wisdom and organisational capability ensured not only the success of the week-long convention but also its financial success.

The executive committee, chaired by Mr Ross Adler, included Neville Stevens (representing the commonwealth minister), Neville Roach (Chairman of Fujitsu Australia), John Gwyther (President of AIIA), Rob Durie (Executive Director of AIIA, Canberra), Susan Law (Chief Executive Officer of the Adelaide City Council), Dagmar Egan (Chief Executive of Aspect Computing SDA), Bruce Linn (Executive Director of EDS, South Australia), Ian Kowalick (former chief executive of DPC), Nick Cuthbertson (CE of Porotech), Phil Eastick (former ministerial liaison officer to minister Armitage and to me), Graham Foreman (Chief Executive of DAIS), Mary O'Kane (former vice chancellor of Adelaide University), Lynsey Cattermole (owner of Aspect Computing, Melbourne), Alan Baxter (former president of AIIA and Director of DMR), Bob Young (former executive director of EDDSA), and Jim Duffy (formerly managing director of EDS Australia).

I also acknowledge the commitment and effort of my former ministerial colleague and minister for information technology, Dr Michael Armitage, who determinedly saw this project evolve from concept to reality. When I took over the information technology portfolio in December 2001, I had the great pleasure in participating in what was a world class event, due to the culmination of the work and effort of a range of dedicated individuals who were brought together by the former minister. I should also mention that the executive committee members, other than the appointed chairman, served on the committee on a voluntary basis and met their own costs in travelling to Adelaide for monthly meetings.

I also want to acknowledge with thanks the World Congress staff, led by John Gygar (Chief Executive Officer on secondment from DMr in Sydney, who has now permanently relocated to Adelaide with his family), Rob DeBelle (sponsorship manager, who, I can assure members, did an absolutely superb job, considering the devastating impact of 11 September), Sante Pavan (finance manager), Rhona Gaughan (PA to the Chief Executive Officer), Ruth Morris, Marni McKew, Joanne Clayton, and a host of others, plus the 150 volunteers who made it all possible, Ian Stuart and staff of ICMS (principal congress organisers), and local IT industry, through the IT Council—in particular, Chairman Phil Ingerson and Executive Director Dennis Wall.

The inevitable security measures commensurate with the arrival of high profile VIPs into our state are highly commended for their unobtrusive professionalism. This was achieved by the high level of cooperation between SAPOL, federal police and the American secret service. I would also like to acknowledge Barry Orr, formerly of DIT and now consulting in Sydney, Paul Daly and staff of DIT, and my personal thanks to Graham Foreman and the officers of DAIS for their professional assistance and support to me and all those involved in presenting the world congress in Adelaide.

The World Congress on Information Technology 2002 was perceived as a most prestigious event on the calendars of business leaders around the world. WCIT 2002 was advertised internationally as the congress set to unleash the power of the world's most intriguing speakers to an international audience. One of the most notable speakers at the

congress, other than our own Prime Minister, was former US President Bill Clinton.

The program was based on topics that international business leaders believe are critical for a dynamic IT world. It was all of that and more. Stimulating panel discussions on the digital divide, future technologies, IT security, intellectual property and global IT initiatives were the highlight of the congress. I was also pleased to participate in the congress by chairing the panel session of international speakers on the interesting topic of 'The Digital Divide'.

The week-long program included an IT business forum which provided delegates with an opportunity to network, to develop contacts and to seek potential business contracts. The obligatory recreational pursuits were offered, encouraging delegates, their families and members to visit the many unique places that South Australia has to offer visitors and to enjoy our world-renowned hospitality, food, wine and entertainment in the informal and relaxed atmosphere that is uniquely South Australian, all of which added to the tourist dollars that were spent in our state and added a further dimension to the economic benefit that was derived from a convention attracting over 2 000 delegates.

As the World Congress officially closed, the concentration on the information economy continued with the second meeting of the then state government's high-powered International Advisory Panel. The panel was formed last year to advise the state government on ways of developing the information economy in South Australia, with experts such as Bob Bishop, the Chief Executive Officer of Silicone Graphics, Dame Bridget Ogilvie, who is a medical researcher from the United Kingdom, and Adelaide-born astronaut, Andy Thomas. The panel is obviously uniquely qualified to advise on the rapidly changing world of the information economy.

The second meeting of the panel was timed to follow on from the World Congress that brought international attention to the development of information technology in South Australia. The panel discussed a wide range of issues, including how South Australia's education system is meeting the challenge of preparing our young people for the future and how this state is increasing its profile in the industry worldwide. These issues, of course, are vital for the continued growth of the information economy in South Australia, and the panel members, with their wide range of experience from across the spheres of IT, are best placed to advise government on how best to achieve these aims.

The panel was to release its information economy scorecard, rating South Australia's performance in several key areas since the first meeting last July. The panel's second meeting was an opportunity to see how well South Australia was doing, to identify what areas need further work and to develop ideas for future projects. Having moved into opposition on 5 March, this valuable information seems to have gone missing. Perhaps the Minister for Science and Information Economy will table that report in the house and make public the findings of the advisory committee.

Under the Liberal government the IT industry has grown and matured to a point where, according to the IT Council, it now employs 35 000 South Australians directly, 9 000 IT specialists and other support staff, with a further 9 000 IT specialists employed in other non-IT industries. We provided capital to drive the efforts of the state's small companies, support specialist IT courses at our tertiary institutions, raise general awareness through Networks For You and promote advances in digital media through the Ngapartji Multimedia Centre.

The previous government's groundbreaking IE 2002 statement has resulted in a much greater awareness and use of the information economy by South Australians. Under IE 2002 we introduced programs such as Pathways SA and sa.edu, which have seen all South Australian public schools connected to the internet through ConnectSA. ConnectSA also provides all South Australians with a portal and email service at no cost. A scheme was introduced by the Liberal government to donate PCs (surplus government computers) to community groups and volunteer organisations. Unfortunately, at this stage, the Labor government has been largely silent on support for peak industry bodies, such as the nationally recognised IT Council for South Australia and the South Australian Consortium for IT&T.

The Liberal government delivered on policies that have grown the local industry and brought global players into South Australia and developed a very sharp export focus from our local firms and has had a plan to well and truly build on those accomplishments. At this point, unfortunately, the Labor government seems to have a blank disk on IT. I hope that that will change in the future. I also ask and call on the Minister for Science and Information Economy in the Labor government to release the report on the World Congress that was undertaken immediately after the congress's conclusion.

That report would show that the financial status of the congress itself proved to be extremely successful. However, it would be helpful to have that report—and it is a public report—tabled in parliament for all to see not only the successes that were achieved during that period of the world congress but also how we can now continue to grow information technology in all our systems, throughout government enterprises and throughout the private sector of South Australia. This would enable us to maintain the impetus that led the eyes of the world to look to South Australia, and it brought Adelaide to the fore as people across the world now know that Adelaide exists.

The one great moment when I felt success was achieved was at the final dinner on the last night of the congress. Members of the congress from across the world stood on the stage presenting awards to individuals and businesses in South Australia. To hear them say that the world congress that had been presented and organised in Adelaide was the best congress ever held made me feel proud on behalf of all South Australians as well as on behalf of the business and government enterprises and departments that had participated in this exclusive world congress. That became the highlight of the whole congress: the recognition that Adelaide can do it not as well as but better than the rest of the world.

Mr HAMILTON-SMITH (Waite): I rise to support the motion and to congratulate the former minister for bringing it before the house. As the shadow minister for information economy, and innovation now, I had a particular interest in this conference, which I thoroughly enjoyed. Some stimulating presentations were made, and I will talk about some aspects of those shortly. It was the 13th world congress. Of course, as the former minister has explained, it was a most successful event—held in the midst, I might add, of very uncertain global economic times. Members will recall that we had 11 September and the economic and global slump that followed, a stock market that was all over the place and a meltdown of high tech stocks (the NASDAQ had taken quite a pounding). It was uplifting to attend a conference that

abounded with so much optimism and hope for the future, in particular for the future of IT and the role it will play in guiding the economy and society forward in the years ahead. Almost 1 800 people attended, and 55 countries were represented. As the former minister has explained, it was held from 27 February to 1 March. The theme was 'Unleash the power'. As was mentioned, Bill Clinton opened the event, and he was a most interesting speaker. Don Tapscott, John Chen, Naoyuki Akikusa, Lawrence Lessig, John Gage and many more spoke at the conference.

The house will note that the next conference in 2004 is to be held in Athens, Greece, from 19 to 21 May 2004. Of course, members will also be aware that the Olympic Games will be held that year in Athens. I suggest that members who may be considering a trip in that year mark it in their calendars and participate in this top world IT event, because I am sure that the next one will follow on from the good groundwork established in Adelaide.

Former premier Rob Kerin was extraordinarily supportive of this event and very active in attracting it to Adelaide, along with the former minister and member for Adelaide (Hon. Michael Armitage). Mr Kerin had explained that 600 key world leaders in IT had attended but, as I mentioned, 1 800 delegates from 55 countries were coming. The forum attracted senior executives from leading global IT companies. This is very significant. We were talking not about just another conference here but about a conference at which the very top echelons of the industry were represented. That is very important for Adelaide and for Australia and its place in the IT community.

The event was used as a stage for a number of major announcements. Telstra Chief Executive Officer, Ziggy Switkowski, announced an initiative worth $50 million, aimed at accelerating the take-up of new high speed technological infrastructure; and the Commonwealth Bank of Australia Chief Executive, David Murray, warned business to consider the real benefits of technological advances before investing heavily. Mr Murray said that the United States IT industry had single-handedly wrecked the economy—a pretty controversial statement—in recent years with big promises that proved to be, in his words, entirely unrealistic. The bosses of two of Australia's top five companies spoke at the World Congress on IT. Dr Switkowski described Australia as a technologically hungry nation, with Australians spending more time online last year than they did making local phone calls. He said that innovation was critical and broadband technology and communication infrastructure were allowing high speed and mobile internet access which was the next step.

One of the most interesting presentations at the IT conference was a session that dealt with expected advances in computer technology in the years ahead. In fact, global experts at the conference predicted that by the year 2010 the industry would have developed a computer with the processing power of the human brain, and that by the year 2015 computer capability would have developed to incorporate consciousness. That consciousness, in effect, would be focused on the ability of the computer to self learn, if you like, to learn and grow. This ability for consciousness, this capability for developing a new generation of computers that, if you like, can teach themselves, learn from their mistakes and almost have a personality and a soul, was the next great frontier in the development of future IT capabilities. It is a fairly frightening thought in many respects and has wide reaching ramifications for society and its relationship with IT.

Shortly after this presentation, the robotics people came on to the stage and showed some amazing footage of present capabilities in robotic technologies that led to their prediction that by the year 2050 they would take the computer with computing capabilities in excess of the human brain, they would take that computer with consciousness and ability to self learn, and they would put it in a humanoid robot. They predicted that by the year 2050 the world would produce a humanoid World Cup soccer team that would go on to the field and beat the World Cup winners in that year. This was greeted with considerable mirth and consternation by the meeting, but what transpired was that really we were not talking about 'if' we would have humanoid robots with minds capable of self learning and capable of computing processes in excess of the human brain, we were talking about 'when': would it be 2050, 2040, or 2060?

Another thing coming out of the congress was that a further great frontier in this field was the coming together of IT and biosciences, that is, the coming together of the ability to compute with the ability to find and develop medical solutions for people. The idea of the robotic arm with flesh and muscle growing around it was clearly a forthcoming reality. So, the congress really was quite revolutionary and remarkable in the areas upon which it touched, and I recommend to all members that they look into this further. My colleague the member for Morialta has mentioned the names of many of those who deserve congratulation, and it was pleasing to note the heavy involvement of the IT Council and its Chief Executive, Dennis Wall. I noted during budget estimates with some concern that the government has guaranteed funding for the IT Council for only one further year and then intends to conduct yet another review.

I think the IT Council has shown its worth and I recommend to those concerned that they look at further reinforcing that. I think Ross Adler in particular deserves worthy congratulations for his role as chair of the congress; George Negus did a good job as compare; and, of course, the many others my colleague has mentioned also deserve considerable congratulation, not the least of whom are the many volunteers who put their own time into making the event a success, in particular for the visitors who enjoyed the many tourism opportunities and destinations available in South Australia while they were here.

The conference was very well reported, and I will not repeat some of the fabulous coverage the media provided, not only in Australia but around the world. It was really a wonderful event, and it underpins to this new government how important it is to attract such events to this state, something which the former government appreciated. It is also important for the government to understand how important it is to fund and support innovation and information economy. This government has slashed the $40 million innovation fund from the budget which was there to attract centres of excellence. It has failed to follow up our unsuccessful bid for the IT Centre of Excellence with a further bid, and there is no provision for that in the estimates. The government has cut funding to science and research and has cut a number of other initiatives, but it should not do so. The IT World Congress shows the way ahead, and I hope that the government supports information economy and IT in the future.

Dr McFETRIDGE (Morphett): I rise to support this motion. It certainly gives me great pleasure to congratulate the organisers of the IT World Congress. People in this house

know how interested I am in any form of IT. I have spoken on a number of occasions about the way that the parliament is becoming 'switched on' with our internet and intranet, and it is interesting to see the member for Norwood and the member for Playford over there with the new laptops we are using in the house. It will certainly be a huge change to be carrying around just a laptop rather than great swathes of paper. It will give me great pleasure not to have to exercise my arms carrying folder after folder but, instead, carrying just a lightweight laptop. In fact, even the palm pilots are becoming more sophisticated; it is amazing how small things are getting.

The tyranny of distance that was a part of Australia's nightmare no longer exists when it comes to information technology. The speed of light is the only limiting factor nowadays: that is how fast information is able to travel around the world. Australian technology and Australian companies are able to communicate anywhere on this planet within a fraction of a second. The advantages that will give our businesses are something we will know only when we actually see it happening in the next few years. We hear statements that, for instance, by 2050 we will have humanoid robots. I do not think it will be that long. I think it will be much sooner than that, and I acknowledge that you, Mr Deputy Speaker, have a keen interest in information technology.

I think that by 2020 we will be seeing a world that is very different from today, and it is amazing that we can have such rapid change in our lives. I remember as a kid seeing aeroplanes and thinking what wonderful things they were, and then seeing people land on the moon and other wonderful changes in my lifetime; it will be amazing what our children will be seeing. The rapid changes and the huge possibilities with information technology come home to me—and I do mean literally home—with my son writing up his PhD in robotics and artificial intelligence as I speak. He has a robot with six sonars on the front of it which runs around our dining room. This robot has very limited brain capacity at the moment, compared to a human brain, but it can manoeuvre around pathways in our dining room and it is learning from its own experiences. So, perhaps a humanoid soccer team will not be too far away. The advances in artificial intelligence are just absolutely mind-boggling—no pun intended!

Nowadays all of us have the ability to keep in touch with our family and friends, not just through the internet but also by the use of palm pilots. My daughter is studying in New Zealand, and we SMS each other a number of times a day. It is great to be in touch with your family. As I said, that tyranny of distance is not there any more. We saw video phones being demonstrated the other day. The Lord Mayor was in Adelaide and the federal member for Sturt was in Whyalla, and they were demonstrating new video phones that will be available soon. Things that we can hardly imagine now we will take for granted within a few years—and I am sure it will be only a few years. The wireless connections that we now have for mobile phones, the miles and miles of copper wire—this copper canopy that allowed the world to communicate very rapidly—is disappearing. I was in the Far North of South Australia recently and was able to talk to my wife via satellite phone. We will see that technology applied in Third World countries. They will not have to have many miles of copper cables, or even fibre optic cables: it will just be push the button, up to the satellite and back down again. The advances that will be made possible by this sort of technology, once again, are mind-boggling. Innovation, innovation, innovation!

One particular star at the world conference in IT was Tenex, a company that is very active locally in South Australia in the defence industry. Tenex won the world award in the security section in IT innovation. The company may not be based in South Australia, but it is certainly working very hard in South Australia to win a world award such as that. It has been said by some people that the internet-intranet (and even, in some cases, television) may lead to the social isolation of people. I do not look at it like that. I see it as a means of social inclusion: people are at least communicating and talking. They may not have that physical touch, but they certainly will have the emotional and mental support that they need. We also see that with the wonderful telemedicine. Whether we will be able to perform robotic surgery I do not know but, once again, the changes that are happening will be something. Just to get a diagnosis of ailments and illnesses over many thousands of miles, particularly in Australia, will be great. Once again, the tyranny of distance is disappearing.

There are also changes happening in our schools. I visited Glenelg Primary School the other day, and it has a fantastic suite of computers, thanks to the previous government; that was one of the things that it did. I encourage this government to continue to help our children cope with the information technology revolution that is taking place. The children at Glenelg Primary School have their own email addresses: they keep in touch with their teachers via email and they keep in touch with me via email. Having their own web pages in schools is something that all members should look at. I am sure that the schools in each member's electorate have their own web addresses. It is certainly helping me keep in touch with my constituents via email.

Email can become a bit of an information overload, as we all know; arriving at work in the morning and seeing another 60 emails that you have to look through is sometimes a bit of a burden. But I am sure that the ability to be in touch at least is something that is very much a positive, rather than looking at it in a negative sort of way. It is so important, as I said before, that people are included in society, and whether it is via emails or through the use of new video phones, where you can see what is going on (you may not be able to touch them, but you can see them), you can at least get some emotional support. That is all a positive. I envy our children. I hope to live long enough to see some of these changes—certainly, it will be very rapid, so I have a fair chance of doing that.

The Convention Centre was perhaps not emphasised by some of the previous speakers. The Adelaide Convention Centre is a world-class convention centre. I am not quite sure what all the latest figures are, but I understand that they can serve about 2 000 hot meals at any one time—and that is not just one serve but three or four course meals. The facilities down there are absolutely fantastic. I was lucky enough to be there for the Australian Veterinary Association Conference in March, when 1 400 veterinarians were in Adelaide. The information technology equipment they have in the convention centre enabled that convention to proceed with maximum efficiency. The information that was able to be relayed to participants was far more than in the old days of 'print it off, hand it out'. They were able to download information from web sites, take home CDs and maximise the benefit from their short time with the world-class speakers who came in.

The Adelaide Convention Centre is a jewel in South Australia. It is well recognised around the world as one of the best convention centres in the world. As a South Australian icon, for want of a better term, it is something that we should

all be proud of, and I hope this government continues to maximise the opportunity we have with a convention centre in that location. The development of South Bank is something I hope the government and council continue with. Adelaide is a wonderful spot, and I guarantee that people who come to conventions in Adelaide will recognise the fact that it is a great place to live and conduct business. We live in a great state, so let us hope that we can continue in that way.

Mrs GERAGHTY secured the adjournment of the debate.

SCHOOLS, EASTERN FLEURIEU

Mrs REDMOND (Heysen): I move:

That this house congratulates Strathalbyn's Eastern Fleurieu R-12 School on their victory in the USA as the first Australian team to win the 550 km International Solar Express Road Race.

An honourable member: Hear, hear!

Mrs REDMOND: Thank you for those noises of support from the other side. Strathalbyn school is an area school, and this is a remarkable feat for this quite small school. It is an R-12 school, being an area school in the country near to Adelaide, and the students in that school, particularly the senior students, together with some staff were able not only to compete in this race but also to win it. When you think about the details, that is an incredible feat.

The vehicle they used was made by the students themselves at the school. Essentially, it consists of a bicycle that is modified and covered. I know the member for Norwood is very much in favour of the bicycle, and she will be pleased to know that they used a combination of pedal and solar power. They modified the bicycle so that it is a low slung, sleek little vehicle. They covered it in a fibreglass shell and to that shell they attached solar panels. One of the benefits for the school in having done the development and construction of that bike on their own account is that they were then able to effect repairs, because they knew the mechanisms of their own vehicle so well.

They were also very fit from their pedal power, and no doubt that had an effect on their ability to proceed in the race. Having constructed the thing from scratch themselves, they knew the vehicle so well that when they needed to effect repairs that did not delay them. The race took place from 21 to 23 May this year and, although that is now a few months ago, I am sure their euphoria at having won this challenge against all comers from all around the world will not have abated at all.

It was a 550 kilometre race from Topeka in Kansas to Jefferson City in Missouri on normal road surfaces. The school managed to win each day of the race by at least 40 minutes but generally by more than that because, overall, it came in a full 3½ hours ahead of the nearest competitor, a team from California. It must be borne in mind that this school was competing against not just other schools but commercial entries from around the world. The school received some financial support from the local federal member but, as well as having to build their own vehicle, the students, their families and friends had to raise funds, most of which went towards not the development of this flash vehicle but the cost of getting the team over there.

The team consisted of a number of students and staff, and the principal, Bob Heath, travelled with them. It was quite a gruelling race because they had to withstand weather conditions, mechanical failure, traffic and all sorts of things in order to win. They managed to achieve an overall average speed of 36 km/h, but in fact their average speed often reached about 50 km/h and their maximum speed was 60 km/h. They won this race despite the fact that, as I said, other corporate entities came along with all sorts of money behind them. However, they were not able to compete with these youngsters from the Fleurieu school.

Six months earlier, this same school entered and won the World Solar Challenge race in this country which went from Alice Springs to Gawler. So, this school is leading the way for many of us in the development of solar power. In this day and age we should be concentrating on solar power, wind power and whatever other sorts of power we can get from renewable energy sources. This school—and a few others around Adelaide—has been significantly successful in developing this technology. It is basic enough for the kids to be able to develop and work with it themselves, yet they were able to go off and win an international race.

I hope the house supports me in congratulating the school principal, Mr Heath, the teachers and the students who participated, and the families who supported the team in their participation in what was truly a remarkable feat for a very small school.

Ms BEDFORD (Florey): I rise to speak briefly to the motion. I agree with the member for Heysen about the importance of noting an achievement such as this. It is almost impossible to imagine that eight children from a school in outer Adelaide could become the best in the world at something. I do not think I will ever feel what it is like to be the best in the world in anything unless it is for something like carving daffodils! To compete and be involved in the team spirit—

The Hon. S.W. Key: To be a champion.

Ms BEDFORD: To be a champion at something, yes. Having watched the Commonwealth Games recently, you start to think about what world's best and excellence really mean.

Ms Rankine interjecting:

Ms BEDFORD: I don't think I'd want to. I am interested in what has happened because the Pedal Prix started in Adelaide yonks ago. I was a member of The Heights school council when it built its first vehicle—for want of a better word. The vehicle resembled something out of the Milk Carton Regatta; it was fairly primitive. Things have certainly progressed since those days. We have seen in Adelaide the Solar Prix and the vehicles involved in that, but now going one step further it takes us past the pioneering spirit and on to the excellence in technology that we will now see applied from this level to what will happen in the future. When I visited Hartley a few weeks ago (as I reported to the house), some of the people at that gathering had been involved in this competition, and I meant to comment on it in my report to the house.

I am grateful for the opportunity to refer to it today. It obviously brings out in the students several really important things: problem solving, at its best, no doubt, on the run; endurance, to compete in an event that lasts for 3½ days at that level; the pioneering spirit of being involved in something new in technology; and also necessity being the mother of invention because, no doubt, they had to work out problems on the run. I agree with the member for Heysen that the fact that they excelled and won the competition is an absolute credit to everybody involved—not only the students but also their families who, no doubt, lived, breathed and dreamt this project for many months, and the staff at the

school, particularly the principal. Their efforts were absolutely fantastic and I send my congratulations to them and express my awe at their achievement.

The Hon. M.R. BUCKBY (Light): I have much pleasure in supporting this motion of congratulations. Eastern Fleurieu school is one of our excellent public schools in South Australia. As minister, I was fortunate enough to visit the school a couple of times, and the leadership of Bob Heath and his staff at Eastern Fleurieu is producing a level of education that is second to none. This program that has been undertaken at Eastern Fleurieu school has seen students succeed in an area of world competition and has come about through the dedication of Bob Heath and the staff at Eastern Fleurieu as well as the students who have put in an immense amount of effort.

When I visited the school last year, they were making the fibreglass shell for the bike that they used to compete in the Australian competition—and they did not know at that time that they would be going overseas—and, ultimately, in the competition in the United States. It was great to see the skills that those young students were picking up through moulding the fibreglass, making it and cutting out the panels and doing all that work. They are skills that they will carry with them either into a job or for the rest of their lives just as a hobby. So, it is a fantastic program that operates at Eastern Fleurieu.

The students also had to put in a tremendous amount of training for this event just in terms of the endurance that the member for Florey talked about in order to keep the bike going, particularly in Australia. I am not sure what the weather conditions were in the United States but, in terms of heat on the road and those sorts of issues, they worked hard and trained particularly hard, and they deserve every bit of credit and every bit of success that they have achieved.

These sorts of programs in schools, not only at Eastern Fleurieu school but also around South Australia, extend our young students, particularly where it is in an area of competition. By achieving a certain level they gain self-esteem and you can see these young kids grow because of their involvement in a project such as this. I am sure that this will not be the last that we see of Eastern Fleurieu school in this competition. I met the students on the Sunday when they completed and won the Australian competition and crossed the finish line in Gawler, and they were cock-a-hoop because they had got through and coped with all the problems to ensure that the bike got there in one piece.

The beauty of this project is that this school, and a couple of other schools, helped their competitors. They recognised that they might have needed a couple of parts or that they could do with a bit of help so they helped the other competitors just to get over the line. A fantastic sense of camaraderie goes with these competitions: the schools all work together, and the networks that are built up between students add to their whole school experience.

So, I fully support this motion of congratulations. Again, I congratulate Bob Heath, the principal, on his excellent leadership, the staff who were involved in this project and particularly the students who worked so hard and achieved the ultimate goal.

Mrs GERAGHTY secured the adjournment of the debate.

HIDDEN LEGENDS AWARDS

Ms RANKINE (Wright): I move:

That this house congratulates all those recognised as part of the Crippled Children's Association's Hidden Legends Awards, in particular the Hidden Legend for 2002, Sandra Askill, and commends each of them for their enduring and valuable contribution to our community as volunteers.

I had the great pleasure on 1 June to attend the Crippled Children's gala dinner honouring these wonderful people who have given so much to our community. It was an opportunity to honour the quiet achievers who give so much and literally ask for so little. The evening was a great delight and we were entertained beautifully by the Immanuel chamber players from Immanuel school. Jane Doyle was guest speaker, and anyone who knows Jane knows that she gives as much of her time as she possibly can to a whole range of community organisations. Brenton Whittle was the MC for the evening. We saw some absolutely wonderful people who were honoured on the night.

Part of my role as Parliamentary Secretary to the Premier is to encourage more people to get involved in volunteering and also to see that more people are honoured for their contributions. This function was a perfect example of how that can be done. In encouraging people to participate in volunteering, we need to highlight the enormous rewards you get from volunteering. One of the people nominated that evening talked about when he was nominated to join the Lions Club and he described it as being a great honour to be asked to participate. It is clear that organisations such as the Crippled Children's Association and those organisations that have benefited from the efforts of people who were honoured on this occasion could not function without the many hundreds and thousands of hours these people give so generously.

The people nominated on the night were the winner, as I mentioned in my motion, Sandra Askill of Nuriootpa, Ken Cunningham of Para Hills, Winifred Fermor of Clearview, Robert Gower of Lobethal, Carmen Kelly of Jamestown, Margaret Locke of Smithfield Plains, Ivy Marks of Prospect, Donald McPherson of Gladstone, Jack Meakins of Kingscote, Denis Robinson of Highbury, Lyn Ryan of Richmond, Judy Schembri of Walkerville and Rachel Vincent of Houghton.

I will give a couple of examples of the contributions of some of these people honoured on that evening. Don McPherson of Gladstone was one of those nominated. He was nominated by the Lions Club of Rocky River for his unrelenting dedication to his community. He is a person of outstanding record within the Rocky River Lions Club, joining on 23 August 1988. During that time he has undertaken the position of secretary for three years, has been president for two years on two separate occasions, has been zone chairman, vice president at all levels a number of times and in charge of the grain receivals and silos complex for four years (although I am not quite sure what that means). Don has also contributed to his community in a range of other ways, including the Gladstone Senior Citizens and the Recycling Cardboard Depot committee.

Mr McPherson has been President of the Laura and District Meals on Wheels, a councillor of the Northern Area Council, a committee member of Gladstone Bowling Club, a member of Georgetown Bowling Club, a member of the Vintage Car Club, a member of the Port Pirie Bird Club, a marshall at the Black Rock dirt circuit cars, a volunteer at Rocky River Health Services, and he has contributed in many other ways. Robert Gower was nominated for his work within the Women's and Children's Hospital Auxiliary. He and his wife had been involved with fundraising for the Women's

and Children's Hospital for about 40 years. He had also been a volunteer delivering Meals on Wheels for the past 10 years, and once a fortnight he works in the local information centre. Robert Gower is also involved with the Uniting Church community and Neighbourhood Watch, and he and his wife are great supporters of the annual Christmas Light Festival. That is just a small taste of the contribution that people who were honoured on the night had given.

Sandra Askill, the Hidden Legend for 2002, was without doubt a very worthy winner. Sandra cares for her mother, father and husband. Her son became a quadriplegic some years ago and she moved into the premises at Julia Farr and helped not only her son and the staff but also many other patients in their recovery. This meant that she had to give up her full-time job which, clearly, would have been a struggle for some time. She was described as never considering herself before others, and her nominee said that she had never met anyone who gives so much so constantly to others and never judges other people. Sandra won her award for her efforts in relation to Julia Farr but also, most outstandingly, at Christmas she hires a local hall and invites anyone who is alone or in need of a meal to come free of charge and enjoy Christmas with her.

Sandra was really quite overcome at receiving the award. She could not believe that what she did, which she classed as 'so little', could be honoured in such a way. It was delightful to see her receiving not only her trophy but a beautiful ring from Kendacraft Jewellery. Maria Kenda donated a magnificent champagne diamond ring and Sandra, standing alongside of me, was shaking from top to toe saying, 'What am I supposed to do with this?' I could have suggested that she hand it over to me as it was such a beautiful ring, but I did suggest that she pop it on her own finger and actually enjoy it. It was quite beautiful.

As I said, these people give an enormous amount to our community, but all of them were saying how much they actually get back in personal gratification and satisfaction. I give them all my personal congratulations. It was a real pleasure to be part of their night of celebration and I felt very humbled and in awe of the contribution that they make so consistently to our community.

The Hon. M.R. BUCKBY (Light): I have much pleasure in supporting this motion. The Crippled Children's Association does a fantastic job in our community, backed up by many volunteers, as the member for Wright has indicated. The Hidden Legends, the people we do not see in the community, are there looking after children or loved ones every day, day in, day out, with no respite in some cases, but just doing it for the love of that person and for their commitment to the person who is crippled or who has had an accident and does not enjoy a healthy physical lifestyle, being able to help them and improve their lifestyle in some way. This dinner was an excellent opportunity to recognise the amount of work these volunteers undertake in the community—to highlight that and elevate them for a night, in front of many people involved with the Crippled Children's Association, and the community.

I see them in my own electorate. For a long time now I have been involved with a farming family from Wasleys who have a daughter who falls into this category. The number of hours that they and other family members put towards Katrina's care is second to none. I became involved in this area through the Queen Street cottages in Gawler, where four young people are housed. They are able to live away from home, and the volunteer work that goes on there by families and community members is fantastic.

To be able to recognise some of these people, and recognise the huge number of volunteer hours that they put in to help these people, is an outstanding opportunity. It is not an opportunity that they would have sought but, when it came to pass, I am sure that they would have been chuffed by the recognition of the amount of work they do and by someone giving them a pat on the back saying, 'We see it. We recognise what you are doing and we want to thank you.'

So, with those brief words I congratulate these Hidden Legends who were recognised at that the dinner, and I commend the member for Wright for putting forward this motion, making the parliament aware of the various people in the community who put in this voluntary effort for the Crippled Children's Association.

Mrs GERAGHTY (Torrens): I, too, congratulate the nominees for the Hidden Legends Awards. We are very grateful for their services and the support that these people give to many people in the community, and in such a variety of ways. I would like to mention two people in particular, and that is not to detract from all of the other wonderful people involved. I would like to mention Denis Robinson of Highbury, who was employed by the Enfield council for some 46 years. He very enthusiastically undertook the many tasks allotted to him, and I understand that he was in the technical services department. His attitude was invaluable in his employment, and particularly to the Enfield & Districts Historical Society to which he was heavily committed from its inception in 1982, and particularly after his retirement in 1998. He has been the official publicity officer for about 15 years, and I understand that he acted unofficially in that capacity for about 20 years.

Denis designed the badge for the Enfield & Districts Historical Society which, I must say, is a wonderful society, and one that is very well respected within our community. Not only did he design its badge but he set up the newsletter, the *Enfield Echo*, which is a valuable read. He organised the community to stop the demolition of Barton Vale House. He prepared maps and commentary for the five historic tours that can be taken around our area, as well as many other small tasks which he undertook in a very efficient manner.

Denis was also instrumental in the society becoming involved with assistance for the *One and All* project and the *Endeavour* replica. Since his retirement, Denis has obtained grants from the History Trust, the federal government and the Port Adelaide Enfield council for the Enfield & Districts Historical Society that have allowed the society to continue to improve the Enfield Heritage Museum at Sunnybrae Farm. For people who have not been to Sunnybrae Farm, I can assure them that it is well worth a visit, to look not just at the buildings but also at the magnificent and very old roses which are still there and which are an absolute treat. Another task, rather a big one, was overseeing the construction of the Sunnybrae Federation Pavilion, which was erected as an annexe of the museum with a Federation grant. Denis is thought of as the mainstay of the computer program at the museum and for the amount of time and effort that he gives, which is considered to be outstanding. He is a very deserving person to be called a Hidden Legend.

I also mention Rachel Vincent. Rachel is from Houghton, and I understand that she has been riding horses since the age of seven and, while her son was in a pony club, she coached that club. She is an accredited equestrian coach, competing

successfully herself in dressage, representing Australia in 1980. She is also an accredited level 2 coach for disabled riders and a national examiner for Riding for the Disabled.

Rachel began as a volunteer for Riding for the Disabled in 1976, when she regularly took a pony to the Crippled Children's Association at Regency Park for the children to ride. Rachel has been a volunteer for RDA ever since, running groups at Campbelltown, Paracombe and Houghton. She continued as a volunteer with the Houghton group when employed in a half-time capacity by the South Australian branch of the RDA as state coach from 1988 to 1999.

In 1990, Rachel conceived and started the first national competition for disabled dressage riders in Australia, and she has certainly had an incredibly long and well documented history. I understand that Rachel has organised and run the two national championships held in Australia, and I believe that she has held many workshops and training courses for RDA coaches in many states in Australia.

Currently, Rachel is coaching four disabled riders, and it was those participants—Cherie, Natalie, Dominic and Jackie—who nominated her for the Hidden Legends Award, so obviously they have a great deal of respect for her and are very grateful for the contribution that she makes to their lives. I have been told that her coaching dedication and support at competition level enabled Cherie and Jackie to gain selection and placement in the national RDA squad in the international competition.

I congratulate all the participants, and I am very pleased to have spoken about two of them today. I congratulate the member for Wright on moving this motion, and I am sure all members will support it.

Mr CAICA (Colton): Like previous speakers, I rise to support this motion, and I congratulate all the winners of the Hidden Legends Awards throughout South Australia. My focus is on a gentleman by the name of Mr Jack Meakins, who lives on Kangaroo Island and was nominated by the Lions Club of Kangaroo Island, which is a magnificent organisation contributing to the welfare of the people on the island. Indeed, the Lions organisation generally contributes to the welfare of people throughout South Australia and beyond.

Mr Meakins was born on 3 October 1924 and joined the Lions Club of Kangaroo Island in September 1970. For his work in Lions and his lifetime's work in the local community, he was nominated for this award. Mr Meakins has been involved in the organisation and running of the local 'Lions Marts', selling used furniture and household goods to raise funds for distribution to many worthwhile causes on Kangaroo Island and the mainland. Through that activity, he has assisted in raising in excess of $100 000, and that is an outstanding achievement. I understand that it is normal practice for Mr Meakins to help anyone in need in the community. Clearly, that is why he has been nominated for this award—in recognition of his outstanding contribution to his local community. I also understand that he has undertaken many gardening, painting and handyman exercises around Kangaroo Island. Wherever elderly people need assistance he is there to help them with anything they need done around the house.

Mr Meakins has been involved in raising funds and working in other areas, and I would like to highlight a few of those areas. He has been involved in: the Soldier Settlers Museum at Parndana; the construction of a merry-go-round for the Kangaroo Island Lions Club; the construction of shelter sheds throughout Kangaroo Island, particularly in the Parndana area; and incentive awards for students at the Kingscote Area School and the Parndana Area School. Mr Meakins also assisted in building a carport for the aged care home in Kingscote and has assisted in laying pavers in public places.

It seems that there is no end to this gentleman's willingness to assist in any community activity. As I have said, he has assisted in raising funds for a whole host of organisations. Indeed, he raised significant funds for the Kangaroo Island Yacht Club and bought the younger people there a training dinghy so that they could learn the ins and outs of sailing.

The Country Fire Service is another area in which Mr Meakins has been involved. In fact, he established in Parndana the very first emergency fire service. I know my colleague the member for Morphett would be aware that the emergency fire service became the CFS. He was an inaugural member of that organisation and established the emergency fire service in Parndana. He simultaneously held the position of Fire Control Officer for 15 years at Parndana. There are sometimes major incidents on Kangaroo Island, and I understand that, through his efforts, Mr Meakins has ensured that the Country Fire Service on Kangaroo Island is far more effective than otherwise would have been the case without the contribution he has made.

In addition, Mr Meakins spent 13 years on the Parndana school council and three years as its chairperson. He was also a member of the National Parks and Wildlife committee for 15 years. I understand that he is always available at any hour to assist in distributing goods to families in need, especially after emergencies, given his relationship with be Country Fire Service. Bearing in mind that he is into his third age, at this point in time Mr Meakins continues to average around three days per week working for the Lions Club and the community.

Mr Meakins epitomises what we would refer to as the quiet achiever. He has a lifetime of knowledge and experience which he willingly shares with everyone. He always listens first before offering advice or assistance and he is considered by all around him to be wise counsel. In essence, Mr Meakins epitomises the reasons why the Hidden Legend Awards exist and, indeed, why the communities in which we live are far better off—because of the contribution made by Mr Meakins and others like him.

Mr SNELLING (Playford): I also rise to support the motion. I want to particularly acknowledge Mr Ken Cunningham of Para Hills in my electorate. Mr Cunningham does a sterling job at Hampstead Rehabilitation Centre and is well recognised by staff and clients for his happy disposition and willingness to help in any way possible. He is one of those generous, warm and caring people who is always ready to do what has to be done, plus extra. He goes in every day to the Hampstead Rehabilitation Centre and always makes himself busy if he does not have any allocated duties. He visits clients, helps in the garden, and looks after the fish ponds and fountains in the courtyard, I understand. He also takes the clients at Hampstead on shopping trips. Apparently he is well known for his dry sense of humour. I am told that Mr Cunningham has a large family and indeed has 26 grandchildren.

Ms Rankine interjecting:

Mr SNELLING: The member for Wright suggests that the Hampstead Rehabilitation Centre may provide an escape from these 26 grandchildren, and that may well be so. He is

also active in his local church, the Pedare Uniting Church, where he serves on many committees and is active in its administration. He is well known for helping those members of his church community who may be in need or in distress. I congratulate Mr Cunningham of my electorate on being nominated for the Hidden Legend award, and I congratulate the member for Wright on her initiative in bringing this motion to the house.

The Hon. S.W. KEY (Minister for Social Justice): I would like also to contribute to this debate. First of all, I congratulate the member for Wright for bringing this matter to our attention and for being involved in the program. Also I pass on my congratulations to all the recipients of the Hidden Legends of 2002, which is a wonderful initiative. In particular, I acknowledge one of the legends in my electorate, Lyn Ryan. She was nominated by a number of her colleagues—Lenore Hodgson, Suzanne Dolman, Sue Voice and Liz Mabbarack. They wanted to make sure that Lyn was recognised because, for the past 17 years, she has been involved in rescuing and caring for a wide range of animals.

Even though Ms Ryan is in a wheelchair, this has never been any inhibition for her work in caring for animals and also educating people with regard to their responsibilities towards care and compassion for those animals. Ms Ryan runs Lyn's Volunteer Animal Rescue Service and, as I said, the four people who nominated her have been most impressed with her role in this area, as well as the fact that she is a person who makes herself available to listen to what people have to say to her when they bring these animals to her. She probably dispenses some counselling and support to those people as well.

What we need to mention about her volunteer service is that this is a complete volunteer system. She receives no funding for this activity. Although there is an occasional fundraiser, most of the money that needs to be put into this process comes from Ms Ryan's own pocket. She demonstrates her dedication to this task by the money she contributes from her own funds. In addition to this service, she organises trips to schools in her area to educate children and make sure that they get some understanding of what can be done to assist both native and domestic animals.

She has been involved, I am told, in organising a rest home/children's hospital run to make sure that some of the residents' canine friends in the area are able to go on a therapy run with a view to raising money for the volunteer service. Animals cared for by Lyn in her 24 hours a day, seven days a week service range from baby possums, kangaroos and birds to domestic cats and dogs. I am advised that this is always done with a smile. I am very pleased and honoured to support and make mention of Ms Ryan's contribution. I have also been told that despite this, and despite the fact that Ms Ryan does most of this work from a wheelchair, she has also been a survivor of breast cancer. Although her health has deteriorated somewhat, this has not diminished in any way her passion for animal care, educating and contributing to our community. I congratulate her particularly in this wonderful process of identifying Hidden Legends in our community.

Motion carried.

McLEOD'S DAUGHTERS

The Hon. M.R. BUCKBY (Light): I move:

That this house welcomes the announcement by NWS Channel 9 to extend the popular series *McLeod's Daughters* to a third season, notes that the series has been sold to international networks and provides significant economic benefits to the Gawler and district amenities and for the film crews and artists of South Australia.

This is a particularly good program that is produced here in South Australia and right in my electorate.

Mr Hanna: One of your favourite shows.

The Hon. M.R. BUCKBY: Well, I do watch it occasionally. The minister asks me when do I get time to watch it—well, not often. I have to say that, as an ex-farmer, one of the good things about this program is its authenticity. The producers, directors and scriptwriters of *McLeod's Daughters* have managed to capture the many instances of problems with cows calving, shearing time and those sorts of things. In the program they are exactly as they happened when I was farming.

Mr Hanna: And all the farmers are rich and beautiful!

The Hon. M.R. BUCKBY: Well, some of us are—beautiful, but not rich. I must say, I never came across any of my neighbours' daughters that looked like them, that's for sure. But there are the odd ones like it, I have to say. It is a very good program and it is supporting an industry in South Australia. When I was working for the Centre for Economic Studies I undertook an economic impact study of the film industry in South Australia and its benefit to South Australia. This is an industry that moves quietly along, but I can tell you that it has a significant multiplier effect in the number of dollars that are invested and the employment that it generates. For example, on the *McLeod's Daughters* set, if you go there to visit (and I have on three occasions) on a normal day there will be about 40 to 50 people involved with the production—whether in sound, film or looking after horses. A significant number of jobs are created in our community, and one of the flow-on effects of this for the Gawler community, of course, is that three of the stars have now purchased homes in Gawler, and so the local community is benefiting from them living there and the film crew staying there whilst they are shooting.

The Hon. S.W. Key: Should be good for a few fundraisers.

The Hon. M.R. BUCKBY: The member says, 'Good for a few fundraisers'. Say a scene in the program is out in a paddock, or there is an incident on a back road, or something like this, the manager of sets drives around to find the right spot to get the right view and picks out a road, and the crew moved between Mount Pleasant and Gawler in different areas.

The Hon. S.W. Key: You did say 'sets'.

The Hon. M.R. BUCKBY: Yes, s-e-t-s. The manager told a very interesting tale at one of our fundraisers that we invited them to attend. They had a scene in which they wanted a car to get bogged, so she was travelling down some of the back roads to find a suitable spot, with a bit of mud and water on the road. It was the middle of winter and she went down one of those roads in our area referred to as a summer track. She found the right spot, and it was great. She had to get in touch with the farmer next door to drag her out with a tractor. She said, 'I've found just the right spot for the scene.'

The work they put in to get such authenticity is second to none. To now have a third series of this production is a real feather in the cap for the directors, the producers, the actors

and all the people involved with *McLeod's Daughters*. The program highlights South Australia. The scenery that people see on television is that of South Australia, particularly around the Gawler area. The ball shown on television a few weeks ago was held in the Freeling Institute, and all the locals got involved as extras. That is a real benefit for the Freeling community and for local business. I can only commend them on their involvement in the community, because they go out of their way to make sure that, when they want to use community facilities like that, a farmer's land or something similar, they do not upset the local community by encroaching on its normal activities.

It gets interesting at times. This is all set with people riding on horseback and that sort of thing. Sometimes they have to check with the local farmer next door as to when they are going to spray their crops or do something, because they could be in a paddock shooting a scene in the era when horses were used and suddenly in the background a John Deere tractor with a spray unit goes past—it is not quite in the context of what they are trying to portray. So, they work very closely with the local farmers, and the local farmers with them. All of us in the Gawler area are pleased to see that this production is continuing for a third series.

It was instigated by the previous government, because the property was up for sale. We were approached by Channel 9 and told that it wanted to set up this series. So the property was taken off the market and held by the government so that we could make sure that Channel 9 had access to the property and could continue to have that access. It is interesting to note the work that went into the homestead. I remember that, the first time I went to visit the set, the office was set up as though it was in the 1930s. They had gone around to all the second-hand shops and clearing sales and picked up various items that would appear in a normal farmer's office; for example, spare parts manuals for a tractor, and all those sorts of things that would be lying around in an office of that time. It was so authentic for a 1930s era that it just had to be seen to be believed. The work that goes on shows in the production we see on the screen in terms of authenticity and the work put in to make sure that it comes across as a credible series.

I am pleased that this series has been sold to the United States, because that is getting them a significant profile not only for Australian television but also for the actors involved. It highlights an area of South Australia that people in the United States would not normally see, and they get to see some of the magnificent scenery on the edge of the Barossa Valley and rural Australia at its best. So, it must do things in terms of whetting the appetite of some people in areas such as the United States so that they decide to travel to Australia and see what we have to offer.

With those few words, again I say congratulations to everyone involved with *McLeod's Daughters*: to the directors, producers, actors and all who work so hard behind the scenes—they start at 6 in the morning and finish at 8 or 9 at night—to ensure that this series is one which is of high quality and of which we can be proud. Of course, the state benefits because of the employment that it generates. We in the Gawler area in particular are extremely proud to have them and wish them all the best for their third series and look forward, hopefully, to there being a fourth.

Mrs GERAGHTY (Torrens): I, too, would like to make a few comments. I certainly agree with the member for Light about the authenticity and realism of the series. Recently, I had a chat with the Premier about the motion. I know that the Premier, who is also Minister for the Arts, is fully supportive of this motion but, regrettably, he cannot be here this morning to speak to the motion. In fact I understand that, to show his support for the series, the Premier visited the set of *McLeod's Daughters* on Friday, I think about 5 July, I believe at Strathalbyn. He was accompanied by the creator of the series, Posie Graeme-Evans, General Manager of Channel 9 Films and Television, Hugh Marks, and the General Manager of Channel 9 in Adelaide, Mark Colson. They, along with the Premier, toured the site and watched the filming of the series, which I am sure must have been exceptionally interesting and obviously very educational.

I also understand that about 1 500 extras from the local community have been involved in the production of the 43 or 44 episodes. I might just say that it is a very interesting program to watch, and I almost put it in the category of being addictive. Unfortunately, when parliament is sitting we do not have, as the member for Light said, much opportunity to put our feet up (hopefully with our nice comfortable slippers on) and to watch the program. I encourage my husband, Bob, to tape it for me, but he gets so engrossed in it that he forgets to press the button and I have to scrounge around amongst my friends to see whether they happened to taped the episode.

I congratulate everyone involved for the amount of effort that they put into *McLeod's Daughters* because it is certainly a pleasure to watch. For those of us who have very limited opportunities to watch television, it is wonderful to be able to watch something that shows bits and pieces of our state. We are very proud of everyone who is involved.

Mr HAMILTON-SMITH (Waite): I rise as shadow opposition arts minister to support the motion and commend the member for Light for his remarks and members opposite for their contributions. I think this motion enjoys a degree of bipartisan support. Indeed, *McLeod's Daughters* is an absolutely wonderful program. It is fabulous for the film industry in South Australia, a film industry which has been built up over 30 years—longer than 30 years really, but in its most recent identity over about 30 years—and which now, in some respects, leads the country in terms of quality and originality. South Australia, as my erstwhile colleague has noted, is a great venue and great backdrop for such a program. The Barossa region and the South Australian countryside provides an absolutely fabulous setting for this program.

I join my colleague in commending all those involved in the production of the program, in particular the technical crew, the artists who make it happen, the administrators and the backup crews, and indeed all the people who make such a tremendous undertaking a reality. The member for Light has mentioned some of the challenges they face in their day to day work. To all of them, on behalf of the opposition and everyone in South Australia: well done and keep up the good work. We also welcome the news that the program is to be marketed more extensively overseas. The news of its showing in the United States was welcome. As the motion points out, this is the third season with, we hope, many more to follow.

The real meat around the film industry in this state is the people who are making film: the people who are making feature films and the people who are making work for television, the hundreds and thousands of people who are involved in actually delivering product. The opposition has cautiously welcomed the government's announcement about the film festival—and I think that will be great—but I think the success of *McLeod's Daughters* reminds us that the real

area to nurture is the people who are actually producing content, and the people whose jobs actually depend on producing high quality work and marketing it to television, to film distribution, to video and all the other markets for this sort of work.

So, we have to keep our focus on what we are doing well. *McLeod's Daughters* is a good example and we need to make sure that we continue to support it. I commend the former minister Diana Laidlaw and the previous government for its role in getting this show here in South Australia and in getting its third season under way. And, like the member for Light and members opposite who have spoken to the motion, I look forward to enjoying it on television in the years ahead. I commend the motion.

Mrs REDMOND (Heysen): I rise briefly to endorse the comments of the other speakers and to support the motion. One might think that, given that *McLeod's Daughters* is filmed up around the area of the member for Light's electorate, I would not have had much to do with it but, as it happens and as the member for Torrens mentioned, there was an episode filmed at Strathalbyn, which is slightly out of my electorate. Just before 5 July an ad appeared in the local paper advertising for extras for the film. I have an aspiring actress as my youngest child, so she spent many hours on the phone trying to get through.

Although she did not succeed, and we do not have an extra in the film from the family, I know that it was a hugely successful event and a momentous event for Strathalbyn on the one or two days that they filmed there (I think it was a Friday and a Saturday), and it was an enormous event for the community just for the one episode. So, I can well appreciate, if they have used 1500 locals from around Gawler, how much of an impact it has, not only in that but also in the businesses, such as lunch shops and coffee shops and all sorts of other things that become involved in supplying the people involved in the making of any television series.

I happen to know a young actor locally, a young man whom I have known since he was a baby, who has now graduated from the Centre for Performing Arts in Adelaide. He has become an actor and has managed to find full employment consistently in this state; indeed, he has had a small part in one of the episodes of *McLeod's Daughters*. As other speakers have indicated, it is a wonderful thing in that it provides an advertising vehicle for us, going to interstate and overseas, and its international impact can be quite profound.

I happen to be a fan of another television series called *SeaChange*, and when I was recently investigating the possibility of a trip along the Great Ocean Road I found that Laura's cottage from *SeaChange* is now being advertised—you can actually stay in it—and I have no doubt that there is the potential for the working station that is used in *McLeod's Daughters* to have that sort of tourism impact as well; because once something becomes known, particularly overseas, it becomes a real drawcard for people overseas who want to come to the state to actually see the place where the filming is done. That has happened with all sorts of television series, but particularly the ones that have something interesting about where they are located.

So, I think it will be a wonderful thing. I hope that it continues beyond its third series. I am envious of the member for Light in having that wonderful production located in his electorate so that those economic benefits spin off into the community. I endorse the motion.

Motion carried.

WILLIAMS, Mr M.

Mrs GERAGHTY (Torrens): I move:

That this house congratulates Port Power coach Mark Williams on becoming a life member of the Australian Football League.

I am sure that my husband will very much appreciate this motion. Mark Williams qualified for life membership of the AFL at Subiaco Oval about three weekends ago, when he reached the magical mark as a player and coach. Mark's VFL-AFL games tally comprises 201 premiership matches for Collingwood and Brisbane; 11 pre-season games for Collingwood and Brisbane; five State of Origin matches for Victoria and South Australia; and 82 premiership matches as Port's coach. Most members would know that Mark enjoyed a successful playing career with Collingwood and Brisbane, with stints in the SANFL with West Adelaide (one of my favourite local teams) and Port Adelaide. He also coached Glenelg. He was the assistant coach to both Kevin Sheedy at Essendon and John Cahill at Port before entering the role of head coach of the Power in 1999. Mark is the son of the legendary Port Adelaide footy identity, Fos Williams.

Mark continues to make an enormous contribution to the game of football through his efforts at both elite and grassroots level. The AFL's life membership is a tremendous way to recognise service to the sport of football, and I am very pleased to see that Mark has joined other recently appointed members Garry Hocking, Michael Martyn, Wayne Schwass, Stephen Kernahan and Robert DiPierdomenico. Mark has also just become the seventh person who began his football involvement in this state to qualify for AFL life membership. He is now joining Max Basheer, who was appointed in 1995, Craig Bradley (1997), Malcolm Blight (1998), John Platten (1999), Bob Hammond (2000) and Stephen Kernahan (2001).

Mark is heading into his fourth season as coach of Port Adelaide, and I am sure that all of us here will agree that he is taking the club to a new level, with the Power looking to be a serious challenge to take the flag in 2002—I was just thinking of some debates I have had about that! I would like to acknowledge the contribution that Mark Williams continues to make to football, and I congratulate Mark on his life membership. I understand that he is a very busy man, but he also continues to find the time to coach his son's local school football team at Immanuel College. I am sure that those students will benefit greatly from his expertise, and also from the way in which he is committed to his sport and his ability to draw people on side. I congratulate Mark on his life membership.

Mr HAMILTON-SMITH (Waite): I proudly stand to support this motion. I think the member has brought to the house an outstanding motion, and I proudly proclaim to the house (as I have previously) that I am a Port Power supporter. We are seeing at the moment one of the greatest football teams that have ever played at a national level, and I think the four years under Mark Williams' tutelage is now starting to deliver real dividends. Supporters of the club have watched Mark develop. There have been highs and lows during the course of the last three or four years.

There have been bitter disappointments. We have made the finals sometimes and on other occasions we have not. You can see that Mark has been working to a program. He is a hard nut. He believes in working his team extraordinarily hard on the track and he believes that if you put in the hard

yards you will get the dividends. You can see that shining out of Mark. One of the things I particularly like about him is the humility he shows. He just seems to get on with the job. You can see that his dedication is to the team; he is not someone out there seeking to attract attention to himself. He is not the sort of bloke you would expect to turn up in the media later on down the track. He is the sort of bloke who has one thing on his mind, and that is getting his team into the grand final and getting the flag. He is a shining testament to his father Foss, who passed away at a very awkward time for Mark. With the finals campaign underway it must have been very difficult for him to see that through. The Williams family have been legends in South Australian football and the Port Adelaide Football Club.

Let me raise a particular issue. I hope the house is taking note of this. A number of us on this side in the opposition are Port Power supporters, and proud to be so. That is not to say we do not like to see the Crows win: we love seeing the Crows win, except that they will not win on Sunday, and I look forward to screaming and yelling at the game along with members of my family. It is great to see any South Australian team whip those Victorians—or, for that matter, a team from any other state. I would simply say that, as I go to games and luncheons with the SANFL and move around, I am pushing the view that South Australians really need to recognise and embrace the fact that we now have two footy teams in the national competition. I also happen to be a strong supporter of the Sturt Football Club. I grew up in Mitcham; it is my local patch, and I went to primary schools that were serviced by Sturt. Sturt came out and trained our footy team at Clapham Primary School. They were a fabulous team, I followed all the legends of Sturt as a youngster, and I am a great supporter of the club. They have been having a bit of a revival in recent years, and I look forward to seeing that team do extremely well in the SANFL competition.

I raise the issue of the difficulty that one seems to face in supporting a team other than Port Adelaide in the SANFL while being a Port Power supporter in the AFL. It seems that you cannot go anywhere and say to people, 'Look; I actually support Port Power in the AFL; I think they're a fabulous team,' without members of all the other clubs in the SANFL looking at you oddly and saying, 'Oh, gee; are you one of them?' I hope we are heading in the direction where young people (and I euphemistically include myself in that category) can support a club other than Port Adelaide.

The Hon. L. Stevens interjecting:

Mr HAMILTON-SMITH: The Minister for Health is providing some technical advice to the contrary on that issue, and I will defer to that. I hope young kids will be able to go out there and say, 'I barrack for Norwood (or North Adelaide or Westies) in the SANFL, but I reckon that in the AFL Port Power is a pretty good team and I will back them in the AFL,' instead of feeling that everybody other than a Port Adelaide club supporter in the SANFL has to barrack for the Crows because how could you possibly barrack for Port Adelaide? As a football community we need to grow beyond this. As a football community we need to recognise that we have to be tribal but, at the same time, there is the national competition with its tribes and there is the SANFL with its tribes. It is difficult to imagine, but I could even see a couple of the Port Adelaide supporters in the SANFL perhaps supporting the Crows in the AFL. Perhaps that is a possibility, but it is a little more difficult to imagine. However, I certainly think that a few people from clubs in the SANFL other than Port Adelaide could get behind Port Power. It has been a hard struggle for them. The Crows got in there first; they were the premier AFL football team.

The Hon. W.A. Matthew interjecting:

Mr HAMILTON-SMITH: The whole state got behind them from the very outset. As my colleague the member for Bright mentions, they did it with a lot of players from the Port Adelaide Football Club along the way, but they got a head start. Port Power came along and charged into the competition. It has been hard and it has taken some years, but they are now sitting jointly on top of the ladder with Brisbane. I reckon my club will win the grand final this year if they keep going the way they are, and I look forward to seeing them win on Saturday. I just raise this issue and I hope that people will give it some thought. I think that you should be able to get behind Port Power and still support another team in the SANFL. We have two competitions.

Returning to the motion, the house really must recognise Mark Williams' fantastic achievements with the club. Life membership of the AFL is a given with Mark. He is one of the legends of the game in South Australia, together with his dad and his brother. I look forward to more fabulous years of watching Port Power go from strength to strength.

Mr CAICA (Colton): I enjoyed the contribution of the member for Waite. I have often contemplated why it is that members of the football fraternity have to like one team and hate another, such as, in particular, Port Adelaide and the Crows. I never missed going to Alberton when I was young just in the hope that the team I followed—the mighty West Torrens (now the mighty Woodville-West Torrens)—would actually beat Port Adelaide. So, I would never miss a game at Alberton Oval. However, since becoming an elected member of the western suburbs, I have learnt that Port Adelaide has an enormous support base—I knew that anyway—so, instead of being my least favourite team, today it is my third favourite team behind Woodville-West Torrens and the Crows. I join in the sentiments—

An honourable member interjecting:

Mr CAICA: And the Henley Football Club. I appreciate that contribution from my colleague. What I want to talk about more than anything else is Mark Williams. I have known Mark and his family for an exceptionally long time. When we moved to Pine Avenue at Glenelg North we lived only a couple of drop kicks (as we are talking about football) away from the Williams family home. Mark has been able to achieve not simply because he is an outstanding footballer and motivator but because of the family support that he received when he was growing up. He is a credit to his father, the late Fos Williams, and his mother, Von, as are each and every one of the Williams children. As we know, Jenny is an outstanding contributor to women's lacrosse, having represented Australia as captain for many years.

Stephen is the current coach of the Port Adelaide (Magpies) Football Club in the SANFL, and he was a colleague of mine when I was working in the Metropolitan Fire Service. He has been a firefighter for an extended period of time. Many members of this house would understand the tragic circumstances of the death of their brother Anthony whose life was cut tragically short. Mark has made an outstanding contribution to football. To a great extent, that contribution has been dependent on the support he received from the family unit in which he grew up. He is a credit to his family; in fact, he is a credit to the people of South Australia given the contribution he has made to football.

Unlike the member for Waite, I would love to see Port Adelaide make the grand final and be the runner-up to the Crows. This week's game is just a sideshow; it does not really matter much what happens this week; the big bickies come when the finals come around. As I said, I will barrack for Port Adelaide and Mark's team on every occasion, except when they are playing the Crows. I know there will never be a chance for them to play the Woodville-West Torrens Football Club, so I will not have to have divided loyalties.

Mark started his career a long time ago and, as was pointed out earlier by the member for Torrens, he started at West Adelaide Football Club and made a significant contribution to that club before going to Port Adelaide Magpies and then to Collingwood. He became the first footballer who started his career in South Australia to play 200 AFL games. That was an outstanding and significant milestone in South Australian football history. Those of us who have an abiding interest in football remember some of the footballers who went to Victoria in the early years—names such as Bohdan Jaworskyj and Robert Day, and a host of other footballers.

Victorians always accused us of not having the footballers to make it over there. Since that time that has been proven not to be the case. We had a vibrant local competition and people did not want to go anywhere else: they were happy to play here. So, Mark was the first player who started in South Australia to play 200 AFL games.

Following his stint at the Brisbane Lions, where again he made a significant contribution, Mark returned to South Australia to finish his playing career with Port Adelaide, and then took on an assistant coaching role at Essendon, returned here to coach Glenelg and today is coach of Port Power. As I said earlier, I am proud to stand and support this motion. Mark has made a significant contribution, and I hope it continues. I wish him and the Port Power football club all the very best during its finals campaign.

I am genuine in saying that I wish them all the best. I know that my colleagues the Minister for Government Enterprises and the Treasurer would be proud of my contribution. I only wish that they were here to add to the debate. There are those who think that the Treasurer and the Minister for Government Enterprises are mad, but they are actually mad Port Adelaide supporters. I commend the motion to the house.

The Hon. W.A. MATTHEW (Bright): It gives me much pleasure to stand in this house to support the motion congratulating Port Power coach Mark Williams on becoming a life member of the Australian Football League. It is fair to say that my support of this motion is a little more one-eyed than the contributions of others who have spoken. While I am very pleased to have my colleague the member for Waite as a fellow Port Power supporter, my basis for support of the club goes back to the time of my birth when I was christened a Port Adelaide supporter by my grandfather, who took great pleasure in putting a Port Adelaide beanie on my head in front of my strong Norwood supporting father. But the deed was done and I was christened a Port Adelaide supporter and have proudly followed the club all my life. I was particularly delighted when the club managed to gain a deserved place in the AFL and was able to attract back to its fold the talent of the like of Mark Williams.

As other contributors to this debate have put on the public record, Mark Williams has a distinguished football playing and coaching record not only for the Port Adelaide Football Club but also for the West Adelaide, Collingwood and Brisbane football clubs. Importantly, he is back where he belongs, and that is at Alberton steering the Port Adelaide club forward.

I think it is important to focus on the way in which the Port Power club has developed. Many people in South Australia who were keen followers of football argued that it would not be possible to replicate the tradition of the Port Adelaide Magpies in the Port Power club. How wrong they have now been proven, and they have mainly been proven wrong through the leadership abilities of people such as Mark Williams as coach and Brian Cunningham as Chief Executive of the club, who has also ably steered the club forward while fostering that tradition. If people speak to the players within the club, they will find that new players who have joined the club are already talking about the tradition of the Port Adelaide club.

That tradition goes back beyond not only the formation of the Port Power club but right back to the time the club was formed. It is fair to say that if the Victorian teams can look at their previous record in the VFL as their contribution to football, the Port Adelaide Football Club likewise can go back to its very start in the SANFL and look at its contribution. I put to every South Australian follower of football, particularly those who support that other Adelaide team, and anyone who supports football around the country, that the team that has won the most premierships in the AFL is Port Adelaide. Port Adelaide has won more premierships than any other side. It is only a minority of narrow-minded supporters of other teams who would deny Port Adelaide the right to claim themselves as the greatest premiership winning team of the AFL. Crows supporters can count their two premierships as much as they like, but we count those we have won in the SANFL.

It is fair to say that the Port Adelaide Football Club is poised to do particularly well during the coming finals. They are so poised through the efforts of Mark Williams and his team. One of the skills Mark Williams has brought to the club is his ability to be able to include his team and focus them so well on the task at hand. That is why they have been able to develop the tradition of the Port Adelaide Football Club into the AFL and that is why they have demonstrated time and again on the football field that they are able to give it just that little bit more that other clubs used to wonder about in the SANFL. That same skill is now coming through. The old Port Adelaide Football Club never gave up; Port Power never gives up, no matter how much the odds are stacked against it. That is a rare thing in team sport and it is attributable to the spirit of the Williams family.

I first had the pleasure of meeting Mark and his brothers Anthony and Stephen on the tennis court, not the football field. Regrettably I do not share their prowess on the football field, but they are as equally effective on the tennis court as they were on the football field and that is probably in no small part due to the skill of their mother, Von, on the tennis court. The Williams family had the privilege of having a tennis court at their Novar Gardens home, where they used to practice frequently. Who knows, the tennis court could have seen the name of yet another Williams family had they decided to go down that path, but the Port Adelaide Football Club is pleased that the boys decided to go down the path of football and share their skill accordingly.

The other reason I am so one-eyed about the Port Adelaide Football Club is that I have the privilege of representing that club as one of its ambassadors. My colleague the Treasurer, likewise, is an ambassador. While the Treasurer and I might

disagree on a number of things on the floor of this house, we share a passion for a football club which we both recognise demonstrates excellence in team work.

I invite people to view the signature of Mark Williams and his team in my office in this house at any time. I proudly display on the wall of my Parliament House office a guernsey of the Port Adelaide Football Club, signed by the members of that team and by its founding participants. Clearly, Mark Williams's signature is very deservedly part of that. I commend the member for Torrens for introducing this motion. It is another strong attribute of the member for Torrens of which I was unaware. Any supporter of the Port Adelaide Football Club is certainly a person worthy of praise in this house, as is Mark Williams.

Mr KOUTSANTONIS (West Torrens): It is fair to say that I agree with everything the member for Bright just said, which shocks me. It must be the flu—I have a fever.

Members interjecting:

Mr KOUTSANTONIS: Yes, I have a bit of fever. It shocks me to say that we are of one voice: my brother in arms! This motion is about Mark Williams, not about the Port Adelaide Football Club, but I will say one thing briefly about the Port Adelaide Football Club. It seems to me that everyone's defining moment in football was either losing to Port Adelaide or beating Port Adelaide.

Ms Ciccarello: Why are you looking at me, Tom?

Mr KOUTSANTONIS: Because you're pathetic: how many—three or four premierships? However, on to Chocko, Mr Williams, and his great human skills. This is a person who has devoted his life to the pursuit of excellence. He is of Welsh background although he has often been confused with being of indigenous background and, indeed, was given the Indigenous Athlete of the Year Award, which he had to embarrassingly return in 1987, I think it was. He gives his time to charity and to all those who ask for it. He is a devout Port Adelaide supporter. He cut his teeth at Westies, where he played briefly. It is interesting to note that Westies is also where Fos Williams first played his football, not with Port Adelaide Football Club.

The Williams boys are all very good athletes, and I am sure that Fos is very proud of his sons. Both boys are now coaching Port Adelaide football clubs, both carrying on a tradition that has gone on for over 100 years.

Ms Thompson interjecting:

Mr KOUTSANTONIS: He does, yes. Actually, I was with one of the Port footballers on Monday night, Che Cockatoo-Collins, talking about Mark's coaching technique. He said that he has never met a fairer yet harder coach, but someone who is not hard in the sense of abuse or in terms of screaming for the sake of screaming. What Mark wants is to get the best out of his players. He wants to see every athlete who puts on the Port guernsey give their very best to the club, not only for the club but for their own dignity. It is not the club that makes the players strong: it is the players that make the club, and the fans. Mr Williams is an excellent role model for all the players at that club and an excellent role model for young athletes who want to pursue a career in football. I commend the motion to the house.

Dr McFETRIDGE (Morphett): I declare my hand straightaway: I am a Crows supporter, but Mark Williams is a constituent of mine. I was going to say he jogs past my place quite frequently, but he does not jog: actually, he runs flat out. Mark Williams does not do anything by halves. Mark Williams is a dedicated football coach, one who, just looking at his record, which I will not go over again as it has been done already, goes 110 per cent all the time. You have only to watch a Port Power match and you just watch them go. It is a pleasure to watch the dedication that Mark is able to inspire in his players.

All my life I wanted to play for West Adelaide, but I have a bit of a problem at the moment living down at the Bay. My allegiances are split. It is nice to see that Mark has played a role in both those teams. I was at the Westies/Bay match the other day and once again my heart was split in two, but to know that both those teams have been touched by Mark Williams gives me a great deal of pleasure. I am not going to speak for long on this motion, other than to say that I congratulate Mark and his family, because it is through family support that he has been able to dedicate his true professional attitude to Port Power.

Mark has had 201 VFL/AFL matches, with 85 AFL matches as Port coach (although that may be a little out of date; that was off the AFL web site, and someone can correct it if they wish). He has had 228 SANFL matches, with 64 at West Adelaide and 115 with the Port Magpies, and 45 matches as Glenelg coach—great efforts all round. He is the seventh person from South Australia to qualify for AFL Life Membership, and the member for Torrens mentioned those other names before.

It is great to have people like Mark Williams in this state. I wish him well both on the weekend and with the premiership. It will be great to see not only a Showdown this weekend, but a Showdown in September with an AFL grand-final between Port Adelaide and the Crows. The rest of Australia will look at that and will recognise the talent that we have here in South Australia. I support this motion wholeheartedly, and wish Mark Williams and his family the very best.

Ms CICCARELLO (Norwood): Strange as it may seem, I would also like to add my congratulations to Mark Williams for having been made a life member of the Australian Football League. Whilst everyone knows that I have a passion for the Norwood Football Club and everything red and blue, there has always been a healthy rivalry between Norwood and Port Adelaide. I have not known Mark for as long, but I have known Fos and Vonnie Williams for many years. I met Mark just a few years ago when Michelangelo Rucci released his book about Fos and Port Adelaide Football Club. I was sitting next to Mark at a lunch last year, but I do not think I had better mention what we talked about. He has been extremely successful with the Port Power team. I might take some exception to some of the comments made by other speakers with regard to the history, success and number of premierships won by Port Adelaide Football Club because the two clubs, Port Adelaide Power and Port Adelaide Magpies, are supposed to be seen as two distinct entities. It will be interesting to see whether this year's AFL grand final is a Port Power/Crows game.

I do not have any allegiance to any AFL team, because I am just a one-eyed Norwood supporter, but I do follow the careers of the many former Norwood players playing in the AFL. Matthew Primus, the wonderful captain of the Port Power Football Club, played with Norwood for quite some time. We like to think that his career was enhanced by his time at Norwood. He came over here from Victoria. I may be wrong, but I think it was Malcolm Blight, coaching Geelong, who did not think Primus was a good enough player.

Matthew has gone on to great success and I congratulate him, and it would be nice to see him leading the Port Power team with the AFL grand final trophy. There are a number of other Norwood players playing for Port Power, Roger James being another very good player. I will not go through the list because I do not wish to embarrass anybody I might leave out.

The Williams family certainly is a great sporting family. Fos was a legend, and Vonnie, as has been acknowledged, was always a great support to Fos and to her children. She is very proud of Mark, Stephen and Jenny. I had the delight of sitting next to Jenny Williams one night at the Norwood Oval when Norwood and Port Adelaide were having one of their traditional games. It was a Friday night and bucketing down with rain and we beat Port Adelaide by one point. That is always very satisfying. Again, congratulations to Mark, and I commend the member for Torrens for the motion.

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): I also rise to add my voice to the congratulations of Mark Williams, Port Power coach, on becoming a life member of the Australian Football League. While I know it is the ambition of the Port Adelaide Football Club to distinguish the Power from the Port Adelaide Magpies Football Club, they will always be the Maggies to me, and the club has a massive challenge in seeking to grow its membership support base. I was quite impressed at the recent opportunity I had, at an event sponsored by SA Great, to listen to Mark Williams address a group of business people and other representatives of the area about his ambitions for the Port Adelaide Football Club and the way in which it needs to develop in the future.

What is incredibly powerful about the club is the way in which it is operated at such a professional level. In all activities of the club, there is the highest level of professionalism. It has attracted a team of people who are building up the club essentially as a business but one that is dedicated to this sporting pursuit. It is impressive to see the way in which the club goes about its work—the way it links its activities as a sporting club into the general community.

We had the opportunity to listen to Russell Ebert, who spoke about a youth program that he has entered into with local communities and schools to demonstrate healthy lifestyles and good values for kids in local schools. That is an incredibly powerful contribution that the club is making to the social fabric of the area. One needs only to live anywhere in the vicinity of Alberton Oval to know that the Port Adelaide Football Club is the centre of the universe for that small community. I live in Queen Street, Alberton, and I may have mentioned on more than one occasion that some people who live in the nearby streets are so excited about their football club that they graffiti their own houses when Port Power wins! There is a level of dedication in the area that is unsurpassed.

The Williams family is a massive part of the fabric of the Port Adelaide Football Club, and one thing that becomes obvious when listening to Mark Williams talk is that he is a man of great integrity and incredible dedication and professionalism, and that runs through the whole club. There is a seriousness and dedication to the purpose which is no doubt at the heart of the club's success. I recall spending many an afternoon watching Russell Ebert play the most magnificent football, and it is amazing how a lot of big, burly blokes can play such artful and brilliant football. It is a real tribute to their great skill and dedication.

I know that many of us will recall those dark days in 1976 when we wept over the Sturt debacle and, for those of us who were there at that time, to experience the magnificent run of grand final success since that time has brought great pleasure to the heart. It does not matter how many times we beat Sturt after that horrible day, it will never erase the memory of that appalling afternoon in 1976.

This club is very much part of the social fabric of the area, and there is a serious connection between that and the integrity of the people who have been key leaders within the club, and Mark Williams takes his place along with Russell Ebert, Brian Cunningham and other figures to whom not only the players but people in the community look up. They are men of integrity, they are thorough professionals, they are role models for their community, and we are all very proud of them.

Motion carried.

GREAT AUSTRALIAN CATTLE DRIVE

Mrs HALL (Morialta): I move:

That this house congratulates the South Australian Tourism Commission and the Year of the Outback team on the success of the Great Australian Cattle Drive, and

(a) acknowledges the significant economic benefits and goodwill this historic event has generated across the outback regions of South Australia;
(b) congratulates the numerous individuals who participated in this event;
(c) recognises the valuable international media coverage this state has received for staging this event; and
(d) urges the state government to financially support the concept of a similar biennial event in the future.

I am delighted to move this motion congratulating the South Australian Tourism Commission and the Year of the Outback team on the success of the Great Australian Cattle Drive. The outstanding success of this event deserves the accolades that have been so generously given to this extraordinary journey that has been described as a once in a lifetime experience.

This unique Year of the Outback hallmark event delivered on the expectations that were so enthusiastically built up and professionally promoted, both nationally and internationally, by the South Australian Tourism Commission. To say congratulations and thank you hardly seems enough: Tourism's Bill Spurr and his impressive team of professionals at the SATC deserve the acknowledgment of this house.

The mythology of the event's origins has now turned into fact. Even with the embellishments from the Outback characters about where the credit belongs, there is absolutely no doubt that together they provided the mix and ingredients that made this a truly remarkable and memorable journey. The 2001 Outback Travel Guide says:

More than anywhere else, a visit to the Outback provides—in one package—an experience, a journey through time and a connection with the land. For Australians, the latter is important. After all, the Outback is part of who we are and, whatever our genetic links, it is our true heritage.

The Birdsville Track is part of a region blessed with exceptional natural attractions, a unique indigenous culture spanning more than 60 000 years, and an intriguing history of European discovery, settlement, courage and development. For those who rode—or those who drove—with this spectacular event to travel across a land that, some 120 million years ago, was covered by a vast inland sea, the Great Australian Outback Cattle Drive on the 514 kilometre track, along one of the longest stock routes in the world, provided

the lot: action, excitement, colour, magic and, in particular, authenticity.

It all began with Keith Rasheed and a group of very lively friends enjoying a number of drinks at a bar and deciding that a chance to re-live the adventure, romance and mystique of that last cattle drive from Birdsville in 1972 could provide our state with the tourism and branding opportunity of a lifetime. They were absolutely right. From that idea came hours of discussion, negotiation (sometimes heated), cooperation, sheer hard work, commitment and extraordinary organisational skills, in addition to an enthusiasm from an impressive team of people who put together a logistical operation that I suspect could never be repeated on such a grand scale.

Visitors flew in from Denmark, Switzerland, Panama, England, Canada, Texas, Alaska and Scotland, as well as from all around Australia, to join South Australians from across our state. In all, around 650 'guest drovers' moved 595 head of cattle from Birdsville to Marree.

Two calves were dropped during the journey, and got the somewhat threatening names of 'Gibber Red' and 'Schnitzel'. They became celebrities and enjoyed, at varying times (much to the feigned disgust of the droving team), travelling in the luxury of the back of trucks or in the front seat of Keith Rasheed's less than traditional hot pink Land Rover.

The South Australian Outback has never experienced anything like the spectacle of this 36 day cattle drive. The SATC news sheet reports that 1 200 tents were erected at nine tent villages and 170 horses disposed of more than 5 000 bails of hay. The human contingent devoured 18 000 eggs, 600 kilograms of bacon, 30 000 bottles of water, 1 500 bottles of wine, 4 800 cans of rum and coke (also fondly known as 'black rats'), 600 kilograms of potatoes and six pallets of ice during this epic journey.

But, in particular, it was the team of people who provided the energy for success. I refer to Keith Rasheed, the event coordinator extraordinaire—despite his altercation with his horse, the ground and a tree, and the subsequent four broken ribs; the drovers, led by 68 year old Eric Oldfield, our boss drover; the chief horse tailer, Shane Oldfield, and his daughter Jessie; Gordon and Lyn Litchfield; Lachie Cullen, and Mick, who had the very special talent of getting you on and off a horse with considerable dignity; Daryl Bell, the water carter; Donald Rowlands, a distinguished tour operator from Birdsville; Jimmy Crombie and Stanley Douglas; John Paine and Geoff Bennett who never lost their sense of humour; the station owners and pastoralists; Birdsville mayor David Brooks; and the Outback community who provided the horses and the cattle.

I refer also to the many people who took their holidays to join the drive to work as volunteers, and who probably have never worked such long hours and as hard in their entire lives: Father Tony Redden for his very special prayer of memory that enabled Donald Rowlands to finally say goodbye to his father—so moving and so emotional for the large numbers of his Outback congregation; Kevin Killey and his photographic team who captured so much of the spirit of this adventure in spectacular images, despite the obligatory cold mornings to ensure the sunrise images, and the very late nights around the campfires for the outrageous stories—they are all there on film and in sound.

I recall the entertainment at Birdsville, Mungerannie and Marree; the concerts with John Williamson, Lee Kernaghan and Slim Dusty; and the thousands of visitors who enjoyed it when they descended on Marree for the races and the end-of-drive weekend of celebration. I acknowledge the hundreds of thousands of dollars that were raised for the Royal Flying Doctor Service, Frontier Services and Childhood Cancer Services.

Special thanks must go to the Chairman of the Flinders Ranges and Outback Marketing Committee, John Teague and his members; to event coordinator Paul Victory; to Lisa Davies, Ben Hooper and Mim Ward and their crew—they worked absolutely absurd hours, they were always professional, they kept their sense of humour (although I have to confess that occasionally it turned black), and in the end they appeared to survive only on adrenalin; and to the sponsors, in particular the teams from Jacobs Creek, R.M. Williams, Bonnetts, Qantas, West End, Mazda, AH Plant Hire, Channel 7, Peter and Chris from Cochrane Transport, Wesfarmers, Piccadilly, Michell Leather, and Telstra with their amazing 'desert dial-up' facilities—which were well used. Then there were the many government agencies and local councils who were also part of this amazing success.

This event has given our state, and the Outback communities, its people, its traditions and its culture a most important tourism focus and opportunity for the future. We have successfully earned and reclaimed the branding of 'Gateway to the Outback'. The awareness of what that vast area of ancient land known as the Outback has to offer has been on show to Australia and to the world. Throughout the tourism industry, operators are set to take advantage of the extensive international media coverage provided to Outback Australia. TV crews, travel and feature writers and photographers came from many countries, including Japan, the United Kingdom, German-speaking Europe, the United States, France, Spain and New Zealand, and they were joined by the major travel magazine writers and a very large contingent from around Australia.

Hundreds of thousands of dollars of editorial coverage in our target markets applauded the Year of the Outback and the main event, the cattle drive, and the host state, our state, and how we had stolen a march on our interstate competitors. Our diverse outback tourism product will continue to reap benefits from all of the Year of the Outback and the cattle drive. The operators and the communities are relishing the opportunities this branding has given, and that is the permanent link between South Australia, the adventure and the excitement, the authenticity, the mystique and contrasts of Outback South Australia.

Debate adjourned.

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

MEMBER FOR CHAFFEY'S REMARKS

The SPEAKER: Order! Honourable members will resume their seats. This morning, remarks made by the member for Chaffey, who regrettably is not in the chamber but will have the opportunity to read this later, were a direct reflection upon the Speaker. In order to help honourable members understand the circumstances governing the conduct of business in this chamber, I shall do as I had hoped might never be necessary since, during the course of the debate and on other occasions members themselves have looked for and read references to be found in those tomes upon which we rely for the principles and practices where they may not be fleshed out to our satisfaction in our standing orders.

In Erskine May the point is quite simply made that matters which may be raised only by substantive motion refer to the

House of Commons practice where, in the Westminster parliament, members of that parliament never in any circumstances make any comment about the Speaker of the parliament, either inside or outside the parliament. But, should it ever been seen as necessary on those rare occasions upon which it happens, it always happens within—and only within—the chamber, and then only by substantive motion.

I again draw honourable members' attention to the explanation given on page 332 in Erskine May, 22nd edition, under the chapter 'Processes of Debate', referring to matters which may be raised only by substantive motion. I have read that before; I think honourable members understand that. Let me set that to one side for the moment, without detracting from its relevance to our proceedings, and mention other parliaments to which we refer when we seek guidance. I note that the member for Chaffey in the course of remarks she made yesterday quoted this authority—that is, *House of Representatives Practice*, on page 190 of which appears the heading 'Criticism of Speaker's Actions and Conduct'. Quite clearly, that is the category under which remarks members wish to make seem to lie—no other category, I would say, about impartiality—because it goes to the nub of their belief that the Speaker may be acting impartially when they do not know what the other practices require. I will read from page 190, as follows:

> Except in moving dissent from a ruling, the Speaker's actions can only be criticised by a substantive motion, usually in the form of a censure or want of confidence. It is not acceptable for the Speaker to be criticised incidentally in debate.

It is not the person of Peter Lewis or the member for Hammond who is being criticised when members speak about what the Speaker does: it is the chair of the parliament. I invite members to read this, because it explains what Speakers in the House of Representatives have done on occasions upon which members have transgressed the standing orders, where for weeks they have waited for the call for a speech, a grievance or a question and have simply been denied until they purged their contempt for the chair. I quote as follows:

> Traditionally, a reflection of the character or actions of the Speaker inside or outside the House has been regarded as punishable as a breach of privilege, although since the enactment of the Parliamentary Privileges Act, proposed actions in such circumstances have had to be considered in light of the provisions of the Act.

However, it does not detract in any way from what I have done in my rulings in this place. I draw honourable members' attention then to what happened to Mr McGrath, where outside the house remarks not dissimilar to those made by the member for Chaffey were:

> The Speaker has lost the confidence of members. We have absolute proof that the Speaker has altered a Hansard proof. The proof showed that the third reading of the loan bill was not carried, according to its own words, and he altered the proof to make it appear in *Hansard*. The Speaker was acting in a biased manner, and was proving himself a bitter partisan.

Well, that resulted in the member for Ballarat being suspended from the services of the house and otherwise castigated. I invite honourable members to read on to pages 191 and 192, and the motions of censure, if they wish to, the basis for them, and so on, to be found in a table form on page 193.

More than that, if members believe that they have privileges provided by those we inherited from the House of Commons at the time of our establishment, privileges that go to the freedom of speech and, therefore, their right—indeed, their responsibility—as they see it, to raise in the parliament matters of concern to their constituents or the entire electorate of the people of South Australia, let them be aware from now on of what has happened in the nearest Westminster jurisdiction to our own outside this country, namely, New Zealand, where in recent times—in fact, in 1997—Owen Jennings a member of parliament made a speech criticising the involvement of Roger Buchanan, who was a member of the Wool Board. What Jennings did was defame Mr Buchanan. Mr Buchanan sued Mr Jennings, who was a member of parliament. Two months later a weekly newspaper published an article with Mr Jennings in which he was reported to have said in the course of the interview—and I urge all members to listen carefully to this:

> He [Jennings] did not resile from his claim about the officials' relationship, just the money.

Two weeks later, Mr Jennings wrote to the newspaper following up on this story to clear up some of its points. Mr Buchanan instituted a defamation action based on the interview and, secondly, on the letter. What Mr Buchanan did was say that the remarks made in the parliament were not privileged because Mr Jennings said outside the parliament, 'I do not resile from it'—that is, the remarks he had made in the parliament. That was found not only by the primary court but also the Court of Appeal, in a four to one decision, in which they dismissed Mr Jennings' appeal and upheld the High Court's finding of liability for defamation. The majority held that Mr Jennings' statement that he did not resile from what he had said in parliament was effectively a repetition of the previous parliamentary statement to which he was referring. Mr Jennings was repeating it again in its entirety, and Mr Jennings paid.

That is a serious and recent interpretation. All of us need to take account of the attitude which the community at large has to our conduct in the way in which we treat each other. Parliament is not war. Parliament is not war games. Parliament is about debate of policy issues to determine the direction forward for tomorrow. The sooner all of us who have the honour and the responsibility to do that job on behalf of the rest of the community—delegated to us through the electoral process—respect each other in the way in which we conduct our affairs in this place, and the sooner the media at large understands those basic tenets and principles, the better off we will all be and the greater will be our standing in the eyes of the rest of the community. I therefore warn the member for Chaffey, and may it be fairly taken by her as sufficient that it will not be tolerated by her in future or by any other member to do such things.

Mr MEIER: Mr Speaker, I seek some clarification. You referred, sir, in the first instance, to a speech that the member for Chaffey made 'this morning'; then later you said 'yesterday'. Can you clarify that? Secondly, the only speech I recall her making was the speech that she made during the vote of no confidence in you, sir. Is that the speech that you refer to?

The SPEAKER: Order! Members will resume their seat or not move about the chamber. In the first instance, it was the remarks made on radio this morning by the member for Chaffey which cause offence. In answer to the second point, I did not reflect upon the right of the member for Chaffey to participate in the debate yesterday. That debate was in this chamber under the provisions of the substantive motion, and what was said was entirely proper under the terms of our standing orders. The remarks on radio this morning are the remarks which cause offence and which in New Zealand would result in the member for Chaffey suffering very severe consequences.

Mrs MAYWALD: Mr Speaker, I rise on a point of order. I was wondering whether in making that ruling to warn me you might provide the house with the words that I used in the comments that I made on the radio this morning that you found offensive.

The SPEAKER: I invite the member for Chaffey to ask the ABC for the recordings of all of her voice broadcasts this morning—she has that right.

Members interjecting:

The SPEAKER: The chair does not engage in debate with members on these matters.

SHOP TRADING HOURS

A petition signed by 291 residents of South Australia, requesting that the house not support legislation which may seek to extend shop trading hours, was presented by the Hon. D.C. Kotz.

Petition received.

EMERGENCY POWERS ACT

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

Leave granted.

The Hon. M.D. RANN: It is my not so melancholy duty to report to the house that World War II is over in South Australia. But please, before the bells ring, let me explain why I make such a blindingly obvious claim. Cabinet has agreed today that a bill will be introduced to repeal the wartime Emergency Powers Act 1941. This legislation was passed and enacted at the darkest time in our history when Europe was enslaved and when Australia's freedom was in peril to give the government of South Australia broad powers to organise and fund civil defence in the state during World War II.

The act gave the wartime government of Tom Playford sweeping powers to make regulations to secure and maintain the safety and wellbeing of the civil population during wartime and to maintain public order. Civil defence was then the responsibility of state governments, and there was a fear that voluntary measures for civil defence could not be relied upon in a time of crisis. The Playford government of the time was concerned about the activities of certain parts of the population, including trade unions. The wartime Emergency Powers Act gives the government, and any government since then, extraordinary powers to suspend all civil liberties in South Australia. The government has the power to remove any group of South Australians from any part of the state and to require anyone 'to furnish any prescribed information to any authority'. It includes the power to regulate almost anything produced or grown in South Australia. This includes 'the production, manufacture, sale, supply and distribution of food, water, fuel, gas, electricity and any other commodities or things'. The Minister for Energy might be reluctant to see some of these powers repealed!

The act allows for the removal of livestock from any portion or property in this state, the regulation of transport of all kinds and can prohibit the use of lights. The Emergency Powers Act, still in force in South Australia to this very day, allows for rationing, fixing or controlling the acquisition or selling prices or profit margins, and requiring producers to amalgamate their production facilities or to work collectively. We can instruct factories to make any products that we see fit. I know that the Treasurer will be sad to lose some of these powers just on the day when he has learnt that he has them!

More seriously, the act gives the government the power to authorise any prescribed persons to enter and search any premises. These powers supplemented commonwealth war legislation and ensured the control of businesses—something now achieved through the Corporations Law. Some of the powers in this act exist in a more modern and appropriate form in state disaster legislation.

As I am sure almost all of us know, World War II ended in 1945. After extraordinary sacrifice, Australia and its allies prevailed. The war was won, and through that victory our freedom was assured. So, the obvious questions are: why is this act still current on South Australia's statute book? Why is it still the law of South Australia? I am advised that the intention of the Playford government was that the Emergency Powers Act would expire when peace treaties were signed; that is the way it had worked after World War 1 with the Treaty signed at Versailles. But, after World War II, peace treaties were never signed because the Axis powers surrendered—

An honourable member: Unconditionally.

The Hon. M.D. RANN: It was unconditional surrender; there was no need for treaties. But the South Australian law lives on. In 1952, this act and a number of other South Australian wartime acts were amended to enable the Governor to issue a proclamation declaring that World War II had ended. So, seven years after the war, South Australia was set to formally declare that the war was over. But I am advised that no record could be found that this was ever done. In effect, the state of South Australia, its parliament and its laws do not acknowledge the passing of history. It seems that we are the only state in Australia with World War II legislation like this still on the statute book; and I do not know if we are the last place on earth to formally recognise the cessation of hostilities and the end of the Second World War.

So, I am informing this house today that the government will move by legislation to abdicate and relinquish the boundless wartime powers we now have at our disposal but, I hope, like our parliamentary colleagues opposite when they were in government, wielded with wisdom and moderation.

Like many members gathered here, my own family served in World War II, so I make this declaration with a certain regret, but at the same time with a good deal of relief and some inward rejoicing. It is now time, by repealing this legislation, to recognise the long 57-year walk South Australia has made towards the sunlit uplands of peace, where our children can dream of the glad hope of tomorrow.

This legislative anomaly has been discovered through the process of conforming to our obligations under National Competition Policy. We have been required to conduct a sweeping review of legislation which discovered this act and which we are now required to remove from the statute book. So, the cabinet has agreed that we shall repeal the Emergency Powers Act of 1941. As Winston Churchill said during the darkest hours of the conflict in Europe:

> The price of greatness is responsibility.

But what I can say is that, thankfully, due to the courage and sacrifice of many Australians, their families and our allies, we no longer need the powers set down in the Emergency Powers Act of 1941. The war is over, but let us never forget that we enjoy our freedom and prosperity because of that victory.

Honourable members: Hear, hear!

MARALINGA LANDS

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

Leave granted.

The Hon. M.D. RANN: I wish to advise the house about the current status and possible future of section 400 of the Maralinga lands in the north-west of this state. First let me remind the house that between 1953 and 1963 the British government, with the approval of the Australian Prime Minister and the agreement of the then Premier of South Australia, conducted several programs of nuclear warhead development trials at Maralinga and Emu. For this purpose, South Australia granted an extensive area of land, including section 400, in trust to the commonwealth government for defence purposes. The British then conducted nine major nuclear trials involving atomic bomb explosions and several hundred minor trials, which dispersed radioactive materials over a large area, including Emu.

In addition to surface contamination, the tests left a number of burial pits containing contaminated debris, soil and general rubbish—and members on both sides of parliament, particularly the member for Stuart, will remember the campaign over decades to secure the clean-up of the plutonium, americium, strontium-90, uranium and other substances at Maralinga. Indeed, I went to Britain in 1992 to talk to the British government about this, in my role as Minister for Aboriginal Affairs. In mid 1996, following a number of limited clean-up initiatives by the British and commonwealth governments, the commonwealth government commenced the coordination of a major clean-up of the former Maralinga Nuclear Weapons Proving Range.

The current clean-up was originally based on utilising a method called in situ vitrification (that is, basically, vitrifying nuclear material in glass in order to make it inert). However, this was abandoned in favour of an exhumation and reburial following an explosive incident in March 1999. The cost of this was about $108 million. The British government contributed $45 million and the rest was paid for by the commonwealth government. The clean-up has been guided by the Maralinga Technical Advisory Committee, which comprises consultants advising the commonwealth Department of Education, Science and Training. There is also a Maralinga consultative group, which includes state representation by officers from the Department of the Premier and Cabinet, the Radiation Protection Branch of the Environment Protection Authority and the Department of State Aboriginal Affairs. Other participants in the consultative group include representatives of Maralinga Tjarutja, the commonwealth, the Australian Radiation Protection and Nuclear Safety Agency and the Aboriginal and Torres Strait Islander Commission.

The South Australian government has been working in collaboration with the Maralinga Tjarutja people to determine whether or not the transfer of section 400 of the Maralinga lands to the Maralinga Tjarutja people will ever be a viable option. That is despite the statement made by the commonwealth minister yesterday. At this stage, the commonwealth government has stated that the clean-up is complete and is waiting for a final report from the Australian Radiation Protection and Nuclear Safety Agency and the Maralinga Rehabilitation Technical Advisory Committee. Officers from the state Environment Protection Authority have also visited section 400 with representatives from the Australian Radiation Protection and Nuclear Safety Agency and the commonwealth government to conduct a field inspection of the rehabilitated area. These visits involving key stakeholders will continue, and I know the former minister would have been involved in this process as well.

The Maralinga consultative group has also focused among other things on developing a Maralinga land and environment management plan. The plan, regardless of whether or not there is a transfer of the land, will ensure that an effective and sustainable set of arrangements is developed for the long term management of the site. This is the key point. The South Australian government will not accept a transfer of section 400 if it is not satisfied that the clean-up has been successful and unless the conditions it negotiates with the commonwealth government offer the state and the Aboriginal Maralinga Tjarutja people protection against any future liability associated with the area. I can see that we have bipartisan support in this position.

It is also important to say that every opportunity has been taken to assist the Maralinga Tjarutja people to develop skills associated with land management, should they ever have ownership of this portion of land. To this end, a training program has been established with identified funding for initially five trainee rangers. This training should commence within the next few months. In addition, the South Australian government has supported Maralinga Tjarutja to undertake a feasibility study for future use of the Maralinga village and its infrastructure left by the British and Australian governments after the tests and clean-up. The study will determine whether or not the village can be used by Maralinga Tjarutja to establish educational programs and create commercial opportunities such as tourism to generate jobs and a source of income for their community.

As I mentioned before, none of this activity binds the state government or the Maralinga Tjarutja people in any way to accepting a transfer of section 400 from the commonwealth government. What it does is secure a sustainable land and environmental management plan for the area and explore any potential there may be for the Maralinga Tjarutja community, should the conditions be right for a future transfer.

GAS SUPPLIES

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

Leave granted.

The Hon. P.F. CONLON: It gives me great pleasure to inform the house that Woodside Energy and TXU Electricity have signed a heads of agreement for the sale of Woodside's share of gas from the Thylacene and Geographe gas fields off the south-west coast of Victoria. Woodside only discovered this gas 14 months ago and has done a remarkable job to get it to the market so soon. Woodside and TXU expect to sign a formal gas sales/purchase agreement worth more than $1 billion over at least 10 years by next year. TXU will use some of the gas to supply the Torrens Island power station. This is a very positive step forward for South Australia, and gives the lie to the member for Davenport yesterday talking down South Australia's reputation.

The heads of agreement is for 30 petajoules of gas per year. This is a very significant amount. It is good news not only for security of supply and increased competition in gas but also for the impact on electricity generation and retail competition through dual fuel considerations. Combined with SEA Gas, this will potentially provide as much gas capacity as the current Moomba gas pipeline. We will continue to work with SEA Gas and TXU on the delivery of increased

gas supplies to South Australia from south-west Victoria. Our preferred option for the delivery of this gas continues to be for a single pipeline, something which we have been vigorously pursuing with the parties and which we believe is still achievable with goodwill. It would be the ideal outcome for South Australia.

POLICE, DEPUTY COMMISSIONER

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

Leave granted.

The Hon. P.F. CONLON: I advise the house that, today, Her Excellency the Governor in Executive Council approved, on the recommendation of the government, the appointment of Assistant Commissioner John Ronald White to the position of Deputy Commissioner, South Australia Police, for a period of five years effective immediately. The position became vacant from 1 July 2002 due to the retirement of Deputy Commissioner Neil McKenzie.

Assistant Commissioner White has been a member of SAPOL for the past 38 years and is currently the Assistant Commissioner Crime Service. He has been an assistant commissioner since 1997. In addition, he has relieved as deputy commissioner for short periods and, prior to his appointment to executive level, he had a broad range of experience within SAPOL in both operational and management positions. Assistant Commissioner White has also undertaken study in policing reforms and best practice in a number of Australian and overseas police jurisdictions including New Zealand, the United Kingdom, Canada, the United States and Hong Kong.

Assistant Commissioner White is a highly committed and motivated police executive with a comprehensive knowledge of the police environment, a strategic approach to service delivery issues, a focus on best practice and the ability to bring about desired change. His service generally demonstrates outstanding leadership skills. On behalf of the government I would like to congratulate Deputy Commissioner White on his appointment.

Honourable members: Hear, hear!

NATIVE TITLE

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

Leave granted.

The Hon. M.J. ATKINSON: Last Thursday (8 August), the Judges of the High Court handed down two long awaited native title judgments. The first involved a native title claim covering land in the north of Western Australia and the Northern Territory in the matter of Western Australia & Ors v Ward & Ors (Ward). The second was the case of Wilson v Anderson (Wilson) which dealt with a claim over a perpetual grazing lease issued under the Western Lands Act 1901 in New South Wales.

The decisions in both of these cases essentially turned on the provisions of relevant legislation in the states and territory concerned. Therefore, care must be taken before attempting to apply the conclusions reached to the situation in South Australia. However, some general guidance can be gained from these decisions for native title issues in this state.

In the Ward decision the court found that native title can be partially extinguished, stating that the 'bundle of rights' description is a useful analogy for the way native title is recognised in Australia. In doing so the court rejected the alternative findings that native title may merely be suspended made by Justice Lee at first instance and Justice North in dissent in the Full Federal Court decision.

In both Ward and Wilson the court emphasised that, in determining whether or not native title has been extinguished, the focus should be on what rights have been granted to use the land and not on the actual use made of the land. The court has also confirmed that the identity of the grantee is not relevant to this inquiry and that therefore the grant and vesting of exclusive possession rights in the Crown will extinguish native title.

The court has also given some guidance on the way the Racial Discrimination Act 1975 may operate in respect of activities that affected native title before the enactment of the Native Title Act 1993. The court found that the vesting of property to minerals and petroleum in the Crown would have effectively extinguished any native title rights in the minerals. This is an important clarification and bears out the view that the Crown owns these important resources in South Australia.

In both cases the court found that certain leases granted under the state and territory legislation involved a grant of exclusive possession which extinguished native title. In Wilson, this finding applied to a lease granted for grazing purposes under the Western Lands Act 1901. The court's finding in that case relied on the particular provisions and history of the legislation and the provisions relating to the grant of the lease in question. This should significantly reduce the impact of native title in much of New South Wales.

The impact and relevance of these decisions on leases granted in this state will require detailed consideration. I note, however, that, in considering pastoral leases granted in Western Australian and the Northern Territory in Ward, the court found that those leases did not involve a grant of exclusive possession and that, although the grant of these leases would extinguish some rights, it is possible that native title may coexist with these grants. These leases are similar to South Australian pastoral leases. The extent of this potential coexistence in each of the leases within the claim area was one of the issues sent back to the Federal Court for reconsideration.

However, it should be noted that the majority in Ward expressly noted that the native title rights may be more extensive than the reservation in favour of Aboriginal people within the pastoral leases. The majority in Ward also seem to have confirmed the need for continuity since settlement in order to establish current native title. However, they made it plain that evidence of recent use is not necessarily required. They have left it open as to what sort of continuity is necessary.

Although these decisions provide some further important pieces to the native title puzzle, they do not resolve the outstanding native title issues in this country in the way many people seem to have hoped for or expected. The decisions highlight that the current scheme involves an 'impenetrable jungle of legislation'. Many of the questions in Ward have been sent back to the Federal Court for reconsideration.

The High Court noted that many of the issues relating to questions of extinguishment, particularly partial extinguishment, cannot be decided without a detailed analysis of the rights and interests that would otherwise be held by the native title group. There was some criticism of the general way in which the determinations of the native title rights in Ward had

been made. The court also held that a detailed analysis of the rights granted over the land in the Ord River scheme will be required before a proper assessment of the extent to which it has extinguished native title can be made.

Thus, after more than seven years of mediation and litigation, and many millions of dollars, the parties to the Ward claim face further court proceedings before the issues are finalised. Even then, there is no guarantee that any decisions reached will provide certainty or guidance as to what this will mean in practical terms. The Ward decision itself comprises 973 paragraphs of closely reasoned argument. Much of this is concerned with the specifics of land-holdings, only to find that there is not sufficient evidence to reach a final conclusion. This is a case where the trial took 83 days.

It is becoming clear, if it was not before, that litigation is not a satisfactory means of resolving native title issues. The Ward decision underlines the desirability of resolving native title issues by agreement wherever possible. The decision confirms the potential that the legal outcome for native title will be coexistence between native title rights and various land-holders, including government, pastoral and mining interests. The notion of coexistence necessarily requires a level of agreement between the parties involved as to the practicalities. This is one of the reasons the previous state government developed the indigenous land use agreement initiative as a means of resolving issues and agreeing on practical measures with which all parties with common interests in land can live.

PUBLIC WORKS COMMITTEE

Mr CAICA (Colton): I bring up the 180th report of the committee, on the Torrens Parade Ground Upgrade.

Report received and ordered to be published.

Mr CAICA: In line with the outstanding workload undertaken by the committee, I bring up the 181st report of the committee, on Mawson Lakes School—Permanent Facilities.

Report received and ordered to be published.

QUESTION TIME

STAMP DUTY

The Hon. R.G. KERIN (Leader of the Opposition): Will the Treasurer verify that, even without the proposed increases for stamp duty on conveyances over $200 000, the government last year received more than $50 million above the budgeted figure for stamp duty due to the housing boom, and does cabinet understand the broad impact across metropolitan Adelaide of the proposed increase? Recent years of good economic growth and management in South Australia have seen housing prices increase rapidly. This means that thousands of South Australians were already paying substantially higher levels of stamp duty as a result of that phenomenon, welcomed by treasurers, known as bracket creep.

As an example, a house worth $220 000 last year would have attracted stamp duty of $7 590. Today that same house could realistically be expected to sell for as much as $260 000. With the increased stamp duty on conveyances, this family is now faced with a bill of over $9 400—a 24 per cent increase over last year. This tax hike does not affect only the wealthy: there will be impacts on families buying homes—

The SPEAKER: Order! The leader is now straying into the area of comment. I believe the question has been well explained.

The Hon. R.G. KERIN: Not quite, sir. I will not comment. This is on top of increased charges—this is a fact—for stamp duty on mortgages and increases on transfer, government registration and search fees. The real estate industry is rightly concerned that the latest increase may be the straw that breaks the camel's back in relation to the continuation of the property boom.

The Hon. K.O. FOLEY (Deputy Premier): Four or five weeks after the budget, the Leader of the Opposition must have been listening to Radio 5AA at 7.20 when I was debating this matter—

The SPEAKER: Order! The Treasurer will answer the question.

The Hon. K.O. FOLEY: —with Anthony Toop from Toop and Toop Real Estate who, of course, has a vested interest, but at least the leader is getting his questions from 5AA. I seek your ruling, sir. Am I permitted to be answering a question relating to the Stamp Duties Bill? We have a bill before the house that we will be debating next week.

The SPEAKER: On the question raised by the minister, if he does not know what the bill countenances, then nobody else in this chamber will. It seems to me that the question does, and so I will rule it out of order.

The Hon. R.G. KERIN: On a point of order, in the interests of fairness I will read the question again, because it does not include debate on the bill. The question is: will the Treasurer verify that, even without the proposed increases for stamp duty on conveyances over $200 000, the government last year received over $50 million above the budgeted figure for stamp duty, due to the housing boom? It is about last year's budget.

The SPEAKER: I will allow the question, but the minister must not engage in debate of a matter that would otherwise be canvassed in the consideration of a bill on the *Notice Paper*. He should go to the substance of the question and answer it.

The Hon. K.O. FOLEY: I am happy to do that, because I would not want to embarrass the Leader of the Opposition with this question. Our budget figures publish the expected revenue increase from stamp duties. That is on the public record. The deputy leader, as a former premier, knows that his last budget received benefit from increased property turnover, increased stamp duties—but we have an economic cycle. I would have thought that the former government would be the last government you would have needed to explain this to, but when you are in a property boom, governments, and mainly the Liberal government, collect significant increased revenue from stamp duties.

But property is cyclical, and there will come a time when there is an economic downturn or a downturn in turnover and you will receive less money. I will take the specifics of the question on notice and get an answer for the leader, but I would have thought that this is a bit hypocritical from a government that allowed the GST—

Members interjecting:

The SPEAKER: May I suggest to all members that, to the best of my knowledge and based on my experience, the Treasurer has never needed anyone's assistance to answer anything.

The Hon. K.O. FOLEY: I am not sure that that is quite right, actually. A few of my staff might suggest that I need a bit of help sometimes. But it is a bit hypocritical coming from a government that, when Peter Costello brought in his GST, allowed the GST to be applied to the full value of stamp duties, an issue—

The Hon. I.F. Evans: Then change it!

The Hon. K.O. FOLEY: No, I am not changing it. I have already said I am not changing it. The previous government maximised every dollar it could get from stamp duty, because that is what governments do. The previous government did it—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —and never was defensive about it.

The SPEAKER: Order! The Treasurer will remember that I have never done anything of the kind, and his remarks must be addressed to the chair.

The Hon. K.O. FOLEY: My apologies, sir. Through you, Mr Speaker, may I say that I am happy to get all the figures that are available for the Leader of the Opposition but, as I said, most of the property boom was enjoyed by the former government, as was the majority of the increased receipts for stamp duty, not by future governments.

CAPITAL CITY COMMITTEE

Mr SNELLING (Playford): Can the Premier explain to the house why it was necessary to review the collaborative arrangements for the Capital City Committee, and what were the recommendations of the review?

The Hon. M.D. RANN (Premier): On Tuesday 13 August, I tabled the report of the Capital City Committee review. The Capital City Committee is an intergovernmental arrangement established under the City of Adelaide Act 1998, and members opposite will know its contents. The objective of the committee is to enhance and develop the City of Adelaide as the capital city of the state. The committee that I chair also comprises the Minister for Tourism, the Minister for Local Government, the Lord Mayor of Adelaide and two councillors, Bert Taylor and Judith Brine. Although it is only required to meet four times a year, the committee, in fact, meets every two months.

The City of Adelaide Act 1998 requires a review of the collaborative arrangements for the Capital City Committee to be prepared by 30 June 2002 and the review tabled in parliament by the Premier within 12 sitting days of the report's completion. A review has therefore been undertaken. It was based on reviews of documents and interviews with a selection of key people with knowledge of, or involvement in, the committee's work. As required by the act, the review was undertaken in consultation with the Adelaide City Council, and a draft report was formally referred to the council. The council resolved to endorse the findings and recommendations of the review with the exception of those recommendations which relate to the reduction of the size of the Capital City Forum. The council's comments were incorporated into the final report.

The most significant finding of the review is that the Capital City Committee has been a valuable means of improving the relationship between the Adelaide City Council and the South Australia government and has achieved the objective of improving cooperation and collaboration. The review recommends that the Capital City Committee should continue to operate in accordance with the provisions of the City of Adelaide Act 1998. The recommendations included in the report address operational matters which can be implemented without legislative amendment.

The review also found that the value of the Capital City Committee lies in the development of a continuing and long-term commitment between the state government and the Adelaide City Council to working together, which can surpass changes in government (whether state or local) and be responsive to change in policy directions over time. This is reinforced by the role of the committee being established in statute, which is a public signal that it will endure. The government has already found the committee to be a positive mechanism for governance for the city. I understand that other Australian cities are envious of our city governance arrangements. I have found the relationship we have developed with the Lord Mayor and the Adelaide City Council to be a very powerful mechanism for discussion and cooperation on issues of critical importance to the city.

While the focus of the review has been on the Capital City Committee, I would like to reinforce the importance of the Capital City Forum, which provides a link for the committee with opinion leaders in the community drawn from a wide range of areas. The forum members are not paid and give freely of their time and energy to provide feedback and ideas to the committee. Recent work of the committee and the forum includes a jointly developed event in July where Alfonso Martinez Cearra, Director of Metropoli-30 Bilbao, was invited to speak. Around 150 people heard about the successful revitalisation of Bilbao, and there was an opportunity to discuss how we can more successfully support creativity and collaboration in Adelaide. The forum has also recently held a workshop with young people on their perceptions of Adelaide, and has reported to the committee on a number of other areas where Adelaide can develop. The council and the state government—

Mr Koutsantonis interjecting:

The Hon. M.D. RANN: That's right, it is the location of the Guggenheim Museum. There is the Guggenheim in New York on Fifth Avenue, there is another one towards the Soho area, there is one in Venice and there is one in Bilbao. The council and the state government have also agreed to redevelop North Terrace—

The Hon. D.C. KOTZ: I rise on a point of order. I believe that there is a provision in standing orders for ministerial statements to be made outside question time.

Members interjecting:

The SPEAKER: Order! The member for Newland has asked me to rule on a point of order. She is quite right. There are provisions in standing orders for ministerial statements. In the context of the remarks that have been made thus far, that might have been the better way to go. However, the Premier may wind up his answer.

The Hon. M.D. RANN: Thank you, sir. I want to wind up by paying a tribute to members opposite. The council and state government have also agreed to redevelop North Terrace and jointly sponsored the Public Spaces, Public Life study undertaken by Professor Jan Gehl. The Adelaide City Council and the state government have identified some areas of priority and interest and plan to work further to develop these in cooperation.

I would like to acknowledge the work that was done in developing these collaborative arrangements with the Adelaide City Council by the former Liberal government,

including former premiers and members of the committee, particularly the previous minister for local government, Mark Brindal MP, member for Unley, who sponsored the original bill. It is vitally important that we recognise the achievements we can find. I am pleased to indicate that the government will continue to support and be an active contributor to the Capital City Committee.

STATE BUDGET

The Hon. R.G. KERIN (Leader of the Opposition): Will the Treasurer explain to the house why there was no consultation with or warning to the real estate industry that the government would break its promise not to increase taxes and charges and increase section 7 search fees by an incredible 31 per cent? The government announced recently that taxes and charges would increase by 4.2 per cent. For some reason, the charges for section 7 searches, which affect all property transfers, were increased by 31 per cent with no warning at all, adding further cost to every home buyer in South Australia.

Members interjecting:

The SPEAKER: Order! The member for Unley will come to order. The level of audible conversation that I am picking up around the chamber is more than is appropriate in the circumstances. The Deputy Premier and Treasurer.

The Hon. K.O. FOLEY (Treasurer): Five weeks after the state budget and after two weeks of estimates committees, this is the questioning I get from the Leader of the Opposition. He listens to Anthony Toop on 5AA at 7.20, and either Anthony Toop writes the questions or he gives the Leader of the Opposition some motivation. One of the reasons we had to increase taxes, one of the reasons we had to cut 3.2 per cent from government expenditure—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —is because you left this state massively in deficit. When we came to office, we found $26 million in deficit in 2001-02. We were told by the Under Treasurer to expect deficits of $77 million in 2002-03, $87 million in 2003-04 and $154 million in 2004-05. That was the cash deficit. The accrual deficits were heading over $300 million. That is the extent of the financial mess this state was left in by the former Liberal government. Further, $130 million was not put aside for teachers' wage increases, millions of dollars were not put aside for user choice, $20 million was not put aside for new buses, $11 million of hospital deficits year after year, $6 million not put aside for MFS fire price increases, $6 million across government over four years not provided for the increase in the cost to government of electricity, emergency services not properly funded. You left this state a financial basket case. We are fixing that and five weeks after the state budget—

Ms CHAPMAN: Mr Speaker—

Members interjecting:

The SPEAKER: Order! The member for Bragg has a point of order.

Ms CHAPMAN: I seek your advice on this, sir, because I often hear—

The SPEAKER: I cannot hear the member for Bragg as a consequence of the conversation between the Opposition Whip, the Deputy Leader and others. Will the member for Bragg please repeat that point of order?

Ms CHAPMAN: I seek your guidance on this, sir, because I often hear on this point of order the question of relevance. Standing order 98 requires that the minister answer the substance of the question. I suggest that he is not doing so, and I seek your ruling.

The SPEAKER: I uphold the point of order, and I invite the minister to provide the information in a written answer to the leader.

AUSTRALIAN CRIME COMMISSION

Mr RAU (Enfield): Can the Minister for Police advise the house whether any progress has been made in negotiations with the commonwealth regarding the proposed Australian Crime Commission and its role in South Australia?

The Hon. P.F. CONLON (Minister for Police): I thank the member for his question on this very important topic. As an aside, I might say that, given today I have got more gas for South Australia than the premiers at the end of World War II, opposition members might deal with more serious topics themselves, but I will leave that for the time being.

The SPEAKER: The minister will answer the question.

Members interjecting:

The Hon. P.F. CONLON: It's a shame that the opposition does not know what the estimates process is for. In relation to this very important matter, the house would be aware that I have spoken in the past about difficulties we were having with the commonwealth. Members would recall that some months ago at a leaders forum the desire was expressed to establish an enhanced national crime fighting authority. As a consequence, a meeting of state and commonwealth ministers was held in Darwin in July. At that time, I reported to this house that we were extremely disappointed in the model put forward by the commonwealth. I have gone through that, but principally it involved cost shifting to the states in regard to the loss of an investigative capacity and, very importantly to this state, the closure of the regional office in South Australia. Since that time, a lot of work has been done and state ministers (those available) and those from the commonwealth parliament travelled again to Sydney—

The SPEAKER: Order! The cameramen must understand that they are here under explicit arrangements in which they have agreed to film only those members who are, with authority, according to standing orders, addressing the chamber. Any further breaches of that ruling will result in them being removed from the gallery at the pleasure of myself, under direction from the majority of members of the house.

The Hon. P.F. CONLON: I am happy to report that a meeting of the state ministers in Sydney last week—

Members interjecting:

The Hon. P.F. CONLON: This is actually an important issue. This body is designed to fight the drug barons and organised crime in Australia, and it will fight crime across jurisdictions. However, opposition members, as is their wont, are pre-occupied with still photos and babbling amongst themselves.

Significant progress has been made. I have been very critical of the commonwealth, but I believe it is important to be even-handed, so I congratulate the commonwealth on the efforts it has made to address the concerns of the states. Equally, I identify that the states themselves have given considerable ground to address some of the commonwealth government's concerns. I am now confident that, as a result of those discussions, we are much closer to the enhanced national crime fighting authority that we have all sought. I

understand that the current investigative capacities of the NCA will be retained. There will be a streamlining of the reference process, and that is very important to us.

I am pleased to announce—because it is very important to South Australia—that the office in Adelaide proposed to be closed will now be maintained under the new structure. This is a very positive outcome. As I have said, having criticised the commonwealth, I now congratulate it on having given ground. I also congratulate the state ministers for accommodating some of the needs of the commonwealth. I look forward to continuing the process of putting in place as quickly as possible an enhanced national crime fighting authority.

HOSPITALS, QUEEN ELIZABETH

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is directed to the Minister for Health and concerns the MRI machine at the Queen Elizabeth Hospital. If the Minister for Health expected the Queen Elizabeth Hospital to purchase the MRI machine as approved by cabinet in November 2001—

The Hon. P.F. Conlon: Your cabinet.

The Hon. DEAN BROWN: Yes, by the cabinet in 2001—and she has allocated $1.5 million in the 2003-04 financial year for the bigger MRI machine, when did she expect the bigger machine would be purchased, and what would have happened to the smaller machine already purchased? The Minister for Health told the estimates committee that she expected the Queen Elizabeth Hospital to purchase the smaller MRI machine as approved by cabinet in November 2001. She also told the estimates committee that the promised extra $1.5 million for the bigger MRI machine and the extra $250 000 for operating expenses have not been budgeted until 2003-04, some 12 months after the other machine had already been purchased.

The Hon. L. STEVENS (Minister for Health): On Tuesday I gave a very detailed ministerial statement on this matter. I also tabled—

Members interjecting:

The Hon. L. STEVENS: Yes, I did, and if you read it carefully you will see the answers to the question you have just asked. On Tuesday I also tabled advice from the Crown Solicitor, and I advised the house that this matter has been referred to the Auditor-General for investigation. I again refer to the information that I have provided to the house. I must say that I believe it would be improper for me to debate issues to be considered by the Auditor-General. We will wait on his report.

Members interjecting:

The SPEAKER: Order!

MURRAY MOUTH

Mr CAICA (Colton): My question is directed to the Minister for Tourism, representing the Minister for Agriculture, Food and Fisheries. Can the minister inform the house of the likely impacts on commercial and recreational fishing in the waters of the Coorong should the Murray Mouth close due to poor river flow?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): It just happens that I have a response on this matter from the Minister for Agriculture, Food and Fisheries! The Lakes and Coorong fishery include the waters inside the Coorong estuary, the marine waters associated with the Coorong and Goolwa ocean beaches out to three nautical miles, and the waters of the River Murray Lakes. Key species in the fishery include Goolwa cockles, mulloway, yellow-eye mullet, black bream and flounder.

The River Murray Mouth closed in 1981 due to drought conditions, and effectively the mouth was closed for a period of approximately 12 months. During this time there was mechanical dredging in order to release water through from the barrage network. There were obvious biological impacts on the productivity of fish stocks and other estuarine and terrestrial wildlife that form part of the Coorong ecosystem, both inside and outside the River Murray Mouth.

The commercial economic impacts of the closure were offset in part by the redistribution of commercial fishing effort into other parts of the fishery, including the Coorong and Goolwa beaches, and the River Murray Lakes. The recreational fishing opportunities were also damaged during the period, particularly the annual mulloway fishing period which extends through the summer months.

There are currently 38 commercial fishing licences in the Lakes and Coorong fishery. All licences allow access to all areas of the fishery, with different gear endorsements. Of these 38 licences, approximately 10 to 12 are known to operate almost exclusively in the waters of the Coorong Estuary. Other licensees fish in the estuarine waters on a seasonal basis, focusing on the annual changes in abundance of mulloway and mullet.

In an economic sense, Goolwa cockles, mulloway and yellow-eye mullet (in this order) are the most important species in the commercial fishery. In the 2000-01 financial year, the total value of the Goolwa cockle catch was estimated to be approximately $983 000. The value of the mulloway catch was estimated to be approximately $598 000, and the yellow-eye mullet catch was $320 000.

The mulloway catch annually would be significantly reduced, or possibly nonexistent, if the Murray Mouth were to close now—just prior to the annual spawning migration. This reduction in catch would significantly reduce the economic return to fishers. If a long-term closure were to occur, there is a high risk of significant fish kills due to the higher salinity or algal blooms. If these events were to occur, the viability of the entire fishery would be threatened.

HOSPITALS, QUEEN ELIZABETH

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is also directed to the Minister for Health and again on the issue of the MRI machine. When the—

Mr Koutsantonis interjecting:

The DEPUTY SPEAKER: Order! The member for West Torrens is out of order. The deputy leader has the call.

The Hon. DEAN BROWN: When the Minister for Health had bilateral discussions with the Treasurer on the health budget, were the extra $1.5 million capital costs and the $250 000 in recurrent expenses for the MRI machines raised as a cost pressure or as extra expense? If so, for which year? If not, why not?

The Hon. L. STEVENS (Minister for Health): As everyone would know, the issue of the MRI machines at both the Lyell McEwin Hospital and the Queen Elizabeth Hospital were part of Labor's election promises. Just to be really clear with everybody again, for about the hundredth time, Labor promised in its election campaign that we would put $1.5 million towards the purchase of an MRI machine at both—

The Hon. Dean Brown: In which year?

The DEPUTY SPEAKER: Order! The deputy leader is out of order. Minister for Health.

The Hon. L. STEVENS: Thank you. As I was saying, we promised that we would provide $1.5 million capital towards the purchase of an MRI machine at the Lyell McEwin Health Service and the Queen Elizabeth Hospital, and we also promised $250 000 recurrent expenses to pay for the running of those machines, and that—

The Hon. Dean Brown: In which year?

The Hon. L. STEVENS: I wish you would just let me answer the question. As announced by the Treasurer in the budget on 11 July, that money is now in the forward estimates for 2003-04.

MURRAY MOUTH

Ms CICCARELLO (Norwood): Can the Minister for Environment and Conservation advise the house what options are feasible to keep the Murray Mouth open?

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for her question and her ongoing interest in matters regarding the River Murray. On Tuesday, I advised the house that the closure of the River Murray Mouth is a real probability. I also indicated that I had written to the Murray-Darling Basin Commission to take whatever action it thought necessary. I can also advise the house that the government and the commission are currently considering a range of options.

The focus of these considerations is on actions that could be taken within a reasonably short period of time to avert imminent closure and to include a removal of sand currently built up between the mouth and Hindmarsh Island. Of course, we are undertaking a more strategic approach to ensuring that the mouth is open in the longer term, and that involves finding a considerable sum of additional water for environmental flow to keep the river mouth open.

In the past few days a federal member of parliament has made a number of suggestions about simple solutions to fixing the problems of the Murray and the closure of the mouth. One of those suggestions was to go to the market and buy $400 million worth of water. The federal member, of course, did not indicate where she thought this money ought to come from.

Even if we were to go into the market and do that, it would not necessarily be the best way of expending our money. In fact, it would probably have a negative effect on the price of water. It could force up the price of water and make the expenditure not a terribly effective method.

Mr Brindal: How long would it take to get here?

The DEPUTY SPEAKER: Order! The member for Unley has been in here long enough to know the standing orders.

The Hon. J.D. HILL: The member for Unley keeps interjecting on me, but I suggest to you, sir, that this is one mouth that should be allowed to silt up on a more or less permanent basis. I point out to the house—

The Hon. I.F. Evans: It's only been closed once in the last 20 years, as well.

The Hon. J.D. HILL: It was last closed in 1981, I believe. Members would be interested to know that it is estimated that about 14 per cent of the gross water consumption of the River Murray is lost through poor irrigation systems, evaporation and wastage. If we could save that water that is lost through these processes, we would be able to save about 1 000 gigalitres. I suggest to the federal member that that would be a better investment—to put money into improved infrastructure and improved efficiencies so that we can maintain irrigation levels and also find 1 000 gigalitres for the River Murray. The possibility of lowering the levels of Lakes Alexandrina and Albert was also suggested by that member. She suggested that we could lower the lakes by about a metre and that would provide all the water we need to flush the mouth of the river. Unfortunately, you cannot do that. Technically, I understand that we can reduce the lakes by only about a quarter of what was suggested—by .25 of a metre—because—

An honourable member: Do it four times.

The Hon. J.D. HILL: Yes, do it four times.

An honourable member: That's the next Democrat suggestion.

The Hon. J.D. HILL: Yes, that's right. She's no longer a Democrat, so you can't blame the Democrats for this set of suggestions. To lower the levels even by a quarter of a metre would create problems such as increased salinity levels, impacting on both irrigation and urban water supply, and would have a significant negative impact on recreation activities in the lakes. Any such decision would also need to be considered in the context of the water resources outlook in the basin over the next 12 months.

The current outlook is not encouraging. Both northern New South Wales and Queensland are suffering from drought conditions. South Australia has received only minimal entitlement flow since November 2001, and this situation is likely to continue until next winter. If we are to reduce lake levels in these circumstances, we would be unlikely to be able to supply water to irrigators relying on lakes water through the 2002-03 irrigation season, and salinity in the lakes would rise above the acceptable limit. I reiterate my concern for the condition of the Murray Mouth and the serious impact the current situation is having on the Coorong, and reinforce the fact that the government is looking for solutions. We are working with our partners in the Murray-Darling Basin, and we will work as hard as we can to achieve the outcome we all want.

WASTE WATER DUMPING FEES

Mr GOLDSWORTHY (Kavel): Will the Minister for Local Government explain why the government proposes to increase dumping fees for waste water by 6 000 per cent—

Members interjecting:

Mr GOLDSWORTHY: Yes, 6 000 per cent—resulting in contractors now being charged an additional 6 000 per cent per truckload, householders being charged an additional 257 per cent and a local council an additional $120 000 per year? I have been contacted by angry local business operators outraged that this government proposes to increase SA Water dumping fees from $1.45 per kilolitre to $92 per kilolitre at the Heathfield treatment plant. That is a 6 000 per cent increase. This means that, instead of contractors being charged $12 a truckload to offload waste, they will now be charged $736 per truckload. Ultimately, these increases will have to be passed on to the consumer, which means that the average household will now pay almost three times as much, an increase from $175 to $450. The Adelaide Hills council will also be affected. The cost of looking after this septic tank effluent disposal scheme will now increase by $120 000 per annum.

The Hon. P.F. CONLON (Minister for Government Enterprises): We have learnt today why—and we talked

about what an abjectly miserable opposition they are yesterday—the Leader of the Opposition and the member for Kavel are making all those FOI applications: because they can only find questions elsewhere. They either hear them on radio programs or read them in the local—

Mr Goldsworthy interjecting:

The DEPUTY SPEAKER: Order! The minister will resume his seat. The member for Kavel has asked his question, and he will now listen to the answer. The minister will address the chair rather than pirouette around to North Terrace.

The Hon. P.F. CONLON: The point I was making, Mr Deputy Speaker—and forgive me, but they do agitate me so—is that what we do have is a set of *Messenger* journalists in this state who are more informed in matters of concern to this parliament than is Her Majesty's loyal opposition. Perhaps they should go away and think about that for a while and the job they are doing—

An honourable member: These are real people!

The Hon. P.F. CONLON: These are real people—

Members interjecting:

The DEPUTY SPEAKER: Order! The Premier declared that World War II was over some time ago. I ask members to listen in silence to the Minister for Government Enterprises. The minister needs to answer the question.

The Hon. P.F. CONLON: In relation to the question from the member for Kavel, forgive me if I do not take at face value all the numbers and figures that he has quoted, because if he did get something right, it would certainly be a rarity for this opposition—

Members interjecting:

The DEPUTY SPEAKER: Order! Members have had several late nights and I think it is starting to show. The minister will answer the question and not provoke the opposition.

The Hon. P.F. CONLON: It is the responsibility of SA Water, and I point out that perhaps they should also read the ministerial responsibilities as well as the local *Messenger*. I will bring back proper detail on the actual numbers. As I said, I will not take for granted the numbers recited by the member for Kavel because, no doubt, he found them in some other local paper. No-one enjoys increases, but the increases in question are to make some cost recovery for the service—

Members interjecting:

The Hon. P.F. CONLON: When they are done—and protect the integrity of SA Water's assets to meet compliance with environmental standards. I will bring back the detail, but let me explain the bottom line on this. The bottom line is that the service—and the people have been receiving it in a very heavily subsidised form for many years—that we provide at the new cost is still about half what metropolitan people pay for their sewerage services—

Members interjecting:

The DEPUTY SPEAKER: Order! When the house comes to order we will have the next question.

The Hon. D.C. Kotz interjecting:

The DEPUTY SPEAKER: Order! The member for Newland will cease interjecting.

SHOP TRADING HOURS

Mr O'BRIEN (Napier): Will the Treasurer update the house on any further discussions with the National Competition Council about the issue of retail trading hours and competition payments to the state?

The Hon. K.O. FOLEY (Treasurer): On Friday, my office had initial discussions with Graham Samuel about where his recommendations would be heading as they relate to competition payments. I had a further conversation with Mr Graham Samuel today, and I inform the house that the National Competition Council will be announcing this week that, as it relates to South Australia, it will 'finalise its assessment for and make payment recommendations when South Australia provides more detail on its approach to retail trading hours reform.'

The Hon. I.F. EVANS: I have a point of order, sir. There is a bill before the house in relation to retail shop trading hours, and this answer may well attempt to influence the debate in relation to that bill by giving an indication of what the national competition issue will do in relation to payments.

The DEPUTY SPEAKER: The member has made his point. I am listening very carefully so that the Treasurer does not impinge on a matter that is before the house.

The Hon. K.O. FOLEY: Thank you, sir. I understand the sensitivities of members opposite, and I will not attempt to influence them. I am simply a treasurer doing what I would say is advising the house of some facts. Two days ago, in conversation with my office and Graham Samuel from the National Competition Council, I was confident that things were moving well in terms of recommendations for competition payments to South Australia. What I am now doing is giving the house more information and advising that Mr Samuel has indicated that they will need another two to three weeks to assess the legislation that has been introduced into South Australia—I am not commenting on it—and how it relates to what the National Competition Council expects in the way of reform.

When members opposite were in government they went through this problem. They had the same pressures from the National Competition Council about the deregulation of shopping hours, marketing, taxis and water—all of those issues. So, it is not just about shopping hours—and I am not commenting on that. However, Mr Samuel wants to see more information about that. So, as to the $57 million of competition payments to South Australia, the recommendation has been put on hold and, as I said, it will be deferred for hopefully no more than two or three weeks while the National Competition Council assesses what reforms are attempted here in South Australia; and, of course, those reforms can only be—

An honourable member interjecting:

The Hon. K.O. FOLEY: I am not commenting on them. I just wanted to advise the house because two days ago I was confident that everything was on track. I am still confident that we will get a satisfactory outcome, but I just advise the house that the competition payments are on hold pending further analysis and seeing where this issue goes over the weeks ahead. So, as a way of courtesy to the house, I thought I would provide it with as much information as I am able to—

Members interjecting:

The Hon. K.O. FOLEY: As I had given an answer on Tuesday, I just felt that the house might want more information. I only want to update members, and we will see over the course of the next few weeks whether the Competition Council recommends the full payment of $57 million to South Australia in the next financial year.

MOTOR VEHICLES, REGISTRATION

The Hon. M.R. BUCKBY (Light): Will the Minister for Transport rule out placing an additional levy on the registration fee of cars with bull bars? The opposition has been informed that the government is considering placing an additional levy on the motor registration fees of cars with bull bars.

The Hon. M.J. WRIGHT (Minister for Transport): I will get some advice on that. The shadow minister asked a question yesterday which I had not, to the best of my knowledge, been advised on. I think this is in a similar category but, to be fair, I would like to check the detail of that. I am not aware of that sort of advice coming before me.

I do not know whether there was a mixed message, but some discussions took place at the ministerial transport council meeting in Auckland last week, and the issue was raised by Carl Scully from New South Wales in regard to bull bars and some subsidiary issues. I informed the council that I wanted to come back and speak to car manufacturers about issues that were raised at that transport ministerial council meeting by Carl Scully and said that I also wanted to obtain some advice at a governmental level.

I am not sure whether that is a part of what has been raised, but it is probably an opportune time to share with the house that this was an issue which was raised at the ministerial council meeting in Auckland and which was led by the New South Wales transport minister. I do not know whether it is fair to say that he has some personal issues but, certainly, on behalf of New South Wales, the New South Wales minister raised the issue of bullbars and also some subsidiary issues in regard to four wheel drives. I cannot remember the exact details, but it related to putting some devices on four wheel drives.

I highlighted to the ministerial council meeting that I could not give a blanket approval to the issues that he was raising. That is now being investigated. I highlighted to the council that, in respect of the issues that the minister raised at that ministerial council meeting, I wanted to come back and speak to car manufacturers here in South Australia. Of course, the minister does not have the same problem in New South Wales as we do here in South Australia with respect to having a very important industry as a part of his state. I am not aware of the particular detail of the matter that the shadow minister raised, but I am happy to bring back an answer to the house.

MAGILL TRAINING CENTRE

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is directed to the Minister for Social Justice. Why did not the minister tell the staff of the Magill Training Centre that the Department of Human Services under the previous Liberal government had rejected the public-private partnership funding for the Magill Training Centre and, instead, allocated $22 million in forward estimates up to the year 2004-05 to build the new centre? The Minister for Social Justice recently talked to the staff of the Magill Training Centre. However, in her speech she failed to give an accurate account of what the previous government had done.

Members interjecting:

The DEPUTY SPEAKER: Order! The deputy leader was commenting.

The Hon. S.W. KEY (Minister for Social Justice): I do not recall making those statements in my speech. What I intended to do in—

The Hon. Dean Brown interjecting:

The Hon. S.W. KEY: I beg your pardon?

The DEPUTY SPEAKER: Order! The minister will ignore the deputy leader.

The Hon. S.W. KEY: My reason for visiting the detention centre was that soon after I became a minister I had the privilege of being shown around both the Cavan and Magill Training Centres, and it was very clear when I went to Magill that there was quite a difference in the facilities that the people in that centre and the workers in both centres had to cope with. Although cabinet was in the process of deciding how the detention centre would be replaced, I wanted to make sure that the staff in the centre knew that, although the process had basically, for them, begun again by our cabinet subcommittee looking at the options for public-private partnerships and other options, I understood their situation, as workers. I also wanted to make them aware of my concerns—and those of cabinet—about the young people who are in the care of that detention centre.

The member for Morialta asked me questions on a previous occasion about the future of Magill Training Centre. I said that I would be quite happy to provide parliament—and certainly the member for Morialta and obviously now the deputy leader—with details of the decisions that we make as we go along. As far as the deputy leader's specific questions are concerned, I do not recall making those comments. I did talk in generalities about the public-private partnership process, as I understood it, undertaken by the previous government and also the process that we would be looking at as the new government. I do not recall talking about figures, so this is information that I do not recall. The main point of my going there was to make sure that the workers at the Magill Training Centre knew that we understood and were very concerned about the conditions there and to reassure those workers—

Mr Brindal: What about the clients; what about the young people?

The Hon. S.W. KEY: I have already spoken about the young people—to reassure those workers that this is something that is on a priority list for me as the Minister for Social Justice.

COAST RADIO ADELAIDE

Mrs PENFOLD (Flinders): Will the Minister for Transport advise the house when Coast Radio Adelaide, located at Port Augusta, will be fully operational, and what actions the government will undertake to ensure that this occurs before lives are lost as a result of the seven weeks of inaction? I have been informed that the new state run emergency radio station, Coast Radio Adelaide, is not operational. The new distress system was supposed to be operational on 1 July, but I am told that there are still problems related to equipment and training qualifications, rendering the station practically useless. I have also been informed that there are some real concerns that, even if the station were operational, it is located too far from the open ocean of the bight to pick up the radio distress signals from most recreational and fishing boats that might be in trouble there.

The Hon. M.J. WRIGHT (Minister for Transport): This is a very good question. I do not have a clue what the

answer is, but I will try to get the answer and bring it back for you.

SCHOOLS, WILLUNGA PRIMARY

Mr BROKENSHIRE (Mawson): Will the Minister for Education and Children's Services advise the house why the minister's office advised that the development of the Willunga Primary School was put on hold because the community had not finalised plans for the school. When will the school redevelopment commence? The stalling of this project has disadvantaged the Willunga Primary School community at a time when it has rapid growth.

The DEPUTY SPEAKER: Order! The honourable member is getting very close to commenting.

Mr BROKENSHIRE: Yes, sir. Three different versions of plans for this development have been considered by the school community over a period of several months, if not longer. A final version had been agreed to, and the final plan had been signed off and was due for consideration by the Public Works Committee in February. Some $6.2 million was available for this project. The government has now stalled the progress of this development on the basis that the school community has not signed off on an agreed plan.

The Hon. P.L. WHITE (Minister for Education and Children's Services): I am very pleased that the honourable member has asked me this question. It has to do with the Willunga Primary School and preschool upgrade. Money has been allocated in this budget and, in fact, construction work will be progressed on the site quite shortly. As the honourable member said, this was put down in the government's previous capital works budget from last year as a $6.2 million project. However, on coming to government we found that this had not even been through the public works process—a process that injects several months into the planning process. The preschool representatives and in fact some of the primary school representatives contacted me and asked me specifically—

Mr Brokenshire interjecting:

The Hon. P.L. WHITE: I will come to that, member for Mawson—whether I would split the project into two stages to allow the relocation of the preschool to go ahead. The preschool has been waiting for a long time—many years but I cannot recall how many—for an upgrade of its facility. The plan was to relocate this facility onto the primary school site. That is the part of the project that is to proceed immediately.

The DEPUTY SPEAKER: Order! I do not know whether the member for Mount Gambier is meditating, and the member for Kavel is passing on words of wisdom, but it is very disorderly.

The Hon. P.L. WHITE: At the request of the minister I split that project and proceeded with the preschool part. It is highly hypocritical of the member for Mawson to feign ignorance on this issue because he wrote to me and requested that I split the project and proceed with the preschool.

Mr Brokenshire interjecting:

The Hon. P.L. WHITE: Don't cry crocodile tears—

Mr Brokenshire interjecting:

The Hon. P.L. WHITE: I've got the letter. I am pleased to table the letter—

Mr Brokenshire interjecting:

The DEPUTY SPEAKER: Order! The member for Mawson has asked his question and the minister is answering it.

The Hon. P.L. WHITE: Together with the community, the member for Mawson requested that I split the project and proceed with the preschool. The reality of this project is that the site happens to be very small and it is not possible to proceed with the preschool location and the primary school part of the project at the same time; they have to be done consecutively. The previous government delayed starting this project. It was supposed to be started during its term of office, but it was not; it had not even been before the Public Works Committee, and because of the size of the project—

Mr Brokenshire interjecting:

The DEPUTY SPEAKER: Order! I warn the member for Mawson for continuing to interject against the chair's ruling.

Mr Koutsantonis interjecting:

The DEPUTY SPEAKER: Order, the member for West Torrens! We do not need sign language in here, thank you.

The Hon. P.L. WHITE: It needed to go through that process but it did not. I remind members when the opposition cries crocodile tears about capital works that they in their term of government underspent capital works by $124 million. Had they not done so we could have done the Willunga Primary School, the preschool and the whole neighbourhood several times over.

Members interjecting:

The DEPUTY SPEAKER: Order! When the house comes to order I will call the member for MacKillop.

MUNDULLA YELLOWS

Mr WILLIAMS (MacKillop): My question is directed to the minister responsible for the environment. Does the minister still endorse his comments to the estimates committee that the discussion and debate over his department's handling of the Mundulla yellows research program is puerile and sterile and is being promoted by a particular scientist's fan club? It is now evident that the so-called fan club referred to by the minister consists of the most pre-eminent forest pathologists from all Australian states including Dr Frank Podger, who discovered the cause of jarrah dieback in Western Australia, work which in 1972 received international attention and for which he was awarded the United Nations Inaugural Scientific Achievement Award. In 1996 he chaired a review which led to major changes in management practices regarding that disease in Western Australia. Other bodies to contact me in support of the Waite research project include the South Australian Farmers' Federation and the Conservation Council.

The Hon. J.D. HILL (Minister for Environment and Conservation): The member for MacKillop is a man of grand passions and great obsessions. He now has two: he has added Mundulla yellows to his obsession with rainfall tax in the South-East.

The Hon. D.C. Kotz interjecting:

The Hon. J.D. HILL: I am glad the member for Newland interjects because she would be well aware of one of his grand passions as she has been a victim of it. Unfortunately, the member for MacKillop's passions are based on sterile arguments. The facts are that we have moved on considerably. The commonwealth government department Environment Australia and the Department of Environment and Heritage have looked very closely at the work done in relation to Mundulla Yellows. They believe better work could be done and that the sensible way to proceed is to go through a public tender process, and that process is being gone through now. The former research team is entitled to apply

and they will be considered in the same way that all the other tenders will be considered. So, I think the member for MacKillop should just relax about this. The government is committed to getting a good solution to the problem of Mundulla Yellows. We and the commonwealth are working together and we will get a team in place very quickly which will undertake the appropriate level of research. I am really impressed that the member asked this question and during the majority of my answer has engaged in conversation with the member for Newland. He still has not heard that I have mentioned him.

WASTE WATER DUMPING FEES

Mr GOLDSWORTHY (Kavel): I seek leave to make a personal explanation.

Leave granted.

Mr GOLDSWORTHY: In answer to the question that I put earlier to the Minister for Local Government, which the Minister for Government Enterprises answered, comments were made that I had sourced the information in my question from a local newspaper or from a radio station. That is not correct. I want to point out that if the minister had read the front page of the *Courier* newspaper this week, he would see that I had already discussed this matter with the CEO of the Adelaide Hills Council, and in the *Courier* article I stated that I was going to ask a question in the house on this specific issue.

The DEPUTY SPEAKER: Order! The member should just state the case without entering into debate. He should seek to correct what he believes is an inaccuracy, not debate the matter.

Mr GOLDSWORTHY: I think I have done that, sir.

The DEPUTY SPEAKER: I think you have.

GRIEVANCE DEBATE

COOBER PEDY RACES

Mr HAMILTON-SMITH (Waite): I rise to call on the government to take urgent action to ensure that the state does not lose a valuable and historic event, and that event is the Coober Pedy Races. It has been reported that the Coober Pedy Races have been cancelled and the reason is soaring public liability insurance costs. It looks as if the annual three day meeting, set down for October, will not occur. It was expected to attract thousands of people, as it always has. I have been to the event in the past and it is a splendid event, and it is a shame that it will not happen this year. It will be the first time in its 33 year history that the event has foundered. Apparently, the organisers of the event cannot even get insurance for the racetrack itself, so that the playground and the clubrooms are not insured for parties and groups who camp and water their horses there. Although they have approached 18 different insurers, they have had no luck getting cover.

The Coober Pedy Races is an iconic Outback event, as those members who have been there will understand. This is the Year of the Outback and it is a considerable blow to the efforts of the South Australian Tourism Commission, the government—both former and present—and all involved in the festival of the Outback that this event is foundering. At least 300 people a day would have attended for the three day race carnival alone and, as I mentioned, it would have been its 34th year. Last year, apparently, insurance costs doubled, so there were signs that there would be difficulties this year. The secretary of the Coober Pedy Amateur Race Club, Lynn Freeman, says that as soon as they mention to insurers that it is a race meeting they are told, 'Don't even consider it. We will not cover you.'

It is a huge event at Coober Pedy, along with the Opal Festival held in Easter. Essentially it is the biggest weekend of the year in the Coober Pedy region. You cannot get a room for miles when the race is on. It is terrific for the small businesses and tourism operators in the area. It is worth tens of thousands of dollars to the local economy in accommodation, fuel, meals and so on. I call upon the government to step in and try to save this event, which is so important to this lucrative part of regional South Australia, especially in this Year of the Outback.

I remind the house of the considerable effort put in by the previous government to set up the Year of the Outback, within which this event falls. The 2001-02 state budget provided $1.2 million for the tourism events program, including a community grants fund designed to assist outback community celebrations. This added to an amount which totalled $2.6 million worth of support through ticket sales and private sector sponsorship. We are the only state in Australia to have coordinated and funded a specific calendar of one-off events to mark this Year of the Outback. The state budget set up by the former Liberal Government also provided $6.7 million in new funding for outback infrastructure projects over the next three years. Tourism facilities were improved in a bid to enhance the outback experience for visitors and to ensure the region became a must see destination for international travellers during this Year of the Outback, which of course it was hoped would see many lasting legacies.

The investment has been put in. Regrettably the budget of this government has shown that there have been significant cuts in tourism—in marketing, infrastructure and event management. However, although the minister has fewer resources with which to work as a result of those cuts, I call on the government to do everything within its power to look at whether or not this event can be rescued. It is not too late—things can be done. It is up to the government to look into the problem and help the community up there find a solution and, hopefully, come back to the house and let us know what are the options. The people of Coober Pedy and all those involved in the Year of the Outback I am sure would welcome such an event, and I call on the government to put it in.

MEMBERS' INTERESTS

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I rise to respond to further comments made about the accuracy of my parliamentary returns. Yesterday in my ministerial statement I commented that I no longer owned or had an interest in Adelaide Pathology Partners. The simple comments I made were accurate and correct in every way. Yesterday afternoon, despite my comments, the member for Waite made a personal explanation. His assertions related to the accuracy of my returns provided to the house for the parliamentary register of interests. The member said—and I quote from *Hansard*:

I am aware that the information tabled in the house yesterday was inaccurate.

He later followed with the statement:

The minister's correction of the facts. . .

Both these statements are untrue. I will not reflect on the potential baseness of the motives of the member for Waite but would rather assume that he is ignorant. I presume that the member does not know that a new member is required, within 30 days of being sworn in by oath or affirmation as a member of parliament, to submit a primary return.

Mr Hamilton-Smith interjecting:

The DEPUTY SPEAKER: Order! The member for Waite will listen in silence.

The Hon. J.D. LOMAX-SMITH: I was sworn in on 5 March 2002 and submitted my primary return on 27 March. This return was tabled in the house on 13 August. It said, amongst other things, that at the time of lodging the return I was a director of a pathology practice. Contrary to the assertions of the member for Waite, it was entirely correct. I hope that the member for Waite would also be aware that each of us is required to lodge an ordinary return by 30 August 2002.

Mr Hamilton-Smith interjecting:

The DEPUTY SPEAKER: Order! The chair has already cautioned the member for Waite.

The Hon. J.D. LOMAX-SMITH: This return, which I have already submitted on 27 July 2002, well ahead of the deadline (and, I am advised, ahead of many other members) has not yet been tabled in the house. In this ordinary return, I have stated that I have sold my interest in Adelaide Pathology Partners. My returns have been on time and absolutely accurate in detailing my interest and subsequent sale. The member for Waite clearly does not understand the process. Furthermore, he does not understand the difference between an interest and a conflict. The member suggested yesterday on radio:

It is a biotechnology related business. She is the minister for biotechnology. Clearly there is a conflict between her portfolio responsibilities and her private business interests.

I have some information for him. One is quite able to have business interests, provided that one does not act on a conflict to one's own benefit. I have further information. Histopathology—

Mr Hamilton-Smith: I suggest you let it go, Jane, because we know a bit more.

The DEPUTY SPEAKER: Order! I warn the member for Waite.

The Hon. J.D. LOMAX-SMITH: Histopathology, or morbid anatomy, which is my speciality, involves pattern recognition and high level integrated analysis of variables. It is a clinical medical practice. It is a medical service. It is not medical research. It is not biotechnology. It is not involved in innovation. There is no commercialisation. The member has demonstrated that he knows precious little about science, as he does about the difference between a primary return being lodged and tabled in the house and, for that a matter, the meaning of conflict of interests. I will reiterate it clearly and slowly: I did not table inaccurate information, and yesterday there was no need for me to correct anything. I simply outlined the information that was already lodged in both my primary and ordinary returns.

After making public claims going into the estimates process and not being able to substantiate them in estimates, the member for Waite has clearly had to resort to personal attacks on my integrity in an attempt to get some media attention. I am especially offended that he should suggest that a member of our government might correct the facts. This is clearly an Orwellian concept familiar to Liberal members of parliament and ministers for tourism, but it is not part of our normal practice. The member for Waite should be ashamed of himself, and I think his leader should call on him to retract his comments and apologise.

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Morphett.

LABOR'S ELECTION PROMISES

Dr McFETRIDGE (Morphett): What did we hear through the election campaign—health, education, law and order? And we still hear it—health, education, law and order. There has been very little extra in health and very little in education, with cuts left, right and centre. Just ask Paringa Park Primary School. In law and order, there are no extra police. And ask the councils about the crime prevention units. I was at the meeting of the Holdfast Bay crime prevention unit last Tuesday. The topic of discussion was the $65 000 cut from the budget of the City of Holdfast Bay's crime prevention unit, which was funding the crime prevention officer, who has been doing an absolutely sterling job. The money has been cut not only from her but also from many crime prevention units. I think the total amount was $1.4 million over the state.

So much for law and order! If this government was as open and honest as it claims to be, it would be following up on some of the promises that it made during the election campaign of being for health, education and law and order. Let me read a little from the newsletter of the Crime Prevention Unit of the South Australian Attorney-General's Department, *The Prevention Principle*, for April 2002. It states:

2002 marks the inaugural year of the new Australian Crime and Violence Prevention Awards.

The award for the Attorney-General is for the most despicable act of having cut the whole funding for crime prevention. The Director of the Crime Prevention Unit, Sue Millbank, says in this newsletter:

Recognition for crime prevention work is important but, all too often, efforts go unrecognised and unrewarded. Good news is not as sensational as bad news.

They are certainly going unrewarded here. There is no money at all here. There is no good news. So much for law and order! The government promised so much but is delivering so little. I urge it to rethink local crime prevention. This $65 000 is not the only cut. The Attorney-General, in his Prevention Principles pamphlet, talks about other cuts that have gone on. The issue of crime prevention was something we discussed at the crime prevention committee meeting at the City of Holdfast Bay. I am not sure how long that committee will continue, now that the funding has been cut—$65 000 has gone. The Prevention Principles pamphlet refers to KESAB and graffiti as follows:

So it is that crime prevention needs to find ways to show their own 'beacons on the hill'. One example of the promotion and recognition of good work in South Australia is the recent KESAB Graffiti Prevention Awards.

Those awards will not be out there any more because there will no longer be any crime prevention units and, certainly, no graffiti officers. I do not know how many hundreds of

dollars worth of damage is done each year by graffiti in our schools, railway stations, public buildings and private buildings. Unless there is funding made available for the removal of graffiti and for crime prevention units we will see an explosion in petty crime and low-level crime. Actually, I should not really use those terms—low-level crime and petty crime—because when it is your letterbox, your house that has been graffitied or your car that has been broken into, it is not petty crime. It is very personal, and very much an invasion of your privacy.

This government needs to recognise that people out there are hurting when it comes to local crime. When I was doorknocking in the electorate of Morphett—and I guarantee there would not be a member in this house who did not get the same reception while doorknocking—the people on whose doors I knocked had to undo four or five locks on their heavy mesh doors. The perception is that crime is rampant out there. It is not as bad as people are saying—I know that—and certainly the statistics are showing that levels of crime have gone down a bit, but we still need to keep up with crime prevention units. Otherwise, we will see an increase in local crime. It is so important. People who come to the door when you doorknock bring it up with you. They bring up health and education, too, but local crime is a real worry out there.

We keep talking about it in this place, saying that we are going to do the right thing by the people of South Australia. This government wants to be open and honest. I plead with this government to give back to the people of South Australia what they need, and that is local crime prevention. The government is not giving us any extra police officers; they are going to replace them as they retire. Don't do that: more, more, more. You cannot keep taking away; you have to give something back. We have just heard of 6000 per cent increases in some taxes here. There are increases in stamp duty: it is a wealth tax. Let us hope they do not bring in death duties. Don't just keep taking, taking, taking. We really need to give the people of South Australia what they deserve and what they have had for eight years, and that is a caring government. This government claims to be socially inclusive. That is what South Australia needs. This government is not demonstrating that.

COOBER PEDY RACES

Ms BREUER (Giles): I was interested to hear the member for Waite discussing the Coober Pedy races a few moments ago. In recent weeks, he seems to have developed an inordinate interest in my electorate. I think he has even visited there. He appears to see himself as something of a champion for the Outback at the moment, because he is constantly referring to what is happening out there. It is very interesting because, for the previous four years, nobody was interested in Coober Pedy, my electorate, the Outback or anything else.

I was dismayed yesterday to receive a call from the CEO of the Coober Pedy council about the Coober Pedy races being cancelled this year. It is a very serious situation for Coober Pedy because the races are an icon known here and overseas. It is a wonderful tourist attraction for the town, and certainly people come from all over Australia, and indeed the world, to attend. Of course, the economic benefits to the town and the community are great.

Unfortunately, it seems to have been hit by that big virus that has hit so many of our community events and organisations—the insurance premiums. I know the committee searched high and low to try to get a reasonably priced policy or even a company that would be willing to insure them, but they have had no success. I believe there was one company which was prepared give them a policy for about $4 000, I think, but that was providing that there was no racing and no public bar at the event. The committee decided that a race meeting would not work too well if that was the case, so the committee had no alternative but to cancel the event. I am very sorry about this and pass on my regrets to the committee. I hope that it can be resurrected in the future after this issue has been sorted out.

The other big fear is that the next event to be affected may be the Opal Festival which is held there each year and is also known nationally and internationally. However, I am very pleased to say that I have arranged a meeting today with the Minister for Recreation, Sport and Racing to discuss this issue with the CEO of the Coober Pedy council and the finance officer. We will be meeting with the minister in about an hour's time. Hopefully we can look at some possibilities and perhaps we can find a solution, although it is a very difficult situation.

The second issue I want to cover today concerns yellowtail kingfish, which are very topical at present because of reports in the media about increased numbers in Spencer Gulf, and recreational fishers are concerned at the effect this may have on other species. I cannot see what the problem is because I would rather catch a big kingfish than a little garfish. Today I spoke to Will Zacharin, Director of Fisheries, about what is happening, and there appears to be an increase in numbers in the gulf from brood fish from fish farms, so I am interested to learn what the investigations reveal. I cannot see that it will have much effect on other species and I am not sure why kingfish are suddenly a problem in the gulf when, in Boston Bay near Port Lincoln, many tuna that have escaped from the farms in the bay are swimming around.

I want to talk about kingfish because they are like manna from heaven. I do not know whether members have had the opportunity to try them but they are one of the most tempting and tasty fish of the sea, and they are certainly a very exciting new taste. I am a bit of a connoisseur of fish because I have caught and eaten many fish in my time. I come from the home of whiting, which is considered to be the cream of the sea, and we eat it regularly, but I enjoy kingfish far more than I do whiting. It is becoming increasingly popular and there has been a lot of good publicity about it recently. Well-known Adelaide personality Dorinda Hafner has been coopted into promoting the fish and it has had some excellent publicity.

It is an important developing industry to Spencer Gulf, particularly northern Spencer Gulf. Currently in Whyalla there are two sea-based aquaculture businesses, both farming the fish. There are five leases at Fitzgerald Bay. Each lease is 20 hectares in size, 12 cages are established in each lease, and they have the capacity to farm 200 tonnes of fish per lease. One company, Southern Star Aquaculture, has one lease, and it currently employs three full-time people, and those numbers will increase. The other one, Spencer Gulf Aquaculture, has four leases and employs about 27 people at present. It is an industry that is taking off. I believe that they are finding these fish further down the gulf and, at $8 to $10 per kilogram, people must be having very sleepless nights that they have lost that many fish out of their farms.

FRIENDS OF BLACK HILL AND MORIALTA

Mrs HALL (Morialta): The Friends of Black Hill and Morialta is a volunteer group which is dedicated to protecting the natural environment of the parks and which, at the same time, works towards improving public access, enjoyment and understanding of the environment. This group was formed on 28 August 1986 and for me to stand in this chamber and say that it has had and certainly still continues to enjoy outstanding success is somewhat of an understatement. Some 16 years on from that inaugural meeting, the commitment, dedication and enthusiasm of everyone associated with this wonderful volunteer group is as strong as ever.

I became a member of the Friends of Black Hill and Morialta in June 1993 and, at that time, the group was active, among many other projects, in the main valley of the Morialta Conservation Park; it had commenced a new project in Ambers Gully known as the Collaborative Schools Landcare Project; during that year, some 2 067 plants were established in seven project sites; and the incredibly energetic President, Graham Churchett, was involved in a feral cat trapping program.

In its charter, the Friends of Black Hill and Morialta list one of their objectives as being to cooperate with persons and organisations having similar interests. Whether it has been working with the Athelstone Kiwanis on the Athelstone wildflower garden, providing support to other friends groups, or working amicably with officers of the National Parks and Wildlife Service, the group has demonstrated itself to be an extremely good community citizen. Importantly for the future of our environment, the group has also built a strong partnership with school students and attracted young people to assist in local environmental work. This partnership has been an outstanding success. I pay a tribute to the active members of the group for generously sharing their expertise and giving of their time. Their enthusiasm and willingness to impart their knowledge I know is an example shared by many other volunteer groups.

Over the years, diversity has been a way of life for the Friends of Black Hill and Morialta. They have certainly been involved in an impressive range of activities. Their projects have included not only planting, weeding, land care and track maintenance but also being actively involved in a strong advocacy role in making representation on many issues, including Greenways scrub clearance, proposals for changes to the structures around the Giants Cave in Morialta Park and the future of the property adjoining Morialta Falls, known as 'McCarthy's Land'. They have also been involved in advocacy on mining exploration of Yumbarra Conservation Park and the removal of horses from national parks.

As a community service, this friends group has also produced a track map for the many thousands of visitors to the Black Hill and Morialta conservation parks. The map contains extensive information about walking trails, points of interest and public transport. I am very pleased to be one of the many sponsors of the map, which has been described as the perfect silent walking companion. The map has also being used, on a number of occasions, sadly, by Emergency Services personnel and the group has been applauded for its correctness.

During the last few years, it has been my pleasure to write to this group to congratulate them on a number of their achievements and successes in obtaining grants through the various grants programs. In August 1999, the group received one of the highest accolades from the Friends of Parks organisation when it was recognised as the Friends Group of the Year. That award recognised the group's achievements in implementing programs, controlling feral animals, preserving wildflowers and succeeding with general environmental programs. On 7 September (just a few weeks from now), the group will again take centre stage for its achievements. National Parks and Wildlife South Australia has chosen this group as the Group of the Decade 1992-2002. The group will be presented with the Vern McLaren Shield in recognition of its numerous projects, achievements, administration and programs.

I have often said that the role of volunteers in our community can never be overstated. In fact, the Friends of Black Hill and Morialta exemplify volunteering at its very best. The President, Graham Churchett, has been involved with this group since its formation, and I know that most of the other members have also enjoyed a long and happy association. All members have been vigilant and committed to preserving our environment. The local community in general has been a big beneficiary of this group's efforts and achievements.

LONG TAN DAY

Ms BEDFORD (Florey): This Sunday morning at around 11 o'clock people will be gathering at the War Memorial on North Terrace to commemorate the Battle of Long Tan, which was one of the finest hours of Australian forces in battle involving the Royal Australian Regiment. D Company of the Sixth Battalion of the Royal Australian Regiment was awarded the United States Presidential Unit citation for this action. During the battle, support to D Company was provided by the other companies of the battalion: 3 Troop 1 Armoured Personnel Carrier Squadron; 1 Field Regiment Royal Australian Artillery, including 161 Battery (New Zealand), in direct support; and Army and RAAF helicopters provided re-supply and casualty evacuation. The presidential citation reads, in part:

> The enemy maintained a continuous intense volume of fire and attacked repeatedly from all directions. Each successive assault was repulsed by the courageous Australians. Heavy rainfall and a low ceiling prevented any friendly close air support during the battle. After three hours of savage attacks, having failed to penetrate the Australian lines, the enemy withdrew from the battlefield carrying many dead and wounded, and leaving 245 Viet Cong dead forward of the defense position of D Company. The conspicuous gallantry, intrepidity and indomitable courage of D Company were in the highest tradition of military valor and reflect great credit upon D Company, and The Australian Army.

The citation is signed by President Lyndon B. Johnson and is dated 28 May 1968. He was, of course, not the only person to have noticed what was going on. Our own Brigadier O.D. Jackson from Task Force Command said:

> There is no doubt whatsoever that the Long Tan battle was a very close thing indeed. Had the enemy been allowed another 15 minutes it is likely that D Coy 6RAR would have been completely overrun.

In fact, we did sustain casualties that day, with one dead in the 1st APC Squadron and 17 dead in 6RAR—a total casualty list of 18 dead. We will be remembering those men's commitment to Australia's Defence Services on Sunday. Prior to the service of commemoration of the Battle of Long Tan at 11 a.m. on Sunday, there will be other activities, commencing with a gunfire breakfast at 8.30 a.m.

At the time of the battle, a concert was happening in other parts of Phuoc Tuy Province, featuring entertainers Little Pattie and Col Joy and the Joy Boys at Nui Dat, the Aust-

ralian Task Force base. Immediately following this ceremony, it has become a tradition to have a concert at the Torrens Parade Ground. We will be gathering there this Sunday for a concert to be hosted by our own Pat Kennedy, better known as Big Pretzel.

Members interjecting:

Ms BEDFORD: She looks almost exactly the same. I dare say it will be much colder and she will be dressed more appropriately for cold weather! Also appearing this Sunday are Catherine Lambert, Andy Seymour, Beverly Sands, Johnny Mac and his band, comedian Wally the Worker, and apparently the Wills Sisters. So I am looking forward to seeing Anne and Susan Wills on Sunday. I just hope that the weather holds out and we have a really good day. The whole performance will be supported by the SA Army Band, the SA Navy Band, and the band of the Adelaide University Regiment Pipes and Drums.

I would like to thank very much Lt. Colonel Moose Dunlop who is involved with the RAR Association. He has been a good friend to me since I was first elected. It is my pleasure to be involved with the RAR. Also, my thanks goes to Mr Jock Clarkson, a neighbour in the War Service Homes in Modbury Heights where I lived some 25 years ago. Through them I was able to host a lunch with the RAR here at Parliament House a year or so ago, when I was able to meet Dr Donald Beard, one of South Australia's finest doctors who did a lot of work at the Modbury hospital.

The stories you hear when you sit around the table with those men are amazing. I often go over to the pub after the ceremony, so I am looking forward to hearing the stories again this Sunday. I urge members and anyone who is in the city for any reason to come and join us at 11 o'clock for the ceremony, which is always very moving. People are able to lay gifts of books at the ceremony. Those books go to the Women's and Children's Hospital. We not only remember our dead but we do what we can to help the children of the future.

STATUTES AMENDMENT (STRUCTURED SETTLEMENTS) BILL

Adjourned debate on second reading.

(Continued from 14 August. Page 1032.)

Ms CHAPMAN (Bragg): This will permit the Supreme Court, the District Court and the Magistrates Court to award personal injury damages in the form of a structured settlement, that is, a judgment for periodic payments, rather than for a lump sum payable immediately. The opposition supports the bill.

When the government's discussion paper was issued in July 2002, these provisions were contained in the draft Statutes Amendment (Liability for Personal Injury) Bill. That bill would have empowered the court to order that a plaintiff receive judgment by periodic payment, that is, the structured settlement, even if the plaintiff did not consent to such payments. We are pleased to see that the bill currently before the house has removed that power from the court. Under this bill, a judgment for periodic payments can be ordered only with the consent of both parties. That is fair and reasonable. We note that the commonwealth has introduced taxation legislation which will make periodic judgments a reasonable option. In a letter dated 26 July 2002 to the Treasurer, we note that the Law Society also stated:

> The preferred view of the Law Society is that consent of the plaintiff, or his or her next friend, is a precondition to a structured judgment.

The Law Society continued:

> However, we suggest an alternative proposal, which is for the structured settlement portion to apply only to the future care and future medical expenses component of an award and/or for the section to provide for guidelines or criteria upon which the court may exercise its discretion to make a structured settlement if the plaintiff does not consent.

This seems a reasonable approach. As the bill stands, it is difficult to see that any structured settlement would ever be ordered. Why would someone take a periodic payment when they could have all of the money up front? Some may fear that the defendant or its insurer may go into bankruptcy after a few years, or even a few months. In the light of HIH and other corporate collapses, this is not an altogether unreasonable fear.

However, there may be situations where a structured settlement is appropriate—where, say, the defendant is the State of South Australia in a medical negligence case arising from a public hospital. Why should the court not be able to order a structured settlement in such a case? The plaintiff's interests would be protected by a state guarantee. I support the second reading.

Mrs REDMOND (Heysen): I will speak very briefly to this bill because I do not have much to add to the lead speaker's remarks. As the member for Bragg has indicated, the concept is good theoretically, although this bill represents a reversal of the situation until now in settlements involving SGIC and WorkCover. Many members would be familiar with the numerous newspaper reports over a period of time about the difficulties this state was facing with what was called the unfunded liability of WorkCover. WorkCover knew that in the future it would have to keep making payments for matters that were already determined. Indeed, that was the very issue about which it was concerned. In order to address that, by all sorts of ways and means WorkCover tried to encourage people to take a lump sum in lieu of an ongoing payment for an indeterminate time.

This bill represents a reversal of that situation on the theory that, if possible, people would take an annual payment, or a payment at regular intervals over a period of time, rather than receiving a lump sum. Of course, many people receiving settlements—and I have worked with them for years and negotiated many settlements—think that if you have a loss of $25 000 a year (just to pluck a figure out of the air) and you have 35 years to live, to work, or whatever the figure is for, that would mean you would receive 25 times 30, and that is the amount payable. Of course, that is not the way it works. At the moment, the figure is heavily discounted when it is paid as a lump sum.

The effect is that you get a discounted figure but you get the benefit of having the money in your hand now and, theoretically, you can invest it and earn interest on it. Of course, you could get your lump sum and it would not matter whether you even lived to see those extra years, you would have the lump sum in your hand. As the member for Bragg indicated, this bill cannot really become effective—well it can become effective, but it will not be used—until such time as federal legislation is introduced because, as I understand

the situation at the moment, if you get a lump sum in settlement of your whole claim, then you are not going to be taxed, or you will be taxed at a particularly low rate. Whereas if you get a payment over a period of years, for instance in lieu of what would have been your earnings, then you will pay tax on that as though it were your earnings. Until that particular difficulty is overcome with some federal taxation law changes, I cannot see that there will be any motivation for anyone changing to an annual or regular payment for the future rather than getting a lump sum as at the moment.

I note that this legislation does not have any monetary limit. It can apply to an award of $10 000 as easily as it can apply to an award of $1 million. I would imagine that, in practice, it would be looked at only where there were significant amounts of money to be paid for future care, future medical costs or future income. If that were to happen, then in the first years of its operation it would seem that insurance companies would benefit, in as much as they would pay less money in those initial years. They would still have that unfunded liability for the future for an indeterminate time, but they would pay less cash out than if they were forced to pay out the whole award at the time of the settlement. Of course, as with other provisions I have already spoken about, that helps the insurance companies and does not necessarily have any impact on the people who are seeking insurance or seeking lower premiums to obtain insurance. Once again, I repeat what I said yesterday: I have no faith at all that insurance companies will do the right thing and bring down their premiums. Just because they are paying out less money does not mean that they will want to get in less.

My expectation is that this change is unlikely to be used. As the member for Bragg has already pointed out, it puts into three different courts—the Magistrates, District and Supreme Courts—the capacity to have these structured settlements. However, with the removal of the idea that was in the original draft—namely, that a court could impose that settlement in certain circumstances so that it required the consent of both parties—I would be very surprised if there were to be any solicitors around the place who would be likely to recommended to their clients that they take a structured settlement in lieu of having the lump sum now, particularly, as has already been mentioned, because in many cases there is no guarantee that the company that is providing the money will be there to keep making the payments for the future.

Of course, another effect of such a structured settlement would be that if you got a lump sum now and you happened to die next week, you would be able to leave that lump sum by will. Under this system, if you are getting a periodical payment, you will be able to leave by will only whatever you happen to have received and not spent of that payment. So it will have a dramatic effect on estates. I have difficulty in thinking of any circumstances where it would be likely. The only example I can think of is if an insurance company was willing to negotiate the settlement in such a way that, because it was making it as a periodical payment and therefore there was a big benefit to it, it was prepared to up the overall amount of what the plaintiff was going to receive so significantly compared to what the lump sum equivalent would be if they took a full settlement now, if that becomes a significant enough differential, then I can see that there would be some motivation for some people to say, 'I've got to spend that money as years go by. It is only for future medical care and medical costs. Therefore, it is appropriate to get it rather than have it as a lump sum and put it in the bank.' There could be a significant differential so that, overall, you would get a much higher amount if you lived for another 30 years. If you had to expend all those funds on future care and medical costs, if you had huge future losses of income being accommodated over that longer term and if the company paying the money recognised it to thank you for taking the risk, that would give you a much higher award, then I can see that some people might be motivated to take it on. Whilst I welcome and support the introduction of the provisions, I really cannot see that, as matters stand, it is likely to be used at any time at all, virtually.

The Hon. K.O. FOLEY (Deputy Premier): I thank members opposite for their constructive contributions. It is just us lawyers here today, discussing this matter.

An honourable member interjecting:

The Hon. K.O. FOLEY: I'm sorry—and Vin and Tom. The decision by the government to legislate for structural settlements was as a result of discussions at a ministerial meeting involving all state treasurers and Helen Coonan, the Assistant Treasurer, the minister for revenue. It was decided that it was a good reform. It was acknowledged that it would not necessarily be used extensively—we will see over time—but it was deemed appropriate to remove the taxation disadvantage that was in the system, lump sum versus structured settlements.

It is a matter of giving another option, about providing for those who choose to or want to take advantage of periodic payments, structured settlements, and who can now avail themselves of that. Who might use it? I suspect that the two members opposite would have a better personal knowledge of who would make use of it. They may well have doubts about how often it would be taken up, but I would have thought that potentially it would be an attractive option for young people. I assisted a case in my electorate involving a child, and I know for a fact that a structured settlement would have been a preferred option for the family. Who knows whether it will be used? If it is never used, then nothing is lost; if it is used, then it is an advantage.

It is something that insurance companies have requested. They seem to think that it will be taken up sufficiently for them to have asked us to do it. Their predictions are that it will be used. I know from the government's point of view that from the Motor Accident Commission's perspective it certainly was keen for us to do it—

Ms Chapman: It wanted it to be compulsory.

The Hon. K.O. FOLEY: It may have, but it was certainly happy to see it as a voluntary measure. I respect the views of members opposite because they are more experienced in practising the law than I. We will see over time whether or not this option is taken up, but it is another worthwhile reform. Some interesting comments, I might add, have been made about the law reform of the state government in media and on media in the past 24 hours. I might save them for maybe the next piece of legislation, when I will probably share with the house some of the comments made by commentators around the nation—but I am not into bragging, so I will do it with modesty, I assume.

Bill read a second time and taken through committee without amendment.

The Hon. K.O. FOLEY (Deputy Premier): I move:

That this bill be now read a third time.

Mr HANNA (Mitchell): I just want briefly to add that, after that thorough analysis of the provisions of the bill by the opposition in committee, it has come out as a reasonable proposal, and I just want to add my endorsement of the bill. From years of experience in personal injury claims I have certainly seen many people receive a large lump sum after resolution of litigation but who have promptly squandered it, and that is always very sad to see. This bill could be of benefit to a lot of people and, of course, it is important that the structured settlements can only be entered into as a matter of agreement between the parties.

The Hon. K.O. FOLEY (Deputy Premier): I thank the member for Mitchell for his comments, and I thank members opposite for their constructive approach to this bill. This is the second in a package of three bills—two down, one to go—but I am glad that the opposition are taking such a bipartisan and constructive approach, and I look forward to that continuing in the debate over the next bill.

Bill read a third time and passed.

WRONGS (LIABILITY AND DAMAGES FOR PERSONAL INJURY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 August. Page 1036.)

Ms CHAPMAN (Bragg): The opposition will support this measure, which is part of a package of bills introduced on 14 August 2002, and we commend the government for introducing this bill. However, it should be said at the outset that the opposition does have reservations about the process by which these bills have been brought forward. We also put on the record our view that the government has oversold the bill. The response from the government on the insurance crisis was muted to begin with, and it was not until 3 June 2001 that the Treasurer made a ministerial statement on the matter. In that statement he said:

> . . . our government agreed to consider some bold steps to stabilise premiums and see them reduce. . . to ensure accessibility and affordability of public liability insurance to the community.

I note three claims: (1) bold steps, (2) stabilise premiums and see them reduced, and (3) ensure accessibility and affordability. What is absent from this package of bills, and from the minister's second reading explanation, is how they will 'stabilise premiums'. The bills provide even less evidence that premiums will be reduced. Where is the evidence that accessibility or affordability of public liability insurance will be improved by these measures? To claim that they are bold measures is laughable to anyone who knows anything about the subject. All members of this house have received complaints from constituents about the insurance crisis. Community groups, sporting clubs and associations, small business and tourist operators have all been badly affected by the increased cost and decreased availability of public liability insurance. It is a pity that the government has not provided them with any hard evidence that these measures will provide these people with quantifiable benefits. What is lacking is a proper cost benefit analysis.

The Treasurer made a ministerial statement on 8 July 2002, when he issued a discussion paper with draft bills for consultation. The ministerial statement included the following:

> The proposals I am putting forward today are designed to make insurance against bodily injury damages more affordable and accessible. They are also intended to provide a mechanism whereby people can take responsibility for their own choices.

Once again, no evidence is provided that the claimed greater affordability and accessibility has materialised. In the concluding paragraph of the minister's second reading explanation on this bill, the rhetoric about the effectiveness of this bill is less extravagant and more realistic. The Treasurer said:

> This bill is a practical measure that will help in containing claim costs. This should be reflected in containment of premium costs, thereby assisting in ensuring that affordable liability insurance remains available to the public.

This is a more sober assessment. The minister says that the measure should be reflected in a containment in premiums. Well, we remain sceptical. One of the principal reasons for our scepticism is the fact that this bill does not in any way limit or cap the damages for the cost of future care of an injured plaintiff. It is well known (even to those on the other side of the house) that the cost of future care is usually the most substantial component in any large award of damages.

The Trowbridge Consulting report, which was prepared for the ministerial council meeting in March this year, contained an analysis of the composition of court awards. They showed that awards for future care represent, on average, 38 per cent of payouts over $500 000 compared to 28 per cent for loss of future earning capacity. This bill will cap economic loss at $2.2 million, indexed, but the Trowbridge report showed that there is a larger component that is not being capped.

To give a practical example, in May, a Supreme Court jury in Sydney found that the Waverley council had to pay Mr Guy Swain $3.7 million for injuries he suffered after diving into a sandbar at Bondi Beach, leaving him a paraplegic. Mr Swain's claim for future care was calculated at $4.4 million (that was for 24 hour care for 45 years, less an allowance of 15 per cent). That claim could still be made under this legislation, because this bill does not impose a cap on the cost of future care.

So, where is the cost saving? Notwithstanding the fact that this bill will not deliver some of the exaggerated claims that are made in relation to it, we support the principle that victims of unintentional torts such as negligence should receive damages calculated in the same way as damages paid to victims of motor vehicle accidents. Damages to motor vehicle claimants are governed by section 35A of the Wrongs Act. That section is being recast to cover all claimants.

In view of the time, I do not propose to go through each of the changes that are proposed to be made to various heads of damage. Suffice to say that the opposition will support those measures. My colleague in another place, the shadow attorney-general, proposes outlining in greater detail some of the philosophical underpinnings of these measures with reference to case law.

We support the new method of calculating damages for non-economic loss. We accept that the current 0-60 scale does tend to overcompensate minor injuries and undercompensate the more serious cases. We would like the Treasurer to provide some details on this aspect. The Motor Accident Commission has detailed calculations of the cost to it of various categories of payouts, and it also assesses the costs of any changes. My question is: what cost or saving will the commission make from this change?

With regard to the economic loss, that is, the loss of wages and loss of future earning capacity, we note that new section 24D is intended to cap damages for loss of earning capacity

at a 'prescribed maximum', currently at $2.2 million. The same cap presently applies to future losses in motor vehicle accident cases. This amount will now apply to both past and future earning capacity. We support the new provision, which will exclude liability for damages in cases where a person sustained injuries whilst engaged in conduct constituting an indictable offence and the injured person's conduct contributed to the risk of injury.

This provision is based on the Criminal Injuries Compensation Act, which provides that a person who is injured by a criminal act by another whilst the first person has himself engaged in criminal conduct is not compensable. Similarly, offenders are not entitled to be regarded as victims for the purposes of the Victims of Crime Act 2001.

We welcome the new Division 13, dealing with good Samaritans. This provision substantially adopts a private member's bill introduced earlier this year by the member for Davenport. This bill is called the Good Samaritans (Limitation of Liability) Bill 2002 and was introduced by that honourable member on 30 May 2002. I should note that the government bill, as circulated with a discussion paper in July and as circulated up to yesterday morning, defined a good Samaritan as a person who comes to the aid of another who is apparently 'in need of emergency medical assistance'. Well, the medical requirement has been dumped. The opposition made it absolutely clear that we supported the concept embodied in the member for Davenport's original proposal, namely, that a good Samaritan is one who comes to the aid of another in need of any emergency assistance, is not limited to medical issues. Why should a volunteer fireman or lifesaver be excluded because the particular predicament of the person in need could not be described as one requiring medical assistance? The member for Davenport is to be commended for introducing this measure and I am sure he will speak to it.

We also commend the inclusion of a new provision (clause 39) which ensures that no admission, liability or fault can be inferred from the fact that a person expresses regret for an incident out of which a cause of action arises. I spoke at some length on this matter yesterday. A provision of this kind has been introduced in California. The discussion paper issued in July included a bill called the Statutes Amendment (Liability for Personal Injury) Bill 2002. That bill significantly amended section 17C of the Wrongs Act which deals with the liability of occupiers of premises. However, that bill has completely disappeared. Part of that bill allowed a parent or a guardian to contract to reduce or exclude the liability owed to a child or a person under disability. We are glad to see that that concept has been abandoned.

However, that bill went further. It provided that, where an occupier allows access to his or her land free of charge for recreational purposes, the occupier can be protected from liability for breach of duty by erecting a notice which warns entrants that they enter at their own risk. The discussion paper said that this proposal was 'based on the concept that people should be able to choose to undertake recreations at their own risk.' That was an excellent suggestion which we would have supported. I would like the Treasurer to explain why that provision has been removed.

In conclusion, I should say that this bill only scratches the surface. Serious changes to the law of negligence are needed—and needed quickly. The recommendations of the so-called eminent persons group chaired by Mr Justice Ipp will be eagerly awaited. As a practising lawyer, I have to acknowledge that the law of negligence is in a mess and that that mess was made by the legal system without much help from parliament.

Mr Rau interjecting:

The Hon. K.O. Foley: But she doesn't give us the answers. She has no courage. She won't tell us what she will do.

The ACTING SPEAKER (Mr Snelling): Order!

Ms CHAPMAN: The latest edition of the *Australian Law Journal* contains an interesting item by Chief Justice Spigelman of New South Wales. He states:

> Over a few decades—roughly from the sixties to the nineties—the circumstances in which negligence would be found to have occurred and the scope of damages recoverable if such a finding were made appeared to expand considerably.

Further, he records:

> There seems little doubt that the attitude of judges has been determined to a very substantial extent by the assumption, almost always correct, that a defendant is insured. The result was that the broad community of relevant defendants bore the burden of damages and costs awarded to an insured plaintiff. Judges may have proven more reluctant to make findings of negligence if they knew that the consequence was likely to be to bankrupt the defendant and to deprive him or her of the family home.

His Honour accepts that there has been an imperial march in the law of negligence. He traces its beginning to a decision of the Privy Council in 1967 and its triumph to the High Court case of Wyong Shire Council v Shirt where it was held that any event which is not 'far-fetched or fanciful' can be regarded as reasonably foreseeable. Accordingly, we are all legally liable for practically every risk of harm that can occur. The only exception is those risks which are 'far-fetched or fanciful'.

That single decision in 1980 has been the cause of much of the explosion of litigation in Australia. Chief Justice Spigelman says that the courts are looking for ways to retreat from that position. I believe that it is time for the parliaments to grasp the nettle and introduce legislation on this and other issues. We look forward to the recommendation of the eminent persons' group and to the government's response. We do not propose moving any amendments in this house but are examining some which will be introduced in another place. I support the second reading.

The Hon. K.O. FOLEY (Deputy Premier): I move:

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

Motion carried.

Mr RAU (Enfield): I rise largely in response to what has just fallen from the member for Bragg. It is important for us to understand that this legislation is brought before this parliament in response to a crisis. The crisis has been the subject of much discussion in the news media for most of this year and, since the member for Bragg has made some references to the nature of the crisis, it is worth bearing something in mind. Even if what Chief Justice Spigelman has to say is 100 per cent accurate—it is not just his opinion but it is gospel—we are still left with this point: according to him, the slippery slope has been well under way since 1960. Firstly, that means that prudent insurance companies have had since 1960 to start adjusting their prudential arrangements, including adjusting their premiums, in order to take account of the changes in the law which, according to the member for Bragg quoting Chief Justice Spigelman, have been under way for about 40 years. Secondly, the insurance industry has had an opportunity for all this time to properly

invest its premiums—not putting them on the big casino in Wall Street, but properly investing premiums in secure-returning investments—so that when a call is made on the insurer they have the money to pay it.

We have heard a great deal about an insurance crisis and about how the insurance companies are going broke. But, on the member for Bragg's own argument, this process started 40 years ago and has been going on ever since. It did not occur this year; it did not occur at the end of last year; it did not occur when HIH went through the hoop. It has been going on for years, according to that argument. And, if it has been going for years, somebody has been asleep at the wheel. That somebody is the insurance industry. Let us not have apologists for the insurance industry coming in here and having a go at the common law and saying that it is all the fault of Wyong Shire Council that we are in this dreadful predicament. If these people had been awake to what was going on instead of having 2020 vision through the rear vision mirror, they would have worked out this a long time ago and adjusted their premiums accordingly, as any prudent business would, and alerted all of us some considerable time ago—

Ms Chapman interjecting:

Mr RAU: Incrementally they would have put them up, yes. Incrementally all jurisdictions in Australia would have dealt with the problem. But they were too busy cutting one another's throats. They were out there searching out market share and trying to see who could grab the biggest share of the market and charging less than the actual cost of the premium. Surprise, surprise, this unsustainable business activity finally comes to a grinding halt when they basically disappear into a very tiny circle. Now they come to all the states and the commonwealth and say, 'You have to fix this problem.'

This Treasurer and this government have decided to fix this problem. This Treasurer and this government have got off their backsides and done the hard yards. It is no secret to members in this chamber that most of the people who sit on this side of the house have a great deal of sympathy for injured people. We as a government are introducing legislation that curtails rights to people we represent. We are doing the hard yards because others have been asleep at the wheel for a long time. I to not want to hear any more in this debate about the fact that Chief Justice Spigelman has had some insights over the past couple of months. The insurance industry has been asleep at the wheel for forty years.

The next thing we need to take into account is that the member for Bragg referred to the fact that even those opposite—referring to us—know that future care is the biggest component of these claims. Let us take that on face value. Let us assume that it is the biggest component.

The Hon. K.O. Foley interjecting:

The DEPUTY SPEAKER: Order! The Treasurer is getting a bit excited. The member for Enfield has the call.

Mr RAU: Let us assume for a moment that that proposition is correct in fact. I believe it is not. If you look at all the figures, future care is not the largest figure as an aggregate. It is certainly the largest in big claims, but, when you take small and large claims and all claims together, you will find that future care is not the largest point of the lot. Let us assume that it was.

The member for Bragg says that even those opposite should know that. She is right because I have been talking about this in grievance debates for some months now and I am not the only one. I am not saying that I have X-ray vision—a lot of people have worked that out. You do not have to be a genius to have worked that out. What follows from that is very disturbing. The member for Bragg says that the opposition does not intend to amend this bill. They will grumble about the fact that we are doing nothing about capping future care.

Let us get this absolutely clear: what does future care mean? Future care means that when somebody is so badly injured that they cannot look after themselves—maybe because they are a quadriplegic—they have to receive support. That support may be in the form of housing, a wheelchair, carers to come in and wash them or whatever. That is what future care is all about. The people receiving this sort of money as part of their damages are not using it to go on a holiday to Hawaii, sit in a deck chair with a large drink of several colours and big umbrella poking out of it: they are lying in a bed having their bed sores moved from side A to side B from time to time, occasionally having someone bring in a bed pan and enjoying life in that fashion. If anyone thinks that is a good way to spend your life, you need to seek medical attention.

These people are very ill and future care is not there for these people to spend at the casino or have a good time but for a purpose. No alternative proposition is being offered. If what the member for Bragg is saying were to be taken seriously, we will be in a situation where we cap future care and quadriplegics or paraplegics in Australia will wind up painting Christmas cards with their teeth to make a few bob, as they do in third world countries. Is that the way we will treat people who are injured in this country? I do not think so!

Unless you want to see all the paraplegics in Australia given a paint brush, a paint set and a lot of cards, let us not talk about this nonsense of capping future care. Let us also be real about it: if you cap future care, unless you go in for euthanasing the critically ill, someone has to look after them. And guess who that is going to be—the good old taxpayer. Thank goodness we have the taxpayer standing at the back there: that is who will look after them. All these people who have these huge future care requirements, which the member for Bragg with her world view says we should be all sort of hairy chested about and cap, will either be painting Christmas cards with their teeth or the good old taxpayer will be picking up the bill.

And that means that we tax people out there. We do not put money into hospitals but into looking after these people who should be looked after by the system. Let us just appreciate the reality of that. As I understand it, members opposite are all very good at criticising these points but they are not offering any improvements. They are not offering anything on this point.

Ms Chapman: It's not enough.

Mr RAU: The member for Bragg says, 'It's not enough.' I am pleased to hear that. Although I am not in any position to do this on behalf of the government, I personally challenge her to put on the table what she reckons is enough.

The DEPUTY SPEAKER: Order! The member for Enfield will not provoke opposition members and will address them correctly when he does.

Mr RAU: Very well, sir. Back to my point.

Mr Koutsantonis interjecting:

The DEPUTY SPEAKER: And the member for West Torrens will not prompt the member for Enfield.

Mr RAU: The point is that, when you are dealing with injured people, particularly with seriously injured people, there is no magic pudding. You do not cut off a piece here and it grows up somewhere else. The fact is that the govern-

ment winds up picking up the tab. What the honourable member is talking about is cost shifting. She is talking about cost shifting out of the private sector, out of the insurance industry, shifting bills off the insurance companies and sticking them on the taxpayer. It is cost shifting, and that is not a solution to the problem.

Ms Chapman: Make them structured settlements.

Mr RAU: We are embracing structured settlements in this proposal, as we should, because structured settlements are a very good idea. They are a very good idea if the commonwealth finally gets to the point of resolving the tax problem, which I understand it is approaching, and it is to be congratulated. What we need in this debate, which is a very important debate, rather than having the sort of relatively unsophisticated point scoring that we have had so far, is to focus on the fact that we collectively have a problem.

We the people in South Australia have a problem, and we the parliament have a problem. It would be a lot more helpful if we had members opposite saying, 'We accept you've got a problem. We understand you've got a problem. We want to be constructive. We want to help you solve the problem: here are the amendments that we think will make your bill better. Here are the improvements you can make to your bill. We want to talk to you about them.'

Instead of that, they say 'No, this bill is no good for this reason, for that reason or for some other reason, but we are not going to amend it. We have had our go, we have issued a press release and everyone is happen.' Everyone is not happy. The punters are not happy. Nobody is happy about this, and they would be a whole lot less happy if we started capping people seriously injured in terms of their future care entitlements. What I would like to do in relation to this legislation is invite the opposition to have a go at something completely novel, absolutely unorthodox—have a go at getting on board. Get on board and be part of it. Come on, there is room enough for all of you. Let us all get together. The member for Hartley is a fantastic bloke: I can tell that he wants to be on board.

Mr Koutsantonis: He's packed and ready to go!

Mr RAU: Absolutely: he's packed and ready to go. Part of the reason he is still here is that his electors know that he is on board. He is a man who obviously impresses them as being in touch with the community. I will not embarrass him by asking him about this in the parliament, but I am sure that somewhere in his quieter moments he thinks, 'Goodness me, the government is doing a good job here'. I know that the rest of them do too, just quietly.

It would be nice if, just for a novel thing, just as an ecumenical gesture, if you could call it that, they would come into the parliament and say, 'Look, we know that you're the government and we're not. We know you've got a problem. We're all getting behind you on this one because this is not the sort of thing you want cheap political stunts over.' This is the sort of thing you want to get behind and try to heal all the wounds. You want to make the public get behind this. We will go collectively to the community and say, "We are doing our best."' Let us hope that the insurers get on board, too, and use some of the huge amount of money that they are going to have gushing into their pockets as a result of this to reduce premiums and give the punters a bit of a go, and, while they are unlikely to apologise for messing up their books for the last 40 years, on the basis of the Spigelman analysis, the insurers might agree to be more prudent in the future, to charge appropriate premiums, to invest in things that do not go pop every time the stock market moves five points, and get on with running a proper business.

Mr Scalzi: Learn from the mistakes of the Bannon government!

Mr RAU: Exactly. If you think that the Bannon government made mistakes, have a look at HIH. Read the stuff. It makes the State Bank look like tiddlywinks.

An honourable member interjecting:

Mr RAU: That is why we have a problem.

Mr Koutsantonis interjecting:

Mr RAU: I don't know. Anyway, I will return to the topic. The member for Bragg also says that this is just scratching the surface. I sincerely hope that it is not. I hope that this legislation can be regarded by everyone as a serious, genuine and constructive attempt to solve a problem that is not of the making of the injured, nor of the taxpayers of South Australia. However, it is a problem that will ultimately become their burden as a result of people, to some degree, being cut off from entitlements that they otherwise would have had.

Let us hope that the opposition can join us in urging the insurance industry to get on board as well. Let us make this is a tripartite thing. Let us have the opposition, the government and the insurance industry all sitting down together to acknowledge the problem and look for a solution so that we can march forward without this cheap point scoring that we have had so far.

Mr Hanna: Get it in writing, too.

Mr RAU: No. It is an honour system. I am sure that on reflection the member for Bragg, who is, as she points out, a legal practitioner and does know quite a lot about this area, was perhaps just being a little jocular in some of her remarks. Perhaps I have taken her too seriously in that respect and, if that is the case, I apologise. I hope that I have not offended her in anything I have said.

I know the member for Heysen is another who is legally qualified, and I know her to be a sensible person who understands the need for this. I have already paid tribute to the member for Hartley, another person whose enormous commonsense I have come to admire in the time I have been here, albeit only a few months. The member for Morphett often speaks with me during grievance debates, and he is another person who has tremendous resources of commonsense. I have not had a chance talk to him about this but, deep down, I feel that he is in agreement with these propositions.

The member for Stuart is the father of the house. What more humane person could we find in this whole chamber? He is a man of immense credibility, a man who is like a father to a whole community that covers most of the state, and he looks after his people like a shepherd.

An honourable member: A father to people he has never met.

Mr RAU: Even people he has never met. He is like a shepherd with a flock. Out he goes and garners them, and helps them through their difficulties. Imagine how he would feel if he found out that the member for Bragg wanted to say that grossly disabled people in his electorate were going to have to paint Christmas cards using brushes held between their teeth in order to make enough money to buy their wheelchairs. He would be devastated. Looking at him now, I can see that he is thinking about the awful consequences of that. Country people with disabilities are severely affected as it is without being reduced to that. I can tell the parliament that I have had occasion in my professional life to deal with

people who are severely disabled and who live in the country—in Orroroo. Is that in the honourable member's electorate?

The Hon. G.M. Gunn: It certainly is: it's near and dear to my heart.

Mr RAU: It is near and dear to his heart. Can I ask you this—

The DEPUTY SPEAKER: I ask members to focus back on the bill. I also point out to members that the speaking times in here are expressed in terms of maximum, not minimum times.

Mr RAU: I will now deal with something of which the member for Stuart has just reminded me. Here is an example of a grossly disabled youth living in Orroroo. His parents have a modest farming property. With a cap on his damages for care, this person has no hope of an education. When their parents die they have no hope of a reasonable living standard, they have no hope of being mobile—

Members interjecting:

Mr RAU: I know that the distress is getting to the member for Stuart and he feels that he needs to talk about it, and I would like to talk to him about it afterwards. This is a very important issue. As I said, let us finish on a happy note. Let us all get on board, let us all join in saying well done to the Treasurer and the government. The member for Kavel, another fine man, is also in the chamber. Let us all be supportive and show the public that, from time to time, when there is a big issue, this parliament dissolves into a unity of commonsense and support. It is so marvellous I am going to have to sit down.

The DEPUTY SPEAKER: Before calling the member for Heysen, I point out that the time for the adjournment tonight is in the hands of the house.

Mrs REDMOND (Heysen): I do not think that I can begin my speech without remarking on the comments of the member for Enfield. The first is that on several occasions he invited us to get on board and to make suggestions if we had improvements. I point out to him that it is very difficult to make suggestions and get them into an acceptable format when we have only just got the bill. I have only just received the current edition, and I think that we are up to about No. 3 for this week. Given that we are doing our best to facilitate the passage of this bill through the house, his criticisms are perhaps unwarranted, especially of the member for Bragg's suggestion that we make some amendments in the upper house rather than delay its passage through this house while we sort out what to say about any proposed amendments.

The other thing that I would like to comment on is the member for Enfield's attack on the member for Bragg's perceptions about future care, because they are both right. In all catastrophic injury claims, it is inevitable that future care will be one of the two major components that make the claims so large. Future care and potential future earning losses for a catastrophically injured person will be very much at the high end of the scale and very largely they will be the biggest elements of a claim at the catastrophic end.

The member for Enfield, however, is right in that most of our claims are not for catastrophic injury. The vast majority of our claims are at the low end of the scale and, as a consequence, if a person's arm is broken in a car accident, no future care is involved. Once the arm is healed, generally no future care is involved, so for the vast majority of claims there is no future care element. Hence, if we look at the overall pattern, it is true to say that future care is not the biggest element, but in cases involving catastrophic injuries, future care is, so both members are right.

I would like to proceed now to my comments on the bill. As a general comment, I am delighted to see the bill being proposed and, quite apart from the difficulties and the crisis facing our community and communities all over the place regarding insurance, I specifically raised in my maiden speech the fact that it did not make any sense to me that, if a person had an injury in a car, they would get a different amount than if they had the same injury falling over in a supermarket, which would be different again from the amount for the same injury if it occurred at work, and so on. There is a range of jurisdictions.

The primary effect of this piece of legislation is that all injuries will be dealt with on the same scale. It will not relate to WorkCover, obviously, or to criminal injuries, which are intentional torts, but unintentional torts will all be worked on the same scale. I have practised in this state long enough to remember the introduction of the 0 to 60 scale, which will now be applied across the board in relation to what in the bill is called non-economic loss but what is colloquially known as pain and suffering. That is the actual compensation that people get.

I was on the Road Safety Advisory Council at the time it was introduced, and the chairman of that council was the also the Chairman of the Board of SGIC, and in conversation he indicated that they had looked at what was happening in Victoria and realised that the state of Victoria was going broke because, until the introduction of that scale, there was no upper limit. The beginning of the scale related to a person injuring a little finger in an accident but there was no top end. It was a multiplier effect that went up and up according to the level of injury.

The 0 to 60 scale has applied for about 17 or 18 years now for road accident cases. As a rule of thumb, it had the effect of bringing down claims to about one-third of what they previously were. At the introduction of the scale, for instance, the pain and suffering claim component would have been in the vicinity of $15 000 to $24 000 per claim for a pretty average whiplash. The scale brought that average claim down to about 5 to 8 points on the scale. At the time of its introduction, each point was worth $1 000. That meant that the payment would be reduced to roughly one-third of the $15 000 to $24 000 per claim (that is, around $5 000 to $8 000). I recall that that was not very happily received by the legal profession at the time, but it has been a benefit to the state.

I confess that my only difficulty as a practitioner over the last few years has been explaining to people that because their injury was not sustained in a car accident they get a different amount. I do not wish to comment any more generally, and I do not intend to go through all the provisions of the legislation. As I have said, the proposal basically introduces into all the other areas of tort the same scale, restrictions and limits as already apply in this state for car accidents. I will, however, comment on those areas where there is a difference from what currently applies.

First, I note that in the area of the 0 to 60 scale being introduced, two things happen. First, the scale raises the maximum for pain and suffering. The current maximum of $102 600 will be increased to $241 500 and that will increase as the years go by. The $1 000, which was the original one point on the scale, is currently $1 710, I think. That is a good move. The other thing that it does—and I guess the legal profession will be divided in its opinion about this—is that

it skews the scale. Whereas up until now each point on the scale was worth exactly the same amount, this proposal provides that at the low end of the scale you will now get a lesser amount per point on the scale and it goes up incrementally to a higher maximum and hence to the higher maximum of payment. I am in favour of that change.

When I deal with catastrophically injured people who are in the range of, say, 45 to 50—and, strangely enough, although I have been a general practitioner, if I have ever specialised in anything it has been dealing with these claims at the top end of that scale—the brain injured, the paraplegic, the quadriplegic, hemiplegic and so on—to say that all they get for pain and suffering is $102 000—if the accident is this year, but previously a much lesser sum—is simply not an adequate compensation for what they have to endure in their lives with that catastrophic scale of injury. Personally, I welcome the skewing of that scale. It does have the effect that those at the low end will get significantly less: instead of $1 710 per point it will go down to $1 150, which is a significant reduction at the low end of the scale. It goes up in basically 10-point steps so that the 0 to 10 get one amount per point, the 10 to 20 get another amount per point, and so on up the scale. As I have said, I welcome that change.

The next change differs slightly from what we currently have in relation to motor vehicle accidents. Presently, we have a provision for loss of earning capacity. That provision will remain the same; that is, you cannot recover your first lost week's earnings, nor can you recover more than a prescribed maximum (currently $2.2 million). Until now that $2.2 million was for future earnings only; what will now come into place is that it will be for both future and past earnings. For those who are not familiar with the terms of a settlement, past earnings relates to loss of earnings from the date of the accident until your settlement date and future earnings from the settlement date for the rest of your earning life.

I do not think that will have any dramatic effect adversely on anyone. Very few claims actually come up to that level. The vast majority of claims are at the low end of the scale. So even if someone has a broken arm and they have some time off work, they will have a limited defined period of loss of future earnings. It is usually in the catastrophic injury where you will deal with a massive loss of future earnings, and to include the past will not have an adverse effect on the vast majority of people. I do not have any difficulty with that.

One of the other changes introduced by this bill, although it is not new in concept as it exists in other parts of legislation in our jurisdiction, appears in proposed section 24L, which provides that liability for damages can be excluded if the court is satisfied beyond a reasonable doubt that the accident occurred whilst the person who is injured was actually engaged in an indictable offence, that is an offence for which they could face imprisonment for longer than three years.

First, they have to be satisfied beyond a reasonable doubt that they were engaged in an indictable offence and, secondly, they have to be satisfied that the injured person's conduct contributed materially to their having that injury. I have no difficulty with that. It is similar to what happens currently under the criminal injuries compensation and victims of crime legislation. The concept is not new. I think it is a welcome inclusion. People in the community get very frustrated when they hear of someone receiving compensation having injured themselves in the course of committing what was a criminal offence. So I have no difficulty with that and welcome it.

Another measure I welcome in this legislation is provided under proposed section 24N. This actually spells out for the court and for those who practise in the jurisdiction the manner in which the damages are to be reduced. For those who are not familiar, what normally happens, one starts from a position of saying, 'Let's assume the injured party will recover 100 per cent of their damages,' and the amount is calculated by adding up the various components such as pain and suffering, medical expenses, loss of income, and so on. That figure is the quantum, at 100 per cent.

Then we see whether there has been any contribution in terms of the actions of the person who has been injured. So if they are 25 per cent responsible for the accident, then they recover 75 per cent of the figure that has been calculated. This provision sets out the order in which things are to be done. The other clauses provide there will be a statutory reduction if someone is drunk, and that contributes to their injury. If they are over .08 but under .15, they will lose at least 25 per cent of their damages. If they are over .15, they will actually lose a minimum of half their damages.

So, it starts from that 100 per cent position, and if you are to lose any percentage because you are drunk, that 25 per cent will come off. If, for instance, you then had an injury because you were not wearing a seatbelt, or a helmet if riding a bike, another 25 per cent comes off. However, it is not 25 per cent of the original 100 per cent but it is 25 per cent of what is left after the first deduction has been made. That will be of practical assistance to people figuring out how to do it. There have been many arguments between quite learned counsel over the years as to whether or not the 25 per cent is 25 per cent of what is left or 25 per cent of the original figure that you started from. I am pleased to see that particular provision brought into play.

The new provisions introduced in this legislation that are not in the area of road accidents are, in my view, very good and welcome. First, I refer to the good Samaritans provision under new section 38. I am pleased to see that the government has taken up the suggestion (I think it came from the member for Davenport) that the original definition of 'emergency assistance' was too narrow because it restricted the good samaritans provision to simply medical assistance when, in fact, we were trying to protect and expand the provision to protect anyone who might rescue someone in an emergency.

Consistently, I meet people who are quite concerned that, if they come upon a road accident and risk assisting someone at the scene, they could well face being sued themselves. The effect of this legislation is to offer them quite specific protection: if they do help someone in an emergency—and it is not just medical assistance but any other form of assistance to a person whose life or safety is endangered in a situation of emergency—they will be protected by this provision. That is very welcome. The member for Bragg referred to new section 39. This provision provides that, if you say, 'I am sorry,' that does not constitute in any way an admission of liability.

In a grievance debate a member commented on medical cases and the need for apology. I have come across one or two such cases where a lot of heartache could have been avoided to all parties had one party simply said to the other, 'I am sorry.' In fact, had that occurred at the outset, litigation would not have ensued. A lot of blame rests with the insurance companies with respect to the idea that one must never say 'I am sorry' because it will be used against you. Personally, I have never held the view that at law that

amounts to anything more than a simple apology and that it should not be held against you.

Mr Hanna: Tell John Howard!

Mrs REDMOND: I note the comment of the member opposite. It will often help if an apology can be given at the outset. It is likely to have a profound effect, but in ways that will not be noticed because the litigation may never commence if people can only say, 'I am sorry.' Indeed, I was aware of a case where a person had the wrong ankle operated upon. However, the doctor apologised immediately—in fact, he did so on my advice, because the insurer—

Mr Rau interjecting:

Mrs REDMOND: Both ankles had to be done, so there was no damage. The insurer had instructed the doctor not to say, 'I am sorry.' How ridiculous was that? The patient woke up and said, 'You've operated on the wrong ankle,' and the doctor was being told not to make any admission. It does not make any sense. As I said, I am pleased to see the introduction of this provision.

The Hon. K.O. Foley: Vickie told me it was useless.

Mrs REDMOND: I do not happen to agree with the member for Bragg on that point. Finally, I will comment briefly on the practical effect of the transitional provision that appears at the very end of the legislation. This provides that these new provisions will apply only to accidents after the commencement of the bill. Of course, that will have the effect that you can have an accident one day and receive a certain amount of compensation, and the next day, for the vast majority—those at the lower end of the scale—the amount of compensation will be less. That will have some short-term implications. Some people might get ruffled feathers shortly, but the same situation occurred with the introduction of the 0 to 60 scale. In that regard, there will be some short-term implications. In addition, forever more we will have to go back to a particular date to figure out the date of the accident. However, eventually all the accidents that occurred before the set date will be concluded and we can move on.

With those few comments I simply say that I am pleased to see the introduction of the proposals. Once again, I express my cynicism about whether anything we do will affect the insurance companies and cause them to bring down premiums. I am with the member for Enfield in being highly cynical about insurance companies and their obligations. I do not think the measure will have that effect. However, it will certainly limit some of the outcomes, without being terribly prejudicial to those who are injured.

Mr HANNA (Mitchell): At the outset, I want to say that, even if I were to do cartwheels and swing from the chandeliers, I would not be able to affect the fate of the bill, as it is the subject of a Liberal-Labor pact to put these amendments through. Clearly, the amendments are in the interests of the insurance industry beyond anyone else, so it does not surprise me that the Liberal opposition is supporting this measure brought in by the Treasurer.

By way of general remarks, I consider that the topic really involves injuries of members of the public and who pays for the pain and suffering that arises from them. That means injuries of the public, whether they be in public places, motor vehicle accidents or even in their homes. It is worth noting that these comprehensive and far-reaching reforms do not apply to accidents in the workplace. However, I will return to the fact that pressure will next be applied to our workers compensation insurance scheme, because in some respects there will be payments for essentially pain and suffering through the statutory workers compensation scheme which will be more generous than the provisions that will apply to other wrongfully incurred injuries.

I can see the strategy of the insurance companies at work here in chipping away, piece by piece. Ever since the introduction of the Workers Rehabilitation and Compensation Act in the 1980s, there has been a piece by piece hacking away of the entitlements of workers. The insurance companies will have a strong base to stand on to attack our current workers compensation scheme when they can point to the fact that in some respects it is more generous than the scheme for compensation of other injuries, should this measure before us be passed.

As I said, the question is about who pays for the pain and suffering of people who are injured. Obviously, if there was no compensation law at all, the victims would simply bear the full impact—financial and otherwise—of their injuries. However, for thousands of years it has been a mark of civilisation that there have been laws in what we call the common law or much later in statutory form to ensure that the community provides for people who have been injured as a result of the wrongful acts of others. The old word for these wrongful acts is 'torts'; hence this package of legislation is loosely called tort reform—although it is really about a reduction of compensation for people who are wrongfully injured by others.

The alternative to the victim's bearing the cost (financial and otherwise) of their injuries is the rest of the community, through the obligations of government and therefore the taxpayer, or, alternatively, insurance companies, bearing it. Although it is not mandatory in most circumstances to have public liability insurance, the fact is that for most activities carried on in public someone carries public liability insurance for the facilities or the activity. Indeed, there are economic imperatives to do so because of the risk of individuals (or small clubs) being forced to make massive payouts by way of compensation. Up until now our community has had a belief enshrined in its laws that victims of the wrongful acts of others should be compensated for those injuries and, effectively, it has been a choice between governments, and therefore taxpayers, bearing the cost of the injuries, or, on the other hand, the insurance companies of the defendants, that is, the perpetrators of the wrongful acts.

In the 1980s, because the State Government Insurance Commission was responsible for paying out compensation for pain and suffering in respect of people injured in road accidents as a result of the wrongful acts of others, the Labor government in this state introduced the 0-60 points system, which substantially cut the amount of compensation people were liable to receive for their pain and suffering as a result of road accidents. Even though injustice might arise as far as individual victims were concerned, at least there was a logic within the system as far as the state Treasury was concerned, because it meant shifting the cost from the taxpayer generally through the mechanism of the State Government Insurance Commission to the individual victim.

Even though as a policy measure I think that was regressive, it was done to balance the books in terms of the state budget, and so essentially people who were injured received less but taxpayers generally were liable for less. No such rationale applies in respect of public liability insurance today, so the beneficiaries of this law, which takes money away from injured people, are purely and simply the insurance companies. It is a separate category to speak of motor vehicle accident claims. In that respect, the state of South Australia

and, ultimately, the taxpayers, will still benefit from taking money away from injured people because, through the Motor Accident Commission, there will be reduced pressure on that particular insurance scheme for which the state is still a sponsor.

That brings me to the insurance companies and why we are facing what has been painted as an insurance crisis. The member for Enfield has already pointed out that the insurance companies are largely to blame for the present malaise. A series of factors has lead us to this impasse. The Australian insurance market is one of the great unregulated markets in Australia and, by and large, insurance companies have been able to set their own fees and adopt whatever practices they wished for the assessment of claims and, generally, a handful of extremely wealthy and usually international corporations has been responsible for setting premiums in the market. In that context, there was aggressive competition between domestic insurers in the 1990s, and that was just one example of the cycles within the insurance industry which apply in the public liability market in particular, but also to other markets in the insurance industry.

Added to that competition, which perhaps deflated premiums for a while, we then saw, I think in March 2001, the collapse of HIH, the second largest insurer in Australia. That was significant for a couple of reasons, the first of which is that it indicated the lack of adequate prudential arrangements in the insurance industry; and I am certain that HIH was not the only party to blame in that regard. Secondly, with the collapse of HIH, it was obvious that many other insurers, through re-insurance or through picking up areas of claims, were liable to share the cost of that industry failure. Added to that, there was the 11 September attack on buildings in New York which sent shock waves through the insurance industry, through the re-insurance practises of these major international corporations.

So, for a range of reasons, which have very little to do with the actual victims from whom we are going to take money through this legislative measure, the insurance industry has had a couple of lean years. On top of the problems which I have already mentioned, the share market has dipped in the past year or so, and therefore investment income, which would normally subsidise any lower than usual profits in the public liability insurance area, have not been available.

The response of the insurance industry has been to scream long and loudly to government that something needs to be done. They have also responded in the marketplace, where they have a free hand to both increase premiums markedly and also to withdraw their services from some aspects of the market; and we have seen that, unfortunately, in some areas in South Australia such as the operation, by amateur groups, of railways.

I mention all that by way of background, because what the bill is really about is taking a big bucket of money away from injured people—the mums, dads and children of South Australia—and giving it to the insurance companies. They have been extortionate in their demands for so-called tort reform, and we are happily obliging those demands. My commonsense and my knowledge of extortionists tells me that it will not be enough. It may appease them in the short term, but they will be back for more.

I turn now to the question of just how this reduction in the payments of compensation to injured people is being carried out by means of this bill. Obviously, the main hit on injured people is through not only the reduction of the existing points system for motor vehicle accidents but also the extension of that points system for all injuries outside the workplace. This means drastic cuts in the payments that people will receive for pain and suffering.

As the member for Enfield has pointed out in this place on more than one occasion, the amount that people receive is not a prize; it is not a lottery award; it is an amount based on a system of judgments over centuries to give a fair compensation for the pain and suffering that people have to go through as a result of being wrongfully injured by others. It might be best if I give a couple of examples. I will take a couple of examples from cases that have come up in the District Court in the last year or so. Take the case of a man who was injured in a motor vehicle accident: his back was injured, there was damage to his lower back, he was unable to carry on his previous level of employment and he was unable to carry on his favoured sporting activity as a marathon runner. He was left with the likelihood of the disc re-rupturing in the future, and he was given a numerical value of 15 on the points scale for his non-economic loss; in other words, his pain and suffering. That would have netted him a payment (and this would depend on the year in which the accident occurred) of maybe about $25 000, for example (I do not have the precise amount). That would be reduced by somewhere between a quarter and a third with the adoption of the new points system that is proposed to the parliament today.

If that man had fallen down an unmarked trench which was dangerously left on a beach, on a council reserve, in a supermarket car park, etc. (in other words, if he was not injured in a way that would currently be covered by the points scale that applies to motor vehicle accidents), his damages for pain and suffering would be reduced not just by a quarter or a third, but probably by about half. That is a very substantial reduction in the amount of damages that he would receive for his injuries. It is worth bearing in mind when I give this example that the average injury, by reference to the points scale that applies for motor vehicle accidents, is between 10 and 15. So, that is really quite a representative sort of injury. And, of course, the majority of injured people—thousands each year—have injuries less serious than that and would have their compensation for pain and suffering cut by fully a third because of the new points scale that is proposed today.

I will give one other example, because I think it is important for members to have in mind the human beings—the men and women—who are being affected in these cases; the men and women who are being asked to sacrifice thousands of dollars by way of compensation for their injuries so that the profits of the insurance companies can be restored. There was also a case that came up in the District Court last year where a person had sustained multiple injuries in a motor vehicle accident. The victim had suffered a fractured sternum, ribs and a displaced diaphragm. They had also incurred partially collapsed lungs and soft tissue injury to the right thumb. As a result of the experience and the injuries, the plaintiff in that case developed a depressive condition. Although the physical recovery was expected to be complete within six months, the depressive condition was expected to last for a lot longer. That person was awarded 10 points on the scale. That is another example of a person whose compensation would be cut by about one-third if they were to be injured in a car accident after the passage of this bill. If they were injured in a situation where public liability insurance applies, their compensation would be cut by about 50 per cent as a result of the passage of this bill.

Because I am a legal practitioner, I also want to make a comment about the legal profession. I was disappointed at the relatively mute response from the Law Society in respect of these measures. Strictly speaking, I suppose, the Law Society is there to look after the interests of its members rather than plaintiffs in particular. Perhaps it was no surprise then that the Law Society seemed to have a neutral or even approving attitude to these measures, because it will not affect lawyers' incomes, by and large. Lawyers will need to do the same amount of work; it is just that people for whom they act will receive less by way of damages. To the extent that costs cannot be agreed or in some way received from the insurance company to take care of the legal costs, then those costs will be deducted from people's damages.

[Sitting suspended from 6 to 7 p.m.]

Mr CAICA (Colton): I will be brief. From time to time, we hear that statement when members rise to speak, but that will be the case because I do not have much to contribute that is different from what has already been provided by other members.

The Hon. K.O. Foley: Just give us a quality contribution.

Mr CAICA: I will. This measure is going to be supported. The member for Enfield said that there is a crisis in the industry; if there is a crisis in the insurance industry, it is one of its own making. I agree with many of the points made by the member for Mitchell today and yesterday, in particular his comment about something near and dear to his heart: that is, the interests of the people who are hurt in accidents, whether they be accidents in public or at work. That is what we on this side of the house care about but, importantly, the member for Mitchell said he understands that this is important to the minister and to members on this side of the house, and that with appropriate advice this government will take great care to ensure that consumers are provided with a reasonable level of protection. Like the honourable member, I have every confidence that the minister and this government will continue to do that.

I want to refer briefly to the fact that, from time to time, we hear accusations levelled at this government from members opposite that we are ensuring that the economy is being talked down by people in other states and that we are taking South Australia further and further toward some form of financial crisis. I heard the Minister for Government Enterprises (I think today) refer to the views of people in other parts of Australia who think that this state is on track. I draw the attention of the house to an article in today's *Australian*. Situated on the back page at the end of the business section, headed 'Tort reform: having your cake and eating it', and written by Robert Gottliebsen, it states—

The Hon. K.O. Foley: Gottliebsen?

Mr CAICA: Yes.

The Hon. K.O. Foley: The highly regarded right-wing financial writer?

Mr CAICA: Yes. I understand that he is highly regarded.

An honourable member: And I understand he's right wing.

Mr CAICA: And I understand he's right wing! I refer to one section of his article to make my point that there are in Australia people who most certainly believe that the management of this state is on the right track. In this regard, the article states:

> Australia is very fortunate to have Bob Carr as Premier of NSW and Kevin Foley as Treasurer in South Australia. They understand the issues better than other premiers/treasurers and, in some cases, the Commonwealth.

Of course, he was talking about—

The Hon. K.O. Foley: Will you repeat that? I didn't hear it.

Mr CAICA: I will say it again because it appears that the member—

The DEPUTY SPEAKER: Order! There is no need to say it again.

Mr CAICA: Thank you for your advice, sir; you realise that I am new to this house. Whilst I understand that the measures that we are taking in South Australia in relation to this legislation will not satisfy the insurance industry and that it will look for further changes, I put on notice that we have provided what would appear to be some relief at this point, and I support this bill because it provides some breathing space to enable them to get their house in order if they have the capacity to do so. As I said, I do not have much to say on this because I agree with much of what has already been said. I will not take up any further time of the house on this matter.

Mr MEIER (Goyder): I thank the member for Colton for his interesting remarks. I, personally, could not care less about the insurance industry, whether we are helping or not helping it, because my key concern is my constituents. I hear many stories from my constituents. The insurance premium for one motor vehicle dealer in my electorate increased from $7 000 to $17 000, while another had his premiums increased from about $24 000 to about $54 000. In the debate last night we heard that the quote for insurance for the Yorke Peninsula tourist railway went from $5 000 last year to in excess of $50 000 and, as a result, the railway closed about two weeks ago. My concern is how we will overcome those massive insurance premium rises.

I personally believe that the bill that passed last night will be of assistance to a certain extent in the area of dangerous sports, but it was too specific. As members know, I questioned the Treasurer and he gave honest answers. In his answer he said:

> As for the trains, my answer to the members opposite stands. Let us look at what comes out of the Wrongs Act amendments. I think you will see that it will offer some comfort to your particular railway.

I have read the bill and I do not know which clause I am going to question the Treasurer about, because I cannot see that it is going to help 'my' railway terribly much other than if there were a general insurance claim because of an accident. I note that the train is classified as a motor vehicle. The definition of 'motor vehicle' is:

> a vehicle operated on a railway, tramway or other fixed track or path.

So I acknowledge that, but I do not think it will help the insurance premiums for Yorke Peninsula Rail at all, and that worries me greatly. It is important for this parliament to seek to overcome the huge rise in premiums. I was very disappointed to be attacked by the member for Enfield—not me personally, but the opposition—when he said, 'Come on, come up with your particular actions to overcome the insurance premium rises.' We got the bill and the first I saw of it was Monday, then I was advised by the shadow minister handling it yesterday that an amended version had come through. So we have had it for about 24 hours. As you would know, Mr Deputy Speaker, normally the opposition insists on a minimum of one week. So I say to the member for Enfield and to all other members: give us a few days, give us a week.

I suggest this may be looked at in another place and, hopefully, in the other place it will be addressed, because I believe we have to go much further than we are currently.

In fact, I do not see how this particular bill will help Yorke Peninsula Rail nor my private sector constituents nor any tourist activities that will be hit by this heavy increase in public liability insurance. My answer to the assertion that we should amend it is that if we had more time to consider it I would, as I indicated last night, if I had my way, cut one word out, the word 'and', so that it would have referred to the recreational activities and it would have covered the Yorke Peninsula Rail. But the Treasurer indicated that that would be going too far. I do not believe that it would be going too far. I acknowledge that people have to be covered, but to enable them to sue for many millions of dollars will not solve the premium problem.

In fact, while it has been argued by not only my colleagues but also by colleagues on the other side that the new scale will mean that the majority of litigants will get less in damages, it does not address the fact that the minority could well get more. In fact, they are going to get more, because the new scale indicates they will get more. It is the isolated case that affects us principally. I refer to the case judged recently, I think in New South Wales, awarding $3 million or $4 million to one person. I am sure that person was delighted to receive that sort of money. My personal philosophy is that if an accident happens it is a tragedy, but our society already has a situation where we can have a disability pension, so they will still have three meals a day, they will still have a roof over their head and still be able to live a reasonable lifestyle. If you took it back 50 years or so, it is highly likely they would be a pauper and hardly able to survive. That is no longer the case in our society. Why do businesses and tourist attractions have to close because we cannot address this situation? I compliment the government on at least taking some action.

Ms Chapman: Failed, but they are trying.

Mr MEIER: Failed, but they are trying, as the member for Bragg says. It needs to go further. I hope that in another place we can amend the bill in such a way that at least we will be able to get a real reduction in insurance premiums.

The Hon. M.J. ATKINSON (Attorney-General): Over recent months many people have written to the government about the great difficulty they now face in obtaining adequate insurance cover against the risk of liability for bodily injury. I have received letters from not-for-profit organisations, such as sporting and recreational associations, professional associations, small businessmen and others. They say that their insurance premiums have increased substantially, in some cases several fold since the previous year. They urge that something be done if they are to carry on in business. The crisis is not limited to South Australia—it is nationwide. No doubt its causation is complex and includes factors such as the state of the world insurance market and share market.

In my view one very significant cause of the problem has been the development of the law of negligence in Australia over recent decades. I refer to what has been called the 'imperial march of negligence' into more and more areas of law, taking the place of the previous specific rules in areas such as the rule in Rylands and Fletcher, occupiers' liability (and I refer to the case of Zaluzna and Australian Safeway Stores Pty Ltd, 1987) and, most recently, the liability of highway authorities in the case of Brodie and Sutherland Shire Council, decided by the High Court last year. As a result, established rules of liability on which occupiers, local authorities, insurers and others had relied in their business planning have been swept away and replaced with the general principles of the law of negligence.

This may be all very well were it not for the peculiarly elastic nature of that law and its ability to produce results that at times bewilder ordinary people and baffle them as to how they should order their affairs. In this context I refer members to the speech made by the Hon. Jim Spigelman, Chief Justice of New South Wales, on 27 April this year to the Colloquium of the Judicial Conference of Australia held in Launceston and recently published in the *Australian Law Journal*. The speech repays study. Chief Justice Spigelman there discusses the law of negligence as the last outpost of the welfare state. He argues that the many undefined elements in the law of negligence and its flexibility make it difficult for parties to predict the outcome of litigation and lend themselves to perpetual expansion of both liability and damages.

He also discusses the paternalistic overtones entailed in the assumption that individuals are not responsible for their own actions but are entitled to hold others responsible for looking after them. He notes the tendency for courts to assume that defendants are insured and the influence this inevitably has on the courts' willingness to award damages. He suggests that the public is no longer willing to tolerate these features of the law and that it is time for reform. He goes on to propose principles to be applied in that process. I commend the speech to any member who has not yet read it. I quote from Chief Justice Spigelman on the subject of the elasticity of some of the central concepts of the law of negligence. He says:

> There are many undefined elements leading to a final award of damages and this permits expansion of liability and damages: what risk is foreseeable? What damage is remote? What does 'common-sense' suggest is the cause? When is a contribution to the creation of a risk 'material'? Should a limitation period be extended? Should the plaintiff's medical evidence—even if idiosyncratic—be accepted? Should the plaintiff be believed about the effect of a hypothetical warning? etc. etc. There is much flexibility in the outcome of negligence litigation.

This flexibility makes it very difficult for people such as occupiers, small businessmen, not-for-profit organisations and others to know just what their legal duties are. In every situation they must try to answer a number of questions. To whom do they owe a duty of care? Exactly what does the duty require of them? Which possible harms are reasonably foreseeable so that they must be prevented? And which are so fanciful that they can be disregarded? This uncertainty is problematic and probably dates from the decision of the Privy Council in the Wagonmound No. 2 case. An important purpose of the law is to bring about order by creating certainty. Although the common law must always be able to do justice in the circumstances of the individual case, it is not in the public interest that the law reaches the state where no-one can tell what is expected of him. People must be able to know in advance what are their duties and, conversely, their rights, so that they can plan accordingly.

Insurance, in particular, rests on the prediction and estimation of risks. The more the law of negligence extends its boundaries, the less an insurer can predict or estimate future liabilities. Recent experience across Australia demonstrates that certainty about risks is particularly important to insurers and that, as it is eroded, the cost of insurance increases and its availability recedes. In my view there is a public interest in insurance being affordable. This interest has been disregarded in the development of the common law of

negligence in the latter part of the twentieth century. This needs to change. His Honour Justice Spigelman says in reference to this trend:

> The traditional function of the law of negligence, reinforced as this function is in almost all cases by insurance, of distributing losses that are an inevitable by-product of modern living (the theme of Fleming's Law of Torts, on which many of us were weaned), appears to have reached definite limits as to what society is prepared to bear. Furthermore, there is a substantial body of anecdotal evidence of undesirable side effects of the present system: rural GPs that have ceased doing obstetrics; councils that have removed such lethal instruments as swings and seesaws from children's playgrounds; charitable fundraising events that have been cancelled.

And I note that the Polish harvest festival, Dozynki, is to be cancelled in Adelaide this year because of its inability to obtain insurance. Judge Spigelman continues:

> The only reason why all our rock ledges and clifftops are not festooned with signs is that nobody believes that they would actually affect the outcome of litigation and would probably make things worse.

He goes on to observe:

> The community is not prepared to pay for the level of compensation which the judiciary, and the legal profession generally, has come to regard as appropriate. . . The judiciary cannot be indifferent to the economic consequences of its decisions. Insurance premiums for liability policies are, in substance, a form of taxation (sometimes compulsory but ubiquitous even when voluntary) imposed by the judiciary as an arm of the state. For many decades, there has been a seemingly inexorable increase in that form of taxation by a series of judicial decisions, on substantive and procedural law.

The law of negligence has now reached the point where it threatens to kill the goose that laid the golden egg. Unless rational limits are fixed and people are required by law to take proper responsibility for their own safety and for the consequences of their own choices, insurance will become prohibitively expensive, if it is available at all. Just listen to what the previous speaker in this debate said. The legal profession ought to be warned that his views are on the march.

Moreover, the cost of the expansion of the law of negligence is not only monetary. As a society, we lose much when values such as individual responsibility are undermined by a culture of blaming others for the consequences of our own choices. This is a topic also canvassed by Chief Justice Spigelman. His Honour says:

> The practical operation of the tort of negligence sometimes gives inadequate weight to the conduct of the plaintiff. There has been a significant change over recent decades in expectations within Australian society about persons accepting responsibility for their own actions.

I refer also to the remarks of Appeal Justice Thomas, a recently retired judge of the Supreme Court of Queensland, in the case of Lisle v Bryce, decided last year, when he said:

> Today it is commonplace that claimants with relatively minor disabilities are awarded lump sums greater than the claimant (or defendant) could save in a lifetime. The generous application of these rules is producing a litigious society and has already spawned an aggressive legal industry. I am concerned that the common law is being developed to a stage that already inflicts too great a cost upon the community, both economic and social. In a compensation-conscious community citizens look for others to blame. The incentive to recover from injury is reduced. Self-reliance becomes a scarce commodity. These are destructive social forces.

These concerns have prompted governments around Australia in recent months to embark on action to increase certainty and predicability in the area of bodily injury damages claims. New South Wales has passed the Civil Liability Act 2002. This act applies a threshold and a cap to damages for non-economic loss. It limits damages for loss of earning capacity, abolishes interest on non-economic loss, abolishes exemplary damages, and sets limits to awards for gratuitous services. It also limits the costs that can be claimed by lawyers, both for the plaintiff and the defendant, by reference to the value of the claim.

Queensland has passed the Personal Injuries Proceedings Act 2002, which provides procedures for the speedy resolution of claims by requiring early notification of claims and compulsory settlement negotiations before a matter can proceed to court. This act also limits damages for loss of earning capacity and links costs to the final award of damages. Both Victoria and Western Australia have also foreshadowed the introduction of tort law reform legislation in the spring session of their parliaments.

The Treasurer has explained the effect of the bill now before the house. It extends to all bodily injury claims (except those based on an intentional tort) the regime that now applies to motor accident claims, but with a number of new features, including a cap on total economic loss and a significant change to the values of multipliers applied to the points scale. These measures are all designed to make liability for, and the amount of, awards of damages more predictable. They should also reduce claim costs.

This bill has an emphasis on the responsibility of the individual for his or her own actions. It excludes liability to a person who is accidentally injured in the course of committing an indictable offence, for example, armed robbery, or serious criminal trespass. That person has chosen to disregard the law and create a situation of danger by committing a serious crime. He or she is not entitled to complain of the negligence of others if injured in that situation.

The bill also treats intoxication as contributory negligence in all cases, unless the intoxication was not self-induced, or did not contribute to the accident. The injured person is not disentitled but will lose at least 25 per cent of his or her total damages. Some might argue that, because it is not illegal to be drunk, a person's intoxication should not be used against him in this way. I disagree. Everyone knows that intoxication can contribute to a person's taking risks that he or she would not take when sober and can reduce a person's capacity to take reasonable care for his or her own safety. A person who chooses to become intoxicated is voluntarily taking a significant risk. He or she should be held responsible for the consequences.

The bill also applies to all bodily injury accident claims, the regime that now applies to motor accidents. This will set limits to awards and make them far more predictable. On this basis, the government expects that insurers will be able to set reasonable and realistic premiums that the public can afford.

The bill applies to all personal injury claims a points scale for calculation of damages for non-economic loss. The scale has been adjusted from that presently prevailing in motor accident cases so as to reduce over-compensation of minor injuries and to increase compensation of severe injuries. The new maximum is more than twice the present cap. This measure brings about some certainty. Currently these damages are at large, and their capping will enable insurers more accurately to estimate the risks they face and to plan for them.

The bill caps damages for total economic loss at $2.2 million indexed. The present approach of the law is that a person should be restored to the financial position in which he or she would have stood if the accident had not occurred. For example, suppose that but for the accident the injured person would probably have gone on to a career as a distinguished

film actor, possibly earning many millions, then, subject to an allowance for contingencies, those millions must be paid to him by the defendant. The law is unconcerned that this may bankrupt the defendant, or that the injured person's needs could be adequately met with a much smaller award.

The possibility of a cap on economic loss is favourably considered by Chief Justice Spigelman as a principled reform. The cap proposed here will mean that some very high income earners, or some persons who would have had very good earning prospects if not injured early in life, will recover less than they might otherwise have done, but it still leaves them with a reasonable award of damages. Moreover, it is reasonable to expect a high income earner to take out insurance to protect his or her income in case of disability. A cap of this kind enables insurers more accurately to estimate and to provide for anticipated losses. The bill proposes to fix a discount rate of 5 per cent or other prescribed percentage for all lump sum awards for economic loss in bodily injury cases.

The bill would limit damages for gratuitous services, that is, free help to the injured person by members of his or her family. At present, these damages are at large, except in motor accident claims. I think many members of the public would find it surprising that an injured person who is assisted by his or her parent, spouse or child with ordinary daily tasks is entitled to be paid monetary compensation for this help. The reality of family life is that family members willingly provide practical help and support to one another as needed, including during disability. In this context, Appeal Justice Samuels, in the case of Kovac and Kovac in 1982, said:

> I do not believe that any head of policy (or theory of lost distribution) requires the ordinary currency of family life and obligation to be wholly ignored; or the inclusion in the area of compensation of the support commonly expected and received amongst the members of a family group, even though the actual occasion for its provision may be the tort-caused disability of the recipient.

This judgment was overruled by the majority in the High Court in Van Gervan and Fenton 1992, but in my view without affecting the cogency of this argument.

The bill restricts claims for mental or nervous shock. At present a person who can prove that he or she suffered nervous shock as a result of a tort, even though not physically injured, may succeed in a claim for damages for that shock. This potentially includes a wide class of persons, including those who witnessed what happened and those who heard of it second hand. The bill would limit recovery for this type of injury to a person who was hurt in the accident, who was present at the scene when it occurred, or who was the parent, spouse or child of someone endangered in the accident. Other people, even though they may have been shocked by what occurred, are not entitled to claim, because they are not to be regarded as sufficiently closely connected with the accident. This will cut out an unpredictable number of potential claims in which, although perhaps the shock is real, the connection with the accident is tenuous.

This bill, together with the Recreational Services (Limitation of Liability) Bill and the Statutes Amendment (Structured Settlements) Bill, embodies steps that the government believes need to be taken immediately. There may well be further measures in due course. Members would be aware that the commonwealth has appointed a panel, chaired by His Honour Justice Ipp, to examine the law of negligence, including the formulation of duties and standards of care, causation, foreseeability of harm, remoteness of risk and contributory negligence. The panel is to develop and evaluate options to address any deficiencies in the applications of the principles applied in negligence to limit liability. It is due to report on these matters at the end of September. I hope that the panel will adopt a principled reform approach of the kind outlined by Chief Justice Spigelman, and will consider His Honour's proposals. I await its recommendations with interest.

The Hon. I.F. EVANS (Davenport): I want to reflect on some of the points raised by the member for Spence and previous speakers in their contribution in relation to this bill. As I mentioned last night in the debate in relation to the Recreational Services (Limitation of Liability) Bill, these three bills debated over these two days, this suite of bills, are the government's response to the current situation in which the community finds itself with regard to public liability insurance, particularly in relation to access and cost.

A number of members have criticised the insurance industry during the debate, but it is important to remember that the insurance industry provides a service, and there is no requirement on it to continue to supply that service. It provides a range of services—whether it be investment services or whatever—of which insurance happens to be one plank. While they may be called insurance companies because of the history of the way they were developed, there is no legal responsibility on them to stay in the market long term. If the market becomes so risky or so cost ineffective or companies suffer a poor return on investment or, indeed, become loss-making ventures, as has been the case over the last five or 10 years, companies may decide to exit the market. Ultimately, that would mean that we as legislators would be faced with a far more significant problem than we are facing at the moment. It may well be that governments will then have to consider more seriously getting back into the insurance market because the insurance market would have become so risky and so devoid of competition that governments would need to step in and take a more active role.

For those members who have criticised the insurance industry—and I am not protecting the insurance industry at all—I make the observation that we should always keep in the back of our minds that there is no law requiring insurance companies to keep on trading forever as insurance companies. They can slowly but surely move out of certain risk areas and markets and narrow their risk to the high profit areas, or certainly get out of the high loss and risk areas. That is partially why this legislation is before the house at the moment.

I was interested in the member for Colton's contribution. I like the member for Colton's contributions, because he always adds a bit of colour to the chamber. I could not help but smile when he came in and praised the Treasurer by quoting an article in the *Australian* by Robert Gottliebsen. If the member for Colton had been in this place for longer than five months, he might have understood how the system works. When a cabinet minister gives you a newspaper article with bits highlighted and says, 'Can you read this for us?' you need to read the whole article. Robert Gottliebsen is patting the Treasurer on the back for introducing legislation to protect volunteers.

I seem to recall, as minister for volunteers in the previous government, that it was the previous government that introduced the protection for volunteers, the very same legislation that the South Australian submission to the Senator Coonan meetings suggested should go Australia-

wide, and the very same volunteer legislation that is now going Australia-wide through the reforms by each parliament in relation to protecting volunteers.

I understand how the member for Colton has been trapped in relation to that, but maybe that is a lesson for him. When cabinet ministers get you to pat them on the back, make sure you read the whole article. But in fairness to the Treasurer, it does actually congratulate the Treasurer on two other issues, and I acknowledge that. It does bring me to the point of the article. The more important quote in the article that the member for Colton should have read was the first two or three paragraphs, and with the patience of the house I will contribute a little of that. It states:

> While Australia is aghast at the personal excesses at HIH, we should not allow the spectacular revelations to mask how the operations of HIH changed Australia. Because HIH had been bordering on technical insolvency since 1996, it had to keep getting bigger. It did this by keeping premiums low, thus lifting its market share in areas like professional indemnity and personal injury. This allowed the courts to award larger damages and did not greatly affect the community because HIH's need to become bigger kept premiums down.
>
> At the same time, United Medical Protection in New South Wales was also quoting unrealistically low premiums because it believed it didn't have to account for future claims on the basis that it had the right to refuse doctors' claims. This was nonsense, but again it meant the courts, in particular those in New South Wales, could award enormous medical payouts without greatly affecting premiums.
>
> Now, insurance policies, once issued at a loss by HIH and United Medical must cover the costs, and users of professional services—particularly those having babies—have to pay extra to cover the bloated damages awards, something like a court-imposed levy. Insurers have become quasi-agents of the court and transfer this levy to the community. Unfortunately, the community would like to return to the old days. The alternative is 'tort reform'. . .

The article continues on and refers—

The Hon. K.O. Foley: To praise me!

The Hon. I.F. EVANS: In five more paragraphs it praises you.

The Hon. K.O. Foley: One more paragraph. Don't mislead the house.

The Hon. I.F. EVANS: The Treasurer can count, I presume. We do have a Treasurer who can count. I can see at least four or five paragraphs—

The DEPUTY SPEAKER: Order! Displays are not allowed in the chamber.

The Hon. K.O. Foley: One! It's one paragraph!

The Hon. I.F. EVANS: No.

The Hon. K.O. Foley: It is!

The Hon. I.F. EVANS: Anyway, it mentions you in the first paragraph and praises you in the fifth. The point of that article is exactly the observation we need to take in the broader context of this whole debate. Last night during the debate on the Recreational Services (Limitation of Liability) Bill, I raised with the Treasurer a number of things. First, we need an oversight committee of the parliament to monitor this issue, and we need an office of risk management. I will address those two in the context of both the speech of the member for Spence and the article. The member for Spence talked about people taking responsibility for their own actions. I accept that principle, but I point out to the member for Spence that the Recreational Services (Limitation of Liability) Bill actually does not give as many people as it could the opportunity to take responsibility for their own actions by signing waivers. That bill is actually very narrow, and the Treasurer, in advice to the house last night, intends to apply it in a very narrow manner. So, I accept the views expressed by the member for Spence, that people should be able to take responsibility for their own actions. That is why I cannot understand why the government is applying that bill in such a narrow manner. However, I will not debate that bill because it is not before the house.

The other issue is the whole concept of parliamentary oversight of this particular matter. I raise this in two ways. First—and I would like the Treasurer to take up this matter with Senator Coonan at the federal level—it seems to me that there needs to be a national office set up, or some national oversight, in relation to the data within the insurance industry. If one exists at the moment, it certainly is not doing its job.

If you follow through Gottliebsen's article (and these are the comments I made last night in my introductory remarks to the previous bill), HIH and other competitors artificially skewed the insurance market by buying market share. There is nothing wrong with that in a business sense. Retailing businesses do it all the time, and businesses buy market share. However, legislators then have the problem that if the company that is offering the market share in the insurance field collapses, as HIH did, the market returns to its natural level overnight: it has, and here we are, faced with a problem.

A national office that somehow monitored the insurance industry and looked at the levels of loss in the various sectors of the insurances being offered could analyse the premiums versus the public liability payouts. It could then warn government that it is facing an issue, and government could then go to the insurance industry, or warn groups, or step in earlier somehow, but I am not sure how. It could be an early warning button to government. I think some national, central data collecting mechanism that provides governments with an alert is important. Similarly, at state level, a parliamentary committee overseeing this issue is very important—whether it be a select committee or some other committee—so we can deal with the issues on a day-by-day basis and try to work through a whole range of issues. I will come back to the point the member for Spence raised about people taking responsibility for their own actions.

The Hon. M.J. Atkinson: I thought that as a Liberal that might appeal to you.

The Hon. I.F. EVANS: It did appeal to me and, given your position in your organisation, I thought it would have generally appealed to you. That is why I support the concept of setting up an office of risk management within government, and I have asked the Treasurer to look at that. That organisation could provide risk management advice to the non-profit sector so people can better take responsibility for their actions. I think that fits together. The model I suggest is a national office, certainly an office of risk management within state government, and a parliamentary oversight committee as an ongoing mechanism to try to deal with this issue. At the end of the day, the insurance industry needs to make profits and needs to get a return on its investment for its shareholders, and that means that every time legislation is put in place the insurance industry will naturally make a judgment about how they can generate a profit given the rules of the game once the legislation is passed.

If you read the Treasurer's contribution last night, he said that the high risk end of the market that cannot get insurance, or has unaffordable insurance, can get waivers. That is a direct invitation to the insurance industry to withdraw from certain markets and put up the cost to such an extent that organisations cannot afford it. That puts pressure on the legislators to use the mechanism under the Recreational Services (Limitation of Liability) Bill to then offer waivers. I think there are some commercial advantages there for the

insurance industry in this package. Having said that, I recognise and I still support the fact that this needs to go through as part of our response. Legislators around Australia have been caught out in relation to this issue.

My two final remarks are in relation to good samaritans and the expressions of regret, or the 'sorry clause' as I will call it. I am proud to have the good Samaritan provisions in this bill, even though history will not record me as having moved this particular bill. I was pleased, as a minister, to introduce good Samaritans legislation prior to the election, and I was pleased to reintroduce it as a private member. The government then picked it up, in a form, and put it in its own bill. It sat on the *Notice Paper* for six weeks. It could have been debated but it was not. Then, through consultation with the opposition two days ago, the Treasurer, to his credit, accepted the opposition's argument that the good Samaritans provisions in his original bill were not broad enough and he has broadened them.

I congratulate the Treasurer on his agreement to broaden the good Samaritans provisions so that they take on more than emergency medical assistance. If my time in parliament comes to nothing more than it is currently, I would be very pleased with two particular bills, that is, the volunteer protection legislation and the good Samaritans legislation, because they certainly underpin my philosophy on a whole range of matters within the community. I am pleased that the good Samaritans legislation is there.

We in this place can take this bill further, but I will not do it today, and parliamentary counsel will be grateful for that. We can go further in relation to some of the concepts in the good Samaritans legislation. You would have to ask yourself why a neighbour—and under this bill this person would not be covered—offering everyday medical assistance to another neighbour could not be covered by a similar provision. Why are we restricting it to emergency medical assistance? It is a complex question and would need to be thought through. In a society that is becoming more isolated, with communities getting further apart and people becoming more isolated, any measure we can bring in that provides some incentive to keep helping people needs to be totally explored. I am pleased that the government has picked up the concept of good Samaritans legislation, and I look forward to that going through.

The expression of regret—or the sorry clause—was picked up from California. They have had that now for a few years, and I support that concept. I will not be here for the committee stage; I will leave the Treasurer with the capable member for Bragg to ask all the questions. I asked enough last night. I assume that it works in the same manner as the Californian law, that is, it is okay to say the word 'Sorry.' However, if you add to the apology and say, 'I'm sorry; that was my fault,' you are admitting fault. I will pick up the answer in *Hansard* in due course. I would assume that our legislation picks up a similar principle.

The Treasurer might want to explain during committee what sort of education process will be undertaken, because a media release saying that you can now say 'Sorry' and you will not be sued will land a lot of people in trouble if there is not an appropriate education process for that. In fact, the Office of Risk Management would be a very good group to do that in due course. With those comments, I have pleasure in supporting the bill.

The Hon. K.O. FOLEY (Deputy Premier): If the member for Davenport can indulge me for a few moments before he leaves, I would like to say from the outset that I doubt that this will be the high point of his political career. The member for Davenport will have other functions to fulfil in years to come. I would like to say—

An honourable member interjecting:

The Hon. K.O. FOLEY: No. What we have seen tonight is a very important illustration. We have heard from two articulate and good members of parliament in the members for Bragg and Davenport. The member for Davenport made a good contribution. It supports the government but is strong in putting his personal views forward and those of his political party, offering some criticism but being measured in the way he does it. I compare that to the contribution of the member for Bragg, who is on a fast track in terms of her leadership ambitions and wants to power into this place and prove to all of us that she is smarter than we are, knows more than we do and we somehow should be in awe of her abilities. It is an interesting approach.

An honourable member interjecting:

The DEPUTY SPEAKER: Order! I bring the minister back to the substance of the bill.

The Hon. K.O. FOLEY: Thank you, sir. I am merely saying that it is an interesting approach. I suppose I am probably displaying to the house my personal preferences in terms of any leadership challenges inside the Liberal Party. Ian and I go way back, notwithstanding the fact that every time he comes into question time he wants to slit my throat and end my political career. But, putting that aside, that is a job he should do and must do and one that I did for eight years. However, I think the member for Davenport has shown tonight—

Ms Chapman: Is this the 'Foley for premier' speech?

The Hon. K.O. FOLEY: No, what the member for Davenport has shown the member for Bragg is that in politics you must have a constructive approach to legislation, and sometimes it is good to engage a government or a political process, offer support and be critical, but you must do it in a way that is constructive: you should not walk in here like the member for Bragg did tonight, tell us that you are supporting the government but, then lecture us on how much smarter you are than the rest of us. I will go into just how smart the member may think she is and how she is left wanting in terms of what she contributed tonight. This has not been—

Mr Goldsworthy interjecting:

The Hon. K.O. FOLEY: No, I am no genius; I am just a toiler from Port Adelaide who is trying to do as good a job as he can. Members can never accuse me of coming into this place and wanting to use—

The DEPUTY SPEAKER: Order! The Treasurer is demonstrating the danger of sitting late on a Thursday night, and he should come back to the substance of the bill.

The Hon. K.O. FOLEY: Thank you, sir. The substance of bill is this: on this point, the member for Bragg said that she supports it but that it is a piece of legislation which lacks the cost benefit analysis which does not really do much and which is lightweight in its content. I want to make some very quick comments on the feedback that we have had on this bill. St John Ambulance SA Inc. wrote to us, saying:

> The matters contained in the document appear to be appropriate and reasonable. . .I commend the government on this initiative.

The AMA applauds the introduction of the bills as the first step towards more comprehensive reform. Bedford Industries said:

> We understand this is a very complex issue and applaud the government's effort in trying to resolve the escalating premiums to the benefit of all.

Business SA congratulates the government for taking steps to deal with the problems of escalating premiums. It just goes on and on. The Guide Dogs Association said:

> For the greater part, the details outlined in your discussion paper appear to be sound in content and reasonable in nature.

The reality is that it goes on and on. The member for Bragg said—

Ms Chapman: Think how disappointed they will be when they see what we have agreed.

The Hon. K.O. FOLEY: Here she goes, the member for Bragg: how disappointed they will be. We all know that the member for Bragg thinks that this is of little value, that this is really at the margin and that she is going through the motions in terms of supporting this bill because she knows better. We know that: we know the member for Bragg thinks she knows better. Well, maybe she is right, I do not know, but I have a job to do something about tort law reform and I am doing it.

Robert Gottliebsen seems to think that we are doing a reasonable job. What does the Insurance Council of Australia say:

> As a result of this package, this should produce savings in claims costs, and insurers will assess the impact on premiums accordingly.

According to the Insurance Council of Australia, this should produce savings: it does produce savings. Under the motor accident scheme and the reform to the point scheme, we are reducing by 20 per cent payouts for general damages. Now that equals savings—

Ms Chapman: Who said that?

The Hon. K.O. FOLEY: I'm telling you that as the minister.

An honourable member: It is even more for public liability.

The DEPUTY SPEAKER: Order! We do not have interchanges between the minister and the shadow minister.

The Hon. K.O. FOLEY: The advice I am given is that it will produce approximately 20 per cent of savings in damages. That is significant. We cannot put a number on how much that will mean for public liability. One of the great problems in all this debate is that we have not had data—

Ms Chapman: How do you know it is 20 per cent?

The Hon. K.O. FOLEY: Because with the Motor Accident Commission we have the data.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: We know that the member for Bragg likes expensive furniture in her electorate offices, but the member for Bragg—

Ms Chapman interjecting:

The Hon. K.O. FOLEY: No, you haven't. Don't go there on that one—

Ms Chapman: At least I have walls, thank you.

The Hon. K.O. FOLEY: If you want to go there on that one, I'll have a bit of fun with you.

The DEPUTY SPEAKER: Order! The chair is telling the minister that he does not have to go there, either.

The Hon. K.O. FOLEY: If the member for Bragg wants me to talk about office furniture—

The DEPUTY SPEAKER: No, the chair does not want the minister to, either.

The Hon. K.O. FOLEY:—and how she would like her office to be decorated, I am happy to go there; but not tonight. We will save that for another day.

The DEPUTY SPEAKER: I ask the minister to come back to the bill.

The Hon. K.O. FOLEY: We have the Motor Accident Commission's data because it is a government owned insurance corporation. And the reform to the points system delivers approximately 20 per cent in savings to general damages—many millions of dollars. So, we have a model, we have data, we have a comparator and a benchmark and, depending on the size of the public liability market as compared to the Motor Accident Commission—and we are doing some numbers on that now—it is a significant saving.

But one of the great problems with public liability is a lack of information; a lack of data; a lack of statistics. And a constructive contribution from the member for Davenport made a very good point: that he thinks we should have improved national data collection. He is absolutely right! One of the fundamental problems that I have had, that my officers have had, that federal ministers and state ministers have had has been an absolute lack of data. And one of the things we are doing is requiring APRA to collect more data; and it is doing that. The reason that the commonwealth government engaged Trowbridge is that it had to get us some hard data. It is a good document; it is a basic document; it gives us broad information, but it does not give us anywhere near the quantity of data that we need.

I met with Alan Mason, the Chief Executive of the Insurance Council, yesterday and he said to me that they cannot quantify the savings; they cannot give me the data; I cannot get the actuarial advice.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: Because I am talking public liability. Sorry, member for Bragg, I will walk you through this again. The government owns an insurance company called the Compulsory Third Party Insurance Company. We own that, so we get all the data—

Ms Chapman interjecting:

The Hon. K.O. FOLEY: No, when you own something and you have control of the data and you collect the data, you can use it. We do not own general insurance companies. They do not collect much data, and we do not have any ability to go in there and get the data; so we do not have the data.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: I have not denied that we are working from a basis of a lack of data. That is why the federal government engaged Trowbridge. That is why Senator Coonan and state ministers brought Trowbridge in—to give us some data. Incidentally, the member for Bragg is reading from the March report, which has been superseded. It has been updated and improved; that was an earlier draft. They have collected more data since then and I will have to embarrass the member for Bragg in a moment on some of her silly earlier comments.

But the point of the exercise is this, that we have had a lack of data. I commend the member for Davenport for raising a very good point about data collection. I would like to further compliment the member for Davenport on his work with the good Samaritan bill and volunteers—no question. I do not take credit for that.

Ms Chapman: You did in the paper.

The Hon. K.O. FOLEY: I did not write that article.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: Robert Gottliebsen is an author who writes for the *Australian*—

Mr Goldsworthy: You fed him the information.

The Hon. K.O. FOLEY: No. I did not send him anything. But the member for Davenport did very good work on volunteers, there is no question about that. I know the

member for Bragg does not like to hear the member for Davenport complimented, but he did very good work and I am prepared for him to take credit for that. And, indeed, when my staff and my officers met with the opposition last week, we were happy to incorporate some of its amendments into our legislation.

We know Senator Coonan is supportive of what I am doing. The member for Bragg may be supportive on the outside, but she thinks it is smart politics to say, 'I will support it but I want to criticise it and I do not think it is very good.' I would rather the member for Bragg had the courage to come into this place and say, 'Your bill stinks, but we have caucused on it and I am going to support it.' That would have been a more courageous thing for the heir apparent of the opposition. But, no, she comes in here and says, 'I support this legislation, but I am going to spend the next 20 minutes bagging it.' I just think the member for Bragg will have to get a little more substance if leadership is on her agenda. Senator Coonan has made it very clear that what we are doing is good. On radio the other day she said:

> It's pleasing to see that the reforms will cap damages for personal injuries and restrict liability where claimants are in, are drunk, or committing a crime and also they're going to make changes that will actually fit in with what the commonwealth is already doing to allow waivers if you undertake incredibly risky activities once you're informed about some of the risks.

That is an endorsement from no higher authority than the Assistant Treasurer of the Commonwealth of Australia. I am happy—

Mr Brindal interjecting:

The DEPUTY SPEAKER: Order!

The Hon. K.O. FOLEY: The what of Port Adelaide?

The DEPUTY SPEAKER: Order! The Minister will not defy the chair.

The Hon. K.O. FOLEY: Sorry.

The DEPUTY SPEAKER: The member for Unley has been in the chamber for less than 10 seconds and he is already infringing standing orders.

Mr Brindal: I do apologise.

The Hon. K.O. FOLEY: I think the member for Unley must have heard me being critical of the member for Bragg, and has either come in here to enjoy it or to defend her—I suspect to enjoy it. The member for Bragg made this extraordinary comment tonight. If I have ever heard a more reckless comment in this place than that of the member for Bragg I would have to go a fair way back. She has come in here, as we know, to criticise us, but she has not told us how she would do it. But, when pressed, she raised the issue of the cost of long-term care—that that is one of the largest components of payouts.

Ms Chapman: Over $500 000.

The Hon. K.O. FOLEY: So, what the member is implying is that we are doing nothing about long-term care. I ask the member: who is doing something about long-term care? Is any other state doing it?

Ms Chapman: You could have done it in the last bill.

The Hon. K.O. FOLEY: Oh, right. What the member for Bragg (a prospective leader of the Liberal Party) has said is that we should get rid of lump sum payments to people who suffer horrific injuries and need long-term care. That is what the member is saying tonight. Shame on her. What will we do if that occurs? She does not want to give anything to people who suffer catastrophic injuries. She is saying that they should be put into a room somewhere and left to be vegetables, with no treatment. The member for Bragg is callous.

Ms Chapman: You're wrong. You're not listening. Listen to the speech again.

The Hon. K.O. FOLEY: Well, what are you suggesting?

The Hon. M.J. Atkinson: Annuity.

The DEPUTY SPEAKER: Order! The Attorney-General will cease interjecting.

The Hon. M.J. Atkinson: I'm just trying to help, sir.

The DEPUTY SPEAKER: Order! You are not helping—

The Hon. K.O. FOLEY: The member for—

The DEPUTY SPEAKER: Order! The Treasurer will resume his seat.

Ms Chapman: I gave you a good idea.

The DEPUTY SPEAKER: The member for Bragg will not interject, either. I intend to warn members, and they run the risk of being named if they defy the chair. Members can be here all night if they wish. At the rate they are going, they probably will be. The Treasurer.

The Hon. K.O. FOLEY: The member for Bragg made it very clear that she did not want lump sum payments for people with catastrophic injuries for long-term care, because she is saying that that is the biggest cost, so that is the biggest saving. Now she is trying to scramble around and find an excuse and she is trying to say, 'But we can use structured settlements.'

Ms Chapman interjecting:

The Hon. K.O. FOLEY: How does that reduce it?

Ms Chapman: I said that an hour ago.

The Hon. K.O. FOLEY: But how does that reduce it?

Ms Chapman interjecting:

The Hon. K.O. FOLEY: How can that be a saving?

The DEPUTY SPEAKER: Order! The Treasurer will resume his seat. Members are very slow in learning that the chair will not tolerate any more defiance of the chair. Under standing order 128, referring to relevance and repetition, the chair can direct a member to cease speaking, and that question is put without debate. Members should be mindful of standing order 128. The Treasurer.

The Hon. K.O. FOLEY: The point I am making is quite simple. The member for Bragg has said, in what I think is a very callous comment, that we should not have lump sum payouts; that we should have structured settlements for people with long-term care. I simply ask: how does that make a saving? I can only assume that the member is suggesting that, if we do not give a lump sum but give structured settlements, there is a saving to the insurance companies because the person with a catastrophic injury dies. Is that what the member is suggesting? It has to be. How else can there be a saving? I think that that is a very callous approach, and I think the member needs to reflect on that approach.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: No. I want you to explain to me how it is a saving.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: No, you can't. Referring to the data for the overall distribution of public liability claims for New South Wales and each category of payout, the member for Bragg said that long-term care is the largest payout. She was being very selective. Perhaps with her background as a solicitor she is getting a bit selective, but she picked the figure of over $500 000. Well, of course that is—

Ms Chapman interjecting:

The Hon. K.O. FOLEY: Well, that is the catastrophic end; they are the large payments. I am advised that the

average payout in New South Wales is about $25 000. Long-term care is probably the second smallest of these payouts. As a lawyer I think the member for Bragg should look at what is nearly the largest and that is the cost of legal fees. If she wants me to start identifying some of the most significant costs in New South Wales, it is lawyers. We did not hear her suggest tonight that we should cut payments to lawyers.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: Exactly. Instead of picking on those with catastrophic injuries and depriving them of any lump sum payout, maybe you could get greater savings if you were prepared to cut significantly the costs of lawyers in New South Wales. For whatever purpose you introduced that element, I am not sure, but I think when you see this data you might want to reflect on that and somehow explain to me how savings can be derived if structured settlements are your preferred option other than by the person not living beyond a certain period. You also mentioned tonight that the Law Society's preferred option is structured settlements.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: That's what you said.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: No, that's not what they said. You have got to read letters. I have the Law Society's letter. That is not what the Law Society wants.

The Hon. M.J. Atkinson interjecting:

The Hon. K.O. FOLEY: The member for Bragg was trying to tell us that this was the preferred position of the Law Society.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: I have the letter that was written to me. Let me read it to you. The letter states:

> Proposed changes to bodily injury damages law.
>
> I refer to your letter of 8 July 2002 and provide the following submissions on the bills.
>
> Structured judgments
>
> The preferred view of the Law Society is that consent of the plaintiff or his or her next friend is a pre-condition to a structured judgment.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: I am going to read that—just listen! The letter states:

> The preferred view of the Law Society is that the consent of the plaintiff or his or next friend is a pre-condition to a structured judgment. However, we suggest an alternative proposal which is for the structured settlement portion to apply only to the future care and future medical expenses component of an award—

Ms Chapman interjecting:

The Hon. K.O. FOLEY: That was the 'however' bit.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: No, you said it was their preferred position.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: You did. You said the preferred position was—

The DEPUTY SPEAKER: Order! I warn the member for Bragg and I warn the Treasurer.

The Hon. K.O. FOLEY: The reality is that the member for Bragg clearly implied that the preferred position of the Law Society was that we have compulsory structured settlements for long-term care. That is not the Law Society's preferred position, and in my view the member should have been up front and honest about that.

I think I have said enough. We are going into committee. I want to engage the opposition in constructive debate on this matter, but if the member for Bragg wants to have a political point scoring exercise, my advice to her is: do your homework, get your facts right, get your attack lines right, think them through, and then come after me, because the member for Heysen said tonight that she does not agree with you in a number of respects and it is clear from the member for Davenport's contribution that he does not agree with you in a number of respects.

Quite clearly you are not providing a consensus from the opposition benches; you are providing a divided viewpoint. The only strength in your argument is that you say you will support it, but, but, but. The member for Davenport provided a very constructive approach last night on his one of the three bills. I just wish the member for Bragg would be open and honest with me and say that she thinks my bill stinks and that she does not think it is a good bill, and I will argue the merits of it, rather than coming in here saying that she supports it and then spending the next couple of hours knocking it.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

Mr HANNA: Mr Chairman, is it the will of the committee that the new sections in clause 3 of the bill be dealt with separately—at least those new sections which are the subject of questions—or will clause 3 be dealt with as a whole?

The CHAIRMAN: I guess it is up to the committee. It would be useful if members could indicate their interest in a particular new section. It will expedite things.

Ms CHAPMAN: Clause 3 is six pages long and I think that the member's proposal is sensible and that we should deal with each new section separately.

The CHAIRMAN: I assume that is acceptable to the committee.

New section 24.

Ms CHAPMAN: In relation to new section 24, we are happy that all matters have been covered by the recent amendments except 'non-economic loss', and the member for Heysen will ask a question about that.

The CHAIRMAN: In relation to clause 3 which, as we know, has elements from the principal act, which new sections in clause 3 do you have a particular question about?

Ms CHAPMAN: I cannot answer that quickly, but I will look at it while the member is speaking.

Mrs REDMOND: I want to clarify, in respect of the definition of non-economic loss (I have not looked at the Wrongs Act for a while, but I assume that it is what appears for road accidents), the use of the word 'or' between the various elements means that it can be non-economic loss. I take it, but seek confirmation, that the intention is that one can claim simply for pain and suffering, if that is all one has suffered, but there is to be a separate element, possibly, of loss of amenity of life, loss of expectation of life and loss from disfigurement. Therefore, if one had an injury that involved not simply the concept of pain and suffering but one suffered burns which resulted in disfigurement or quadriplegia that resulted in loss of expectation of life, there would be an element on the 0 to 60 scale that would have a cumulative effect because, if read the other way, it would seem that that becomes too constrictive. I want to confirm that a cumulative reading of that clause is intended to apply.

The Hon. K.O. FOLEY: Yes.

New section agreed to.

New section 24A agreed to.

New section 24B.

Mr HANNA: My question relates equally well to the existing Wrongs Acts. The fact that there is a 0-60 scale causes a few complications in figuring things out. Given that a fresh look has been taken at these provisions, why is it not a 0-100 scale, which would be easier in many respects?

The Hon. K.O. FOLEY: We have gone for a 0-60 scale because we have a 0-60 scale. Everybody knows what the 0-60 scale is, and I have some advice as follows: low level whiplash injury with discomfort for three to six months—low point range 3, high point range 5; arm fracture with minimal disability—low point 4, high point 7; multiple leg fractures with moderate permanent disability—low point 12, high point 15; and, quadriplegia, severe brain injury requiring constant care—low point 55, high point 60.

I take this as an opportunity to highlight one of the very good things we are doing, namely, reforming the points scale. I have absolutely no problem in saying that one of the good things we have done is reshape and remodel the way in which we provide the damages on the points scale system. It was clear in advice given to me that we had very large quantities of payments for the low injuries—10 points and below, namely, arm fractures with minimal disability and low level whiplash injuries. These types of injuries were providing the largest amount in payouts.

We have not abandoned people with those injuries, unlike other jurisdictions, but are still providing a very reasonable payment. Low level whiplash injury at five points can still earn, at a high point, $5 750. That is less than it would have been under the previous system, which was probably closer to $10 000, but it is still a payment. What I am very proud of, and I mean that sincerely, is that under the old system, if you had quadriplegia or severe brain injury, you got $106 000 to $108 000. Under the reform model you get $241 000. We are recognising that it is only just and fair in our society to pay greater damages to those with greater injuries. If that can be done through reducing payments to people with lower level injuries, I think that is good. I am not being critical at all of anyone who feels we should not take the quantum of money away from any injured person. I have to balance the economic interests of the Motor Accident Commission, the need to deal with escalating public liability insurance cost, and a viewpoint that we should be able to provide greater damages to those more seriously injured.

This is a significant move, but I think a very good move, and I think that those officers who have worked on this (and I think a couple of them are here tonight) are to be applauded for coming up with a very good piece of reform, a simple but very socially just piece of reform, which meets a multitude of agenda.

Ms CHAPMAN: On the proposed section 24B may I say that we support the graduating scale and I agree with the minister that it is important to recognise the increased loss with the severity of injury. But it is also important to appreciate, as I think is acknowledged, that there is a real reduction at the lower end of the scale. Whilst the minister acknowledges that he needs to take away some funds to be able to deliver at the other end, when proposals to offer for potential savings like structured settlements for future care are seen to be some cruel and callous act, it needs to be quite clear that the effect of this section is that there will be a good number of small claims that ultimately are likely not to be litigated and even claimed for at that lower end, because the cost and inconvenience of recovery needs to be reflected in the value of that claim.

It is an issue that has had some brevity in being appreciated tonight. What I do say is that we still support the graduating scale but, be under no illusion, there will be a large number of potential claimants at the lower end of the scale who are likely to miss out on the benefit and who, even if they do line up, will have a reduced amount. That ought to be clear.

The Hon. K.O. FOLEY: What the member for Bragg has just said is quite extraordinary. Again it is this approach to legislating that she wants to try to have it in every direction, every position, every which way. She has just said to me that this reform is going to do very little, that it really almost is a waste of time—

Ms CHAPMAN: On a point of order, as I did not ask a question I inquire as to what power there is for the minister to give a further speech on this matter. He has already given his presentation, and I had not asked a question.

The CHAIRMAN: The minister does not have to respond to a statement. How he answers a question is up to him, as well.

Ms CHAPMAN: I did not ask a question.

The CHAIRMAN: The minister can regard it as an invitation to comment, although he does not have to. He is not compelled to.

The Hon. K.O. FOLEY: I am not compelled to and there will be many times when I will not, but on this one I am compelled to. I have just been subjected to criticism for this bill being basically of little value, a bill that is almost of no merit, which is what has been implied by the member for Bragg tonight, even though she is supporting it, yet now she is being critical. 'Be under no illusion,' I think were her words, that a large number of potential recipients of payouts are not going to get them. So, by definition there will be less money paid out, which must equal savings. The member for Bragg cannot have it both ways.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: No. I have already told you that we are taking 20 per cent savings to the Motor Accident Commission which is an acknowledgment. With many inside my own party this has been a very hotly debated issue, but we have come to a collective view as a party. My side of politics understands that there is 20 per cent of savings in this exercise. All I say to the member for Bragg is that I understand her desire to play politics but perhaps she could just be a little consistent.

On the issue of structured settlements, the member for Bragg was saying that structured settlements for long-term care should be mandated, that it should not be an option or by consent. It should be the only option available. That is what she implied, and that is what we are debating.

Mr HANNA: In respect of my previous question, I have never really understood why the scale was 0 to 60 instead of 0 to 100, but I will go on with another point. Obviously, in the scale of 0 to 60 there is some middle point, which on my rough calculations may be about 25, below which people injured in car crashes will get less, and above which they will get more, under the new sliding scale. Can the Treasurer tell me what that point is exactly? In other words, given that it requires a multiple calculation, can he tell me at what point, with the new scale, do you get exactly the same compensation as you would have under the old scale? I am referring now only to car crashes and leaving aside public liability cases. I think there is a fallacy in assuming that, if people at the more serious end of the scale are to be paid more, it must necessarily be at the expense of those who are less seriously injured,

but I understand that is the policy balancing act that the Treasurer has pursued. So, I invite the Treasurer to identify that midpoint below which people will be receiving less than they would be at the moment.

The Hon. K.O. FOLEY: That is a very good question and it does give me an opportunity to put a bit more information to the committee. As I said, the midpoint is roughly 19 points. Under the current system you get $32 490 for 19 points. Under the new system you get $32 200. I am not quite sure what injury would be rated at 19 points, but I know that at 15 points, as a maximum, you would be looking at multiple leg fractures with a moderate permanent disability. Let us have a look at some of these comparisons. Under the old system, at four points, and I assume that involves a low-level whiplash injury, you get $6 840. Under the new system you still get $4 600.

Mr Hanna: So it is cut by about a third.

The Hon. K.O. FOLEY: Under a third. Under the old system, for six points you get $10 260 and under the new system you get $6 900. For 12 points it is $20 520 under the old scheme and $16 100 for the new scheme—so 20 per cent. Then you get to 19 points and you are on balance. So there is no argument: for lower level injuries you are getting less. It might be a quarter, it might be closer to a third, but you are still getting payment. But what I take pride in attempting to legislate is this: if you have 30 points, under the old system you got $51 000, whereas under the new system it is $69 000. For 35 points, under the old system—and this is where being involved in this legislation becomes extremely rewarding—you received $59 850; under the new scheme you get $92 000, so you are getting nearly $33 000 more. Under the old system, for 40 points it was 68 400, and under the new system it is $115 000—getting close to double. Under the old system, 50 points was worth $85 500; $172 000 under the new system. Let us look at 55 points, which was worth $94 000 under the old system; $207 000 under the new system. We are giving whiplash people 20 to 30 per cent less but, for someone who has a severe brain injury requiring constant care or who is a quadriplegic, we are taking it from $94 000 to $207 000. That is damn good public policy.

Mr HANNA: I want to make one point about the discussion on the scale. If we have a reduction of 25 to 30 per cent for most of the injuries at the less serious end of the scale, talking about people injured in motor vehicle accidents, I would like the Treasurer to confirm that, for people injured in public liabilities incidents, the reduction will be much more than that, perhaps double for equivalent sort of injuries; in other words, comparing the current common law damages to what the payment will be for the same sort of injury on the new scale.

I also ask the Treasurer to let us know, if possible, how many people would be in the category where they have injuries which give them less than 19 points on the scale, at the moment, out of the total number of people who are injured in car crashes. In other words, is it 80 per cent of people who would be getting less by way of compensation under the new scale? Is it 50 per cent? It is probably something more than that. I am sure the Treasurer gets my point, because most people who are injured in car crashes will get substantially less, but whether it is the 25 to 30 per cent that the Treasurer was talking about, I am not sure. I think that is right and I ask the Treasurer to confirm it.

The Hon. K.O. FOLEY: I understand the member's point and I restate my position that people who are seriously injured are a higher priority for government than giving the same amount of money to people who are less severely injured. I can attempt to get that information for the member for Mitchell as it relates to the Motor Accident Commission because that information should be available. I will get it and distribute it to all members of the committee.

As for public liability, I do not have the information. That is the whole problem with the lack of hard data available from the general insurance industry. APRA and the federal bodies have not collected the data. That is how the fools who ran APRA in the past did not pick HIH. They did not have a decent monitoring system. They did not have a good collection of data. They were not able, as they should have been, to predict the collapse of HIH because of the very poor data under the control of federal regulatory bodies.

Mr Meier interjecting:

The Hon. K.O. FOLEY: There is no question about the corporate behaviour of Williams and others, and we should not comment on that because I am sure it is sub judice, but there will be much fallout from this and I suspect that the royal commission will be only the beginning of the saga, not the end. I do not have that data for the member for Mitchell. I wish I did because it would have made our exercise a lot easier, but as it relates to the Motor Accident Commission we will endeavour to get that information and provide it for the committee.

Mr MEIER: I have listened with interest to the latter part of this debate and I find it almost incredible to hear the Treasurer say that there has been, to use his words, a huge increase in the payout on this new scale in the areas where there have been fewer claims. In fact, I think I heard him say that it was 'damn good value', but I stand to be corrected if I misunderstood him. Surely, we should be going the other way. Why are we heading down the track of saying, 'We are going to be more generous to the people who really deserve it and less generous to those with whiplash or some similar injury'? I do not think that this is the right way to go. This will not do my constituents—the people who have to pay the high insurance premiums— any good at all.

Mr Hanna: Don't people get injured in your area?

Mr MEIER: I explained earlier in my second reading speech that, if injuries occur, we have a safety net. A disability pension is available these days, which was not around 50 years ago. You will still get your three meals a day, a roof over your head and, in fact, with a bit of luck, you might be able to run a car and perhaps have some other niceties. Of course, we all want the world. We want millions of dollars. But people should be able to see that it will ruin our society. Premiums are increasing, train societies and tourist agencies are closing down, and businesses will start shutting up. What are we saying here? We are going to give those who are really hurt a bigger payout. So the millions will increase to tens of millions of dollars, perhaps. I am extremely upset about this provision, and I ask the Treasurer: why does he want to go down this track? Why does he insist on increasing the payments?

The Hon. K.O. FOLEY: It is extraordinary that the member for Goyder, who has just attacked us for wanting to provide payouts to those who are more seriously injured and reduce some payments to those with less serious injuries, last night and again tonight asked me to bail out his local train.

Mr Meier: Yes, that is right.

The Hon. K.O. FOLEY: So, the member wants me to put money into a community tourist train, but he does not want me to give money to people who sustain a brain injury through an accident.

Mr Meier: It's $50 000 versus probably $5 million.

The Hon. K.O. FOLEY: It is one thing for the member for Bragg, who is only a new member of parliament, to be finding her way, but the member for Goyder, who has been here much longer than I have, should not say silly things such as he has just said. The member does not understand what it is we are debating. If he wants to be part of the debate—

Mr Meier interjecting:

The Hon. K.O. FOLEY: If the member for Goyder wants to have a constructive debate about this, he should stay in the chamber and follow the debate. John, you have been in this place for 15 years and have participated in a lot of debates. The committee deserves better than to have the Opposition Whip walk in here and go off on some frolic that really does not make a lot of sense. To indulge the member for Goyder, we are talking about the 0 to 60 point scale that applies to people injured in motor accidents. We are reforming the scale to take some money from the lower end, significantly increase payments at the upper end and provide savings to the scheme.

In relation to the $5 million, I am not quite sure what you are referring to. I assume that you are referring to the cost of care, which has been a debate the member for Bragg and I have been locked into. I think we have moved on from that. I am not quite sure what point you are making, but I would rather put money into people with brain injuries than into tourist trains.

The CHAIRMAN: Before calling the member for Goyder, I point out that much of the debate now seems to be repetitive and therefore it is infringing standing orders.

Mr MEIER: I will try not to do that, sir. My main concern is that businesses and tourist agencies in my electorate are able to continue to operate. I do not think that this bill will help them to achieve that aim.

The Hon. K.O. FOLEY: What is the tourist train in your electorate?

Mr Meier: Yorke Peninsula Rail.

The Hon. K.O. FOLEY: Last night you criticised me for not helping Yorke Peninsula Rail. Well, I may not be helping Yorke Peninsula Rail directly, but I am trying to help those who want insurance. A side product in all this, which I am quite proud of, is that we are helping people with more significant injuries. I think that is good policy.

Mr Meier interjecting:

The Hon. K.O. FOLEY: Well, John, you are not following the debate. We are able to reform the points system and deliver, on reduced costs of insurance, a more equitable payment system and deal with the rising costs, might I add, of motor accident insurance which, as members know, I had to increase by approximately 15½ per cent when I first came into office. I know that the member for Goyder is passionate about the Yorke Peninsula train service, but let us not trivialise this debate. This is more than just whether or not a train service is sustainable; this is about providing a fair and just compensation system to people who are injured.

Mr MEIER: I will not continue this debate other than to say that it is not just about the Yorke Peninsula rail. I mentioned the other areas earlier. If I am wrong, in three years' time, I will get up and publicly apologise to the Treasurer and to the parliament. But I do not think I will be wrong, because I think insurance premiums will, unfortunately, continue to rise.

The Hon. K.O. FOLEY: Just a quick response, because I have not really clarified that significantly here tonight. By adopting a point scale system for public liability, we are putting in place caps. We are putting in place the boundaries, so there is now a cap of $241 500 on general damages for public liability. That was not there before.

Mr Meier: I would have made it $110 000 as it is now.

The Hon. K.O. FOLEY: Pardon?

Ms Chapman: I don't have a problem with that.

Mr Meier: No, but I do.

The Hon. K.O. FOLEY: The member for Bragg may not, but I think the member behind her does.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: No, you are right. Again, the member for Bragg has raised a very important point. It is worth pointing out that we do not have the problem that we are witnessing in New South Wales. Their market and their courts are providing much larger general damages payouts. The problem we have in South Australia is that the costs of our claims are much smaller, and it is that lower end that is causing a number of the problems. In New South Wales, Bob Carr and Michael Egan are tackling the top end. Our market is different: it is the bottom end that is causing a significant increase in costs, and we are attacking the bottom end, as well as putting caps on the top end. Our package of solutions is tailored for our market.

The easiest thing I could have done politically was to come in and say that we are going to put a cap on the top, not reform the points system but leave it as it is. You would have rightly criticised me by saying, 'You have done nothing.' I suspect that the member for Bragg knows full well that I would have done nothing and she would have picked a hole in that in 30 seconds. But, by reforming the points system, we are reducing the burden at the lower end, taking that money out, putting some to the top end and putting some towards savings. That is the secret and important element of what we are doing.

New section agreed to.

Section 24C.

Mr HANNA: Since the current provisions of the Wrongs Act in relation to motor vehicle injuries are being revisited in this amending bill, was consideration given to same sex couples in these provisions which cover nervous shock? The current provisions are repeated here, in that they limit the possibility of nervous shock damages being awarded to certain classes of people. In section 24C(b), the family members specified are parent, spouse or child of a person killed, injured or endangered. Has the Treasurer given some consideration to equivalent rights being accorded to same sex couples in that respect?

The Hon. K.O. FOLEY: No, I have not. The definition of 'spouse' is the definition provided for in the Wrongs Act at present. It allows for putative spouse. The issue about same sex couples is one of broader reform. If one is to reform that, one reforms it across the range of legislation in our state, and it should not be done in this instance in an ad hoc manner.

Ms CHAPMAN: I rise to say that this is a direct reflection of the current Wrongs Act section 35A provisions. We support the restriction of the potential claimants and are happy for you to put the question.

New section agreed to.

New section 24D.

Ms CHAPMAN: Treasurer, why does the $4.2 million maximum now include both past and future economic loss? I raise that because, as you will appreciate, whilst it is grouped in with that amount, if a potential claimant suffered, for reasons beyond his or her control, from the time of the commencement of the claim and the conclusion—and that

may be many years, in which case there would be a significant accumulated past economic loss—why should the claimant in that situation lose the benefit of that? I appreciate that the $2.2 million is pitched at a level that is unlikely to prejudice anyone severely, as I understand the briefing that we had, because it is pitched at a sufficiently high level. Could you explain why past economic loss needed to be incorporated?

The Hon. K.O. FOLEY: I can. That is a good question, and it was one that was raised by a number of my colleagues. You are right: the $2.2 million is a high figure and it would affect only a certain number of significant salary earners. The reason for having past and present is to ensure that we have a mechanism that does not allow unnecessary delay in reaching a conclusion to a matter. We want to safeguard the integrity of the measure where people have the financial ability to delay action, somehow frustrating the system. It is not something I believe will in any way impact on the vast majority of people affected, but it is a safeguard measure and I think one that offers integrity to the measure that we are attempting to put in place.

New section agreed to.

New sections 24E and 24F agreed to.

New section 24G.

Mrs REDMOND: I apologise to the Treasurer. I meant to mention this in my second reading speech, but I passed over it for some reason. I have no problem with the basic idea that we will not award compensation or damages for the cost of management of an investment in most circumstances. However, I believe that in some catastrophic injury claims, where we end up with management by Public Trustee, it would still be reasonable to include an award for the cost of the management of that claim. To my mind, it is unfair on plaintiffs if, out of their damages, they have to pay the cost of management of significant sums which they are not competent to or capable of managing on their own account.

Whilst we only received this bill very late, so I have not had time to consider or prepare a proposed amendment, I ask the Treasurer whether he would be prepared to consider an amendment (to be moved in the other place, of course) along the lines that the clause stand as printed but with the addition of 'unless, in the opinion of the court, the management of the moneys is reasonable or necessary,' or something to that effect. So, in a situation where someone is not competent to manage their own funds and a significant amount of money is awarded to them, there should be a reasonable allocation of money for the management of those funds. For example, if a 23 year old, who is catastrophically injured and has no family to manage funds for him (and I am concluding a case like this at the moment), no-one except perhaps some greedy relatives who have never paid much attention to him, needs to go to the Public Trustee and needs to be managed, it would be appropriate if there were some sort of exception to allow the court some discretion to allow awards of management costs in some limited circumstances.

The Hon. K.O. FOLEY: We are not prepared to accept that. I understand the good intentions of the question, but our view is that, if we were to go down that road, we would be opening it up for many. It is just not something we are prepared to consider.

New section agreed to.

New section 24H.

Ms CHAPMAN: A four times state average weekly earnings cap is being proposed for the gratuitous services of parents, etc., involving this limited class who can claim this—and for good reason. Does new section 24H(2) propose that that is a cap amount for each of the potential claimants, that is, if a parent and sister were each providing gratuitous services, or is that the total of any gratuitous services by any multiple of those?

The Hon. K.O. FOLEY: The payment is made to the individual. You can get the payment only once.

New section agreed to.

New section 24I.

Mr HANNA: I know that this is bound to be a popular provision, because it seeks to take damages away from people who were committing crimes at the time they were injured. The principle I adhere to is that, where people are to be punished for criminal acts, that punishment should take place under the rigours of the criminal law not the civil law and that the civil law is there just for compensation in the case of injury. I see those two things as being separate. I want to tease out where the boundaries lie in this case, because there is the out clause that provides that the court may award damages if the circumstances are exceptional and the provisions might operate harshly and unjustly. I want to give an example to the Treasurer to see where he thinks this sort of case would lie, and it is not an unusual case. Three or four young people might steal a car and go joy-riding or hooning around. What usually happens is that all the occupants are charged with the one offence in that regard—

Mr Koutsantonis: Unlawful use?

Mr HANNA: What used to be known as unlawful use of a motor vehicle. I think we have already brought in our new laws which make it a much more serious offence. If a 14 year old who is gathered into the enterprise by, for example, his older brothers, the car is crashed and he is injured, is that the sort of case where the minister thinks the young person should be disentitled to compensation?

The Hon. K.O. FOLEY: I am not sure. In my lengthy and detailed legal experience, I am not certain that that would be an indictable offence. Maybe the kid should not have stolen the car.

Ms CHAPMAN: We support this, both the sentiment and the proposal.

New section agreed to.

New section 24J.

Mr HANNA: I ask the Treasurer about the change that appears to have been made in the drafting of subsection (1) in respect of contributory negligence compared to the existing section 35A(1)(*i*)(ii), which currently states that damages should be reduced for contributory negligence by at least 25 per cent if 'the accident was attributable in part to the injured person's negligence'. I note that new section 24J(1) in the provisions before us is drafted to say that, if contributory negligence is alleged by the defendant, contributory negligence will, subject to this section, be presumed, and of course the presumption is rebutted by the injured person establishing, on the balance of probabilities, that there in fact was not contributory negligence.

Why the change in wording? Why would we insist that the presumption of contributory negligence will apply by a mere allegation on the part of the defendant? In legal practice we all know that the allegation will be spat out of a word processor where allegations of contributory negligence will be made as a matter of course in pleadings or in pre-action proceedings, and it will therefore be routine that contributory negligence will be presumed. Could we not at least insist that the presumption will apply if there is some evidence of contributory negligence, rather than the merest allegation?

The Hon. K.O. FOLEY: I have to say I thought it was fairly obvious, although I am struggling, being the fair person that I am, after giving the member for Bragg some political curry over supporting the bill and then getting stuck into it, but that is politics. If I was consistent I probably would have a little different answer, but consistency has not always been a feature of this place. The insurer has to prove that the person is intoxicated to get to first base. Once that happens, contributory negligence is presumed—that is my understanding, that is how I read it—but the injured person can rebut the presumption by proving, first, the intoxication did not contribute to the accident; or, secondly, that the intoxication was not self-induced. I think at that point any thought of a legal career I might have wanted is well and truly gone.

Mr HANNA: I will take what I can from that answer, Treasurer, thank you. The fundamental—

Members interjecting:

The ACTING CHAIRMAN (Mr Snelling): Order!

Mr HANNA:—policy issue here is whether accidents involving intoxicated people, which occur in public places, should be treated the same as motor vehicle accidents. There is, of course, a crucial distinction—in motor vehicle accidents if people are driving they are subject to our drink driving laws. It is quite clearly against the law to be driving while intoxicated; and we have extensive, well known provisions which everyone is aware of.

However, that is not the case with participation in recreational and sporting activities. On the contrary, I would go so far as to suggest that having a drink while enjoying outdoor activities such as sporting activities, recreational activities, etc., and having a drink as part of that social event, is actually part of the Australian way of life. In fact, drinking under those circumstances is actually encouraged, in many ways. I refer to events such as the Jacobs Creek Tour Down Under and the Coopers Pale Ale Rally South Australia. In other words, there is an expectation that going out to enjoy a fairground, or going down to the beach on the weekend, or taking part in sport, is something associated with drinking alcohol. Whether we agree with that or not, I think it is common enough and well understood.

It just seems to me that this reform proposal sends a message that you will be punished if you drink at these public events, or if you participate in sport while intoxicated. I think that is a really significant change in the way that our community treats everyday social behaviour; so, I think it is a very significant reform from that point of view. The question is: why have we extended the law presuming contributory negligence and requiring damages to be reduced if a person is intoxicated beyond the current situation of motor vehicle accidents, where everyone understands that those involved with motor vehicles need to stay away from drinking?

The Hon. K.O. FOLEY: I thank the member for Mitchell for his overwhelming endorsement of this provision. Clearly, from what he has said tonight, he fully supports what we are doing. This matter has been widely debated internally and externally—consultation has occurred—and I am glad that the member for Mitchell is supporting this amendment.

Mr HANNA: In relation to a motor vehicle accident, if a driver is intoxicated I can understand the suggestion that there has been some contributory negligence to the accident in which the intoxicated driver is somewhat at fault. However, in the case of a person who wanders into a public place and falls down an unmarked trench, something which should have been the subject of greater care by some local government agency or the land owner, I find it hard to see why there should be a presumption that some intoxication on the part of the person has led to the accident; for example, if there is a concealed trench which any sober person would have most likely fallen down. The correlation of that is how a person can possibly rebut the presumption by saying that even though he had had a couple of beers before he went walking through that facility he would not have fallen down the hole if he had not had a couple of beers. How on earth can you prove that?

The Hon. K.O. FOLEY: As the member for Mitchell well knows, as we have discussed this on many occasions, if you have a couple of beers then I suspect you are okay. It relates to your level of impairment. It is illegal to drink and drive. But, if you are sober and you are not paying attention to the road because you are on your mobile phone or looking out the window at someone walking down the street and you have an accident, my advice is that that is contributory negligence. Let us put this in context. If you are rolling, blind drunk and you fall down a hole at your friend's barbecue, I think you had a bit to do with it. But if you have a couple of stubbies and are impaired by alcohol, you do not have a problem. I should think that that is quite sensible. I do not think we should be in the business of wanting to make excuses and allowances for excess consumption of alcohol.

Ms CHAPMAN: We agree with this proposal. I appreciate that there has been a shifting in the way in which this is to be attended to, and members in the other place may be have a little more to say about that. Otherwise, we have no problem with it.

New section agreed to.

New section 24K.

Mr HANNA: I think this is just a drafting question. New section 24K(3) applies the statutory reduction of 25 per cent minimum where there is contributory negligence. When I compare it to new section 24J(3), I find that new section 24J(3) is quite differently worded and I do not understand why. Can the Treasurer tell us why different wording has been used?

The Hon. K.O. FOLEY: When I drafted that bill, I wanted to have under new section 24K a fixed statutory reduction. That is what I wanted; that is what I put in the bill. But when it came to new section 24J, I pondered and thought, 'No, what I would like there is a minimum reduction of 25 per cent.' So, that is what I put in there.

Mrs REDMOND: I refer to new section 24K(1)(a). Whilst I appreciate the legal reasons in terms of capacity—that subplacitum (i) refers to a person being above the age of 16 when this provision can come into effect—it seems to me that, in terms of knowingly undertaking a risk, it is still too young and that it would be more appropriate that it be the age of majority, which is 18. Has the Treasurer given any consideration to the question whether 16 is the appropriate age at which someone can knowingly undertake risk? I have now had three 16 year olds, and I know that they really are still children when it comes to assessing their capacity to make assessments of what their likely risks are, particularly in social situations with their peers.

The Hon. K.O. FOLEY: As in the present law, we have chosen 16. It is the age, under the current law, at which we allow people to drive vehicles and to undertake a high degree of responsibility. With a 13 year old son (who is almost 14), I consider that 16 is far too young for children to drive—but that is by the by. However, that is what is in the law.

Mrs REDMOND: Whilst I appreciate that they are given the responsibility of driving, it still seems to me that it carries

a certain onerous effect to include 16 as the age in this provision (I appreciate what the Treasurer has said about its being in the current provision), in the sense that, by this provision, we are reducing their damages if they happen to get into a car driven by someone who may be intoxicated. They have to make an assessment whether or not that person will be able to exercise sufficient care and skill to enable them safely to get into the car and travel with them. If they do that their damages are significantly reduced as a result of what is really a minor lack of adult consideration which, I suggest, we would normally find in a 16 year old.

The Hon. K.O. FOLEY: If you are a 16 year old driver, it is good enough; if you are a 16 year old passenger, it should also be good enough.

New section agreed to.

New section 24L.

Ms CHAPMAN: We have no questions on the remainder of clause 3 and clauses 4 and 5.

New section agreed to.

Remaining new sections (24M to 24O) agreed to; clause passed.

Clause 4 passed.

Clause 5.

Ms CHAPMAN: What is proposed in relation to what can be safely expressed by a person who is desirous of indicating some expression of regret to avoid liability? What education program, what notice, etc. is there and will there be any assistance or advice on that? We have done the whole 'I'm sorry' business. We appreciate that 'I'm sorry' in itself will not impose liability. The minister is making it clear in this legislation, as I see it, that he wants to encourage that behaviour for the remedial and beneficial aspects that it may bring. But what is important is that the public is aware as well as any potential defendants who may be able to obviate or alleviate the concern of a potential claimant and hopefully avoid or reduce any claim and any hostility towards any settlement of it.

The Hon. K.O. FOLEY: It is a good question and the member for Davenport, of course, flagged it earlier. You are right: whilst there was the ability to have some form of apology, there was an awful amount of ambiguity. We are putting it into legislation to clear it up. This is now on the statute books and is clear. The people who may want to avail themselves of this, of course, would be insurance companies and maybe people who have time to reflect upon an incident before they make a considered statement. But, no doubt, there will be times—and I think a motor accident would be one example—when somebody may want to say sorry at the scene. I think the issue about some form of education for people is a good point.

Queensland, of course, has put this into effect. We will consult with Queensland as to their experience but I think the point is well made and I think we need to do a bit of work on how we might have some form of educative process. One way that readily comes to mind is that perhaps members of parliament could communicate with their constituents. As my colleague has said, Queensland has done it and we are doing it. These things will take effect nationwide and it will become the national standard, and with that will come a common understanding. But I think the point is well made and we need to think about that and perhaps have some further discussions and take advice as to how we should do it.

Mr HANNA: A couple of members have suggested that expressions of regret do not particularly constitute an admission of liability, in any case. I ask the Treasurer about the legal advice he has had on the matter. I ask about the extent to which this clause is really expected to change the existing law if one makes the distinction between expressions of regret on the one hand and admissions of liability and fault on the other.

The Hon. K.O. FOLEY: It certainly will change practice and behaviour, and it will enable people to see the law, understand the law, have greater clarity of the law and be confident in giving an apology. I think that saying sorry should be something that we encourage more in this community and I think it is another important element of what we are doing. It is hard to quantify and will not be without some difficulty in the early stages in coming to understand how we should deal with this measure, but I think it is eminently workable. So I think—as I am sure the member for Mitchell will probably want to do later tonight or tomorrow morning—saying sorry is not a difficult thing.

Clause passed.

Clause 6 and title passed.

Bill reported without amendment.

The Hon. K.O. FOLEY (Deputy Premier): I move:

That this bill be now read a third time.

Mr HANNA (Mitchell): I will not recount all the issues I raised in this place on 3 June in a grievance debate or the issues I raised in the second reading debate, but, having considered the matter in committee, the final word, apart from what the Treasurer has to say, should go to a document published by lawyers in New York entitled 'Premium deceit' by authors J. Robert Hunter and Joanne Dorisho. In that analysis of the effectiveness of so-called tort reforms, the conclusion they reached on page 2 was this:

> We found that the trends in rates/loss costs do not support the hypothesis that 'tort reform' has succeeded in holding down insurance costs or rates. Despite what 'tort reform' proponents promised law makers, tort law limits enacted since the liability insurance crisis of the mid-1980s have not lowered insurance rates in the ensuing years. States with little or no tort law restrictions have experienced the same level of insurance rates as those states that enacted severe restrictions on victims' rights.
>
> The 'liability insurance crisis' of the mid-1980s was ultimately found to be caused not by legal system excesses but by the economic cycle of the insurance industry. Given large rate increases and cut backs in coverage, the insurance cycle soon turned again and prices began to fall. The nation has enjoyed a relatively 'soft' insurance market for over a decade now with rates of liability insurance not only stable but down.

That refers to the US. I continue:

> Just as the liability crisis was found to be driven by the insurance underwriting cycle and not a tort law cost explosion, as many insurance companies and others had claimed, the 'tort reform' remedy pushed by these advocates failed. As the findings of this report confirm, legal system restrictions are based upon a false predicate. 'Tort reforms' do not produce lower insurance costs or rates.

Ms CHAPMAN (Bragg): I place on record that, as I confirmed in the second reading debate, amendments will be moved in the upper house. The brevity of time that the Opposition has had to address this matter has eliminated any opportunity for that here. Nevertheless, I have highlighted some areas of concern as to the effectiveness of bills to be passed. I place on record the service we had from the department, particularly Ms O'Neill: I acknowledge her work in providing briefings on this matter. I thank them for their time and assistance.

The Hon. K.O. FOLEY (Deputy Premier): I thank all members of the house for passing tonight, and last night, three pieces of legislation that have been part of this comprehensive package. I also thank members for a constructive debate and, as one always learns in politics, member for Bragg, I can say with some degree of humility tonight that it will be the last time I come into this parliament launching a political attack on the member for Bragg for coming in here and saying she supports the bill and then, basically, criticising it all the way through. One leads with their chin, one gets it whacked in this game. So, I learned a lesson there; I should have known better. Nonetheless, the comments from members opposite have been constructive in the main, with some political points to be made, but that is the business we are all in.

In terms of the consultation process, the member for Bragg and a number of members have said that there has been a lack of consultation. In all my eight years in opposition I would not have got 10 per cent of the quality of consultation that has been provided to the opposition. I assure members opposite that members of government, advisers to government and government officials coming to see members of parliament in opposition to the extent which my officers and staff have in recent weeks is well above what was ever provided to me in my eight years in opposition. My offers to the Hon. Robert Lawson and others over time to receive briefings I understand were not taken up until the very last moment, when we got close to introducing the legislation in parliament.

My office has received a number of responses from the Law Society and other people that this has been the best consultation process they have been through. I acknowledge that there never is enough consultation, and I appreciate that in opposition you have a lack of resources. I can understand the frustration that members opposite do not have the quality of advice that they might like. Unfortunately, that comes with not winning government. I had it for eight years and it is not a pretty experience. It is probably what makes you hungry for government. But that happens.

This is not something that the government itself will take credit for: this is the work of this parliament. We are half way through the parliament. We have the Legislative Council yet to negotiate, but this is the work of the parliament. We are the second parliament in Australia to deal substantially with tort law reform. What occurred in Queensland was nothing compared to the significance, complexity or comprehensive reform which our package is addressing and which the New South Wales package addressed. That is a credit to all members on both sides of the house and, hopefully, we will see support in another place to ensure that we get the package through the Legislative Council.

In conclusion, given that we have been working under enormous pressure in a very short space of time, I again want to thank my officers for all the work they have done, in particular my chief of staff Cressida Wall and my economics adviser Geoff Hole who, in the past 10 or 11 weeks, have had to deal with the first budget of a Labor government, with the restructuring of the economic development agencies within government and with tort law reform. In this matter, my staff have had to support a Treasurer whose knowledge of the complexities of the legal system in our state can perhaps be measured on one very small piece of paper, and they have had to carry me through this. I appreciate all my officers and all my staff for doing this.

Notwithstanding criticism by some people that this does not go far enough, I think that we have put in place a very substantial piece of law reform, and all of us can be justifiably pleased with the work that we have done here tonight.

Bill read a third time and passed.

ADJOURNMENT

At 9.28 p.m. the house adjourned until Monday 19 August at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 13 August 2002

QUESTIONS ON NOTICE

LOXTON IRRIGATION REHABILITATION SCHEME

3. **Mrs MAYWALD:** How will the 4.2 gl of water that will become available from Loxton irrigation rehabilitation scheme be used?

The Hon. J.D. HILL: There are 4.8 gls available from Loxton. The savings are possible because the rehabilitation of the Loxton irrigation system will improve water use efficiency. The previous government approved the sale or lease of an estimated 2 gigalitres of the savings in order to fund financial commitments to the Loxton irrigators that were part of the agreement on rehabilitation and self-management. Negotiations have commenced with the Barossa Infrastructure Limited (BIL) with a view to entering a lease agreement up to 2 gigalitres of water that will become available as the Loxton allocation is reduced. The terms and conditions of the transaction, including the quantity of water, are still to be finalised.

The premise of the proposed transaction is that a lease allows for the water to be returned to the government after an agreed period. By retaining control of the water it will be possible to allocate it for environmental flows. The government is preparing a detailed strategy to be released later this year that will guarantee water savings for the River Murray.