HOUSE OF ASSEMBLY

Thursday 22 August 2002

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

COMMONWEALTH GAMES

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

That this house congratulates the outstanding achievements of the Australia athletes, whose participation in this year's Commonwealth Games in Manchester exceeded all expectations, winning a record number of medals in this world-class event and, in particular, acknowledge our home-town South Australian athletes and recognise their talents and skills which has made all South Australians proud.

We are indeed proud of the achievements of the world-class, elite athletes who represented our nation at the 2002 Commonwealth Games in Manchester. I would like to specifically acknowledge and congratulate all our South Australia athletes who participated in these games. I would also like to list for the public record the names of our South Australian representatives, not necessarily in any order. I apologise beforehand in case I omit any of our athletes, but I assure members that it will be totally unintended. The list is as follows: in athletics, Tatiana Grigorieva, Brooke Krueger and Viktor Christiakov; cycling, Stuart O'Grady, Jobie Daika and Luke Roberts; diving, Nicole Boukaram; hockey Carmel Bakurski and Craig Victory; lawn bowls, Arienne Wynen, Neville Read and Andrew Smith; shooting, David Porter; netball, Jacqui Delaney, Kathryn Harby-Williams, Alex Hodge, Rebecca Sanders and Peta Squire; swimming, Sarah Ryan; table tennis, Mai Cho and Tammy Gough; and weight-lifting, Chris Rae.

Holding the Commonwealth Games in Manchester was only the second time that the event has been staged in England, the other time being in 1934 when the Empire Games were staged in London. The games program previously consisted of 10 individual sports. However, since the decision was made to expand the games to include team sports at the 1998 games in Kuala Lumpur, Malaysia, Manchester takes the credit at present for organising the largest games ever. Therefore, the 2002 Commonwealth Games was the largest not only in terms of sports on the program but also in number of participants. There are 19 sports overall with 16 individual sports and three team sports. Over 5 200 athletes, coaches, officials, medicos and other support staff attended these games. I was extremely pleased to see that for the first time events for elite athletes with a disability were integrated into the program, with medals won by the EAD athletes counted towards the overall medal tally.

The 2002 Australian Commonwealth Games team was also the largest ever to represent Australia, with over 520 athletes and officials. For the first time, the Australian Commonwealth Games Association allocated funding for the preparation of the Australian games team and provided more than $2 million. On a sport by sport basis athletes undertook pre-games training programs both in Australia and overseas. These included camps, high altitude training, pre-games tournaments, intensive training and certainly much more.

Qantas, the official 2002 Australian team carrier, carried the team to the games on a sport by sport basis, and provided the charter flight for the return from Manchester. State governments also provided financial assistance on a state by state basis.

I am sure that we all understand that the logistics of this huge event, from the pre-training to the actual competition and the post-games return to Australia, are quite mind-boggling. I offer congratulations to all involved in this huge enterprise, both those in Australia as well as the English organisers and volunteers, on the success of the 2002 Commonwealth Games. I also offer my congratulations and admiration to all the participating athletes. The commitment and time-consuming effort required from individual athletes competing in elite sports is quite difficult to imagine but, obviously, quite necessary if world-class standards are to be attained and maintained. These young ambassadors representing our state and our country not only deserve the accolades publicly extended at the recent celebration in Rundle Mall, but obviously they also desire the continued support of the state government as they continue their training programs to attain even higher personal achievement, looking towards the Olympic Games to be held in Greece in 2004.

It gives me great pleasure to speak in this house about the achievements of our South Australian athletes and I trust that more of our members will add their contributions to mine.

Dr McFETRIDGE (Morphett): I certainly would like to add my congratulations to the Commonwealth Games athletes from all over Australia, and particularly South Australia. It was fantastic to be able to go along to the Town Hall and personally welcome these athletes on their return to South Australia. Looking at some of the statistics from the Commonwealth Games, for a relatively small country Australia did exceptionally well. Australia won 206 medals—the most won by any nation—82 gold, 62 silver and 62 bronze.

I do not know how many other members watched the netball final, but it was one of the most exciting netball finals I can ever remember. My daughter has played netball all her life, and I have been to many close finals, but this was an absolutely fantastic game to watch. Unfortunately, I am not able to confirm how the lawn bowler, Arienne Wynen, from Holdfast Bay went—I am still trying to check that—but I can guarantee, with Arienne's track record, that she would have done us proud, as did all athletes when they went to Manchester.

When the Commonwealth Games come to Melbourne in 2006, I certainly hope to be there, not only to represent South Australia but also as a parochial Australian encouraging our athletes again. Last night, in this place—or should I say this morning in this place at 4 o'clock—I felt like I was on a bit of a marathon, and I can only guess how the three Australians who won gold, silver and bronze in the women's marathon must feel after they run in such an event. I am just trying to check their names—I have misplaced them—but I wish them exceptionally well in their future endeavours.

To see the smiling faces in the *Advertiser* of Wednesday 14 August, when the athletes came back to Adelaide, is something of which everybody in this house and, I know, every South Australian is very proud. To become an athlete at this elite level demands so much sacrifice. We as members of this house know the hours and the sacrifice that we put in. But, certainly, as an elite athlete you sometimes do not get the kudos: you do not get the returns. If you are a gold medal winner or in a high-profile sport then you might get recognition, but the weight-lifters, the hammer throwers, the javelin throwers do not get the accolades they deserve. To achieve the ultimate in going to either the Olympic Games or, as in this case, the Commonwealth Games is something for which

every athlete aims. It is fantastic to be able to witness more and more records being broken.

We hear a lot about the swimming: it is gold, gold, gold. But it is also on the track, and certainly in the field as well, that we are getting gold, gold, gold. South Australians won 206 medals, 82 of them gold. For a small country like Australia, as I said, it is a fantastic result. I will not say anymore at this stage other than to add my most hearty congratulations to all the Australian athletes, particularly the South Australian athletes, and I wish them well in their training towards 2006 in Melbourne.

Ms CICCARELLO (Norwood): I also add my congratulations to all the people who participated in the Commonwealth Games in Manchester. It was certainly a tremendous performance by Australian athletes, who won a record 206 medals—the fourth consecutive time Australia has topped the medal table at these games, after Auckland, New Zealand in 1990, Victoria, Canada in 1994, and Kuala Lumpur, Malaysia in 1998. The next best was England winning 165 medals and they were really trying to at least equal the performance of Australia, especially as the games were being contested on home soil and had the assistance of some prominent Australians—Bill Sweetman in swimming and Tricia Heberle in hockey, to name just two.

Australia's fine medal tally was 82 gold, 62 silver and 62 bronze, exceeding the 198 medals—87 gold, 61 silver and 57 bronze—won in Kuala Lumpur in 1998. The 2002 team was the largest ever to represent Australia at a Commonwealth Games, consisting of 370 athletes and 150 officials—520 in all who participated in 19 sports. There were 28 South Australian athletes (27 able-bodied athletes and one disabled athlete). They succeeded in winning 20 medals—12 gold, two silver and six bronze. The South Australian contingent was supported by two coaches and two team managers. Disabled events were, for the first time, a full part of the Commonwealth Games program and South Australia was successfully represented by Neville Read in lawn bowls disabled triples. Neville performed brilliantly, winning a bronze medal in this event.

Other fantastic performances include—and I know that some members on this side are particularly enamoured of her—Tatiana Grigorieva, who won the gold medal in the women's pole vault, vaulting a Commonwealth Games record height of 4.35 metres. Under the direction of Australian track coach and SA Sports Institute cycling coach, Ian McKenzie, Australia set a world record in winning gold in the men's 4 000 metres team pursuit. South Australian cyclist, Luke Roberts, along with Graeme Brown, Peter Dawson and Mark Renshaw clocked 3 minutes, 59.583 seconds to defeat England in the ride-off for the gold and silver, beating Germany's world mark of 3 minutes, 59.710 seconds set in Sydney at the 2000 Olympic Games. It is only the second time in history a team was ridden below the four minute barrier.

After the gruelling Tour de France campaign for the French cycling team, Credit Agricole Stuart O'Grady showed his experience and outstanding endurance by winning the gold medal in the Commonwealth Games race event in a great display of team road racing. Outstanding youngster, Jobie Dajka, along with Sean Eadie and Ryan Bailey, won a gold medal in the men's cycling team sprint and was awarded the bronze medal in the men's individual track pursuit.

The Australian netball team, which included star South Australians Kathryn Harby-Williams, the captain, Rebecca Sanders and Peta Squire and who were supported by Alex Hodge and Jacqui Delaney, recorded another dramatic netball championship victory over arch rival New Zealand—and one has to feel sorry for New Zealand—in winning gold and retaining the Commonwealth Games title. Australia won 57-55 in extra, extra time. Not even the television commentators were aware that the first team to have a two goal lead would win the gold medal, probably making the game even more exciting than if we had known.

The Australian women's table team—Miao Miao, Jiang Fang Lay and South Australians Tammy Gough and May Cho—toppled second seed Canada to reach the final against Singapore and bring home a silver medal in what was the first table tennis competition at a Commonwealth Games. Craig Victory, too, was a major contributor in Australia's Commonwealth Games hockey campaign, scoring eight goals for the tournament and scoring a goal in the gold medal final against New Zealand as Australia won 5-2. Adelaide teenager Jacqui Dunn was the rising star of the Australian women's gymnastics team, which one gold in the team competition, along with Stephanie Morehouse, Alana Slater, Alexandra Croak and Sarah Lauren. Jacqui also won a bronze medal in the beam competition.

We must also thank all the coaches and support staff and officials who have been significant contributors to an Australian team, of which we are all very proud—well done! Congratulations to all the athletes, in particular to the South Australian athletes, for a wonderful performance at the Manchester Commonwealth Games. You are indeed the toast of South Australia for what you have achieved.

Mr SCALZI (Hartley): I wish to rise and support this important motion put to the house by the member for Newland. It is ironic, when we have been talking about competition of another kind, to note that this is competition where there is a level playing field. In sport, South Australia and Australia have done particularly well, where we are able to achieve one of the best results ever. It was the largest Australian Commonwealth Games team ever to represent Australia at the Commonwealth Games, with over 520 athletes and officials, with competition in 19 sports over the 11 days.

The Hon. M.J. Atkinson: Where is the irony?

Mr SCALZI: Obviously, the fact that the Attorney-General interjects means that he knows there are comparisons to be made.

The Hon. M.J. Atkinson: You said you were introducing an irony; I was waiting for it.

Mr Snelling: I think you mean coincidence.

The Hon. M.J. Atkinson: Maybe you mean paradox.

Mr SCALZI: That is one area in which I cannot compete with the honourable member, that is, in the English language.

Members interjecting:

Mr SCALZI: How many other languages does the honourable member speak? Is it English, Gaelic? I cannot claim to speak perfect Italian, either, but there you are. But I do know something about other languages. However, going back to the point, it is great to see that Australia, with a small population, does so well, not only in the Commonwealth Games but in other world competitions; indeed when we look at the Olympics, and at the most recent soccer tournament held in Adelaide at the fabulous Hindmarsh Stadium. So I think it is important to note the achievements of our athletes, and particularly the South Australian athletes Tatiana Grigorieva, Brooke Krueger—

Members interjecting:

Mr SCALZI: They are Australian now, so I am pronouncing it in Australian. There are: Viktor Chistiyakov, Stuart O'Grady, Jobie Dajka, Luke Roberts, Nicole Boukaram, Carmel Bakurski, Craig Victory, Arrienne Wynen, Neville Read, Andrew Smith, Jacqui Delaney, Kathryn Harby-Williams, Alex Hodge, Rebecca Sanders, Peta Squire, Sarah Ryan, May Cho, Tammy Gough and Chris Rea. There are also all those other people who were responsible for getting that excellent team representation from South Australia. Although we do not mention the people who are responsible, there are the families of these athletes who really sacrifice a lot for many years, as do the coaches. I would also like to put in a plug for the teachers of these athletes.

An honourable member: They are called coaches.

Mr SCALZI: Well, yes, coaches, but there are also school teachers who encourage these athletes. Often they are both teacher and coach. Those of us who have been involved in education know very well the extra time and dedication put in by a lot of teachers to support young people in sport as well as other areas. So, it does not just happen. It takes a long time to get to that level of achievement.

A welcome and a reception for our athletes were held in Rundle Mall and at the Adelaide Town Hall to honour their achievements, and it was fitting that state government members of parliament, members of the Adelaide City Council, the Premier and Alfred Huang were there. There is certainly bipartisan and tripartisan support for and pride in our athletes. Regardless of one's political persuasion, when South Australia does well, we all do well. It is important to celebrate and recognise these athletic achievements. The competitive spirit is an example of what dedication can achieve over the years. I will now give other members an opportunity to congratulate our South Australian athletes who did so well at the recent Commonwealth Games in Manchester.

Mr O'BRIEN (Napier): I rise to support the member for Newland's motion. Most aspects of our quite significant sporting prowess at the Commonwealth Games in Manchester have been explored. It is fitting that we recognise the sporting success of our athletes. We perform extremely well on the international stage and, to use sporting parlance, punch well above our weight.

In recognising the sporting success of our athletes, we should also recognise the enormous amount of dedication that these young people put into their sports. I think that we tend to forget that, behind every success or near success and behind every loss and every disappointment, there are many years of work on the track, in the swimming pool, on the diving board and on the gym and judo mats, besides the tedium of getting up at 4 a.m. or 5 a.m. to do the several kilometres in the pool or the work out on the track.

There are also the many hours spent with their coaches perfecting the starts from the sprinting block, the turns in the pool, the perfection of the various swimming strokes and dives and the hours in front of the video working out what went right and what went wrong. We see a person in the pool outperforming his or her rivals, and we tend to forget that this is the product of three or four years of very intense training.

In recognising the amount of dedication that our young athletes put into their sports, we also recognise that many of them have great personal obstacles to overcome. At the Commonwealth Games, we had the situation of Cathy Freeman, one of our best athletes, having to confront the fact that her husband, Sandy Bodecker, was back in Australia battling throat cancer. There was Sarah Ryan, a 100 metre freestyler, still battling with depression, which is something that she has had to deal with for many years, and Maria Pelke, our gold medal judo winner, having to come to grips with the fact that her very close friend had died in an aeroplane crash a few days before her event. So, in recognising the success of our athletes, we should pay great tribute to the amount of dedication, effort and hard slog that has gone into their achievements.

We should also recognise the great disappointment of those who have put in equal effort but, for myriad reasons, have been unable to fulfil their dreams. We should also recognise that, behind every success or failure on the track, there are young people having to come to grips with a myriad of personal problems. In supporting the motion, I pay tribute to a great group of young Australians.

Mr GOLDSWORTHY (Kavel): I support the member for Newland's motion. I extend my very sincere congratulations to the entire Australian team that went to Manchester to represent our country at the Commonwealth Games; they made our nation extremely proud. They exhibit our very strong national pride and are an example of this country's outstanding sporting achievements over many decades.

Unfortunately, I was unable to attend the state reception hosted by the Premier in Rundle Mall and at the Adelaide Town Hall due to sickness, and was therefore unable to pass on my personal congratulations to two ladies who happen to be constituents of mine. I speak of Ms Tammy Gough (who lives at Houghton in my home district) and Ms Kathryn Harby-Williams (who lives at Gumeracha), both of whom are very fine ladies who did our country extremely proud at the Commonwealth Games.

Ms Gough won a silver medal in the women's table tennis competition. Articles have appeared in the local Hills *Courier* newspaper, highlighting Ms Goughs' and Mrs Harby-Williams' achievements. One of the articles states:

> Ms Gough, who is currently the country's number two female table tennis player, said her aim was to eventually be Australian number one and then progress to become one of the world's best.
>
> 'I've come runner-up Australian women's champion three times in a row and my first aim is to take that next step as Australian champion,' she said.

I certainly want to congratulate Ms Gough and pass on my encouragement to go on to achieve those goals. Everyone has to have a goal in life if they are to move forward. Ms Gough obviously has a goal, and I give her all my encouragement to achieve it.

Ms Kathryn Harby-Williams is a well known South Australian. She captained the Australian netball team, and she has been a tremendous ambassador not only for South Australian netball and sport in general, but also for Australia as a whole. She is a very well known lady, and she does this state and the nation proud. I want to congratulate her on her outstanding success over many years. She really is an Australian identity.

Some members would have watched the netball match on television when Australia played New Zealand for the gold medal and they went into what they call super extra time, or whatever the term is. Even the commentators did not understand how the time went: it depended on which team got two goals in front as to which team won. Anyone who watched that game was sitting on the edge of their seat in anticipation because, as members well know, the scores were

level at one stage; then New Zealand would get a goal in front and then Australia would score a goal; and the score see-sawed for a number of minutes. It was not until Australia was able to get two goals in front through sheer commitment, motivation, dedication to the cause that the team was able to succeed and win the gold medal. Obviously listening to what the coach had to say to them, as well as hours, weeks and months of dedicated training, was the deciding factor in the win. It was the icing on the cake that our Australian women's netball team won that gold medal and really capped off what was a tremendous campaign that was conducted in Britain.

The Hon. M.J. Atkinson: You were going to be brief.

Mr GOLDSWORTHY: I think I have been reasonably brief, Michael. If you did not continually interject, I might be a little quicker. As I said, nothing is achieved unless you put your mind to something and dedicate yourself to it. I think we could draw a slight parallel with people who have been successful in winning a seat in this parliament. Most of us have certainly dedicated ourselves to the cause in terms of campaigning hard to win our individual seats.

The Hon. D.C. Kotz interjecting:

Mr GOLDSWORTHY: That's right; the member for Newland says that it takes time and effort, and it certainly does. If our sporting champions or anyone who undertakes a sporting activity wants to achieve and do their best, they have to apply themselves and show commitment and discipline. That is what our athletes at the top level of the country do: they really sacrifice their life. The member for Napier previously said that people get up at 3 and 4 o'clock in the morning to go the swimming pool to lap out in preparation for the competition. Nothing is achieved without hard work and commitment.

In drawing my remarks to a close, I must say that, over the years, Australia as a nation has overachieved in many areas. We continually punch above our weight, and obviously that is as a result of our dedication, our nature and the way in which we go about things as a people; and that is obviously evident in the sporting achievements of our commonwealth athletes. I certainly have much pleasure in supporting the motion moved by the member for Newland.

Mr MEIER (Goyder): I, too, support this motion and thank the member for Newland for moving the motion congratulating the Australian athletes on their outstanding achievements and, in particular, acknowledging our home town South Australian athletes. It was wonderful to see the performance of our athletes in Manchester and, in my opinion, incredible that Australia should do so well. To win a record 206 medals is something that I did not think would be possible when we competed overseas, in fact virtually on the other side of the world. We in Australia have come to expect that we will do pretty well, but when we must take all our trainers and staff, and keep the athletes' minds focussed on the job, it is truly a record achievement in every sense of the word, with 82 gold medals, 62 silver and 62 bronze medals being won.

When one thinks that we were competing against countries such as England, India, Canada, South Africa and Malaysia, all of which have populations far in excess of ours, it shows that South Australia truly has progressed in a way that few countries have in their sporting achievements. I guess we could say in a new sense, therefore, that Australia really is the lucky country: lucky from the point of view that we are able to afford the privilege of being able to put a lot of our monetary assets into the sporting arena.

I think all members would be aware that in our secondary and tertiary institutions sport has become far more important. It is now commonplace to obtain degrees in sport; in fact, I think they are known generally as a degree in human movement and are part of a bachelor of arts degree. In earlier times, it was a degree in sports science.

When members think of the number of specialised sports institutions we have in this state and around this country, they will realise that there is a great future for people who have undertaken those degrees. There are lots of jobs available, and I believe that opportunities will increase. I had worries about it some 10 years ago and questioned why people were going down that track, thinking that it is not something that would have a great future. However, I was wrong, and it looks as though sport is becoming more and more a professional activity. I say that from the point of view that our lifestyle is also such that we are increasingly less able to do physical activity during the normal part of the day. Desk jobs are probably the most predominant and, even if it is not a desk job, every-day industrial type jobs do not require very much movement, so gyms and sports centres have become increasingly important as they offer the opportunity for people to exercise on a regular basis.

Of course, that is helping the overall health of our nation, too, and should be actively encouraged. For example, some of the new gyms around the place (and I highlight the Next Generation at Memorial Drive) are being supported in a way that probably even the developers did do not think would occur compared to, say, other states in Australia. Whatever the case, I was delighted for our athletes. It is worth mentioning that an article in the *Advertiser* on Wednesday 14 August by Bronwyn Hurrell certainly captured the feeling of South Australians. The article said:

> It was a loud and proud welcome for our quiet achievers. Apart from our world-beating netballers, the ranks of South Australians who went to the Manchester Commonwealth Games mostly represented the country in some of the lower profile sports on the program.
>
> But they came back with 20 medals for their state and country—and yesterday were the toast of an appreciative town.

Certainly, I concur with those remarks. I refer also to the editorial in the *Advertiser* on the same day which is entitled 'A welcome home and I bit extra' and which states:

> To anyone who knows SA, the crowd which thronged Rundle Mall yesterday to welcome home the state's Commonwealth Games champions was only to be expected.
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> Geographically and politically, this is a state within a federation. In all other ways, it is a community of people and an enthusiastic welcome home party is one of the features of a good community with its heart in the right place.

Again, those words are aptly chosen. The next thing we have to look forward to is increasing competition. We look forward to the Commonwealth Games in Melbourne in March 2006, and without doubt we will be seeking to increase our medal tally, but I suspect that other countries are looking at Australia and asking why we are doing so well. They will be trying to match some of our behind the scenes work as well, but I have full confidence that we will continue to lead the way with our sports men and women. Congratulations to all Commonwealth Games athletes.

Motion carried.

FESTIVAL CUP

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

That this House congratulates the Soccer Federation on the tremendous success of the Festival Cup held at Hindmarsh Stadium

and acknowledges the efforts of the organisers, sponsors and supporters and, in particular, the under 20-year-old participants from Australia and countries across the world who contributed to the success of this inaugural soccer festival.

I must say it is a pleasure to see you in the chair, Mr Deputy Speaker. The staging of the Festival Cup 2002 tournament was the result of many hours of planning over three years. The organisers have travelled many kilometres during that time to ensure that they had the best soccer teams in the world participating. The organisers of the Festival Cup 2002, Glen Dods and Mike Kennedy, have long held the belief that this country is starved of international club competition, with the philosophy that bringing high profile teams to this state will stimulate young soccer players, both boys and girls, to either take up the sport or continue as they get older, and also that it will provide a memorable experience for the soccer public.

I am told that the idea for an international festival cup was conceived by its chairman, Glen Dods. Glen is a former international and New Zealand soccer player and coach of the South Australian Soccer Institute under 17 team. He has also played for many years with Adelaide City as a defender and in the past five years has been involved with the Adelaide City juniors. The enormous effort over that three-year period finally paid off. The inaugural Festival Cup took place recently, where some of the best under-20 soccer players in the world showed Adelaide their strengths and talents in the exciting matches that were played in our world-class soccer venue, Hindmarsh Stadium.

The Festival Cup 2002 invited international teams for the inaugural tournament. The eighth team of elite young players was the Australs. They are the pick of under-19s from New South Wales, Queensland, Victoria and South Australia, most of them coming through the soccer sides of the sporting institutes in their respective home states. The seven international teams came from universally acclaimed clubs overseas: Ajax from the Netherlands, Juventus from Italy, Vasco da Gama from Brazil, Glasgow Rangers from Scotland, Newcastle United from England and Bayern Munich from Germany. There was also the Chinese team, Shandong Huneng. I caught up with the Socceroo coach, Frank Farina, at the midweek promotional luncheon for the Festival Cup, and Frank was both enthusiastic and supportive and saw the Festival Cup as a fantastic concept that could only benefit Australia's standing in world youth soccer.

The event started on 3 August with double headers played on each of the nine match days, with only one rest day. The final was decided on Sunday evening. The Australian team, the Australs, and the Scottish team, Glasgow Rangers, played quite an exciting, closely contested final. The Rangers won the final 4 goals to 3 on penalties, after the scores were locked 2-2 at the end of extra time. I know that the member for Hartley was quite taken with and excited by the whole presence of these teams playing and was most disappointed that the Australs did not win for Australia. This was a certain irony for me as well, watching a final between Australia and the Glasgow Rangers. I was born in Glasgow, and my father was very passionate in his support for the Glasgow Rangers; however, I will not take that any further.

I congratulate the Glasgow Rangers on their determined and skilled focus that won the tournament for them, and congratulate the organisations and individuals who maintained support for the organisers Glen Dods and Mike Kennedy to bring quality international soccer teams to Australia. I acknowledge Vic Zerella and Michael Petrillo of the Italian Centre, George Konstandopoulos and Peter Lang of Hindmarsh Stadium, as well as the South Australian Soccer Federation and the state government departments of recreation and sport and tourism. I also recognise and acknowledge the contribution of the Multicultural Communities Council of South Australia and Les Avery of Soccer Australia. I trust that members of this house will join with me in wishing the soccer industry future success in growing this tournament in particular to certainly rival and surpass larger, established tournaments.

Ms CICCARELLO (Norwood): I would also like to speak to this motion, but in doing so I would specify that rather than congratulating the Soccer Federation I would like the house first and foremost to congratulate the Festival Cup committee, specifically Mike Kennedy and Glen Dods, on the tremendous success of the Festival Cup that was held at Hindmarsh. I also acknowledge the efforts of all the organisers, sponsors and supporters and in particular the under 20-year-old participants from Australia and countries across the world who contributed to the success of this inaugural soccer festival. The member for Newland has pointed out that we had a wonderful selection of more than seven teams including Ajax, Holland; Bayern Munich, Germany; Juventus, Italy; Newcastle United, United Kingdom; and Glasgow Rangers, Scotland. As the member for Newland says, she was obviously very happy that in the final she could have had a bob each way as to which team she would like to see win. There were also Vasco da Gama from Brazil, Shandong Luneng from China and Australia's Australs.

It was pleasing to see that at the inaugural event we had approximately 22 000 people attending the final. Perhaps it would have been nicer to have a few more participants, because the organisers certainly put a lot of effort and money into organising this event and we had such good quality players who I am sure in the future we will be seeing play in their A grade teams in their own countries. It would have been nice to have a full stadium for these future champions. In what was undoubtedly the best game of the tournament, the Rangers triumphed over the Australs 4-3 in a penalty shoot-out. I always hate seeing games decided on penalty shoot-outs, and I know that on a couple of occasions several years ago in my country of birth it was disappointing to see Italy miss out on the World Cup and the European Cup on penalty shoot-outs. It must be devastating for the players, and I suppose there has to be some way of deciding, but I would rather see another game organised than the penalty shoot-out.

The Festival Cup is a truly unique event because it has a focus on youth and young adults and, as I said, many of the players that we saw in action throughout the tournament will be the next generation of elite soccer players. After the Olympics, it was the first major soccer event to be held at Hindmarsh Stadium, and we can only hope that there will be many more soccer tournaments there. We all know that events of this nature cannot take place without the support of dedicated volunteers and individuals, and I also acknowledge the contribution made by the SA Soccer Federation, the stadium management teams, organisers and their staff, and the support provided from the corporate sector.

It is also important to acknowledge the support of the Multicultural Communities Council and the many local communities that were involved in organising this great event. It was great to see our rich cultural diversity reflected in the event's opening ceremony, as well as throughout the event itself.

As to soccer in Australia generally, despite the fact that the recent World Cup finals showed that there was a true market for the sport in this country and that it is a multibillion dollar business around the world, Australia remains a poor outpost of the sport. More than 100 Australians play professional soccer around the world, but we do not have the opportunity to really follow the game as well as we could. Most of the National Soccer League's 13 clubs are struggling and, in its 25-year existence, the National Soccer League has had more facelifts than Phyllis Diller, and sometimes I think it has been just as futile! We cannot even unite on a World Cup bid, an event that would rival and possibly exceed the Olympics in terms of potential financial benefit and worldwide exposure.

With over 3.5 million people tuning in to the World Cup final, we know that the sport can succeed in this country, but real solutions are needed. State and federal politicians can play a part. The priorities have to be a well-run organising body, a sound domestic league and a national team that has a genuine life. There is not much point building a new stadium when it cannot be filled. While on the subject of the World Cup, we need to remember that FIFA, the sport's international governing body, requires stadiums used for World Cup matches to have a minimum capacity of 40 000 and, at the moment, that is twice the capacity of Hindmarsh.

Without addressing all these problems, the Festival Cup, excellent as it has been, might represent at this stage the upper limit of quality soccer in this country. Australian soccer fans have been starved of quality soccer for so long and they deserve much more, so I hope that some work can be done very quickly on reorganising soccer in Australia, because it is truly a world game and a wonderful spectator sport. It would be an economic boon for the country if we were able to get the World Cup here, whether it be in 2014 or 2018. The most important thing is that we need to have a strong local competition and we need people to get behind it. With that, I congratulate the organisers of the Festival Cup and wish them well. I know that their plans are already under way for the event in 2003, and I hope that it will have much greater success and participation.

Mr SCALZI (Hartley): I, too, wish to make a brief contribution on this very successful tournament of the inaugural Festival Cup. Members would be aware of my love for real football—soccer. We are talking about the world game. I take nothing away from the other codes, but there is something about soccer, and I am sure a lot of members experienced the feeling of participating in the world game during the recent World Cup. I saw some of the most ardent Australian rules supporters walking around with rings under their eyes from watching the games. There is hope for soccer.

As the member for Newland said, the seven international teams came from countries that have an excellent reputation in soccer: Ajax from the Netherlands; Juventus, Italy; Vasco da Gama, Brazil; Glasgow Rangers, Scotland; Newcastle United, England; Bayern Munich, Germany; and the teams from Shandong Huneng in China. During the penalty shootout in the final, I was waiting outside; I went close to the field, and it really hurt to see the Australs go down. Nevertheless, it was an excellent match, and to see soccer played at this level at the fabulous Hindmarsh Stadium was great. It is one of the best stadiums to view soccer. The critics say that it can be played at Football Park and Adelaide Oval, but it is not the same. Soccer needs that type of stadium and, at Hindmarsh, as we found out from the success of the recent Olympics tournament and with other international matches, it is a great stadium to see the world's game.

It is important to note that we have trade agreements with Shandong in China. When people talk about the world game, sometimes it is important to have those international links that are so vital in the promotion of trade and other important relations between countries. Sport does that, and soccer does it particularly well. I look forward to the day when we have an Australasia cup, in which Australia competes against China, Japan, Malaysia, Indonesia and New Zealand. Imagine what benefits that would bring, not only to soccer but also to our relations with our neighbouring countries.

It is important to get our young players to compete at this level. There is no question that we are succeeding. Not many members would know that well over 100 players from Australia compete at the top level in countries such as England, Scotland, Italy, Germany and France. A lot of them come from South Australia. The Festival Cup and tournaments like it will ensure that more of our top players will be able to compete on the international stage.

I, too, acknowledge the hard work over the three years that has been put into the Festival Cup by Glen Dods and Mike Kennedy, the promoters, from the soccer institute, and the Soccer Federation, which has been involved in coordinating with them this great spectacle that we all enjoyed. I believe that a lot more will come out of these types of tournaments, and I look forward to seeing more of them because it is really exciting to see the young players, who do not hold back at all. It is indeed a fast game and one that is very much enjoyed.

I congratulate the Glasgow Rangers on taking out the cup. As I said, it did hurt to lose on penalties, but I thoroughly enjoyed watching the match. I think it is important to congratulate the sponsors, the people who put in the money to make sure that it happened. I know that a lot of the supporters of the Festival Cup are small businesses that have stuck with soccer through the difficult times and supported it. So, congratulations to them on their continuing support of soccer. Congratulations also to the organisers, to Soccer SA, the Soccer Federation and Soccer Australia on being involved. Frank Farina is a great coach of the Australian team, and I look forward to seeing how well the national soccer team does in Germany.

Motion carried.

FOOTBALL HALL OF FAME

Ms CICCARELLO (Norwood): I move:

That this house congratulates the South Australian National Football League and the 114 recipients who were inducted into the inaugural South Australian Football Hall of Fame.

I think I will be sported out by the end of the day! We have spoken about the Commonwealth Games, my one love soccer and then my passion, the Australian game of football. The South Australian Football Hall of Fame was launched last Tuesday evening at a black tie event at AMII Stadium to recognise and enshrine players, coaches, umpires, administrators and journalists who have made a most significant contribution to the game of Australian Rules football in South Australia since its inception in 1877, just one year before the great Norwood Football Club was formed, in 1878.

At one of the biggest gatherings of South Australian football greats, 85 players, eight coaches, six umpires, 12 administrators and three media representatives who have shaped Australian football at all levels were officially recognised in the inaugural South Australian Football Hall of

Fame. The Hall of Fame selection committee, comprising past football greats such as Barrie Robran, Neil Kerley, John Halbert, Peter Carey, Dave Boyd, Bob Hank, umpire Murray Ducker, Max Basheer and one of South Australia's greatest sporting journalists, Michelangelo Rucci, to name a few, worked together to select the inaugural inductees who have been honoured for their contribution to the game of football in this state.

The Hall of Fame inductions were separated into five distinct areas of South Australian football: 'the pioneer years' from 1877 to 1900; 'growing the game' from 1901 to 1930; 'the golden years' from 1931 to 1960; 'finding greatness' from 1961 to 1990; and 'going national' from 1991 onwards. The 'pioneer years' had five inductees: John Acraman, Anthony (Bos) Daly, John (Bunny) Daly, John (Dinney) Reedman and former Norwood captain A.E. (Topsy) Waldron, whose great niece, Susan McCreery, responded for this group of inductees.

There were 23 inductees from the 1901 to 1930 'growing the game' era, which saw former Crows captain Chris McDermott respond for his late grandfather's, and former Port Adelaide great Leslie Dayman's, induction into the Hall of Fame. I have the full list of the names of players inducted into the Hall of Fame from this era, although I am not sure whether I can have it incorporated in *Hansard* without my reading it.

The SPEAKER: No, it is not possible to incorporate such things. Standing orders only allow for the incorporation of statistical tables.

Ms CICCARELLO: Thank you, Mr Speaker. Then I will read the names into the record. They include: Alby Bahr, Leslie Dayman, Percy Furler, Frank Golding, Jim Handby, Henry Head, Shine Hosking, Tom Leahy, Percy Lewis, Alick Lill, Tom MacKenzie, Bruce McGregor, Frank Marlow, Hugh Millard, Dan Moriarty, Harold Oliver, Jack Owens, John Quinn, Len Sallis, Walter Scott, Jack Treadrea, Syd White and John Woods.

Glenelg leading goalkicker Colin Churchett, Port Adelaide legend Fos Williams, and former Norwood player and coach Doug Olds were just three of the 30 inductees from the 1931 to 1960 'golden years' era. Triple Magarey medallist Lindsay Head accepted on behalf of the inductees for this category. The full list of players inducted into the Hall of Fame for that section includes: John Abley, Ken Aplin, Dave Boyd, Colin Churchett, Allan Crabb, Neil Davies, Jim Deane, Brian Faehse, Ken Farmer, Len Fitzgerald, the wonderful Bob Hank, Neville Hayes, Lindsay Head, Ned Hender, Thomas Seymour Hill, George Johnston, Ray Kutcher, Ian McKay, John Marriott (another great Norwood legend), Bob McLean (also formerly from Norwood), Geof Motley, Max Murdy, Doug Olds, Ron Phillips, Bob Quinn, Bernie Smith, Laurie Sweeney, Frank Tully, Ted Whelan and, of course, the great Fos Williams.

Malcolm Blight and Don Roach responded for the 50 inductees from the 1961 to 1990 'finding greatness' era. In this category, it was Jack Oatey and Robert Oatey, names synonymous with South Australian football and, of course, the Norwood Football Club, who became the only father-son combination to be inducted into the Hall of Fame for incredible contributions in the playing and coaching arena. Other greats to be inducted for their contributions in this era include: Norwood player and coach Michael Aish, Woodville and North Melbourne player and AFL coach Malcolm Blight, former Port Adelaide player and coach Jack Cahill, Norwood player and coach Neil Craig, Sturt great John Halbert, West Adelaide and Glenelg player Neil Kerley, and North Adelaide's best and fairest and triple Magarey medallist Barrie Robran.

The full list of players inducted into the 1961 to 1990 era include: Brenton Adcock, Merv Agars, Michael Aish, Paul Bagshaw, Barrie Barbary, Fred Bills, Malcolm Blight, Don Brebner, Haydn Bunton Jnr, John Cahill, Peter Carey, Graham Cornes, Neil Craig, Peter Darley, Rick Davies, Robert Day, Murray Ducker, Russell Ebert, Ken Eustice, Tim Evans, Des Foster, Michael Graham, John Halbert, Bob Hammond, Kym Hodgeman, Lawrie Jervis, Neil Kerley, the great Ron Kneebone, Bob Lee, Don Lindner, Peter Marker, Peter Mead, Mark Naley, Michael Nunan, Jack Oatey and Robert Oatey (two Norwood greats), Greg Phillips, Fred Phillis, Jeff Potter, Michael Redden, Colin Richens, Don Roach, Barrie Robran, Rick Schoff, Gordon Schwartz, Ralph Sewer, Bob Shearman, Michael Taylor, the legendary Bill Wedding and Paul Weston.

Also, congratulations go to Grantley Fielke, Stephen Kernahan, Chris McDermott, Tony McGuinness, Mark Mickan and John Platten for their induction into the 1991 and onwards 'going national' category of the Hall of Fame. Glenelg and Carlton premiership captain Stephen Kernahan accepted for the six inductees from this era. I would like to congratulate the 114 players, coaches, umpires, administrators and journalists who have been inducted into the inaugural South Australian Football Hall of Fame.

The Hall of Fame is, in Max Basheer's words, one of the highest honours that can be bestowed on a person for contributions to our great game. I am pleased to hear that the Hall of Fame is the first step towards establishing a museum of South Australian football in the new northern grandstand at Football Park which will more firmly etch the names of these and future Hall of Fame inductees into our state's sporting history.

I am pleased that the South Australian Football Hall of Fame committee will, on an annual basis, consider further inductees based on eligibility to add to this elite list of people who have contributed to our game as South Australians. So, congratulations again to the South Australian National Football League for its commitments to developing the South Australian Football Hall of Fame, and to the 114 players, coaches, umpires, administrators and journalists who have been recognised for their significant contribution to football in this state. I look forward to when, in a couple of years' time, the great and legendary Gary McIntosh, the best coach and most handsome player in the world, and current coach of Norwood, will be inducted into the Hall of Fame!

Dr McFETRIDGE (Morphett): The other game of football was mentioned a few moments ago, but this is the real game of football. This is action at its best. What did we see the other day? We saw teams from all over the world coming to play Australian Rules football. It gives me great pleasure to support this motion. The South Australian National Football League is an organisation that deserves our support. We should be supporting local football at all times, and I go to watch Glenelg play as often as I can. Unfortunately, Glenelg is not going quite as well as we might like, but just watch this space. To read the names of the great West Adelaide and Glenelg players amongst the 114 people inducted into the Hall of Fame is something that brings joy to my heart. I just wish that I were one of those. I played in the under 12s for Salisbury, but that is as far as I got, unfortunately.

It is great to be able to support this motion in this place and congratulate not only the players but also the umpires and the officials, because without the officials there could be no teams, and without the umpires there would be no game. We give the umpires a fair whacking every week and we look for their guide dogs because sometimes some of the decisions are a bit suspect, but without them there would be no game. Certainly, we have some fantastic athletic players and, if I had my way, the SANFL would be an Olympic sport. The fantastic athleticism, the roughness and toughness are all in this game, and certainly these players deserve to be in the Hall of Fame. I support this motion.

Motion carried.

MEMBER FOR UNLEY

The SPEAKER: The member for Unley wishes to be heard in apology.

Mr BRINDAL (Unley): Yes, Mr Speaker, I wish to make a personal explanation.

The SPEAKER: Order! Before the member can make a personal explanation, will the member resume his seat. I draw the member's attention to standing orders 137 and 139. Yesterday, during the proceedings in which the member was named for an offence immediately identified to the house, the member persisted with unparliamentary conduct, as identified under standing order 137. This order states in point 4:

> If any member, having used unparliamentary language, refuses to either explain its use to the satisfaction of the Speaker or to withdraw it and, if necessary in the opinion of the Speaker, apologise for its use, the Speaker names the member and reports the member's offence to the house.

Under standing order 139, when a member has been named by the Speaker, the member has the right to be heard in explanation or apology, but the choice is not the member's. I am now directing the member that before he can be heard in any personal explanation of this or any other matter, he must apologise in appropriate terms to the house for his misdemeanour.

Mr BRINDAL: I sought leave to make a personal explanation solely for the purpose of fulfilling your wishes yesterday. The only way I know to get to my feet and ask for the house's attention is to crave the house's indulgence while I make a personal explanation. That was the vehicle by which I was going to fulfil your wishes, and none other. Mr Speaker, I note your comments when I left the chamber yesterday in relation to standing order 137, to be found on page 39. I studied that standing order and I studied the proceedings yesterday. Mr Speaker, you know that I cannot comment on any matter relating to the debate and that you have asked me to apologise for my conduct during the debate. I have no desire, Mr Speaker, to engage either you or this house in a matter which is unedifying for this house. You have required my apology; I therefore apologise.

The SPEAKER: I invite the member to do a little better than that. The appropriate contrition is that the member shall withdraw, acknowledge that the behaviour was a gross abuse of the trust that he has here and, in so doing, assure the house that he will not knowingly, in any sense, commit such an offence again. On that basis, I, as Speaker, would be willing to accept the apology; otherwise, the member knows the remedy.

Mr BRINDAL: Mr Speaker, you ask that I apologise unreservedly: I have done so. I can try to be contrite and I can try in the future not to repeat my actions. But it is a very foolish man who can ever state categorically that he will under no circumstances ever transgress again.

The Hon. M.J. Atkinson: Would you withdraw the—

Mr BRINDAL: I have apologised unreservedly, as the Speaker requires.

The SPEAKER: I have asked the member to withdraw, and I insist that he does so; if he does not, I shall allow the house to persist with the proposition that I will put to the house that I do not accept his apology. Does the member withdraw?

Mr BRINDAL: Could the Speaker please help me? Mr Speaker, your remarks were that I had to apologise unreservedly for my conduct—

The SPEAKER: And withdraw.

Mr BRINDAL: Withdraw what, Mr Speaker?

The SPEAKER: The offence, the remarks and the conduct: that on reflection, were it in your power to do so, you would never have done it.

Mr BRINDAL: Mr Speaker, certainly, I withdraw any comments I made during the course of that debate.

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

> That the member's explanation and apology be accepted.

Motion carried.

The SPEAKER: Before I leave the matter, if members wish to understand what the office of Speaker is required to provide to the house, I invite members to consult a tome written by Philip Laundy if they do not believe the standing orders appropriate or Erskine May adequately explicit, but leave room in their mind for ambiguity. They might like to consult the reference to which I have drawn their attention.

WORLD CONGRESS ON INFORMATION TECHNOLOGY

Adjourned debate on motion of Hon. D.C. Kotz:

> 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.

(Continued from 15 August. Page 1075.)

Ms THOMPSON (Reynell): I am pleased to speak on this motion, although I am a little surprised that I see it here, given some of the issues associated with the highly successful World Congress on Information Technology. Indeed, it was an important event. It was good to see the extensions to the Convention Centre being used in such a fine way and it was wonderful to see so many delegates from all around the world coming to join us in Adelaide to consider information and communications technology which, of course, we all know is so important to our lives in the future and to the future prosperity of this state, which will have to rely increasingly on its brain power to preserve its quality of life and its economic future.

I want to put on record some of the successes of the World Congress. I am pleased that I have now heard from the minister that, remarkably, it did make a small profit. This is indeed remarkable when one considers that four months before the World Congress was held, there was real concern that it may not be able to go ahead because of the gross events on 11 September and the fears that so many people

held about world travel. However, about 2 000 delegates did attend, with delegates coming from 55 countries. Eighty nine percent of the overseas delegates originated from the Asia-Pacific region; 8 per cent from the Americas; and 5 per cent from Europe and Africa.

The event was an important catalyst for the local IT industry, and the government is committed to working with the South Australian IT Council and industry leaders to ensure that the state fully capitalises on the outcomes from the congress. A working party is now developing a strategy paper to this end.

The World IT limelight is still focused on Adelaide as the World Congress host city until 19 May 2004, when the 14th World Congress on IT commences in Athens, Greece. I am sure we all wish them well and would offer our assistance if needed in terms of the organisation of any event, because we know how well South Australians organise important international events.

I am told by those who attended the congress that it was an excellent opportunity for the local IT industry to showcase their wares, and that many delegates were really quite congratulatory on the state of the IT industry in South Australia—so much so that some of them have returned to Adelaide and are now working in Adelaide; others are developing long-term industry opportunities with our local industry.

However, the reason I was a bit surprised to see this motion on the agenda is that it did give us an opportunity at this time to talk about the unfortunate behaviour of the previous government. There we were with the World IT focus on Adelaide, and we had to have separate briefings for the outgoing and the incoming governments. We had to have the former president of the United States introducing the Premier-elect and the previous incumbent Premier, which offered much confusion to delegates as to whom they should really talk to. I understand that the former president of the US, Bill Clinton, was quite clear about whom it was worth talking to.

But there were some people who just did not want to give up and accept the reality of what was happening in this state in terms of a change to a government that could really deal with industry in an honest and open way, and tried to hang on in every way they could; maybe they just liked the party.

Another important lesson was to be learnt from this event, and that was that far too many delegates came and went. The event itself had been excellently marketed around the world but, as I said, there was a real risk of its not proceeding due to the travel fears of so many overseas delegates. However, the work from the congress organisers did enable it to succeed, and they are very much to be congratulated.

However, most delegates were unaware that there was a wonderful Festival of Arts and a wonderful Fringe festival happening at the same time. Many were disappointed to discover that they had made their travel arrangements without knowing about these terrific opportunities to enjoy our state, and to enjoy some of the events that we promote so well in terms of the Festival.Those delegates then found themselves having to go home when they would have preferred to stay here and enjoy our cultural offerings and the general hospitality of our state.

This, sir, has led the new Minister for Tourism, who is also the Minister for Science and Information Economy, to look at linking cultural events and conventions, and to look at how every convention can be marketed on the basis of people staying a little longer or coming a little earlier to enable them to really enjoy the offerings of our state.

So, sir, I am pleased to congratulate all those involved in the World Congress on Information Technology—the member for Newland has detailed them well in her contribution—and I am also pleased to report that we have learnt some important lessons from this. This government will continue to work with the local industry to capitalise on the outcomes of the conference, and it will make sure that it gets the most out of having such magnificent events in our state which in turn will bring economic and cultural development to our community.

Motion carried.

SCHOOLS, EASTERN FLEURIEU

Adjourned debate on motion of Mrs Redmond:

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.

(Continued from 15 August . Page 1076.)

Mrs REDMOND: On a point of order, sir, I understand that the Whip may wish to rise on the matter. This matter was adjourned on the previous occasion, and I have already spoken to it.

The SPEAKER: I take the member's point of order. I call the honourable member for Torrens.

Mrs GERAGHTY (Torrens): Thank you, sir. I am happy to speak to this motion. South Australia has become renowned for its part in these races, particularly involving the vehicles that are powered by an alternative energy. The spotlight falls on our state during the World Solar Challenge, the World Solar Cycle Challenge and the Australian National Pedal Prix. I have had a long involvement with the Pedal Prix, although not as much as in past years.

The students from the Eastern Fleurieu School and their self-made Solar Flare cycle first came to prominence by winning the 2001 World Solar Cycle Challenge—one of three such events in the world—from Alice Springs to Adelaide; and I think that is a challenge and a feat in itself.

Thanks should certainly go to the major sponsorship which came from the state government, Holden and the Australian Greenhouse Office. In May, the students took the Solar Flare cycle to the United States in order to race in the 550 km Solar Bike Rayce, which I think must have been exceptionally exciting for them. I am sure that they learnt a great deal while they were there.

As I understand it, the team not only won but blitzed the competition, including the Illinois-based Bloomington High School, which has dominated the student solar racing scene for many years. So, they certainly deserve to be congratulated for that. They finished the road race—from Topeka in Kansas to Jefferson City in Missouri—more than 3.5 hours ahead of their nearest competitor. Their monumentous achievement is an outstanding example of a curriculum activity that is relevant to students and is linked to the traditional areas of study. For some of the students involved it has been the linchpin for remaining engaged in learning; and I hope that many more students will participate so that they do stay engaged in learning.

As I said, the Australian National Pedal Prix, another competition involving students, requires the team to design, construct and race their vehicle for 24 hours and, of course, that vehicle is human powered; some do use solar power to run an electrical engine. I recall the first time I attended the

Australian National Pedal Prix which, I think, was held at Speedway Park, and it was my first opportunity to see these students pedalling like mad going around.

That was with the then Windsor Gardens High School, now the Windsor Gardens Vocational College, which is in my electorate. As I said, they participated for many years and, I might say, incredibly successfully. So, I certainly know first-hand the value of such events for these students. They learn many skills, and one of the greatest skills is team participation; they learn to work with each other.

Many perhaps had some difficulties cooperating, and by working in that team spirit environment they learn the skills of working together and respecting each other's views. They also learn to take a great deal of pride in their work and their own achievements. So, I am very happy to support this motion and I congratulate the Eastern Fleurieu R-12 School on its victory.

Motion carried.

The SPEAKER: Without seeking to influence the course of the debate, members will recognise the importance which I attach to this not only as a life member of the Australian Solar Energy Society but because I have been personally strongly supportive of this program from the moment it was conceived. This school, which is in my electorate, covers the communities on the lakes plains. The greater benefits that this project brings to these students now are: an awareness of the desirability of using alternative technologies where they can and the desirability of thoroughly researching any and all things they wish to do, especially as part of a team, so that they can integrate that research in relation to the object of the project to get the best possible outcome. They can then select a team of people with other competencies (possibly) to take the vehicle (in this case, a solar bike) and drive it through the field to the finish in a way which brings credit to them, their families, the communities of which they are a part, and particularly the school and its name so that all students who have been there feel proud and those who come after will be equally determined to be worthy of having the opportunity to attend this school which has developed such a culture.

To my mind, this is altogether an outstanding example which can be copied elsewhere in many other ways that enhance the value of education in much the same way as the Summer Hill approach to education is undertaken. I thank the house for its attention and for allowing me to put on the record my views without attempting to influence its decision.

GREAT AUSTRALIAN CATTLE DRIVE

Adjourned debate on motion of Mrs Hall:

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.

(Continued from 15 August. Page 1086.)

Mrs HALL (Morialta): In concluding my remarks on this motion, I report that the Outback of this country is already classified (in a tourism sense) as one of the top-10 international destinations—and I am sure that well into the future it will be a must on a holiday shopping list for hundreds of thousands of visitors. The tourism industry sector will continue to develop and the benefits from the marketing initiatives and infrastructure support put in place by the previous Liberal government will be a lasting reminder of what can be achieved.

The employment opportunities in this industry of the future are enormous, and I believe very strongly that the momentum must not be lost. I am extremely proud to have been the tourism minister under a Liberal government, the first government in this country to adopt the concept of the Year of the Outback. The previous government put together a calendar of Outback events, and Australia's major Year of the Outback event, the Great Australian Cattle Drive, is a remarkable achievement.

In addition to congratulating all of those involved, this motion calls on the government to financially support the concept of a similar biennial event in the future. I use the word 'biennial' deliberately. I believe it should be biennial because the personal effort of so many people could not be repeated each year, in addition to which the unique mystique of any future events must be maintained. A future event could feature shorter component packages to relieve staff and organisers from a repeat of 36 days of exhausting (albeit exhilarating) operation every year. Guest drovers could pay for their time between Monday and Friday allowing the weekend for travel to and from, giving the organisers at least 24 to 48 hours off to prepare for another week.

If we are serious about growing tourism, this type of event offers regional South Australia immense employment opportunities. This is a challenge that we must meet. The commitment cannot just be rhetorical: the state government needs to give the lead and encourage the commonwealth also to come to the party. I enjoyed being a guest drover, riding a horse for a few days without, I might say, the ensuing aches and pains and stiffness, although I did receive a rather inappropriately placed bruise on my first day's ride.

In addition, I enjoyed sleeping in a tent and the occasional ice cold beer with a few good reds, great food and great company, especially at night around the campfire when the debate got serious about the origins and the destination (including the intent) of the bright shooting stars. The Great Australian Cattle Drive was memorable in a real sense and exceeded my expectations of an experience of a lifetime. It was in my view a truly quintessential Australian event.

Ms BREUER (Giles): I rise today to support this motion. I thank the former minister for bringing this motion to the attention of the house because I have heard some wonderful reports about this event, which unfortunately I did not have the opportunity to attend because of time constraints within my electorate. Sometimes it is physically impossible to travel the distances within the time involved in an electorate of over half a million square kilometres. This event was not in my electorate, but I did have other pressing issues.

I spoke to a number of people about this event, one of whom was Father Tony Redden, who resides in Whyalla and who was mentioned last week by the former minister. He told me that he saw Joan Hall at this Outback event and that she seemed to be really enjoying herself. She was well received because, in that part of the state, she is acknowledged and appreciated for the work she has done. So, I am happy to speak to the motion.

I was disappointed that I was unable to attend because this event would have shone in the Outback as one of those great occasions when people come from all over the place, including the 'locals' from an area of half a million square kilometres. It also attracted many tourists from other parts of the state and from interstate. So, it was a great event. The economic benefits to the state were very good with about $7 million being brought into South Australia and it attracted an additional 10 000 visitors to the Outback. So, it certainly injected some money into the region and helped to put us on the map.

There are many individuals who should be acknowledged such as the cattle drive boss drover, Mr Eric Oldfield, and his driving team. Eric Oldfield is a well-known character from the Outback. It is interesting to see some of these well-known names from the Outback, such as Shane Oldfield and Keith Rasheed, and of course many other families were also involved. The sponsors did a great job. They included: Qantas, Jacobs Creek—I imagine some of their wines were consumed at the event—Telstra Countrywide and Channel 7. We get Channel 7 coverage in Whyalla and this event was featured a lot, and I was interested to see it. I looked for the former minister for tourism; I did not actually see her, but I am sure she was there somewhere on horseback. Other sponsors included: Mazda, SA Brewing, AH Plant Hire, Peter Cochrane Transport and RM Williams (another name that is synonymous with the Outback), Bonnetts, Elders, Piccadilly, Michell Leather and Wesfarmers Landmark.

I also believe that the South Australian Tourism Commission deserves a great pat on the back for the efforts in which it was involved. I include in that Paul Victory, Lisa Davies, Mim Ward and Ben Hooper—a couple of whom I have met—and also the YOTO steering committee chaired by Mr Bill Spurr, who keeps popping up at all these events all over the state, does a great job and promotes our state so well on a personal level as well as in his role as the Chief Executive of the South Australian Tourism Commission.

It was a great event and thousands of people were involved. With the Year of the Outback, certainly this was something that people will remember forever—it was wonderful. While I certainly support much of the honourable member's motion, I have some qualms about the last part thereof which looks at making it a similar biennial event. We should be looking at that issue.

The event relied on substantial efforts by volunteers, both from South Australia and other states. I know that a doctor and a blacksmith involved in it gave up their work for six weeks to support the event, and that was wonderful of them—it was great. The possibility of its happening every two years may have an adverse impact on the event. We need to investigate this to see whether it is a possibility.

We have to look for volunteers for an event such as this but, whilst Outback people love to get together for such a big event (and they can usually manage it for a week at Glendambo), to take six weeks out of their lives would be a big impost for them, and perhaps we may start to run out of volunteers, local committees and so on. The full benefits of the event and a review of the processes need to be assessed before we plan future events. Such opportunities need to be assessed, because it could be a great opportunity for the state. We need to look at a business case for it and perhaps come up with the right type of packages which we can develop to guarantee a viable commercial tourism product for that part of the state.

I see in my travels many tourists who want to come out and find the real Outback. If we could look at developing some authentic Outback experience for them, involving perhaps Aboriginal people as well, they would be highly sought after, and it is something that South Australia needs to look at carefully. We need to carefully target the form of these holidays. When I see tourists in the Outback, I am horrified at their lack of knowledge of where they are going and what is ahead of them.

When I go into the Outback I always have a car full of water. I have never drunk very much of it, but there is always the prospect of being held up somewhere and not having water. This really came home to me once when I was driving along the highway near Lake Hart. I pulled off the road to show my mother Lake Hart. We had to go up a dirt track to get there. I had been up this dirt track many times before, but mainly in a four-wheel drive, and this day I was in my ordinary sedan. We went up on the dirt track and suddenly we could not go any further because we were absolutely bogged. I was not very experienced in being bogged in red sand. I had my son with me, and we spent quite some time there before we were able to get out. We were there about a hour; my mother was in her 70s. It was not very hot but reasonably hot for the Outback. I started to worry, and it became very clear how fragile we are in those environments if not protected. I had plenty of water but not much shade for her. This was only 500 metres off the bitumen road, but tourists can put themselves in situations where they need to be very careful. Mostly people do survive, but we hear of a tragic incident now and again.

The tourism commission plays an important role, and this is what we need to look at—packages where people can be covered. I was horrified to hear the other day, from a close friend of mine who lives in Western Australia, that she and her family were to travel from Perth to Alice Springs through the back roads, the Anne Beadell Highway and so on. I said, 'That is great,' and she said, 'Yes, we are getting a four wheel drive.' I heard a week or two later that they got a only certain distance, broke down and their car and campervan had to be towed out. I thought it was really sad. However, I was talking to another friend and she said, 'They were really silly going up there in their car.' I said, 'No, they got a four wheel drive.' She said, 'No, they didn't—they went in their ordinary sedan car.' I was absolutely horrified at that and said, 'Did you go in your car?' I said, 'How silly is that?' She said, 'We could have done it—we could have got there.' I said, 'Well, you didn't, did you?' We see this all the time when people go up there in the wrong sort of vehicles and do not have any comprehension of how beautiful the Outback is. However, we have to respect it and be very careful.

I return to the honourable member's motion. It is an excellent motion, but I have grave concerns about the prospect of looking at the state government's having to financially support the concept of a similar biennial event in the future. That event will stand out in people's memories forever. I have major concerns about the sort of commitment we would be making financially, as well as in terms of volunteers and time involved, if we were to look at doing this every two years.

Mr HAMILTON-SMITH (Waite): I thank the member for Morialta for this motion and the member for Giles for her contribution. The cattle drive has shown itself to be an absolutely superior tourism event, built as it is around the framework of the 2002 Year of the Outback—an initiative of

the former Liberal Government and, in particular, of the former Minister for Tourism, the member for Morialta. I followed on from her as the minister late in 2001 and know that the event was largely conceived, developed and conducted by her from the outset. She is to be commended. I take this opportunity to say that, in the short time I was minister, everywhere I went people told me what a great job the former minister did, how popular she was and how pleased they were that the former government had put so much priority and effort into tourism and, in particular, how they had allowed a minister to virtually dedicate herself to that very important portfolio, so vital as it is and employing as it does some 43 000 to 44 000 South Australians, about 37 000 or so of whom are in full-time equivalent positions, and generating as it does in excess of $3 billion of economic turnover for the state. It is truly a brilliant industry, and the former government and former ministers in that government did a stunning job in getting things going.

I agree with the members for Morialta and Giles that this event should be run again. As I recollect the contribution of the member for Morialta, she made the point that federal funding should be part of the basket of funding available for this event. That might help ameliorate the concerns of the member for Giles that it may be too expensive to run.

One thing that came out of budget estimates in tourism is that the government has made substantial cuts to tourism. I could list them all and talk about the more than $4 million of cuts to the Tourism Development Fund, the $4.8 million for infrastructure, the $3.6 million cut from tourism marketing, $2 million from events and $2 million from the Entertainment Centre, and so on. One of the overarching themes that came out of budget estimates was that the minister would argue that the reason we do not need to spend that money next year compared to last year is that the event, whether the Year of the Outback (which was specifically mentioned) or Encounter 2002, is over now—we do not need to run it next year, so we do not need the money. Factually, that is quite logical, but the message is that the new government has no new ideas or events to follow on to replace those retiring events and therefore none is funded.

Of course, this is vital to the point raised by both the member for Morialta and the member for Giles. Will we have a biennial Year of the Outback to follow on from this success and will it be funded? The cuts evident in this budget would indicate that that is not to be so. I hope that the minister will contribute to this debate. I note with concern that the previous motion dealing with the IT congress, also within the minister's portfolio responsibilities, seemed not to have a contribution from the minister and I do not recollect her having spoken to that. I know that the minister in the former government made a contribution, as did I, the member for Newland and some members opposite, but I would have hoped that the minister would speak to that motion and I hope that she speaks to this motion, because the house does like to know that its minister is committed to these important portfolio initiatives.

As has been mentioned, the Year of the Outback was a major initiative of the former government and a smashing success. As my colleagues have outlined, the Great Australian Cattle Drive was the hallmark event (last undertaken in the 1970s), departing Birdsville on 4 May and arriving in Marree on about 9 June. It was 514 kilometres with 600 head of cattle being driven along the Birdsville Track and led by the 70-year-old driver, Eric Oldfield, whom I had the pleasure of meeting and who is one of life's characters. The three major concerts staged along the route at Birdsville, Mungerannie and Marree were a terrific success; and the four-day, seven-day and 11-day horseback droving packages for visitors, with four-wheel drive side trips and scenic flights, proved to be just what people wanted. The event was pretty well sold out. Of course, it fitted into the patchwork of other events that the former government and the former tourism ministers created.

Some of the other events that were also fabulous successes included Wilpena Under the Stars on 23 February, which was terrific and was sold out. All proceeds from the black tie dinner dance held in conjunction with it went to the Royal Flying Doctor. I have been to that event previously: it is a spectacular event and a real credit to the tourism commission and obviously of benefit to the Royal Flying Doctor. There was the Sounds of the Outback in March, a 10-day festival featuring authentic outback gatherings at William Creek and a gymkhana and race meeting, the Cooper Pedy Opal Festival, the Sounds of the Outback Music Festival, and so on. I raised concerns in the house last week—and I know the member for Giles has joined me—about the Cooper Pedy races. I hope that the government is able to act in some way to help that race meeting get up.

Sounds Under the Southern Cross was a great success, as was the Jacobs Creek Outback to Adelaide Bushwalk. Legends of the Outback Transport held in July at the famed Arkaroola Wilderness Sanctuary featured an air show and up to 60 vintage aircraft, a car and motorbike rally, and living outback legends such as Griselda Sprigg, the first white woman to cross the Simpson Desert, and Dick Smith were to be involved in that. The Andamooka Precious Stones Four-Wheel Jamboree (in July again) involved competition testing, navigation, obstacle negotiation and driving blindfolded—it sounds like something the Labor government might have thought of—with 60 spots available.

Of course, for cyclists there is the Outback Odyssey with Avanti, which is due to happen during the September-October period, when cyclists will follow the Mawson Trail through the Adelaide Hills and the Clare Valley to Wilpena Pound. They will travel on the road through those districts on six to 19 day packages. There is the Taste of the Outback in October, and of course the eclipse in December about which the opposition has serious concerns which we have raised. The council at Ceduna has asked for $600 000 to help it with important work. To date, we understand that the government has not formally responded, or certainly the house has not been advised that it has, and we hope that something is done to help Ceduna council ensure that event does not become a fiasco.

The Great Australian Cattle Drive is a shining star in this year's tourism calendar, fitting as it does around the Year of the Outback. It is a stunning initiative of the former government. I appeal to the current government to come up with some new ideas in tourism—although it has cut the budget—because our ideas have become realities. I appeal to it to come up with some new ideas and to fund them. In the next budget, I ask this government to go into bat—and a number of cabinet ministers are present—and give the tourism minister the money she needs to continue to nurture this industry, because it has taken a whack in this budget. The Year of the Outback should be a biennial event. The cattle drive should occur again. Where the Outback Meets the Sea is a terrific opportunity for South Australia. The Outback and Kangaroo Island stand out as the two potentially iconic destinations for visitors to South Australia, and I encourage

the government to build a future for the tourism industry around those two icons in particular.

Dr McFETRIDGE secured the adjournment of the debate.

PLANT FUNCTIONAL GENOMICS CENTRE

Adjourned debate on motion of Mr Hamilton-Smith:

That this house congratulates the University of Adelaide on winning its bid to establish the $35 million National Centre for Plant Functional Genomics at the Waite campus which will lead to significant benefits for Australia's $8 billion grains industry and provide over 100 jobs in South Australia.

(Continued from 18 July. Page 921.)

Mr HAMILTON-SMITH (Waite): I had just commenced my contribution on this subject when it was last before the house and I am pleased to continue, because a plant functional genomics centre at the Waite campus, a $35 million national centre of excellence for plant genomics, will add to that institution's already astounding reputation for success in this field and will generate jobs. It will generate recognition and intellectual property, and it will build on what South Australia does so well. It is a major boost to South Australia's biotechnology industry. I hasten to add that it is there because the former government put it in place. It was the first initiative that I took to cabinet as the newly appointed minister for innovation, and we established a $40.5 million innovation fund. The Plant Genomics Centre of Excellence was the first project that I put forward to cabinet under that fund. We put in $12 million, and that was matched by funding from private and public sectors elsewhere and the federal government to create this fabulous opportunity for the state.

I was pleased to attend the opening at which the present Premier opened the centre with Dr Brendan Nelson, the federal education minister. I must say that as a minister in the former government I am extremely proud to have had something to do with creating this opportunity for South Australia. I express my disappointment as I did in the Budget Estimates that the current government has completely abandoned that $40.5 million innovation fund and thrown it away. The current government seems to have provided nothing in the forward estimates to build on that success by attracting further centres of excellence other than to opt to look at opportunities as they come up and perhaps cobble something together when they arise. I will talk more about that later.

The world-class centre is to be based at Waite. It will offer significant benefits to the country's $8 billion grains industry. It will identify and track the genes in wheat, barley and other crops that control tolerance to environmental stresses such as drought and salinity. Through molecular technology the centre will develop plant varieties that are resistant to these environmental stresses, providing benefits for food production world wide.

The centre is expected to play a pivotal role in the growth of Australia's and South Australia's agricultural bio-sciences industry and will help to maintain Australia's commercial competitiveness in crop production. I also hope that it will provide a vehicle for small companies to spin off and develop new technologies and products around this centre of excellence, and that is the idea behind BioInnovation SA, another initiative of the former government and particularly the former minister for primary industries and former premier, Rob Kerin. I am pleased to say, and I congratulate the new minister on this, that she successfully argued in cabinet for the retention of BioInnovation SA, and that its funding appears to have been retained. There is a level of bipartisanship in recognising that biotechnology is a fabulous opportunity for the state and that the momentum needs to be maintained in that area. That is very pleasing.

The centre will employ 100 scientists, with numbers to grow as it attracts new research grants and commercial investment. As I mentioned, funding for the centre apart from the state contribution included $20 million from the commonwealth and $10 million each from the Australian Research Council and the Grains Research and Development Corporation, and other funding will flow in there from the private sector and other areas. An additional $3.6 million is being contributed by the three universities involved in the successful bid, which include Adelaide, Melbourne and Queensland, with further funding from the Victorian Department of Natural Resources and Environment.

This is a growing reality in such centres of excellence. There is increasing teaming from state to state and from university to university, and the days where one state completely controls and totally monopolises a centre of excellence without any involvement from anywhere else in the country are rapidly vanishing. It is interesting to note the federal government's fantastic $3 billion Backing the Future program encourages such teaming to occur, and that is a very positive step forward for the country as a whole, because we can all learn from each other.

The centre will have the scale and focus to attract world class researchers and students through the provision of advanced infrastructure and outstanding research leadership. I think it complements the idea of fellowships and attracting leading global academics to the country. It fits well with that idea and it will enable the centre to be a pivotal driver in fulfilling our state's objective of becoming a national leader in plant biotechnology and one of the top three centres for plant research anywhere in the world.

On that, should I say that the opposition is watching with interest developments within the University of Adelaide, its reorganisation, the creation of its faculty of sciences, its resetting of directions, partly to achieve efficiencies and economies of scale but also to better harness the energy within the university. One of the things we are watching is that we hope we go forward with the Waite. We hope the Waite continues its globally dominant place in contributing to the world body of knowledge on biotechnology and that the Waite does not somehow diminish and get swallowed into North Terrace.

I am comfortable and at ease with the way things are going at the moment, but it is something which has been raised with the opposition, which we are watching and which we hope in the fullness of time develops in a positive, creative and constructive way. The Waite already has an international standing as a centre of excellence, and we would not want to go backwards from that. The bio-science industry is one of the fastest growing of all global sectors.

Earlier we had a motion about the world IT conference during which it was foreseen that there would be a synergy and a coming together of information technology and bio-sciences in a more complete way in the coming 30-40 years as all sorts of possibilities become a reality as a consequence of our increased IT capabilities and the way they complement bio-sciences.

Becoming a world leader in this field of plant genomics will also give the state a real chance to stop the brain drain by allowing graduates and post doctoral scientists to experience more career opportunities right here in Adelaide, and that is a positive thing. The University of Adelaide's Vice Chancellor, who was at the time Professor Cliff Blake, said at the time that it was a vote of confidence in South Australia's sciences and a triumph for the state. I agree with him and I am sure the new Vice Chancellor would echo those remarks.

There will be a new building at the Waite campus—in fact, some of this money is for that purpose—to house the research team and the bio-sciences companies likely to be spun off from the research that will be conducted there. But the real meat of what will happen up there will be in terms of intellectual property rather than bricks and mortar. As I mentioned, South Australia already has a competitive advantage in this area, but we can never stand still; we need to go forward. The Waite has, and will now continue to provide, a significant role in driving forward that reputation and those opportunities.

The interim director of the new centre will be Professor Peter Langridge from the University of Adelaide's Department of Plant Science. He and others, including department head, Geoff Fincher, were pivotal in securing the bid in the first place, and we had quite a bit to do with them during the bid team process. I certainly hope that the centre will attract other centres of excellence and other opportunities to the state. The recent success of Waite researchers in attracting two major national research facilities is also a clear result of the close integration of science, research and strong interactions developed by collocation partners such as South Australian Research and Development Institute, the Australian Wine Research Institute and several CSIRO divisions that are based at Waite. That is partly why the opposition has expressed concerns about some cuts at SARDI and some tightening up of programs there. We are watching that with interest, as well. We hear the new government's commitment to biosciences and to research, but we are really watching and hoping that those lofty aims are backed up with resources needed to grow this vital sector, and that it does not experience cuts so that we go backward and not forward.

It is an excellent facility. As I said, it was an initiative of the former government but it is a credit to the new government that it did not cut it. Some of the cuts have been vicious across all portfolios in this budget. It is one thing that survived the cutting process, and that is a relief. It would have sent a terrible signal to the biosciences industry if the Treasurer had managed to get his hands on that $12 million. I do not know what cabinet discussions went on about that, but I am pleased that the right outcome was achieved at the end of the day. I congratulate all those at Waite who will form part of this fabulous, new, exciting project, which I am sure will have a bright and vibrant future.

Mr SNELLING (Playford): It gives me great pleasure to rise in support of this motion, and I congratulate the member for Waite on his initiative in moving it. I point out that this would not have happened if it were not for a $12 million injection from the government. It was that $12 million that made the project possible and brought it to Adelaide, something that the member for Waite neglected to mention. Perhaps in a spirit of bipartisanship, in the future he might remember these things. The minister has just been telling me that Professor James McWha, the new Vice-Chancellor of the University of Adelaide, who is a plant researcher, told her that he grew up wanting to work at the Waite Institute in Adelaide, such is the Waite Institute's reputation.

I would like to touch on some of the key benefits of this national centre. There will be employment for 100 new science and technology graduates and post graduates at the Waite because of this project. I have a number of friends who are science graduates and post graduates who have had to move interstate for employment, and I think that if we can keep people who are trained—

Mr Koutsantonis interjecting:

Mr SNELLING: The member for West Torrens points out that his brother, who has a PhD in—

Mr Koutsantonis interjecting:

Mr SNELLING: What is his field?

Mr Koutsantonis: Inorganic chemistry.

Mr SNELLING: Thank you. He is a person who has had to move out of South Australia in order to gain employment, and having this national centre in Adelaide and keeping some of those graduates in our state is a welcome development. The centre will confirm the Waite Institute as a leading national and international centre for plant biotechnology. Indeed, it will place the Waite Institute in the top three international centres for plant biotechnology in the world, the other two being the Max Planck Institute in Germany and the John Innes Institute in Norwich. That will really put Adelaide on the map, although I hate to use a cliche.

The other point to make is that the centre will be building depth in the agricultural biotechnology research base that is already established at the Waite by attracting additional pre-eminent plant scientists, and it will establish a global profile in the emerging field of plant proteomics. I know most members will know what that is but, for those who may be reading *Hansard* and who may be wondering what plant proteomics is, I am advised that it is gene function analysis at the protein level.

Ms Thompson: I knew that.

Mr SNELLING: I hate to teach the member for Reynell how to suck eggs, but there may be other members who are not as up to date on these matters as she is. That is important when we are talking about developing crops that are both saline resistant and low water resistant, which is a natural feature of our state, because we have considerable problems with soil salinity and low rainfall. If we can develop new crops that are able to thrive, despite high soil salinity and low rainfall, that will be a tremendous economic boost to the state.

The centre will focus on multiple approaches to the genomic based analysis of stress tolerance in cereal crops, and work will involve tracking the genes in wheat, barley and other crops that control tolerance to environmental stresses such as drought and salinity, as I said. Through molecular technologies, the centre will help develop plant varieties that are resistant to these environmental stresses, providing benefits not just for our state and its economy but worldwide, because the problems of salinity and low rainfall are not features just of the South Australian and Australian agriculture but are a problem worldwide. If these new plant biotechnologies can help develop these stress tolerant crops, that will have a tremendous benefit world wide in terms of increasing yield.

In closing, I note that the motion congratulates the Adelaide University, and indeed the university deserves hearty congratulations, but I just repeat that this project would not have been possible but for the cash injection of $12 mil-

lion by the state government. I think it would be rather tardy to seek to amend the motion, but as part of my contribution it needs to be said that the state government, and in particular the minister, deserve the house's congratulations on this project and the establishment of the National Centre for Plant Functional Genomics.

Motion carried.

OPUS THEATRE COMPANY

Adjourned debate on motion of Ms Thompson:

That this house congratulates all those involved in the successful launch of the Opus Theatre Company based at the reinvigorated Noarlunga College Theatre.

(Continued from 11 July. Page 735.)

Ms THOMPSON (Reynell): It seems that I am going to be telling the sad and glad story of the Opus Theatre Company in instalments, but I will do my best to complete it today. I started some time ago by talking about the valuable community asset that the southern community has in the Noarlunga College Theatre, which was built in 1985, and how unfortunately in 1995 the previous government leased it out to Adelaide Commercial Theatres. During that period it was closed most of the time and sadly deteriorated.

Now I am able to move onto the good news part of the story. That is, in January 2001 the theatre reopened back in TAFE hands with John Wilson, head of music programs, as theatre manager. This was the result of a lot of lobbying by community members, by the city of Onkaparinga, which I heartily commend for their efforts in this matter, and by some amazingly active and dedicated TAFE teachers and community activists who were determined that we would see this theatre, this community asset, once again alive in the south.

The TAFE college was able to recognise that the music program was cramped for space, so it moved several classes into the theatre. Bookings started, and these at first came mainly from southern schools, dance schools and calisthenics clubs. But, in the latter part of the year as the community learned that the theatre was open again, many bookings commenced for presentation seminars and meetings. Films and children's shows were well attended during school holidays. It was really commendable that in 2001 the theatre covered its costs. TAFE contributed $10 000 to assist with repairs and much needed maintenance on a one-off basis.

During 2002 there has been gradual growth with healthy bookings, and the foundation of the Opus Performing Arts Community has really lent impetus to the continuing life of the Noarlunga College Theatre. A really important event will occur on 17 September when Oz Opera will present its only Adelaide performance of *La Boheme* in the college theatre, and I invite all members present to come and participate in that important event for the south.

The theatre is now being used additionally as the focus for an entertainment industry training package that TAFE has sought to fund through ANTA and OVET. This offers other employment training opportunities for young people in the south in fairly non-traditional ways, but certainly, when one looks at the types of jobs that are likely to be around in the future, there will be surprisingly increased job availabilities in the entertainment industry.

I mentioned the establishment of the OPUS Performing Arts Community and the value that it will add to the theatre. Again, this community is a symbol of the community activity and determination of the south. A few people decided that this was needed, and so it has happened.

Key to that happy outcome are John Wilson, whom I have already mentioned; Harry Dewar, who is the Head of Drama at nearby Tatachilla College; and Tony Brooks, who is a local playwright and activist. Tony wrote a play initially called *Paquita*, which may give you a clue that it is about Sir Douglas Mawson and his wife, Paquita. Eventually, on Anzac Day this year, the play opened under the title of *Ice*.

A really marvellous addition to the presentation was the new orchestra that supports the OPUS Performing Arts Community, so that there was not only the drama on stage but also an excellent musical score supporting the play, and this combination of the drama and the supporting music group is indeed a great asset for the south. The play was supported by the City of Onkaparinga, the Onkaparinga Institute of TAFE, the Waite Institute and Rosemount Winery, and I thank all those bodies for their contribution to our community.

I am pleased to say that the OPUS theatre company continues with a range of activities at the college theatre, which includes the one-act plays, *Fading Flowers* and *Astral Travel Agent*, and *Little Shop of Horrors*, which will open late in September, in addition to a forthcoming presentation of a number of extracts from Dickens.

I think I will be able to finish today, and I hope that there may be support from the opposition to pass this motion, which has been on the books for some time. This motion really celebrates the revitalisation of an important southern asset, it congratulates all those who have been involved and particularly commends OPUS Performing Arts Community Inc. for becoming established and getting off to such a tremendous rate of presentations of cultural activities for the southern community. I wish them well. I am sure that many members present will attend one of their performances, but I particularly urge members to remember *La Boheme* on 17 September.

Dr McFETRIDGE (Morphett): I rise to support this motion. I know the member for Reynell is a great supporter of the arts. I heard her speak on the Southern Youth Festival a month or so ago, and I know how enthusiastically she supported that event. It gives me great pleasure to be able to support this motion.

We recognise all forms of the arts in South Australia and this state has a long history of supporting them. Recently, I had the pleasure of attending the Rock Eisteddfod at the Festival Theatre, where Brighton Secondary School and Sacred Heart College performed, and I believe they are in the finals. I am not sure whether some schools from further down coast, from the member for Reynell's seat, are involved but, for her sake, I hope they are; certainly, I know that she would enjoy the eisteddfod. I have nothing else to add, other than that I support the motion.

Motion carried.

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

CROWN LANDS MISCELLANEOUS BILL

A petition signed by 15 residents of South Australia, requesting the house to urge the government to withdraw the Crown Lands (Miscellaneous) Amendment Bill 2002, was presented by Mr Venning.

Petition received.

ENERGY MARKET

The Hon. P.F. CONLON (Minister for Government Enterprises): I lay on the table my response to the recommendations contained in the 37th report of the Economic and Finance Committee on the South Australian energy market.

HOSPITALS, GLENSIDE

The Hon. L. STEVENS (Minister for Health): I seek leave to make a ministerial statement.

Leave granted.

The Hon. L. STEVENS: I wish to inform the house of the outcome of an investigation that I called for following certain incidents at Glenside Hospital in July. The house will recall that between 12 and 15 July 2002 four patients were reported as having absconded from the Glenside Hospital. I ordered a comprehensive investigation into this matter, with particular reference to security and monitoring systems for patients. I have now received that report and I can briefly summarise its principal findings.

Three of the four so-called abscondees were residents of open wards. The mental state of these patients at the time of absconding was stable and, importantly, I am advised that they were assessed as presenting no threat to themselves or to others. The level of observations undertaken by nursing staff ranged between hourly and four-hourly, with patients having unsupervised access to the Glenside Hospital grounds between these periods. All of this, I am informed, was consistent with the conditions of their licence.

The particular issue of public concern, I believe, relates to the circumstances of the fourth patient, who was an inpatient of Grove Close, a forensic step-down secure unit within the grounds of Glenside Hospital. This patient absconded by cutting his way through a fence in the ward's courtyard. The investigation team inspected the site and interviewed several staff, and have now made a range of recommendations to boost security; and these have been implemented.

Since this incident an additional camera has been placed to provide improved coverage of the area; additional lighting has been installed; and the wiring holding the metal fencing to its supports has been strengthened. I have been advised that these modifications are considered adequate and have improved the physical security of the courtyard. In addition to these moves, the investigation team discovered a range of procedural issues which also had implications for the management of these patients. Some of their findings include: risk assessments at the hospital are not standardised; there was no evidence of a process to ensure that risk assessment details are forwarded when a patient is transferred; medical staff do not routinely undertake formal risk assessment of clients following admission; and a lack of clarity amongst nursing staff regarding observations and responsibilities under section 269 of the Criminal Law Consolidation Act was evident.

There was also lack of clarity in relation to the role and purpose of the duty nurse manager in the event of a missing person. This has now been addressed by the introduction of a single point of accountability to the duty nurse manager, and the extension of this responsibility to cover 24 hours a day.

Given that these incidents highlighted issues concerning the reporting of missing persons, the investigation team held meetings with a representative of South Australia Police. I understand that South Australia Police are undertaking a review of their internal response and notification of abscondees procedures and that they will liaise with their senior police officials regarding improvements in the communications process. These problems in the management of patients at the Glenside Hospital are the subject of intensive and corrective work now being undertaken by my department and staff at the hospital. Appropriate and effective clinical management of all patients must be at the forefront of our care services.

Public safety and security must also be a fundamental consideration in the management of certain patients. These problems at Glenside have not arisen in the last few months; they are symptomatic of a system which has been neglected and allowed to drift. These problems have accelerated from a lack of drive and direction by the former government, and they are now being corrected.

FREEMAN, Mr R.

The Hon. J.D. HILL (Minister for Environment and Conservation): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: I am pleased to announce that this morning Her Excellency the Governor in Executive Council approved the appointment of Mr Robin Freeman as Chief Executive of the Department of Water, Land and Biodiversity Conservation. Mr Freeman has held executive management roles within the Queensland public sector over the past 20 years and is currently Deputy Director-General of the Department of Natural Resources and Mines. He brings to the position a strong background in natural resource management and administration.

Mr Freeman will take up the position in early October. I look forward to working with him on some of the most important issues confronting South Australians. I would also like to thank Mr Peter O'Neill, who has been the Acting Chief Executive of the department since its creation, and I look forward to continue working with Mr O'Neill in his capacity as Executive Director of Corporate Services across my portfolio.

QUESTION TIME

YOUTH EMPLOYMENT

The Hon. R.G. KERIN (Leader of the Opposition): Will the Minister for Employment, Training and Further Education advise the house how many young South Australians are currently employed on junior wage rates and, given the government's refusal to rule out the abolition of junior wage rates, will it concede that any push to abolish junior wage rates may result in the loss of thousands of jobs for young South Australians?

The Hon. J.D. LOMAX-SMITH (Minister for Employment, Training and Education): This question might better be addressed to minister Wright. As the leader can see, he is not here, but we will take this question on notice and come back with a response.

AFL PRELIMINARY FINAL

Mr KOUTSANTONIS (West Torrens): Will the Premier inform the house how the campaign is going to get a preliminary final to be played at Football Park this year

given that currently Port Adelaide is second on the AFL ladder—

An honourable member interjecting:

Mr KOUTSANTONIS: Well, it's fact, soon to be first—and Adelaide is third—another fact. Yesterday the Premier told the house that he had written to the General Manager of the Melbourne Cricket Club asking him to allow a preliminary final to be moved from the MCG to a ground outside of Victoria if the highest placed team is a non-Victorian club.

The Hon. M.D. RANN (Premier): I am happy to report that this morning in a tremendous show of reconciliation after a very spirited match at the weekend I launched a petition along with the chief executives of the Crows and Port Adelaide. When we get behind a cause in South Australia no-one can stop us and no-one can beat us. It is great to see the Crows and Port Power united in an attempt to get a preliminary final here in Adelaide where it belongs. Can you imagine what would happen in Victoria if Essendon and Collingwood were forced to play here? The Vics would be jumping into the Yarra. We are simply asking for a bit of fairness.

As I said in my letter to Stephen Gough of the Melbourne Cricket Club yesterday, why should a South Australian club have to play at the MCG if they have earned the right to host a home final at Football Park (AAMI Stadium, as it is now known)? This petition, which has been organised by West End which has a long and proud association as a supporter and sponsor of football in South Australia, will be presented to Mr Gough after the final home and away game of the season, and we want as many South Australians as possible who love their footy to sign on the dotted line. We will only convince the Vics to recognise that we have an AFL and not a VFL if all South Australian's get behind this campaign. So, we want as many South Australians as possible to sign this petition to show how passionate South Australia is about football and this issue.

I will not apologise for going in hard on the issue. I was asked this morning, 'Why don't we do it a bit more diplomatically?' One can imagine how the trustees of the MCG and the board of the MCC would like it if we just went along, cap in hand, bowed and said, 'Maybe one day.' We have to show the AFL, which has the ace in its hand in terms of the staging of events such as the Bledisloe, and we want its assistance. The AFL—and Wayne Jackson is doing a terrific job—has asked us to get behind the campaign to get a preliminary final here, but the AFL also has to play its part.

If we can demonstrate support and prove to the AFL that a preliminary final is not only needed but also warranted here, then it is important for the AFL to play its part as well. So, this morning we have seen Brian Cunningham from Port Power and Steven Trigg from the Crows together, and now I would like to see some bipartisanship in this chamber. In an extraordinary act of reconciliation that goes beyond the Crows and Port Power sitting down together, I would like Rob Kerin and Mr Speaker to join me in signing the petition, along with every supporter of either the Crows or Port Power in this chamber, to make sure that we get the preliminary final here in Adelaide.

The Hon. R.G. KERIN (Leader of the Opposition): By way of supplementary question, in the bipartisan nature of things—

Members interjecting:

The SPEAKER: Order!

The Hon. R.G. KERIN: —will the Premier ensure that he has the support of his good friend the Premier of Victoria for this cause?

The Hon. M.D. RANN: I am very pleased to advise that I have sent to Steve Bracks a drop copy of my letter to Stephen Gough because it is important that all of them across the border know that we are serious about this.

The SPEAKER: I am not sure that the Premier has responsibility for the decisions of the Premier of Victoria, but I understand the nature of the push that is on.

RADIOACTIVE WASTE

The Hon. I.F. EVANS (Davenport): Will the Minister for Environment and Conservation advise the house in which part of South Australia the state government intends to build the state's own low level radioactive waste storage facility, given that he has ruled out building such a facility in the Outback? During the estimates committee on 7 August, the minister made clear that if the commonwealth proceeded with a low level radioactive waste storage facility at Woomera:

> . . . it is envisaged that each state will develop its own interim storage facility as a kind of halfway house or holding station before the material is shipped off to Woomera, so each state as I understand it will have to develop some sort of facility to deal with waste that is in its state.

On 15 August, the minister also told the *Advertiser*:

> It seems very logical to bring it all together and look after it properly.

The article states:

> However, Mr Hill said any such facility was unlikely to be in the Outback.

The Hon. J.D. HILL (Minister for Environment and Conservation): As I have said to the member and to the house on a number of occasions, this government's position is that it does not support a waste storage facility for low, medium or high level waste in this state, and we are implacably opposed to the commonwealth government's attempting to do that, unlike the opposition (which is opposed to the medium level dump) which is not opposed to the low level dump. What we have said is that we would have the EPA conduct an audit into all the waste that is stored in South Australia, and I identified some 27 sites approximately that we know about where low or intermediate level waste is currently stored. There are probably other sites of which the EPA was not aware. The information it had was based on a desktop audit that was conducted by the former government in 2000.

We said that the EPA would do a thorough audit to see what state that waste is in, whether or not that waste was being stored properly, or whether things needed to be done. I have then said to the EPA, 'Give me advice about what is the best thing that we ought to be doing with the waste that we have in this state.' I cannot anticipate the outcome of what that audit will find. It may well be that the EPA will say, 'The waste is currently stored appropriately; leave it where it is'—and I made this point in estimates to the member—or it may say, 'It would be more sensible to have it stored in some sort of central location.' The point I made to the media, and I think perhaps in estimates as well, was that the federal government's proposal for a low level, and also I believe an intermediate level, facility is based on each state having some sort of interim transfer station where the waste from that state is stored on a pro tem basis before being parceled up and

transferred to the commonwealth facility every year or every couple of years.

Implicit in that is that each state would have to have some sort of facility, anyway. Where that ought to be, I do not have a particular position. That is something on which I would wait for advice from the EPA. I make one further point to the house; that is, that this state Labor government is committed to not having a commonwealth waste facility for either low level or intermediate level waste. The shadow minister keeps trying to suggest difficulties in trying to trip us up in some way by saying, 'How will you store the low level waste which you are opposed to being put in a central facility?' I just say to the opposition: where does it suggest the intermediate level waste, which we have in this state, should be stored? Is it the opposition's policy that we should have our own store for intermediate level waste in South Australia? The opposition is opposed to having the commonwealth establish an intermediate level waste dump in this state. Presumably, it also believes that we should look after our own intermediate level waste. That is our position. We go a step further and believe that we should look after our low level waste as well. We will ask the EPA to do a thorough audit of all the waste that is stored and develop a strategy for looking after it in the longer term.

INSURANCE, PUBLIC LIABILITY

Mr O'BRIEN (Napier): Will the Treasurer inform the house of any further developments on the availability of public liability insurance in South Australia?

The Hon. K.O. FOLEY (Treasurer): I thought it would be timely to draw the house's attention to a press release issued today by a major Australian insurance company, Suncorp Metway, from Queensland. As members know, New South Wales was the first state to introduce some significant legislative reform in its parliament. Queensland put some in but at the minor end of the scale, and it has been commented on by people such as Robert Gottliebsen and others in the national press. The South Australian package (supported by the Liberal opposition) that is moving through this parliament is the broadest and the most comprehensive of all reform packages in Australia. I thought it was important to advise the house—

The Hon. P.F. Conlon interjecting:

The Hon. K.O. FOLEY: Yes, this is the one the member for Bragg said would not work and I think the Hon. Angus Redford in the another place said that it was not worth anything, would not do anything, was really a waste of time—window dressing. A press release from Suncorp Metway dated 22 August, headed 'Suncorp moves to ease public liability crisis', states:

> The company has announced it will make public liability insurance available to a much broader range of businesses, consumers and community organisations following recent legislative reforms to improve the system.

Suncorp GIO is the first Australian insurer to announce an increase in the availability of cover since the start of the public liability crisis. In a news release the company states:

> We think the reforms will lead to a reduction in costs in the public liability system, and this gives us an opportunity to provide public liability insurance at reasonable prices to more consumers. . . This should mean that many businesses and community groups which have previously been unable to source public liability insurance and have faced the prospect of having to close their doors will now be able to get solid, secure insurance cover.

It goes on to say that the company will take a three phase approach to this. The first phase will commence immediately. The company will make public liability available for some occupations that previously would have been declined insurance. These include local community fundraising activities and businesses such as building materials suppliers, saw milling, scrap metal dealerships, iron works and car wholesalers. In the second phase, expected to take effect from September, some further occupational groups in New South Wales and South Australia will be made eligible for insurance cover. These include a range of community groups such as sheltered workshops, unlicensed clubs, charitable aid depots, aged persons support organisations, performing arts venues and residential care services.

I highlight that these initiatives are in recognition of the significant legislative changes which have been implemented by the New South Wales and South Australian governments and which have yet to be introduced in other states. The release goes on to state that the third phase will occur once governments have passed laws related to waivers—and we are doing that as we speak. We will be the first state in the country, ahead of the pack, and that is particularly important, given the member for Bragg's questioning why we want to be ahead of the pack. It will occur after the other states prohibit or reduce recovery of damages of an injured person who was engaged in criminal activity or under the influence of drugs or alcohol. Again, we are leading the nation, because that has already passed this house, with the support of the Liberal opposition, although qualified by the member for Bragg.

Mrs Redmond interjecting:

The Hon. K.O. FOLEY: Once that passes (and she is still saying 'absolutely') and that third phase is implemented, Suncorp Metway advises that this will enable a large range of sporting clubs and entertainment facilities to obtain more affordable public liability insurance. These may include riding schools, skating rinks, golf clubs, bowling clubs, fitness centres, hotels, taverns and licensed clubs. So far, Queensland, New South Wales and South Australia have passed or are passing legislation reforming public liability insurance in order to reduce spiralling claims costs and make public liability insurance affordable for consumers and cost efficient for providers.

This is an excellent response to the boldness of this government, with the support of the liberal opposition, albeit qualified by some members such as the member for Bragg. It means that work being done by this government will have real benefit in reducing the public liability crisis in this nation. At least Suncorp Metway is doing the right thing. This should now mean that all other public liability insurance companies in this country follow the lead of Suncorp Metway, get in behind the legislative reform of this government and reduce the cost of public liability insurance.

RADIOACTIVE WASTE

The Hon. I.F. EVANS (Davenport): I direct my question to the Minister for Environment and Conservation. Will the minister advise the house in what part of South Australia the state government is considering building an intermediate level radioactive waste facility? During estimates committees on 7 August, the minister said he had noted:

> . . . it seemed that all state premiers around Australia are saying we don't want the national intermediate level facility in our state,

which raises the question of whether or not there will be an intermediate level national storage facility.

He went on to say:

It may be up to each state to eventually find a way of storing that intermediate level material in its own state.

Later on ABC radio the minister confirmed that:

. . . even if the commonwealth is able to find a state which is prepared to have the intermediate level facility, it would imply some sort of interim storage facility within this state.

The Hon. J.D. HILL (Minister for Environment and Conservation): It must be groundhog day because I thought I answered that question before, but I will happily go through the detail of it again. This government is opposed to the storage in this state of the rest of Australia's waste, whether it is low level, medium level or high level. As a consequence of that, we have developed a policy that says we ought to look after our own waste. In order to do that properly, we are arranging an audit of all the waste that is currently stored in this state and, as I said, there are something like 27 sites. The EPA, through the radiation branch, is going through that process.

We have not at any stage determined where that waste ought to be stored. We said we would get the EPA to give us some good advice about that. I raise the same point that I made in answer to the previous question that the member asked me: as the opposition also does not support medium level waste from other states being stored in this state, presumably the opposition, too, supports this state looking after its own intermediate level waste. If that is the case, what is the opposition's solution to the storage of that intermediate level waste? Where does the opposition believe that waste should be stored?

I have said what our proposal is. We will have an audit and get some recommendations from a properly constructed body that has some expertise. The opposition has been remarkably silent on where it would store the intermediate level waste. It does not believe that the commonwealth should put a facility in this state for the rest of Australia's waste so, presumably, opposition members believe that we, that is, South Australia, should look after that intermediate level waste. Where does the opposition believe that waste ought to be stored?

CAR THEFT

Mr SNELLING (Playford): Can the Minister for Police inform the house of any innovative schemes currently being trialled by South Australia Police in the fight against car theft?

The Hon. P.F. CONLON (Minister for Police): One of the first things I conveyed to the Police Commissioner upon assuming the role of Police Minister, on being given that honour, was our very serious concern about the level of car theft. A number of initiatives have been taken, although I will not discuss one of them because there is a bill before the house, and I will leave that to the Attorney to address. However, it signals our earnestness about this issue and the fact that we view car theft as a very serious crime that often takes away a person's livelihood, a person's leisure, and often the most valuable thing that a person owns.

The South Australia Police and the RAA yesterday released details of an innovative and highly successful campaign targeting car theft and related crime, and I will give some credit to the opposition, because it was an initiative that it supported. The police deploy unmarked cars in car theft hot spots around South Australia, and what the crooks do not realise is that, when they get inside, the vehicle can instantly be immobilised. So, instead of their making off with a person's car, they quickly become a guest of Her Majesty, but not in the sense that most people enjoy.

Since the trial began, 64 people have been invited to become guests of Her Majesty as a result of interfering with and attempting to steal people's cars. The Commissioner informed me yesterday that around one in five of these crooks was also involved in other serious offences such as armed robbery. The fact is that we are able to make inroads into those who would make off with people's cars and we are also making inroads into more serious crimes, and that should not come as a great surprise.

I remind members of the recent incident involving the theft of a brand new Holden Monaro while it was being taken for a test drive. After the vehicle was intercepted, the four suspects, all active and high profile criminals, were arrested with a firearm in their possession. In these circumstances, it is very difficult for police to be in control of the situation without putting themselves at risk, which is one of the tremendous advantages of the mouse-trap car, as I call it. Once they are inside they become our guests and we are very happy about that.

Members might be interested to know that most of the trial occurred in the area under the control of the Sturt local service area. It is not because my electorate is in that area. It was chosen, I hasten to point out, without any reference to me, but I am sure that the member for Bright is quite happy with the choice. Over the period, the Sturt area reported a drop of close to 20 per cent in the number of reported cases of illegal use, which is a tremendous outcome.

Due to the success of the trial, police in partnership with the RAA have decided to extend the scheme with the deployment of more cars more frequently. I hasten to add that it was not good enough to save the wheels on the car of the Minister for Employment, Training and Further Education. They did leave the car but took the wheels apparently, and we are working on that one too. I would commend the RAA on its role. We will continue the program and expand it.

I want to send a message to all those people out there. Not only is the Attorney-General going to change the nature of the offence so that if you do take someone's car, we label you as the thief you are, but every time you get into one intending to steal it, just be a little wary that you are actually accepting our invitation to become a guest of Her Majesty in one of her excellent correctional facilities.

RADIOACTIVE WASTE

The Hon. I.F. EVANS (Davenport): My question is again directed to the Minister for Environment and Conservation. Following the minister's previous answers about EPA orders of radioactive waste, has the establishment of a low level radioactive waste repository been recommended to the minister by any agency?

The Hon. J.D. HILL (Minister for Environment and Conservation): No, not that I am aware.

EDUCATION INTEREST GROUPS

Mrs GERAGHTY (Torrens): My question is directed to the Minister for Education and Children's Services. Can the minister outline the government's support for the valuable contribution made by education interest groups?

The Hon. P.L. WHITE (Minister for Education and Children's Services): I thank the member for Torrens for giving me this opportunity to place on the record the value that both the South Australian government and I place on the contribution of groups and organisations with an interest in education. One of the significant changes that people around the state with an interest in education have relayed to me over the last five months since the new state government took office is a new culture of inclusiveness in decision making and actual consultation with those involved with an interest in education. That is leading to some better decision making, some better practices, and more of a focus towards servicing the schools and preschools in this state.

A number of groups do receive financial assistance from government, and have done so for some time now, with their administrative overheads. But it does concern me when I do see that some groups with legitimate interests and contributions to be made towards achieving the government's goals in education seem to miss out on that stake. One of those happens to be the South Australian Association of School Parent Clubs (SAASPC), and I have moved to rectify somewhat that situation.

The government will again support the organisations with their overheads this year, and has budgeted to do so. However, despite the very tight financial budgetary situation that education was faced with, I have found importance in seeking to assist SAASPC in performing the valuable work that it does in our community towards education ends in this state. I have found an extra $5 000 of recurrent expenditure to support its goals. This adds 10 per cent to its operating grant and, on top of that, it receives an annual $1 000 funding assistance package to assist with training and development for parents. This government sees that the role of parents and community members will be a key feature in achieving our aims in the classrooms of South Australia.

On behalf of parents and school council committees, SAASPC has formal representation on a range of departmental reference groups and working parties to promote parent interest, and involvement and participation in schools and preschools, and there has been some increased involvement by that organisation. Importantly, this encourages the growth of positive partnerships between schools and preschools and their communities.

This government sees much value in taking an inclusive approach towards decision making, and it is indeed appreciative of the input of all sections of the education community that contribute towards the new government's aim. Those groups are made up of principals, teachers, parents and members of the community who are passionate about the education of young people. So, who better to have alongside government working towards these very ambitious and important aims in education? Clearly, associations are valuing the opportunity to play a greater role under this government. The President of the South Australian Primary Principals Association, Ms Leonie Trimper, says in her latest column:

> I am heartened at the direction our system is heading in, and particularly the development of the culture based on collaboration and cooperation.

That is just one of the many examples I could quote of the new environment that the government is seeking to engender towards meeting our goals in education. One has only to look at the positive resolution of the recent enterprise bargaining agreement with the Public Service Association and the Australian Education Union in contrast to the previous government's performance of taking years, involving industrial disputation, to settle what should be settled promptly in the interest of all students in this state.

This signals a new approach by the government, a more inclusive and, importantly, a more participatory approach by those key people in the community who have the information, skills and knowledge to contribute to achieving the best, most positive outcome for the students of South Australia.

PORT STANVAC

The Hon. W.A. MATTHEW (Bright): Will the Minister for Government Enterprises inform the house whether, unlike the Minister for the Southern Suburbs, he supports the major grain export facility at Port Stanvac, and outline the actions he has taken as minister responsible for ports to facilitate the project? In budget estimates on 31 July 2002, the Minister for the Southern Suburbs said of the proposal:

> . . . it is not part of government policy and, as member for perhaps the safest seat in the southern suburbs (and I want to keep it that way), I am not thrilled by what is being suggested.

The Hon. P.F. CONLON (Minister for Government Enterprises): I thank the member for Bright for his question. I would like to place on the record the fact that the member for Mawson does have a different attitude from the member for Bright in that he has declared that we need this facility at Port Stanvac. I am sure that he will be very happy explaining that. Let me address this issue, for it is a difficult and complex one. Above all, it is difficult and complex because of the situation we inherited in regard to a grain terminal.

Members interjecting:

The Hon. P.F. CONLON: They are making a noise, but let me make it absolutely plain. I am going to move on from this and, because we have inherited so many difficulties, I do not want to spend a lot of time on this. In its rush to privatise the ports, in its indecent haste, in the light of the fact that it had some disenchanted backbenchers involved in the industry and it had to satisfy a group of interests, not only did the former government do a very fudgy deal economically (and that will come to light later in terms of the port privatisation) but also it cobbled together a deal for one of the industry participants, Ausbulk, with regard to a deep sea berth that would be paid for with the proceeds. It was cobbled together; it was ill thought out. As a consequence of that, we inherited a situation where the major players in the grain industry in South Australia are completely at loggerheads about the future of grain shipping. I do not say partially or a little bit: they are completely at loggerheads directly as a result of the cobbled together arrangements under the ports privatisation.

An honourable member: Rubbish!

The Hon. P.F. CONLON: Members opposite say 'rubbish', but let me tell members that this government has been meeting with these people and attempting to sort this out. But what we have is AusBulk pursuing a resolution that is totally different from the resolution being pursued by the Australian Wheat Board and the Australian Barley Board, and members opposite all know that.

But where do we move from here? This government has been attempting, through the goodwill of all parties, to get some consensus about the approach. We have not been able to do that as yet, but I appreciate the opportunity to put on the record today that the best way to avoid overspending on infrastructure on this matter and the best way to get an outcome that suits all South Australians is to get the industry together; and that is not something we have been able to

achieve at this time due to the ill thought out arrangements put into the deed of sale with the ports.

Members interjecting:

The Hon. P.F. CONLON: Well, members say that, but we can demonstrate it. But I move on. This is the difficulty we face: we have had to suspend the operation of some legal obligations between parties in order to try to find a better outcome for the people of South Australia, and we are committed to doing that. We hope to pursue a resolution soon, but we still insist that the industry comes closer together with each other so that we can get a better outcome on the expenditure of money on infrastructure. In my role as Chair of the Infrastructure and Major Projects Committee, I declined to take a vote on certain recommendations. In one of the proposals grain trains would run from the northern extremity to the southern extremity of my electorate. Were I taking a vote, some of the proponents might not be absolutely confident that I would not have some considerations (quite rightly) as the local member; as the member for Bright has; as the member for Mawson apparently does not, but I will pursue that later.

The matter will be considered by cabinet. We do have timetables for it because we cannot ignore forever the legal obligations that all the parties inherited, but I urge the industry participants to come together more closely and see if we cannot find a resolution that does not mean that every dollar spent on infrastructure is spent productively. Unless we can get the proponents and the various members of industry closer together we will not get an optimal outcome, whereby every dollar spent on infrastructure is spent most productively; and I do not apologise for pursuing that. We may not be able to realise it in the end, but we will do our very best.

MURRAY RIVER

Ms RANKINE (Wright): Can the Minister for the River Murray advise the house of the current status of the government's River Murray discussion paper, the nature of responses received during consultation and of progress in developing the draft bill?

The Hon. J.D. HILL (Minister for the River Murray): I thank the member for this excellent question which raises issues to do with the most important environmental issue facing our state. It is timely that the question is asked today, given the listing by the National Trust of the Murray River as the number one endangered place in this nation.

This government is determined to improve significantly the health of the river by working cooperatively with its upstream partners and the commonwealth. But we must also take our stewardship of the river in South Australia seriously. That is why the government's policy on the Murray River contains a commitment to develop a River Murray act. The act will give the government clear powers over the way in which the river is used, controlling planning, irrigation practices, pollution and rehabilitation programs.

The proposed legislation is aimed at improving the health of the Murray and its flood plains, wetlands and tributaries. We are using some high-level objectives adopted by the Murray-Darling Ministerial Council in March of last year to define what we mean by 'river health'. These are aspirational yet very specific objectives which cover water quality and environmental flow. The River Murray acts will tighten controls on existing and future activities that may have an impact on the river. I hope that, as well as doing this, the passage of this legislation will send a message to our neighbours that South Australia is serious about solving the problems that we have in our own part of the river.

In mid-June I released a discussion paper for public consultation on what the acts might contain. I have received approximately 30 written submissions in response to that discussion paper, the vast majority of which have been extremely positive and supportive. Many stakeholders, including boat owners, irrigators and regulators, have applauded the government's initiative of developing legislation to give stronger recognition to the river. Comments that I have received include the following: 'Strongly support the objects of the legislation'; 'Could be a model for interstate'; 'Applaud the initiative'; 'Support the possibility of bringing all of the multitude of acts and authorities under one umbrella'; and 'Support building on existing legislation and institutions'.

A number of organisations have made constructive suggestions to assist the development of the draft bill and subsequent regulations, and we are taking on board those suggestions. Naturally, a number of organisations do have some concerns, and we are working through those concerns as well.

The next step in developing the legislation is to work through the comments from stakeholders and to consult further when a draft bill has been prepared. I expect to produce a draft bill for consultation in early September. Depending on the response from the public, I intend to introduce a final River Murray bill in parliament towards the end of this year.

PORT STANVAC

The Hon. W.A. MATTHEW (Bright): My question is directed to the Minister for Industry, Investment and Trade. Will the minister inform the house what action he has taken to facilitate the proposed new grain terminal at Port Stanvac, and will he also say whether he supports this proposal or whether he supports the views of his colleagues the Minister for the Southern Suburbs and the Minister for Government Enterprises?

The Hon. K.O. FOLEY (Minister for Industry, Investment and Trade): I do not have much to add to what has already been said by my colleague the Minister for Government Enterprises, who is responsible for this project on behalf of the government. I can confirm that the Department of Industry, Investment and Trade (soon to be the Office of Economic Development) is working with other government agencies on the most optimum outcome for the state. All those issues have been well canvassed by my colleague, but I am a member of the cabinet committee to which the member refers and I can say that, clearly, the alternative site that we are considering is the site that was chosen and signed up by the former government, and that is the port of Adelaide, which is in my electorate. At the appropriate time, I, too, shall ensure that any perceived or potential conflict of interest is noted, whether that be through my—

An honourable member interjecting:

The Hon. K.O. FOLEY: There will be no-one left to vote on the committee.

Members interjecting:

The Hon. K.O. FOLEY: No. In fairness to myself as the local member for Port Adelaide, I have not allowed my interest as local member to conflict with my role as the industry minister. I have managed both those roles well. We are a very good port. The future of the Outer Harbor port is

vitally important to this state. A lot of good work is being done by a number of parties (both private sector and government) to build on the strategic asset that we have in the port of Adelaide. As many members know, there is a shifting focus—we are now on a subject that I quite like, so I could go on for some time, but I will not—with the inner harbour transferring to the outer harbour, and with that will come a lot of development. I am conscious of that, and the honourable member can rest assured that I will deal with it in the appropriate manner as he would expect from me as industry minister.

MOTOR VEHICLES, REGISTRATION

Mrs HALL (Morialta): My question is directed to the Minister for Local Government. Will the minister advise the house whether the government supports the proposal of the Local Government Association to introduce a $20 levy on motor vehicle registrations? The Local Government Association has put forward a proposal to introduce a $20 levy on motor vehicle registrations in order to cover the shortfall in government funding for the building and maintenance of local roads.

The Hon. J.W. WEATHERILL (Minister for Local Government): No.

CARRICK HILL

Mr HAMILTON-SMITH (Waite): My question is directed to the Premier as Minister for the Arts. Will the Premier confirm that $100 000 earmarked for initial concept work on a new function centre at Carrick Hill, and an additional $200 000 earmarked for improvements on the existing building, have been withdrawn? The previous government provided for this work and the ongoing maintenance of Carrick Hill's facilities without the need to subdivide or sell the land within the site. Arts SA had commenced the preparation of a budget bid for this financial year and next, amounting to $2.2 million, to facilitate construction of a new function facility. Yesterday the Liquor Licensing Court determined that Carrick Hill would remain open as a function venue. However, the budget papers appear not to have provided any allocation for either the function facility or improvements to the existing building.

The Hon. M.D. RANN (Minister for the Arts): If there were plans by the former government to turn Carrick Hill, which was left by the Hayward family (which owned John Martin's) to the people of this state, into some kind of housing estate, it will not happen on my watch. Your government may have wanted to do it, but it will not happen on my watch. I will not allow it to be turned into some kind of pokie palace, either. If I understand the honourable member correctly, you will not see Carrick Hill turned into some kind of Las Vegas or vaudeville show and it will not be sold off for a housing estate or anything else.

AMBULANCE COMMUNICATIONS CENTRE

Mr BROKENSHIRE (Mawson): Will the Minister for Emergency Services advise the house whether the volunteer community was consulted prior to the closure of the north-west ambulance communications centre and, if so, will he advise the house what feedback the government received? We have received several letters from volunteers outlining strong disapproval and very serious concerns regarding the closure of the north-west ambulance communications centre in Port Pirie. In their letters the volunteers state that their expertise has been, in their opinion, undervalued and their contribution under-appreciated, and many have indicated that they are considering whether to continue volunteering. In their letters they express concern about the lack of local knowledge of back roads, access tracks and property names and can appreciate the difficulty in responding quickly to emergencies where there are no signposted streets, no numbered letterboxes and therefore no local knowledge, which is specifically required in rural and regional areas of South Australia.

The Hon. P.F. CONLON (Minister for Emergency Services): It is refreshing to find that the member for Mawson still has responsibility for this matter on the other side, because it has been so very long since we have heard from him, certainly since we last spoke about his management of emergency services and his ambulance station that would be run without funding, people or ambulances. We have not heard a lot from him for a while. I am happy to find that he is still in the job. I make absolutely plain what has happened with the ambulance service in terms of our overall budget. Bilateral after bilateral in recent years, the ambulance service came to me to say that the operation of some country communications centres was unsustainable from the perspective that one person operating communications centres was an unsafe way to do business and that they could improve services in the local community and overall in the ambulance service if they closed those and centralised.

It took a little political courage to say yes to the people who run our ambulance service, but I am here as the minister. I am not here as the chief executive or the board of the ambulance service. I have to have confidence in what they do and have to listen to their advice. Their advice was that the service would be better if we made this move. I have spoken to the union involved, which concedes that if it was not rearranged they would be seeking additional staffing in the country centres to overcome some of the occupational health and safety and service issues.

What basically occurred is while under this person's stewardship emergency services budgets were going to hell. The CFS was spending its capital expenditure on recurrent expenditure; that is, money that should have gone to build fire stations was going to pay the salaries of people who were never approved. While all this was running amok they were ignoring improvements to the ambulance service which would have also relieved some pressure on the funds of the ambulance service. We did not do that. We had the political courage to go to the people of South Australia at the last election and say we had some priorities in health, education and police, and balancing a budget. I do not apologise in this house for keeping our word to the people of South Australia.

It did mean that we had to make some good political decisions. It did mean that we had to take some decisions about priorities, and I have to say that this was not one of the hard ones. When the ambulance service came to me and said, 'You can save money and improve a service to people,' in that light, I have to tell members that I will face up to the political risk involved and make a decision that has to be taken. I do not apologise for that. I do not apologise for keeping our word and I ask members to contrast it with what happened at the last election when they promised—never, never, full stop, full stop—to sell ETSA. It took them two months to break their word. I am happy to keep my standards and they can deal with their standards in their own way.

Mr Koutsantonis interjecting:

The SPEAKER: The member for West Torrens will come to order!

Mr BROKENSHIRE: I have a supplementary question. The question is a simple question: were the volunteers consulted as they were promised they would be by the Labor government? No rhetoric any more: a simple answer.

The Hon. P.F. CONLON: I understand I cannot answer in particular on this—

Members interjecting:

The Hon. P.F. CONLON: I cannot answer with regard to this particular station, but if the mob of buffoons on the other side would listen for a moment, I can indicate that recently I have been advised that, in relation to the Mount Gambier station, its AAS not only engaged in consultation with volunteers of the ambulance service but with other services. I would assume that they did that there, too. Just for the member for Mawson's benefit, when he was the minister for emergency services, he got it very wrong, he stuffed it up, and it may well be because he was trying to be the chief executive officer of one of his services. Let me tell members what we inherited. We inherited a situation where bureaucrats were pleading with him to allow them to fix the dreadful situation he had created. We inherited a situation that, if we did not find money out of consolidated revenue, $12.5 million out of consolidated revenue, then next year emergency services in this state would have had $1 million across all agencies for capital and none thereafter. That is what we inherited—

Mr Koutsantonis interjecting:

The SPEAKER: The member for West Torrens will come to order!

The Hon. P.F. CONLON: We fronted up, we found the money, we found an extra $15 million—

Mr Brokenshire interjecting:

The SPEAKER: The member for Mawson is getting an answer.

The Hon. P.F. CONLON: —the bulk of it coming from consolidated revenue. We found that, we addressed our responsibilities and we started mending the problems. If the member for Mawson thinks that the biggest issue in emergency services is improving country services on communications and if he thinks the biggest issue is political cowardice about facing up to decisions, I can say I am glad and the people of South Australia are glad that we have a new government.

Members interjecting:

The SPEAKER: Order! The member for Newland.

VALUATION LIST

The Hon. D.C. KOTZ (Newland): Will the Minister for Urban Development and Planning advise the house if industry feedback was considered in relation to the government's proposal to abolish the valuation list? I have been contacted by several valuers concerned by the potential impact of this proposal. The valuation list is used by valuers to quickly verify that persons wanting to sell a property are the owners. I have also been advised that buyer and vendor names are extremely essential for identifying intra-familiar, intra-occupancy, intra-government sales and Housing Trust sales where the stated settlement price does not include years of back rent counted towards the purchase price. The valuers have also advised me that the cost and time required to undertake a LOTS inquiry each and every time this information is required is inefficient and cost prohibitive.

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): I thank the honourable member for her question. This question of the depersonalisation of a number of the personal details that are contained within the material that has been provided to people as a service by the Land Services Group of the Department for Administrative and Information Services was an initiative that began under the previous government. It was sensible because, as members would be aware, the Torrens system of title involves an open register. That necessarily includes the names and addresses of people who are owners of land, and sales data. This is an essential aspect of the system. Members would be aware that this is a South Australian innovation of about 1890 and that it has been exported all around the world. It is a magnificent and incredibly valuable piece of South Australian public policy, because it simplifies land transactions.

One of the dilemmas that has occurred, in the process of providing services to the private sector, is that new technology has bundled up a range of information which has put at risk some people's personal details. Some people would be concerned to find that the previous government was putting out in the public sphere information that could arguably be used to invade a person's privacy. The previous government recognised that this was an issue, so it embarked on the process of depersonalising some of the data. It is proposed to withdraw some of the products that were hitherto available, but that has not yet happened. This process began in September 2001. Industry groups were consulted about the fact that we were moving down this path, and we continue to have discussions with them. We understand that they are alarmed at the loss of a particularly useful and convenient service, but they will still be able to obtain all the information they are currently able to obtain? It is just that sometimes a fee will be associated with obtaining it, and it may be in a form which is less convenient than the present system. It is a question of balancing the privacy of individuals and also managing the data. We will continue that process. The discussions that began under the previous government will continue under this government. We will come up with a good answer which protects the interests of the industry but which also protects the privacy of individuals.

SCHOOL, COMPULSORY AGE

Ms CHAPMAN (Bragg): Will the Minister for Education and Children's Services advise what new and appropriate programs will be available for children over 16 years of age who will be required to stay at school as at January 2003? As you would particularly recall, sir, because you made a contribution yourself on this matter during those debates, regarding the increasing of school leaving age to 16 years, many staffers warned—

Members interjecting:

The SPEAKER: Order!

Ms CHAPMAN: —of the potential risk of disruption to classes if there were insufficient and unsuitable programs. The government promised that the legislation would be matched with resources and suitable measures to provide for these children.

Members interjecting:

The SPEAKER: Order! I am trying to hear the explanation, and I cannot, because someone on the government benches is prattling on. The member for Bragg.

Ms CHAPMAN: Whilst during estimates the minister acknowledged that it was difficult to identify exactly how many children she would be providing for in this, she said on 6 August:

> I will be very excited to announce the details of this strategy quite shortly.

We now have four months left to prepare.

The Hon. P.L. WHITE (Minister for Education and Children's Services): As the honourable member stated, it is correct that a little while ago I said I would shortly be announcing the details of programs to target students above the age of 16, and I will do so. I thank the honourable member for raising this important issue because it is one of the key strategies at the heart of the very important change that this government is making to education in this state.

The measure to raise the school leaving age to 16 has successfully passed through this parliament and work is being done with principals and within the central agency on the communications strategy, and that will put a number of things in place in time for the start of the next school year in January 2003. Importantly, the member questioned how many students this work will benefit, and I advise her that it will benefit quite a large number of students. The aim of this government is not only to target those students above the age of 15 but to implement changes that affect the learning of students right across the board in the senior years and in the middle years. We seek to engage students in their learning, making sure that, even in the early years, we put in place the programs, the supports, the special attention, to make sure that children do not fall through the crack, which they could do because of the previous government's lack of attention to education in South Australia.

Bearing in mind the commitment we gave during the election campaign involving $2.5 million annually, I am very pleased with the government's announcement in the budget allocating a $28 million package over four years, which more than doubles, almost triples, the commitment we made. I contrast that to the policy commitment made by the Liberals. They had a come-lately policy to raise the school leaving age. In the 1997 election their policy was against raising the school leaving age, then former premier John Olsen said they might think about it, then in the election campaign they adopted it reluctantly, but how much money did they allocate to that policy commitment? We promised $2.5 million a year; they promised zero. What did the Labor Party deliver—$28 million over the next four years.

Members interjecting:

The Hon. P.L. WHITE: Liberal members should stand in shame for their lack of commitment to education. You can cry as much you like about what you might have done, because the fact is that you were not going to do very much at all. In fact, if the truth be known, you could not even agree on the policy. After all that time, what preparation did you make into putting this new policy—

The SPEAKER: Order! The minister knows that there was nothing I could do because I was not the minister. She also knows that her remarks should be addressed to me as the chair. I invite her to continue the answer and wind it up.

The Hon. P.L. WHITE: Thank you, sir, and I apologise to you. My passion for education in this state overtook me, as did my fervour in pointing out to all and sundry and to the people of South Australia the failure of the former Liberal government with respect to South Australian students, and I invite the opposition to come on board and start contributing. Perhaps they should take an interest in the students of South Australia.

Members interjecting:

The Hon. P.L. WHITE: You can cry all the crocodile tears you like. The former Liberal government left the new state Labor government with a massive budgetary hole to fill. We have not only filled that hole but we have come up with $156 million extra for education. Compare that with what you were going to do on this matter.

The SPEAKER: Order! I never did anything. The chair was not involved, I remind the minister.

The Hon. P.L. WHITE: I am sorry; I offer my apologies again sir. It was my passion again! As my good colleague the Minister for Transport says, it is this government that is fair: it was the former government that was unfair.

GRIEVANCE DEBATE

VOCATIONAL EDUCATION TRAINING PROGRAM

Mrs PENFOLD (Flinders): The Vocational Education Training program of the Department of Education, Training and Employment has been a resounding success. I take this time to bring the VET program to the attention of the house so that all members are aware of the program and its practical success in steering students into apprenticeships and employment. VET is a way for students to experience the world of work in a range of occupations while still at school, thus enabling them to choose a career pathway that suits their skills, abilities and interests, and to engage students in work-related learning built on strategic partnerships between schools, businesses, industry and the wider community so that they gain practical work skills and nationally recognised qualifications.

By adding VET subjects studied at school, the students can claim credit to many different TAFE courses upon leaving school. While at school, students can enrol in TAFE with no charge. When modules are successfully completed, results are passed onto the TAFE. Accreditation for TAFE courses can also be gained automatically by stating what subjects were studied in year 12. Some examples of subjects that fall into this category are information processing, physical education and small business management. School-based apprenticeships are a part of VET. In this program students gain national training qualifications, being paid for their learning time in the workplace while still completing the South Australian Certificate of Education.

School-based apprenticeships on Eyre Peninsula are currently available in the following industries: aged care, agriculture, automotive, business studies, child care, cookery, electrical, engineering, equine, information technology, media, panel beating, spray painting, refrigeration, retail, seafood, aquaculture and tourism. VET builds on the attributes that enterprise and career education programs develop in students at Eyre Peninsula schools and preschools. Those characteristics are using initiative and drive, being creative and innovative, being positive and flexible, making decisions and solving problems, planning and organising, communicating and negotiating, managing resources and

people, working cooperatively and reviewing and assessing. I am sure that all members will agree that not only is this a wide range but also these are valuable life skills.

Not all students are academic. The VET program acknowledges this and gives students with a more practical approach the necessary pathways to employment and a fulfilled life. A news item on 19 August 2002 referred to a Mount Gambier skills centre designed to put high school students into building apprenticeships. It was reported as one of the most innovative education programs in the nation. That is what VET is: the most innovative, education program in the nation, and it has been quietly assisting students into careers.

The 2002 Eyre Peninsula field days at Cleve had a focus on education as reported on the ABC. Greg White, Assistant Principal at Cleve Area School, which is noted for its focus on agriculture, said all the schools were displaying their different wares in an enterprise theme. The report quoted him as saying:

> What we are looking at is enterprising education all the way through so students can develop a lot of different skills that will assist them in their future careers. The theme was developed in a debate by students on the relative merits of enterprise and education in life.

The Enterprise and Vocational Education Eyre Regional Management Group has begun a three year program to attract students after they leave school. This is an essential component of ongoing evaluation of the program. It is proposed that the data gathered will be used in identifying future needs for future secondary students and for future pathways. It would be nothing short of criminal if this program was curtailed. The government has allocated funds towards the cost of students staying longer at school. It would be a good move to use some of this funding to ensure the continuation of the VET program.

The Australian National Training Authority provides $20 million towards VET in-school funding, and that is guaranteed until 2004. I ask the Minister for Education and Children's Services and the Minister for Employment, Training and Further Education to ensure the continuation of the VET program, funded to 2002, on Eyre Peninsula, together with continued salary support for the two staff. These excellent staff members are Betty Pearce, the regional VET coordinator based at Lock, and Sally Richardson, the regional enterprise coordinator based at Tumby Bay.

RADIOACTIVE WASTE

Ms BREUER (Giles): Today, I was very interested to hear the comments from the Minister for Environment and Conservation in relation to the storage of radioactive waste in South Australia, because it is very pertinent to what I wish to speak about today. Of particular relevance was the EPA's role in deciding the waste storage site in South Australia and the decision to do a thorough audit of all the waste stored. In government, our position is that we are totally opposed to any commonwealth low level or medium level dump being based here.

In Andamooka there has been a protest by residents of that area (I think the protest may still be continuing) about the proposal to locate a dump in that region. I congratulate them for having the courage to speak out and to show their concern. Whilst Andamooka is a long way from Adelaide, I hope that the media makes note of this protest and acknowledges how strongly the residents feel about having a dump sited in their area.

This is not the first time I have spoken out about this issue in this place on behalf of my communities. We do not want a dump in our area. We do not want any dump in our area—we never have and we never will. The current proposal to locate a dump at site 52A, a bomb and weapons testing range, is absolutely ludicrous, and I have said this over and over again. What effect will this site have on prospective customers for the Woomera testing range? People in the area have some major concerns about the siting of this dump and, certainly, a lot of concern has been expressed by prospective customers about testing weapons and rockets, etc., in that area. I have tabled petitions signed by hundreds and hundreds of residents from all over Outback South Australia stating that they do not wish to have a facility in their region. I oppose not only a commonwealth dump but any dump in my region.

I am interested to know why the Radium Hill site cannot be revisited as a potential storage site, and it is a fairly interesting proposal. The Radium Hill site is part of the member for Stuart's electorate, and I wonder whether he would be such a proponent of this dump if it were to be sited in his electorate. I think he might need to think again if his constituents spoke out as strongly as those in my area. Radium Hill, a former uranium mine, is near the New South Wales border and it is a very isolated area. Certainly, there would be none of the same problems as would occur in Woomera with the weapons and rocket testing range.

Supposedly, there is some problem in Radium Hill with radon gas. I am not sure of the nature or the extent of this problem but, surely, any such problem could be overcome—after all, the site was mined for many years. I would like to know whether it is possible for waste to be stored there. Has this been considered? Has the EPA looked at this proposal? Little comment has been made regarding this proposal.

In the *National Geographic* of July 2002, there was an interesting article on uranium waste. This article was sent to me by Mr Bob Norton from Andamooka, who has been extremely active in trying to prevent a dump being sited in that region. He has researched the issue very thoroughly, including the problems associated with waste dumps. The article states:

> . . . shipments will head for Yucca Mountain, 990 miles northwest of Las Vegas, chosen by Congress in 1987 as a potential resting place for the nation's spent fuel rods and other high-level waste. The Department of Energy has invested $4 billion testing and tunnelling Yucca amid controversy. . . the state of Nevada—

where the dump is sited—

> finds 'significant and unacceptable risks' just about everywhere it looks in Yucca Mountain, from geology to groundwater to nickel alloy containers (for the spent fuel) that the Department of Energy says will last at least 10 000 years. More like 500, says Nevada, and many environmentalists agree.

So, they are totally opposed to having this dump sited there, but in their case they have been overridden by the federal government in America. The Department of Energy has been hell-bent on building Yucca Mountain, no matter what the science, what the ethics or what the cost. Governor Kenny Quinn threatened to bring the suit to the Supreme Court, but President Bush approved the site on 15 February and Nevada filed a notice of disapproval on 8 April, sending the matter to Congress which could override Nevada's veto by a majority vote. But it seems to me at this stage that they have no chance and they will be landed with this—as will the people in our state be landed with this by our federal government.

SHOWDOWN 12

Mr VENNING (Schubert): Mr Speaker, for my grievance debate contribution today I want to do just that—grieve. I am, firstly, a Port Power supporter and, secondly, a very parochial South Australian football follower. What happened on the weekend at Showdown 12 was a tragedy for South Australia. It was a tragedy because star fullback for the Power, Darryl Wakelin, was so shockingly injured and will miss the finals; but also a tragedy that one of South Australia's finest footballers, an icon and a boy from Port Pirie, Mark Bickley, was involved and has been suspended and will miss the finals in his testimonial year. I genuinely feel sorry for them both: for Darryl because he is injured and will be sorely missed as we enter the finals, and for Mark. Most South Australians—Crows supporters and most Port Power supporters—feel very much for Mark Bickley as it was totally out of character for him. He has a wonderful record, is a lovely man and is respected by all. Yes, he did make a mistake, as we all do from time to time. This unfortunate incident has affected us all and we wish, for the sake of South Australia and South Australian football, that it had not happened. I wish them both well.

Mr Speaker, I think it is time that we addressed the obvious ill feeling between the two clubs here in South Australia. I am a South Australian; I barrack for the Power first and the Crows second—anything to beat the Vics and promote our wonderful state. So I cannot understand how some Crows and some Power supporters will support any Victorian side before they support the other South Australian team. I cannot understand why that is.

An honourable member interjecting:

Mr VENNING: I am a proud and parochial South Australian and I am more so at the football. I thought the Ramsgate incident was very regrettable, and action should have been taken then to address the ill feeling between the two clubs. They should be given the message that as South Australians we should save our vitriol for the Victorians, not the other South Australian club. I think the local media should share a large part of the blame for the ill feeling. In the week or two before each of the showdowns we get graphic pictures of acts of aggression and deliberate antagonistic vibes designed to fuel ill feeling between both the supporters and the players alike. It is a sad day, and I will say again that I think South Australian football generally took a savage blow last Saturday. I know that I express the good wishes of all my colleagues here in this parliament to both of the players involved. To Darryl, a speedy and full recovery, and to Mark, we do not hold this against you and we accept your apology. It was good to hear that Darryl has forgiven Mark. I wish both sides all the best in the finals and I dream for a Power-Crows grand final and for the Power to win by a point!

I noted today in question time questions directed to the Minister for Government Enterprises and to the Treasurer about the port here in South Australia. I agree in principle with their answers. Industry people in this state have to get their act together and stop this stupid competition between them. The Minister for Government Enterprises was right in what he said—and it is not often that I can say that. We have to stop this stupid nonsense which is costing our industry and our state so much money. We may well end up with two half ports. And who will pay? Farmers on all sides.

The arrogance and ill feeling has to stop now and the government has to give leadership—because I believe that Port Stanvac is a further diversion—and we have to make a decision now. If we do not, in 2005 the depth of Port Melbourne will be increased to a depth of 14 metres, and if we have not acted by then South Australia will become a backwater. We must make a decision by 2005 and have a port in place before their port is opened. We have delayed long enough with this decision. We must get on with it, and I believe the best choice for all South Australians is Outer Harbour at Berth 8—and I have been saying that for years.

DEATH BY STONING, NIGERIA

Mr SNELLING (Playford): I rise to express my horror at the decision of a Sharia court of appeal in Funtua in Katsina State, Nigeria, to uphold a sentence of death by stoning of a young woman, Amina Lawal, who is accused of nothing more than bearing a child out of wedlock. She has 30 days to appeal the decision and, unless she is successful in her appeal or is granted some form of clemency, in about eight months when she has weaned her child she will be pelted to death with rocks. I do not need to point out the barbarity of such a punishment. Several states in northern Nigeria recently extended Sharia law, which has a mandatory death penalty for adultery. Previously, Sharia law was only applicable in civil and personal matters. As well as death, flogging and amputation are imposed for offences as trivial as consumption of alcohol.

In January 2001, Bariya Ibrahima Magazu, a 17 year old mother was flogged 100 times in Zamfara State after a conviction of pre-marital sexual intercourse. The sentence was carried out before she had the opportunity to appeal and, from my understanding, the man with whom she had the sexual intercourse suffered no penalty whatsoever. I personally urge the Nigerian government to grant some form of clemency to Amina Lawal, and I also urge the federal government to make whatever representations it can so that this woman might be spared such a cruel and barbaric death.

CONSTITUTIONAL REFORM

Mr SCALZI (Hartley): Today I wish to talk about the constitution, parliamentary reform and the matter of the conscience vote. Last weekend (17 and 18 August) I, with other members of parliament, attended the constitutional reform conference staged by the University of Adelaide—which I found very informative. We are in the mood for thinking about how democracy can be better experienced by more South Australians. At that conference, there was a lot of discussion about direct participatory democracy in the form of citizens initiated referenda and the difference between that and representative democracy. Representative democracy, of which we are an example and which is based on the Westminster system (it is the greatest gift that the British have given us), is a system of government in which people elect agents to represent them in the legislature. We do not have citizens initiated referenda where people have the power to initiate a referendum on whether a particular law should be enacted or repealed, and the result of such a referendum is binding on the government and the parliament.

Let us look at the two systems. As representatives of the constituency, from time to time, members have to make decisions on a matter of conscience. A conscience vote is a vote in parliament for which members have been released from party discipline on an issue in which religious belief or personal moral choice is deemed to be of overriding importance, such as: abortion, censorship, divorce, reform, the death

penalty, euthanasia, and possibly stem cell research. I would say that same-sex couples and their entitlements fit into this category.

I believe that, unless we expand the conscience vote, the very essence of representative democracy will be threatened. If we are to truly represent our constituents, we must aim at some reform in this area. I find it objectionable if a member of parliament cannot exercise his or her conscience on such issues. A political party or group should not be able to put undue pressure on individuals. Perhaps we should look at a means of establishing a special committee of the parliament so that, if there are instances where there is evidence that undue pressure has been put on an individual, that can be looked at, or we could make conscience issues more clear and distinct so that we know when a conscience vote is required and when it is not. This is of the utmost importance because the public want to know in which areas their member of parliament is able to exercise his or her conscience in the knowledge that they have to represent, and be a true advocate of, the community.

I also note that members of the Legislative Council (traditionally a house of review for dealing with these issues) are elected on a proportional representation basis on a party ticket. I suggest that a Legislative Councillor would have more allegiance to a political party than would a member of the House of Assembly who is directly elected by his or her constituents. These sorts of issues must be dealt with. I suggest that the constitutional reforms proposed under the Constitutional Convention be looked at closely, because it is no use having a conscience vote if members are not able to exercise it.

AUSTRALIAN OF THE YEAR AWARDS

Ms CICCARELLO (Norwood): I was honoured last Wednesday to attend the launch of the Australian of the Year awards as the Premier's representative with Professor Lowitja O'Donoghue. These awards celebrate the unity and diversity of the Australian experience. As Australian citizens, we come from different backgrounds, and we each have a different understanding of what it is to be Australian. What unites all Australians is the commitment to building our nation and to make it an even better nation to call home. The awards recognise and award Australians who have a consistent record of excellence and who have made outstanding achievements in their field contributing in a significant way to the Australian people and the nation. They are outstanding role models for all of us.

The Australian of the Year awards, which include Australian of the Year, Young Australian of the Year and Senior Australian of the Year, as well as the new Local Hero award, are not just about rewarding success; they aim to inspire confidence, enthusiasm and hope for all of us to strive to do our best in our own communities and chosen fields of endeavour. The awards profile what people with passion, commitment and belief in themselves can achieve through persistence and courage. Who can forget those defining moments and the contributions of some of our nation's greatest heroes: Cathy Freeman, Mandawuy Yunupingu, Fred Hollows, Pat Rafter, Scott Hocknull, Prof. Graeme Clark, and many others? These people inspire us all to give to our nation in order to make it a better place for generations to come.

However, the Australian of the Year awards are not just about recognising famous Australians. There are so many people known to each of us who have quietly worked for many years in laboratories, on playing fields and in music and art studios, whose contribution is equal to any of the great Australians whom we see on television or in our newspapers. Now it is everyone's opportunity to let us know whom they think should be recognised in these awards. There is no better way for any of us to show our appreciation and admiration for our fellow Australians for their contribution to this great nation than to nominate them for the Australian of the Year award. Whether their field is science, the arts, community, sport, academia, law, culture, education or any other field, their work and tireless commitment deserves to be promoted to the broader community.

This year the Australian of the Year awards have a different format. There is now an award called Local Heros, which recognises and profiles Australians who are making a real difference in their own local community, who might not have the high profile of the recipients of other awards but whose contribution is just as important.

This year, another major change in the 2003 program is that, in South Australia, we are being given the opportunity for the first time to host a state level of the Australian of the Year awards. This means that in November the Premier will announce for South Australia an Australian of the Year, a Young Australian of the year and a Senior Australian of the year, as well as two local heroes, one each from a regional area and the city area. Nominations close on 23 September and nomination forms are available from the Commonwealth Bank or the *Advertiser*. At the national gala awards presentation on 25 January, the Prime Minister will announce the winners of the national awards.

Here in South Australia, a panel of judges chaired by the Australia Day Council will be drawn from a range of fields of endeavour to select the South Australian finalists and determine the award recipients. The board of the National Australia Day Council will then select the national award recipients from the eight state and territory finalists in each award. So, I encourage all South Australians to get hold of nomination forms to recognise the contributions of these well-deserved people in our community.

SEASONAL CONDITIONS

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I table a ministerial statement on seasonal conditions given by my colleague the Minister for Agriculture, Food and Fisheries in another place.

PUBLIC FINANCE AND AUDIT (AUDITOR-GENERAL'S POWERS) AMENDMENT BILL

The Hon. K.O. FOLEY (Deputy Premier) obtained leave and introduced a bill for an act to amend the Public Finance and Audit Act 1923. Read a first time.

The Hon. K.O. FOLEY: I move:

That this bill be now read a second time.

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

Leave granted.

On 8 May this year the *Public Finance and Audit (Honesty and Accountability) Bill 2002* was introduced into this parliament. At that

time the Government outlined its 10-point Plan for Honesty and Accountability. One critical element in that plan is to widen the powers of the Auditor-General. This Bill is now introduced for that purpose.

In order to understand the need to give the Auditor-General these additional powers, one need only point to the events of last year. At that time the parliament found it necessary to pass the *Hindmarsh Soccer Stadium (Auditor-General's Report) Act 2001*, in order to permit the Auditor-General to carry out an examination under section 32 of the Act. During the debate, the present Treasurer said:

> The parliament was shocked when we had a document—the two page Auditor-General's report—brought into this parliament that was an appeal by the state's Auditor-General for help, for protection, and for this parliament to stand up and take notice of the bullying and the threats that have been levelled at him and his office.

This Bill will ensure that in future the Auditor-General has all the powers he or she needs to report to the parliament and the public on matters which ought to be examined in the public interest.

In the process of preparing this Bill, the Treasurer wrote to the Auditor-General to seek his views on provisions which should be included in the legislation. Responding to that request, the Auditor-General confirmed the need to extend the measures in the *Hindmarsh Soccer Stadium (Auditor-General's Report) Act 2001* to any inquiry conducted at the request of the Treasurer under section 32 of the *Public Finance and Audit Act 1987*. He also suggested a number of other matters, all of which are dealt with in this Bill.

The role of Auditor-General and his or her relationship with the parliament are critical to the effective operation of the Westminster system of government. Auditors-General are independent statutory officers. They provide the results of their audits or examinations to the parliament, but the parliament can not direct them as to the matters they are to examine or the manner in which they conduct their inquiries. The parliament currently has only one power—on the resolution of both Houses, to endorse the Governor's decision to remove the Auditor-General from office. This Bill gives the parliament an additional role in recommending the appointment of an Auditor-General when there is a vacancy in the office, but it reinforces the fact that, once in office, the Auditor-General can not be directed in the way he or she performs his or her duties.

The Bill extends the powers of the Auditor-General in a number of ways, in order to address problems which have been identified through experience. Last year the Treasurer requested the Auditor-General to inquire into the Hindmarsh Soccer Stadium project, following concerns repeatedly raised by members of this parliament. Section 32 of the *Public Finance and Audit Act 1987* requires the Auditor-General to examine publicly funded bodies or projects when requested to do so by the Treasurer. The Auditor-General faced many obstacles in conducting that examination, from persons who took a very narrow view of his powers under section 32. *The Hindmarsh Soccer Stadium (Auditor-General's Report) Act 2001* ensured that the Auditor-General had the powers he needed to conduct that inquiry; Clause 5 of the current Bill will ensure that he or she will have the same powers in any future examination requested by the Treasurer. Specifically, the Auditor-General will be able to:

- consider and report on any matter even if that matter does not relate to a publicly funded body within the meaning of the Act
- conduct the inquiry in such manner as he or she sees fit
- set time limits and impose requirements.

Any legal challenge to the way in which the Auditor-General exercises his powers must be commenced within 14 days of the conduct to be challenged, which will ensure that legal proceedings are not used to cause unreasonable delays to the conduct of examinations.

Section 32 of the *Public Finance and Audit Act 1987* currently permits the Treasurer to request the Auditor-General to inquire into projects or activities substantially funded by local councils or council subsidiaries. The expanded powers of the Auditor-General under this Bill will also apply to any such investigations into councils. However, the Government intends to maintain past policy of allowing councils a reasonable opportunity to remedy their own problems, before requesting the Auditor-General to investigate any matter. This intention will be embodied in protocols for the initiation of such an investigation, to be developed by the relevant agencies. The power is rarely used, and the Government has no intention of expanding its use. However, in the event of a local council refusing to investigate an apparent problem in the financial management of a project or activity, the Auditor-General can be asked to investigate. Local government will continue to be subject to the same standards of honesty and accountability as the State Government in South Australia.

The Auditor-General can audit the accounts of those who carry out functions on behalf of or jointly with a public authority—a very necessary power, given the extent of contracting out and public-private partnerships which are a feature of modern government. This Bill broadens the powers of the Auditor-General in these areas, to make it clear that he or she can report on any matter he or she considers relevant to the public interest.

The Bill will also allow the Auditor-General to:

- make findings as regards the conduct of any person
- make a finding of fact and law
- report on any other matter relevant to the public interest,

in any examination or audit.

This will allow Auditors-General to report to the parliament regarding the conduct of any person, whether that conduct is in accordance with the law and on any other questions of public interest. If they exercise this power improperly, the Governor will be able to remove them from office, with the support of both houses of parliament. That is the only control—and I may say the only appropriate control—on the complete independence of the Auditor-General to report on the situation as he or she sees it.

The Bill also ensures that the public will have rapid access to the Auditor-General's findings by providing that reports delivered to the parliament are to be published immediately. In the absence of the President of the Legislative Council or the Speaker of the House of Assembly, the Clerk of the relevant House will receive the report on their behalf. When the parliament is not sitting, the report is to be published within one clear day of its receipt. This will avoid the problems which arose in the 1997 election campaign, when the Auditor-General delivered his report to parliament but it was not made available to the public. The Auditor-General has indicated that he intends to make his reports available on his web-site as soon as they are published under the provisions of this Bill.

The Bill now introduced into the parliament is a critical element of the government's 10 point plan for Honesty and Accountability in Government. Other legislative and administrative measures in the package are being introduced in the near future, to give the people of this State confidence in the probity and transparency of this and future governments.

I commend the bill to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation.

Clause 3: Amendment of s. 24—Appointment of Auditor-General

It is proposed that the Auditor-General be appointed by the Governor *on the recommendation of both Houses of parliament*, after due inquiry by the Statutory Officers Committee. The independence of the Auditor-General is also to be reinforced by stating that the Auditor-General is an independent statutory officer who is not subject to the direction of any person, body or authority as to the manner in which functions are carried out or powers exercised, or as to the priorities of his or her actions.

Clause 4: Amendment of s. 31—Audit of public accounts, etc.

It is proposed to make express provision to the effect that the Auditor-General may, in conducting an audit of the accounts of a public authority, consider and report on any matter that is relevant to the proper management or use of public money or that should, in the opinion of the Auditor-General, be examined in the public interest.

Clause 5: Amendment of s. 32—Examination of publicly funded bodies and projects

These amendments are intended to give the Auditor-General greater flexibility and protection in the conduct of an examination under section 32. In particular, an examination under that section will now be able to encompass any matter associated with the governance or financial management of a publicly funded body, issues associated with the proper management or use of public money, and other matters relevant to public finances or to the management or use of public resources. It will also be made clear that the Auditor-General may conduct an examination in such manner as the Auditor-General thinks fit, and will be able to set time limits and impose other requirements, and make determinations and draw conclusions if these time limits or requirements are not met. Furthermore, any action challenging an act or omission of the Auditor-General will be required to be commenced within 14 days so as to ensure that the

processes and proceedings of Auditor-General are not unduly delayed if legal action is threatened.

Clause 6: Amendment of s. 33—Audit of other accounts

The amendments will make it clear that the Auditor-General may, in conducting an audit under section 33, consider and report on any matter that is relevant to the proper management or use of public money or that should, in the opinion of the Auditor-General, be examined in the public interest.

Clause 7: Amendment of s. 34—Powers of the Auditor-General to obtain information

The penalty for failing to comply with a requirement of the Auditor-General or an authorised officer under section 34 is to be increased from $5 000 to $10 000.

Clause 8: Amendment of s. 37—Recommendations relating to public authorities

This is a consequential amendment.

Clause 9: Repeal of s. 38

Section 38 of the Act is to be repealed and replaced with a new section (section 39B) that will require the President and the Speaker to cause a report of the Auditor-General received at parliament to be immediately published (as well as laying the report before their respective Houses). If parliament is not sitting when a report is received, the report will be taken to be published at the expiration of one clear day after the day of receipt of the report. A report published in this way will be taken to be published under the authority of the Legislative Council and the House of Assembly.

Clause 10: Insertion of Division 7

It is intended to provide expressly that the Auditor-General may, in connection with an audit or examination, make findings as to the conduct of any person or body, make findings whether they are findings of fact or law, and report on any other matter in the public interest. New provision is also made with respect to reports to parliament (see above).

Ms CHAPMAN secured the adjournment of the debate.

STATUTES AMENDMENT (STAMP DUTIES AND OTHER MEASURES) BILL

The Hon. K.O. FOLEY (Deputy Premier) obtained leave and introduced a bill for an act to amend the Financial Sector (Transfer of Business) Act 1999, the First Home Owner Grant Act 2000, the Payroll Tax Act 1971, the Petroleum Products Regulation Act 1995, the Stamp Duties Act 1923 and the Taxation Administration Act 1996. Read a first time.

The Hon. K.O. FOLEY: I move:

That this bill be now read a second time.

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

Leave granted.

The *Statutes Amendment (Stamp Duties and Other Measures) Bill 2002* contains a range of measures to implement grants, clarify existing exemptions or concessions, confirm the operation of existing provisions and make other minor administrative changes to update the State's taxation laws. The bill contains amendments to the *First Home Owner Grant Act 2000; Pay-roll Tax Act 1971; Petroleum Products Regulation Act 1995; Stamp Duties Act 1923; Financial Sector (Transfers of Business) Act 1999* and *Taxation Administration Act 1996*.

I will deal with the amendments to each act in turn.

First Home Owner Grant Act 2000

On 9 March 2001, the Prime Minister announced an increase in the First Home Owner Grant ('FHOG') from $7 000 to $14 000 (fully funded by the commonwealth), for those first home buyers who signed a contract to build a new home or buy a previously unoccupied new home on or after 9 March 2001.

This additional measure was announced as a short-term stimulus to the building industry with the intention that the FHOG would revert back to $7 000 for new home contracts entered into after 31 December 2001.

The Prime Minister further announced on 9 October 2001, as part of the Federal Election campaign that the additional grant would be extended until 30 June 2002, but that as from 1 January 2002, the amount of the additional grant would be $3 000 so that the grant for the construction of new homes in that six month period was $10 000 as compared to the grant for established homes of $7 000.

A relaxation of the eligibility criteria in two areas was also announced. The building commencement and completion requirements applying to the additional FHOG were to be varied so that persons must commence construction within twenty six weeks of entering into a contract (instead of the existing sixteen week criterion) and secondly, the contract must specify a completion date within eighteen months of the date of commencement (instead of existing twelve month period). It was subsequently agreed between the commonwealth and the states and territories that these changes would apply from 9 October 2001. All other eligibility criteria remain unchanged.

More than $228.5 million has been paid to FHOG recipients in this State since its inception and this has provided a major stimulus to the state's building industry. The amendments formally implement the commonwealth/state agreement on FHOG.

Pay-roll Tax Act 1971

Firstly, the bill amends the *Pay-roll Tax Act* to maintain the *status quo* by ensuring that all superannuation benefits are considered 'wages', and therefore liable to pay-roll tax, irrespective of how those amounts are attributed to employees/members.

The need for this amendment arises from the recent Supreme Court decision in *Hills Industries Ltd & Anor v Commissioner of State Taxation & Anor* (Judgment No. [2002] SASC 67), the effect of which was that the particular treatment of superannuation contributions did not constitute wages liable to pay-roll tax.

This decision was contrary to the previously widely held view as to the ambit of the superannuation benefit provisions.

Secondly, in relation to employment agents, certain anti-avoidance provisions were enacted by the *Pay-roll Tax (Miscellaneous) Amendment Act 1991*. These measures were aimed at schemes designed to avoid liability for pay-roll tax by severing the employer-employee relationship and clarifying liability to pay-roll tax where a person's services were obtained through an employment agent.

Since their enactment in 1992, RevenueSA has interpreted these provisions, as they apply to employment agents, to include any situation where the services of a natural person (the contract worker) are provided by a sub-contracting partnership, trust or company engaged by the employment agent.

Doubts have recently been raised concerning the interpretation of these provisions where an employment agent procures the services of a natural person for their client, but engage a sub-contracting entity, such as a company, rather than a natural person.

This bill puts beyond doubt that the employment agent provisions include payments made in situations where the services of a natural person (the contract worker) are provided by a sub-contracting partnership, trust or company engaged by the employment agent.

The proposed amendments to the definition of superannuation benefit and the Employment Agent provisions of the *Pay-roll Tax Act* apply retrospectively to confirm the widely held and accepted view of their application since their enactment.

This approach to retrospectivity is consistent with that taken in the *Stamp Duties (Land Rich Entities and Redemption) Amendment Act 2000* dealing with an amendment which operated to restore the stamp duty base to that existing prior to the High Court decision in the case of *MSP Nominees Pty Ltd vs Commissioner of Stamps.*

Petroleum Products Regulation Act 1995

The *Petroleum Products Regulation Act 1995* contains confidentiality provisions which provide a prohibition on divulgence of *'any information relating to information obtained in the administration of the Act'*. Whilst this prohibition protects individual's rights to privacy it also hinders proper administration of the *Petroleum Products Regulation Act* in terms of accountability and law enforcement.

The *Petroleum Products Regulation Act* provisions are more restrictive than those contained in the *Taxation Administration Act* which contains the confidentially provisions for all of the major taxation Acts administered by RevenueSA. The state's taxation legislation relating to pay-roll tax, stamp duty, land tax and debits tax are all subject to the *Taxation Administration Act*.

The *Taxation Administration Act* allows the disclosure of information that *'does not directly or indirectly identify a particular taxpayer'*.

The Bill proposes that the current confidentiality provisions contained in the *Petroleum Products Regulation Act* be repealed and that confidentiality provisions similar to those contained in the *Taxation Administration Act* be inserted so that information that does

not identify a particular taxpayer can be released for proper reporting purposes.

Stamp Duties Act 1923

The Bill deals with a number of stamp duty issues. Firstly, the Bill amends the *Stamp Duties Act* to extend, from one to five years, the time in which an application can be made for a refund of duty paid on an instrument that can be registered under the *Real Property Act 1886*, due to the instrument being rescinded or annulled. This change will align the provision with the general refund provisions in Part 4 of the *Taxation Administration Act* and provide greater equity for taxpayers.

Secondly, an amendment to section 71(2) of the *Stamp Duties Act* is proposed, which will remove a legislative impediment to the modernisation of stamp duty collection regimes so as to enable taxpayers to transact their business with RevenueSA over the Internet.

This sub-section was enacted before the concept of electronic forms of stamp duty determination and payment were envisaged and now acts as an archaic impediment to the introduction of modern taxation assessment and payment practices for the benefit of both the government and taxpayers.

Thirdly, the bill amends Section 71C of the *Stamp Duties Act*, which provides a stamp duty concession to first home buyers.

The government has recently become aware of a number of first home buyers who have been denied a refund of stamp duty (first home concession) on the transfer of land upon which they build their first home, because, through no fault of their own, delays in the building process have prevented them from completing construction and occupying the dwelling house within twelve months of the date of the land transfer, as required by the *Stamp Duties Act*.

The bill proposes to amend the *Stamp Duties Act* to increase the time period prescribed in the act from twelve months to two years to ensure that first home buyers are not disadvantaged through delays over which they have no control.

Fourthly, an amendment to the first home concession provisions is proposed to ensure that the concession is available to rural first home buyers. RevenueSA has been providing a first home concession on an administrative basis where the first home is purchased as part of an operating primary production property, provided that the value of the house and curtilage (ie. the immediate land around the house) is less than $130 000 and the property purchased is a viable farming unit. The purpose of implementing such an approach was to ensure rural first home purchasers can also receive the same concession as their urban-based counterparts.

The amendments provide the legislative backing to the previous interpretation and long standing practice of RevenueSA.

Fifthly, the bill clarifies the operation of an existing exemption from duty for transfers of a family farm (including goods used for the business of primary production), by ensuring that regardless of the form which the transaction takes, the transfer will not attract stamp duty. Without this amendment, some family groups are missing out on the exemption purely because of the manner in which their advisers have documented the transactions.

Sixthly, the bill seeks to amend the *Stamp Duties Act* to ensure that transactions that are effected under the commonwealth and State *Financial Sector (Transfer of Business)* legislation are chargeable with stamp duty. Such transactions were considered liable to duty under the *Stamp Duties Act*, however based on legal advice, there is now some doubt that the existing provisions operate adequately in all situations and therefore this issues requires clarification.

Commonwealth and state governments have established complimentary legislative frameworks to facilitate the transfer of businesses between authorised deposit taking institutions. In South Australia such transfers were previously regulated under a variety of state acts.

The amendments seek to ensure that the state receives stamp duty from any statutory transfers pursuant to the respective Commonwealth and State *Financial Sector (Transfer of Business)* Acts. It is proposed however to exempt credit unions from duty in recognition of their limited capacity to raise permanent share capital. This approach will re-instate the previous stamp duty exemption provided to credit unions prior to the introduction of the new transfer of business regime.

The South Australian *Financial Sector (Transfer of Business) Act 1999* is also amended by this bill to enable the Treasurer to determine an agreed sum to be paid in *lieu* of any state taxes or charges that would otherwise be payable. This provision is considered necessary in recognition of the very large and complex nature of these transactions.

Seventhly, the bill inserts a new provision into the *Stamp Duties Act* to clarify that where the Commissioner of State Taxation is satisfied that a transfer of property has occurred solely to correct an error in an earlier instrument upon which full duty has been paid, that the transfer instrument is only charged with nominal stamp duty and not *ad valorem* conveyance rates, effectively removing the potential for double duty.

Eighthly, and lastly, the opportunity has also been taken to make some minor amendments to the *Stamp Duties Act* in order to substitute any reference to a 'prescribed form' with a reference to 'a form approved by the Commissioner'.

A reference to a prescribed form is a reference to particular documentation required by RevenueSA. The change from a prescribed form to an approved form allows greater flexibility where changed circumstances require a different form.

Taxation Administration Act 1996

The *Taxation Administration Act 1996* is being amended to correct a technical anomaly by clarifying the operation of the extension of time provisions in the Act, and thereby prevent the possibility of unlimited refund claims being made in the case of objection and appeals against a liability to pay tax.

A review of the provisions of the Act was conducted following recent amendments made by the Victorian Parliament to the *Taxation Administration Act 1997* (Vic) to clarify the entitlement of taxpayers to receive a refund of excess taxation payments. These amendments were enacted following the decision of the Victorian Supreme Court in *Drake Personnel Ltd v Commissioner of State Revenue* (1998) 98 ATC 4915.

Advice from the Crown Solicitor has identified that in the South Australian *Taxation Administration Act 1996*, the general discretion of the Minister and the Supreme Court to grant an extension of time within which to lodge an objection or appeal, respectively, may be interpreted in a way that results in the possibility that an order could be made requiring tax to be refunded in relation to tax paid a substantial time ago. This result would not be in keeping with the general scheme of the *Taxation Administration Act 1996*, which imposes time limits on the ability to apply for a tax refund and to request an assessment of liability, which may result in a tax refund. Section 18 of the Act restricts the time in which a taxpayer may apply for a refund of tax that has been overpaid to five years from the time the tax was paid. While section 9 of the Act restricts the time in which a taxpayer may request the Commissioner to make an assessment of tax liability to six months from the date of payment of tax.

This amendment limits the discretion of the Minister to extend the time in which an objection must be lodged to no later than 12 months after the date of service of an assessment on the taxpayer or notification of a decision by the Commissioner of State Taxation. The amendment also provides that the Supreme Court can allow an appeal to be lodged no later than 12 months after the date of service on the person of the minister's determination of the person's objection.

The amendment applies to any objection or appeal lodged after its commencement, but does not affect the rights of those taxpayers who, at the time of its commencement, have made an application to the Minister or the Supreme Court requesting that they exercise their discretion to permit an objection or appeal to be made out of time, and a decision has not yet been made.

Finally, I would like to thank the various Industry Bodies and taxation practitioners who have made their time available to consult on the development of a number of the proposals contained in this bill. The government is very appreciative of their contribution.

I commend this bill to the house.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for the measure to come into operation on assent. It also provides for one clause to have retrospective operation. Clause 12 (which amends the provisions of the *Pay-roll Tax Act 1971* dealing with employment agency contracts) is to be taken to have come into operation on 1 April 1992 (which is the day on which those provisions first came into operation).

It should be noted that clause 11 (which amends the definition of "superannuation benefit" for the purposes of the *Pay-roll Tax Act 1971*) will also have retrospective effect: see clause 13.

Clause 3: Interpretation

This clause is formal.

PART 2
AMENDMENT OF FINANCIAL SECTOR (TRANSFER OF BUSINESS) ACT 1999

Clause 4: Substitution of s. 8

Section 8 of this Act currently provides an exemption from stamp duty and other duty or tax in respect of anything effected by or done under the Act. However, subsection (3) provides that a receiving body in a *voluntary* transfer of business must pay to the Treasurer an amount determined by the Treasurer on the basis of an estimate of the duties and taxes that would, but for the operation of the section, be payable in respect of the relevant transfer of assets. ("Receiving body" is defined in the *Financial Sector (Transfer of Business) Act 1999* of the Commonwealth to mean a body to which another body is to transfer, or has transferred, business under that Act. The State Act adopts this definition.)

This clause repeals section 8 and substitutes a new section that maintains the existing exemption from state taxes in respect of compulsory transfers facilitated under the Act but removes the "automatic" exemption in relation to voluntary transfers. While voluntary transactions are no longer automatically exempt from State taxes, subsection (2) enables the Treasurer to enter into an agreement with a receiving body in a voluntary transfer under which the receiving body is granted an exemption from a State tax or State taxes in relation to a particular transaction facilitated under the Act. "State tax" is defined in subsection (4) to mean stamp duty or any other tax, duty or impost that would, but for the granting of an exemption, be payable in respect of the transaction.

An agreement under this section may be conditional on payment by the receiving body of an amount determined by the Treasurer.

PART 3
AMENDMENT OF FIRST HOME OWNER GRANT ACT 2000

Clause 5: Amendment of s. 3—Definitions

The definition of "new home" is only used in section 13A of the Act and so is to be dealt with under that section.

Clause 6: Substitution of s. 13A

This clause recasts section 13A of the Act so as to revise the categories of transactions that will be taken to be special eligible transactions for the purposes of the Act. Provision is also made for the Governor, by regulation, to alter any date or period specified by the section in order to extend an entitlement under the act, or to determine other transactions to be special eligible transactions, if the regulation is consistent with the commonwealth/state scheme for the payment of grants.

Clause 7: Amendment of s. 18—Amount of grant

This is a consequential amendment.

Clause 8: Insertion of s. 18A

This amendment relates to the grants that are now payable with respect to special eligible transactions. The Governor will be able, by regulation, to alter a date or amount payable under this section, or to prescribe additional amounts, if this is consistent with the extension of the scheme under new section 13A(10).

Clause 9: Amendment of s. 46—Regulations

A regulation made under new section 13A or 18A may have retrospective effect but not so as to prejudice any person.

Clause 10: Validation for payment of increased grants

It is necessary to validate payments that are already being made under commonwealth/state arrangements.

PART 4
AMENDMENT OF PAY-ROLL TAX ACT 1971

Clause 11: Amendment of s. 3—Interpretation

This clause clarifies which superannuation benefits can be regarded as wages for the purposes of pay-roll tax liability under the principal act.

The principal act provides that "superannuation benefits" are wages for the purposes of the act and are therefore liable to pay-roll tax. The current definition of what constitutes superannuation benefits for that purpose includes a payment of money by an employer on behalf of an employee to, or the setting apart of money by an employer on behalf of an employee as, any form of superannuation, provident or retirement fund or scheme.

This amendment alters that definition to expressly include the crediting of an account of an employee or any other allocation to the benefit of an employee (other than the actual payment of a benefit) so as to increase the entitlement or contingent entitlement of the employee under any form of superannuation, provident or retirement fund or scheme. It will now also expressly include the crediting or debiting of any other account, or any other allocation or deduction, so as to increase the entitlement or contingent entitlement of an employee under any form of superannuation, provident or retirement fund or scheme. These alterations to the definition, together with new subsection (2a), make it clear that (subject to certain qualifications) increases in the entitlements or contingent entitlements of employees drawn from increases in the capital of the relevant fund or scheme or the payment of interest will constitute wages for the purposes of the Act and so be liable to pay-roll tax (i.e. not just money paid or set apart by the employer).

Clause 12: Amendment of s. 4A—Employment agents

This clause amends section 4A of the principal act, which sets out special rules for determining the payments or benefits that are to constitute wages (and so be liable to pay-roll tax) where the payments or benefits are made or provided in connection with an employment agency contract.

An employment agency contract is a contract (other than a contract of employment) under which an employment agent by arrangement procures the services of a contract worker for a client of the employment agent and as a result receives payment (whether a lump sum or ongoing fee) during or in respect of the period when the services are provided by the contract worker to the client. Under section 4A the employment agent is taken to be the employer, the contract worker is taken to be the employee and any amount paid or payable to the contract worker is (with certain qualifications) taken to be wages paid or payable by the employment agent (and so liable to pay-roll tax).

This amendment makes it clear that where the employment agent engages a third party to procure the services of the contract worker for the employment agent's client (whether or not further parties are in turn engaged through that third party to procure those services), the employment agent is still to be regarded as the employer and the contract worker as the employee, but any amount received by the third party as a result of being so engaged is to be regarded as wages paid to the contract worker by the employment agent in respect of the provision of those services. Where pay-roll tax is paid on any amount that is taken to constitute wages paid or payable by the employment agent in respect of the provision of the services of the contract worker to the client, neither the third party nor any subsequent person is liable to pay tax on any wages paid by him or her in respect of the procurement or performance of those services of the contract worker (thus avoiding the possibility of double taxation).

Clause 13: Amendments not to affect certain assessments

This clause provides that section 3 of the principal act, as amended by clause 11 of the bill, will be taken to have applied with respect to superannuation benefits (subject to certain necessary qualifications) from 1 December 1994 (which is the day on which the definition of "superannuation benefit" was first inserted into the principal act). The amendments resulting from clause 11 are therefore retrospective in their application to superannuation benefits.

Clause 13 also provides that the amendments made by clause 11 do not validate the assessments of pay-roll tax that were the subject of the Supreme Court's judgement in *Hills Industries & Anor v Commissioner of State Taxation & Anor* (Judgement No. [2002] SASC 67) or authorise a reassessment of pay-roll tax in that case. This is to protect the decision in that case from the retrospective operation of clause 11.

PART 5
AMENDMENT OF PETROLEUM PRODUCTS REGULATION ACT 1995

Clause 14: Substitution of s. 56

This clause repeals section 56 of the principal act and inserts a confidentiality provision that is similar to the repealed provision but widens the circumstances in which disclosure of information obtained in the course of administration of the act is permissible.

The new section prohibits a person involved in the administration of the Act from divulging information obtained under or in relation to the Act except in certain circumstances. The circumstances in which disclosure of information is permitted are specified in subsection (2). For example, a person to whom the section applies is permitted to disclose information with the consent of the person from whom the information was obtained. A person is also entitled to disclose information to the holder of a prescribed office or prescribed body.

A separate exception applies to the minister and the Commissioner of State Taxation, who are permitted to disclose information that does not directly or indirectly identify a particular licensee or a person to whom a regulatory or subsidy scheme applies.

The prohibition against disclosure also applies to a person who has acquired relevant information from a person involved in the

administration of the act. Unless the disclosure is of a kind that a person engaged in the administration of the Act would be allowed to make, disclosure is permitted only if it is made with the consent of the Minister or Commissioner or if the person is a prescribed office holder.

PART 6
AMENDMENT OF STAMP DUTIES ACT 1923

Clause 15: Amendment of s. 2—Interpretation

This clause amends section 2 of the Act by inserting a definition of "approved form", which is a form approved by the Commissioner. It is proposed that any reference in the Act to "prescribed form" be replaced with the words "approved form". These amendments have the effect of removing the requirement that forms be prescribed by regulation. Instead, forms required under the Act are to be approved by the Commissioner.

Clause 16: Amendment of s. 31E—Registration

Clause 17: Amendment of s. 31F—Statement to be lodged by person registered or required to be registered

Clause 18: Amendment of s. 42AA—Duty in respect of policies effected outside Australia

The amendments made by each of these clauses are associated with the insertion in section 2 of the definition of "approved form". In each of the amended sections, the words "prescribed form" are replaced with "approved form".

Clause 19: Amendment of s. 60B—Refund of duty where transaction is rescinded or annulled

Under section 60B, a person who has paid duty on an instrument of a kind registrable under the *Real Property Act 1886* in respect of a transaction that has subsequently been frustrated or avoided or has miscarried, may be deemed by the Commissioner to be possessed of stamped material rendered useless by being inadvertently spoiled within the meaning of section 106. If the person is deemed by the Commissioner to be in possession of such material, the provisions of section 106 apply. (Section 106 provides that the Commissioner may provide a person in possession of such material with a refund of stamps or money of the same value.)

Section 60B presently provides that an application under the section must be made not later than one year following execution of the relevant instrument. The proposed amendment increases this period to five years.

Clause 20: Amendment of s. 71—Instruments chargeable as conveyances operating as voluntary dispositions inter vivos

This clause amends section 71 of the act by striking out subsection (2), which provides that a conveyance operating as a voluntary disposition *inter vivos* cannot be taken to be duly stamped unless the Commissioner has assessed the duty payable, the amount assessed has been paid and the instrument has been stamped. Section 71(2) acts as an impediment to self-assessment and electronic stamping of instruments. The proposed amendment has the effect of removing this impediment.

Clause 21: Amendment of s. 71C—Concessional rates of duty in respect of purchase of first home, etc.

The amendments to section 71C have the effect of extending the circumstances in which a person is entitled to the concession available to purchasers of a first home.

Currently, a purchaser of land who, subsequent to conveyance of the land, either constructs a home as owner builder or enters into a contract for the construction of a home, is entitled to a refund of stamp duty based on the concession he or she would have received if all necessary conditions had been satisfied at the time of the conveyance. However, this refund is available only if the home is occupied by the person within one year of the date of the conveyance. Subsection (2a) has been amended so that a purchaser of land who did not receive a concession solely because at the time of the conveyance a contract for the construction of a dwelling house had not been entered into, is entitled to a concession if the Commissioner is satisfied that the person occupied a dwelling house on the land as his or her principal place of residence within two years of the conveyance.

The proposed amendments to section 71C also extend the concession to certain transfers of farm land. These amendments are relevant in relation to the assessment of duty where the overall value of a farm is in excess of the prescribed maximum ($130 000) but the component of the farm comprising the house and curtilage is valued at less than that amount. Two new definitions are inserted into subsection (3). A "genuine farm" is land that the Commissioner is satisfied is to be used for primary production and is capable of supporting economically viable primary production operations. The "relevant component" of a genuine farm is the part of the farm constituted by the dwelling house and its curtilage (or the part of the land that is to constitute the site and curtilage of a dwelling house that is to be constructed).

Subsection (1b) provides that section 71C applies to a notional conveyance of the relevant component of a genuine farm if the Commissioner is satisfied that the conveyance relates to a genuine farm and would be a conveyance in respect of which a concession would be available if the conveyance related only to the relevant component. Subsection (2b) provides that if the amount by reference to which duty would be calculated on a conveyance of a genuine farm exceeds the prescribed maximum, the duty payable on the conveyance is determined by subtracting the amount payable on a notional conveyance of the relevant component of the farm from the duty payable on transfer of the whole farm and adding to this amount the duty calculated on the notional conveyance after the concession provided by section 71C has been taken into account.

Clause 22: Amendment of s. 71CC—Interfamilial transfer of farming property

This clause amends section 71CC of the act. This section exempts from duty instruments of which the *sole effect* is to transfer an interest in land, or land and goods, from a natural person to a relative of that person. (This exemption is subject to the Commissioner being satisfied as to various criteria.) The proposed amendment removes the words "An instrument of which the sole effect is to transfer" from subsection (1) and substitutes "A transfer" so that it is the transfer, rather than the instrument, that is exempt from duty.

Subsection (1b) describes how duty on an instrument that gives effect to an interfamilial transfer of farming property where there is an entitlement to the exemption under section 71CC is to be assessed by the Commissioner. If the instrument gives effect solely to an exempt transaction or part of an exempt transaction, no duty is payable. However, where an instrument gives effect to a transaction (or part of a transaction) of which some of the elements are exempt and others not, duty is payable on the instrument as though it gave effect only to those elements that are not exempt under section 71CC.

Clause 23: Insertion of s. 71F

This clause inserts section 71F, which concerns duty payable in respect of statutory transfers. Subsection (1) establishes that a statutory transfer is a transfer of assets or liabilities that takes effect by or under the provisions of a special act. In subsection (6), "special act" is defined to mean the *Financial Sector (Transfer of Business) Act 1999* and the *Financial Sector (Transfer of Business) Act 1999* of the commonwealth, as well as any other act of the commonwealth or a state prescribed by regulation for the purposes of the section.

Subsection (2) requires the parties to a statutory transfer to lodge a statement with the commissioner within two months of the transfer taking effect. The statement must include a description of the property, the value of the property and any other information required by the commissioner. Duty is then payable on the statement as if the statement were a conveyance operating as a voluntary disposition *inter vivos*.

Under subsection (4), each party to the transfer is guilty of an offence and liable to a penalty if the statement is not lodged as required. The parties to the transfer are also jointly and severally liable to pay duty to the commissioner as if the statement has been lodged immediately before the end of the two month period.

Under subsection (5), a statutory transfer arising from a merger of credit unions, or transferring assets from one credit union to another, is exempt from section 71F.

Clause 24: Amendment of s. 90D—Returns to be lodged and duty paid

Clause 25: Amendment of s. 106A—Transfers of marketable securities not to be registered unless duly stamped

In both of the sections amended by these clauses, the words "prescribed form" are replaced with "approved form". These amendments are associated with the insertion of a definition of "approved form" in section 2. These amendments allow the commissioner to approve forms required under the Act and removes the requirement that such forms be prescribed by regulation.

Clause 26: Insertion of s. 106AA

Section 106AA allows the commissioner to charge nominal duty of ten dollars in circumstances where an instrument submitted for stamping has been executed solely to reverse or correct a disposition of property resulting from an error in an earlier instrument on which duty has already been paid.

Under subsection (3), if the commissioner grants relief from duty on an instrument executed in the circumstances described in subsection (1), the duty chargeable on the instrument is ten dollars

plus the amount (if any) by which the duty that should have been paid on the earlier instrument exceeds the amount of duty actually paid.

Clause 27: Transitional provision

The amendment to section 71C(2a) made by paragraph *(b)* of clause 21 has the effect of widening the circumstances in which a refund is available to persons who have purchased land and paid full stamp duty because they were not entitled to a first home owner concession at the time of the conveyance of the land but have subsequently constructed a home that is their principal place of residence.

The effect of this clause is to limit the application of this amendment, so that the amendment does not apply in relation to stamp duty paid before the commencement of the act.

PART 7
AMENDMENT OF TAXATION ADMINISTRATION ACT 1996

Clause 28: Amendment of s. 87—Objections lodged out of time

Under section 86 of the *Taxation Administration Act 1996*, a dissatisfied person may lodge an objection to an assessment or other reviewable decision of the commissioner with the minister. This must be done within 60 days of service of the assessment on the person or notification of the decision. This clause amends section 87 of act by providing that the minister has a discretion to allow a person to lodge such an objection after the 60 day period has ended, but not later than 12 months after service or notification of the assessment or the Commissioner's decision.

Clause 29: Amendment of s. 95—Appeals made out of time

This clause makes a similar amendment in relation to appeals from a decision of the minister to the Supreme Court. Under the act a person has 60 days from the date of service on the person of the minister's decision in which to appeal to the court. This clause amends section 95 to provide that the court has a discretion to allow a person to appeal after the 60 day period, but not later than 12 months after service of the minister's decision on the person.

Clause 30: Transitional provisions

This clause makes it clear that the amendments to the *Taxation Administration Act 1996* in this part apply to objections and appeals lodged after the commencement of the amendments whether or not the assessment or decision or ministerial determination to which the objection or appeal relates was made before or after the commencement of the amendments.

The Hon. DEAN BROWN secured the adjournment of the debate.

GENETICALLY MODIFIED ORGANISMS

The Hon. L. STEVENS (Minister for Health): I move:

That a select committee on genetically modified organisms be appointed to inquire into and report to the parliament within 12 months on the following issues—

(a) provide advice on how, within the established commonwealth-state regulatory framework, South Australia can assess the impact of GM plant technology from the point of view of human health, environment and market access;

(b) identify where the impact of genetically modified plants might be different in South Australia compared with the rest of Australia and other countries and advise on strategies that South Australia should adopt to address these differences;

(c) review the relevant state, national and international reports and inquiries on genetically modified plants and report on the major issues for South Australia in relation to human health, environmental safety and market access;

(d) provide advice on the means by which the South Australian community can be consulted, informed and views consolidated in relation to genetically modified plants.

To explain the importance of establishing such a select committee, members will recall that the government announced before the last election that an inquiry would be undertaken into these issues. We believe that a select committee of the parliament is the most appropriate way for this to occur. Genetically modified food and agricultural biotechnology have generated considerable interest and controversy around the world. There are many differing views about the benefits and risks associated with genetically modified organisms.

Some South Australians feel that the application of gene technology in the areas of medicine, agriculture, food production and environmental management has the potential to provide benefits to South Australians, while others raise questions about how the technology will impact on the environment or have concerns about the safety of GM food products for human consumption. For any future benefits to be realised, the South Australian community needs to be confident that any associated risks are rigorously assessed and managed through regulation that is transparent and accountable. Because of the complexity associated with these issues, there have been misunderstandings in the community.

The establishment of this select committee will provide an opportunity for widespread awareness raising and clarification. A select committee will build on a process of public consultation commenced last year. In September 2001 DHS and PIRSA released for public consultation a discussion paper entitled 'Preserving the identity of non-GM crops in South Australia'. The paper canvassed community views regarding agricultural and trade risks associated with the commercial release of GM crops in South Australia and the need to manage the risks and the mechanisms for so doing. For example, one risk management mechanism discussed was the introduction of South Australian legislation for declaring GM crop restricted areas. The department has prepared a draft summary report of the 30 community submissions received in response to the paper.

It is also important to provide the house with background to the regulation of GM crops in Australia as it currently stands to put the work of the select committee in context. The regulation of GMOs and their products in Australia is undertaken by a number of different legislative frameworks. I will provide some background about the legislative framework, which regulates live viable GMOs such as GM crops. There is a national regulatory scheme for GMOs. Any dealing with a living GMO is regulated by the national scheme, which commenced in June 2001. The scheme was developed jointly by the commonwealth, states and territories to provide a nationally consistent approach to the regulation of dealings with GMOs. It has the objective to protect the health and safety of people and to protect the environment by identifying risks posed by or as a result of gene technology and by managing those risks through regulating certain dealings with GMOs.

Because of its rigour, transparency and requirements for community consultation, the Australian GMO regulatory scheme is an international benchmark. South Australia is a party to the gene technology intergovernmental agreement and the national scheme. This committed the state to establish a Gene Technology Act, complementary to the Gene Technology Act 2000 of the commonwealth, to form part of the national scheme. The South Australian parliament passed the complementary Gene Technology Bill 2001 in November 2001 without amendment. The act and associated regulations commenced on 1 February 2002.

The commonwealth Gene Technology Act established the gene technology regulator as the single national authority to administer the commonwealth, state and territory legislation. The regulator has significant independence, similar to the Auditor-General or the Tax Commissioner, and is appointed by the Governor-General with the agreement of the majority of the commonwealth, states and territories. The regulator is responsible for regulating all dealings with GMOs in South Australia through a national licensing system.

The issuing of licences is controlled by a rigorous process. It is based on robust scientific assessment of risks to humans and environmental safety. It must also be consistent with policy principles issued by ministerial council concerning social, cultural, ethical and other non-scientific matters. However, the issuing of a licence for the commercial release of a GMO does not give approval for the use of the GMO or its products as a foodstuff for humans. The intergovernmental agreement established the Ministerial Council on Gene Technology. I represent South Australia on this council, which sets the broad policy framework for the operation of the regulator.

The ministerial council has the power to issue policy principles on social, cultural, ethical and other non-scientific matters. The regulator cannot act inconsistently with such policy principles. Under the South Australian Gene Technology Act the regulator must annually prepare and provide me with a report of its operations under the South Australian legislation during that year. A copy of the report must be laid before each house of parliament within 15 sitting days of my receiving the report.

While this is a complex regulatory system, some issues are not assessed and managed by the regulator. The regulator's responsibility is to assess and manage risk to human health and the environment. For example, this responsibility does not extend to assessment or management of risks to trade. The Gene Technology Ministerial Council has the power to issue a policy principle requiring the regulator to recognise designated areas created under state legislation for the purpose of preserving the identity of GM crops or non-GM crops for marketing purposes. This would enable, but not oblige, states and territories to enact legislation to designate such areas. These areas would be constitutionally valid and recognised by the regulator only if declared for the purpose of preserving the identity of GM or non-GM crops for marketing purposes.

On 24 May 2002, I supported, as did my interstate ministerial colleagues, the recommendation put before the Gene Technology Ministerial Council that the policy principle should be developed. This is likely to be completed by December this year. As I stated earlier, because of its rigour, transparency and requirements for community consultation, the Australian GMO Regulatory Scheme is considered an international benchmark. However, while the national scheme places constitutional constraints on South Australia, an important focus for the select committee will be to identify issues unique to South Australia and advise on how to address these differences. I believe the select committee will play an important role in ensuring that South Australia proceeds with caution.

In addition to the clear implications of GMOs for health, agriculture and the environment, there is a strong relationship with science, research and bio-innovation, and the future technical and economic development of the state. Therefore, I move this motion to establish the select committee to inform the government in its examination and consideration within the constraints of the established commonwealth-state regulatory framework of the wide range of factors and implications associated with the introduction of GM crops into our farming systems. This move fulfils Labor's election promise to provide a vehicle for consultation in relation to GMOs. It allows the available evidence and issues unique to South Australia to be assessed and the South Australian community to have their say.

Parliament can then be advised on strategies which South Australia should adopt to address its unique requirements. This government is taking a serious and cautious approach to gene technology to enable South Australia to reap whatever benefits the technology brings without being unduly exposed to risks. I commend the motion to the house.

The Hon. DEAN BROWN (Deputy Leader of the Opposition): The opposition supports the setting up of a select committee. In fact, it is an issue in which both the Leader of the Opposition and I have taken a significant interest over a number of years, the Leader of the Opposition particularly from the agricultural point of view and me from the food and health aspect. I was a member of the ministerial council of the Australian New Zealand Food Council, and for about 3½ years we grappled with the issue of the labelling of Australian foods when it comes to genetic modification. It was one of the most fascinating debates and discussions; and each time we had a meeting we progressed further, although sometimes we would step back.

I think it is fair to say that the minister from the ACT and I were the two ministers who tended to take the most active part in the debate and who tried to direct it towards an outcome, which, I think it is fair to say, has now established for Australia what is the most advanced food labelling regime in relation to genetic modification of food that has been established anywhere in the world.

The part that I think is important is that we need to understand the technical aspects of this because it will have a significant impact in terms of the use of any genetically modified crops within our community and, more importantly, will have a huge impact on the marketing of our products overseas. If members look at what has occurred in Europe, as well as places such as Japan, they will start to realise that, unless we have the right regime in Australia which then allows us to label genetically modified food, our chance of successfully marketing products in some of these overseas countries will be almost lost, because it is impossible to do a verification on the genetic modification of any food product just for select markets. It has to be part of the fundamental marketing of food within that country and, if it is done as part of the fundamental labelling of food within that country, it can be done on the export markets with virtually no or very little additional cost at all.

There is also a great deal of myth in terms of the processes and what is required. There is a lot of community concern—and quite rightly so—about the transfer of certain genetic material from genetically modified plants to non-genetically modified plants. I know that the member for Gordon recently put out some material and expressed a concern in this area, and that various people have given briefings to this parliament.

I support the recommendations. The national council on genetically modified plants or products had been established, although it had not met, while I was minister. I am aware of the executive officer of that council. In fact, she worked in South Australia for a number of years, and I thought she was a very good officer indeed. This needs to be done on a national basis, but, at the same time, South Australia needs to understand what are the ramifications. This select committee will help to do that in terms of the agricultural side, the food side, the health side and the final product that we put out to the marketplace.

A great deal of education also needs to take place in terms of the community. It was interesting that we did the best

consumer survey work in South Australia. We surveyed approximately 3 000 people, giving by far the most definitive answers and which has enabled us to say to the Australian New Zealand Food Council that this is what Australians think in terms of modified foods. They want to know what they are eating, and they believe—and I think they have a right to know what they are eating—that information needs to be on the label of the products which they buy. Equally now, supermarkets are wanting to know what they are selling. If we do not do it in terms of the labelling requirements, members can be sure that the supermarket (which is driven by the consumers) will be forced to adopt the same attitude. They will adopt the blanket cover; that is, no genetically modified food products in our stores at all, which is exactly what has occurred in France.

I think that is an extreme point of view. I believe it is far more important to ensure that there is clear label representation as to what is in the product and whether or not it has been genetically modified. I also highlight the fact that, in putting down a regime, we did not for a moment say that this should be the final regime. It will need to be under constant reassessment as we go forward. I appreciate the fact that we did it very early in the piece and that the world will change its standards but, in the absence of standards around the world, I believe that what we have put down is an excellent start for the whole of Australia and New Zealand.

I am aware of the intense interest in New Zealand in this matter as well. It is important that Australia and New Zealand, if at all possible, work as one. We are two small markets. We need to adopt, as far as possible, common food standards and agricultural laws. Therefore I support our working very closely with New Zealand in this area, although I stress that I do not share the point of view of the Greens in New Zealand, even though I am one who believes that it is the right of consumers to know. We need to take a cautious approach and to ensure that we are the not making fundamental mistakes as we enter this era of genetically modified organisms.

So, I commend the minister for the establishment of the select committee. I look forward to being a member of the committee together with the member for MacKillop on this side of the house. I imagine it will probably be an ongoing select committee, reporting on aspects as we go. I do not believe that we will be able to resolve all four parts of the motion before us in one go. We need to deal with those of the highest priority and present an interim report to the house and then deal with some of the other issues, knowing that the technology and information will change as we progress. I support the motion.

The Hon. L. STEVENS (Minister for Health): I thank the opposition for its support and urge the house to proceed.

Motion carried.

The house appointed a committee consisting of Ms Breuer and Messrs Brown, McEwen, Rau and Williams; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on Monday 18 November.

The Hon. L. STEVENS: I move:

That standing order 339 be and remain so far suspended as to enable the select committee to authorise the disclosure or publication as it sees fit of any evidence presented to the committee prior to such evidence being reported to the house.

The ACTING SPEAKER (Ms Thompson): I have counted the house and, as an absolute majority of the whole number of members of the house is not present, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

LEGAL SERVICES COMMISSION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 June. Page 492.)

Ms CHAPMAN (Bragg): This bill replicates one originally introduced by the Liberal government in October 2001. As the minister said in his second reading speech, it had lapsed in the House of Assembly because parliament had been dissolved. The bill amends the Legal Services Commission Act. As indicated in the second reading speech, it is largely administrative and procedural and, importantly, it brings the act into conformity with current practice as well as accommodating changed commonwealth state legal aid arrangements. They have been significantly altered, and the detail has been provided to us. Essentially, in 1997-98 the commonwealth instituted a purchaser-provider model for commonwealth funding in commonwealth law matters only, in place of the previous partnership arrangement. I commend the government for bringing this matter back to the parliament for it to be dealt with. I note that the gender specific language has been ruthlessly expunged. The minister has addressed some of the other matters quite comprehensively in his second reading speech.

I place on the record my appreciation to Ms Wighton and others who provided a briefing on this matter at some length previously and again this morning in relation to an amendment. Being new in the parliament, I have found it helpful to have that opportunity for a briefing on the matter, given that other members were previously familiar with it. I appreciate that, and indicate that on behalf of the Opposition I will support this bill.

The Hon. M.J. ATKINSON (Attorney-General): I thank the opposition for endorsing the bill.

Bill read a second time.

In committee.

Clauses 1 to 10 passed.

New clause 10A.

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

Page 5, after line 16—Insert:

Substitution of s. 29

10A. Section 29 of the principal act is repealed and the following section is substituted:

Provision of legal assistance by commission—miscellaneous

29.(1) For the purposes of providing legal assistance to a person under this act, the commission—

(a) will be taken to be the legal practitioner retained by the person to act on the person's behalf; and

(b) may require a legal practitioner employed by the commission to provide legal assistance to the person; and

(c) must supervise the provision of legal assistance to the person by the legal practitioner.

(2) The Director is responsible for ensuring the provision of legal assistance to assisted persons by legal practitioners employed by the commission is properly allocated and supervised.

(3) If, in any proceedings—

(a) a document is required or permitted to be signed by the solicitor for an assisted person; and

(b) the document is signed by a legal practitioner employed (and authorised for the purposes of paragraph (a)) by the commission,

the document will be taken to have been signed by the assisted person's solicitor.

I introduced the bill to the house on 4 June. During the adjournment, the Legal Services Commission told me it wanted the bill to do something not canvassed in previous correspondence about the bill. It is about section 29 of the Legal Services Commission Act 1977 and relations between the commission, its employed lawyers and legal aid clients. The effect of section 29 is that a legally aided client assigned to an in-house commission solicitor is the client of that solicitor, not of the commission. A client does not retain the commission because the commission is not a solicitor.

It is possible that an in-house commission lawyer may not disclose relevant information about the matter to the commission, its Director or supervising practitioners unless he or she has the client's instructions to do so and the commission may not be permitted to reallocate the file to another solicitor without the client and his or her solicitor's consent. Sensible disclosure and file management have always occurred in the commission. That this may contravene the act has been taken up only recently during an internal insurance risk analysis. Unless section 29 is changed to let the commission do standard case management, supervision and quality assurance of the legal work of its employees, its professional indemnity insurance may be at risk and its employees at risk of claims for professional misconduct.

I suggest that this be fixed by repealing section 29 of the act and rewriting the section so that the commission will be taken to be the legal practitioner retained by the client or assisted person, that the commission may require its employed solicitors to provide legal assistance to assisted persons, and that it must supervise those lawyers when they provide legal aid. The Director is to be responsible for ensuring that this work is properly allocated and supervised. Because the commission is the solicitor of record, my amendment provides for a commission lawyer to sign court documents.

The amendment no longer includes provisions for rights of audience because, since the enactment of section 29, this has been addressed by section 51 of the Legal Practitioners Act, which provides that a legal practitioner employed by the Legal Services Commission and acting in the course of that employment is entitled to practise before any court or tribunal established under the law of the state. Rights of audience in federal courts and tribunals follow the rights created by section 51 under section 55B of the commonwealth Judiciary Act. As with other amendments proposed in the bill, this amendment to section 29 replaces outdated provisions that if unchanged place the commission at risk of acting unlawfully in its day-to-day business.

Ms CHAPMAN: This matter was brought to my attention at the briefing this morning and I appreciate, as the minister has confirmed, that this provision originates apparently from a request by the commission itself. It seems to be a bit along the lines of, 'While you are there, can you tidy this up as well because this needs to be attended to?' Again, I appreciate the contribution that was given by Ms Wighton this morning to attempt to clarify this.

As the minister makes clear now, it applies only to legal practitioners employed by the commission. Given the little notice, unfortunately we have not had an opportunity to consult with the Law Society about this matter. It appears that the matter relates to an issue in relation to legal practitioners only, rather than an issue of members of the public or clients. It may well be that the minister is entirely right that there is a question of professional indemnity insurance being at risk. That is certainly a matter we would like to explore and have the view of the Law Society. Legal practitioners who may be employed by the Legal Services Commission are legal practitioners who have certain entitlements and, of course, they are represented by the Law Society and I would seek that to occur. At this stage I indicate that I am unable to indicate support for the proposed amendment. Doubtless that matter can be looked at between now and the determination of the matter in the upper house.

New clause inserted.

New clause 10B.

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

Page 5, after new clause 10A—Insert:

Amendment of s. 31—Discipline of legal practitioner employed by commission

10B. Section 31 of the principal act is amended by inserting in paragraph (a) 'or unsatisfactory' after 'unprofessional'.

Since the act was passed, a new and lesser category of misconduct has been inserted into the Legal Practitioners Act, and that is unsatisfactory conduct as distinct from unprofessional conduct, and we are just taking account of that in the parent act.

Ms CHAPMAN: The opposition totally supports this matter. It is appropriate and it needs to be brought in line with the act. Given this lesser penalty, it is lucky I got out of the profession in time.

New clause inserted.

Clause 11 passed.

Schedule.

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

Page 10, lines 4 and 5—Leave out these lines.

This is merely to take account of the first change that we made to section 29. It is consequential on that.

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: The member for Bragg raises a fair question. Often in schedules to bills we have provisions for statute law revision that introduce modern and politically correct language to our corpus of statute law progressively. This schedule is one of those. It was amending certain lines of section 29 of the parent act which were no longer there after we passed clause 10A.

Ms CHAPMAN: On the basis as indicated by the Attorney, I do not seek to have that provided any further, but I note that presumably those details will be added in the schedule prior to its getting to the other house.

The Hon. M.J. Atkinson: It is deleted in the schedule.

Ms CHAPMAN: Which paragraph, then? While the Attorney is looking for that, I think the committee approved clause 11, which provides:

The principal Act is further amended in the manner set out in the schedule.

So that I might be correct in procedure, we are now dealing with the schedule. Is that clause and the schedule dealt with separately, or are they all one?

The ACTING CHAIRPERSON: The schedule is being dealt with separately.

Ms CHAPMAN: I ask that as a matter of process.

The Hon. M.J. Atkinson: The schedule is kind of like the last clause.

Ms CHAPMAN: It appears to be part of clause 11, which the committee has already passed. Are we now debating the schedule to clause 11?

The Hon. M.J. ATKINSON: If you were coming to it with the commonsense of someone new to parliament, that would appear to be so, but in fact the schedule is the last provision. It is not numbered: it is called the schedule.

The ACTING CHAIRPERSON: So we are happy with the amendments proposed by the Attorney to the schedule?

The Hon. M.J. ATKINSON: As a further explanation, the balance of section 29 is in proper language as the statute revision zealots such as you, Madam Chair, would say.

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendments.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION (OFFENCES OF DISHONESTY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 May. Page 368.)

Ms CHAPMAN (Bragg): This bill is in the same terms as a bill which passed through all stages of the Legislative Council in the last parliament under the previous government but which had not been debated in the House of Assembly when the parliament was dissolved, as was the fate of the previous bill that we determined.

As I understand it, some of the 'cash for comment' provisions have been separated off; otherwise, we have the provisions which again, as I am reliably informed, have been around for some time, indicating there had been long periods of consultation in relation to the original Bill. Therefore the bill that has come back to the parliament contains quite extensive and thorough work to try to address a matter which is clearly complex and technical. So, it has been no mean task for this exercise to be undertaken and for relevant persons to be consulted to bring to the parliament the important reform that is being provided.

There is a very lengthy second reading explanation in relation to this matter. However, I will indicate a summary of the position as the opposition sees it in indicating support for this bill. In summary, the South Australian criminal law on theft, fraud, receiving, forgery, blackmail, robbery and burglary is partly common law and partly contained in the Criminal Law Consolidation Act. Many of the Criminal Law Consolidation Act provisions are based on very old English statutes, the earliest from the reign of Henry III, circa 1224. In 1997, the South Australian Penal Methods Reform Committee, chaired by the late Roma Mitchell, said:

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

The United Kingdom had modernised this area of law in 1968 with the passage of a new theft act. Some Australian states followed suit, but South Australia did not. Between 1991 and 1997, a national committee of officials issued a series of discussion papers with proposals for reform and draft legislation. However, again as I am reliably informed, their bills did not comply with South Australian drafting style. Our parliamentary counsel has drafted an entirely fresh version adopting a substantially modified approach to the subject. I think it is fair to say that, as a result, the bill is quite different in form from other models, although its effect, we would hope, is very similar.

I will make some brief comment about that process in a moment, but as we see it, in summary, the position on the new legal status as it may apply to each of the well-known areas of the law is really as follows: in respect of theft, larceny and its derivatives are to be replaced with a general offence of theft. Hence the specific offences of stealing trees, dogs, oysters, pigeons and so on will be subsumed into a general offence. Theft is defined as the taking, retaining, dealing with or disposing of property without the owner's consent dishonestly, intending a serious encroachment on the proprietary rights of the owner.

As to robbery, the traditional offences of robbery and aggravated robbery are retained with no substantive change. As to money laundering, the offence of money laundering continues. As to fraud and deception, a variety of offences of fraud are replaced by one general offence of deception. As to conspiracy to defraud, the common law offence of conspiracy to defraud remains. As to forgery, the current law refers to forgery of many specific documents. They are all to be replaced with a general offence of dishonest dealings with documents, including electronic information. As to computer and electronic theft/fraud, the bill contains a division called, 'Dishonest manipulation of machines to cover new technologies', and obviously that is an important advance.

As to drive-off offences, the bill contains a generalised offence of 'making off without payment'. The current offence is confined to food and lodging, but the ingenuity of criminals knows no bounds and we now have drive-offs from petrol stations. I suppose that is inevitable unless we have people who serve us petrol, as they used to do. Self-service has created a new opportunity for those who wish to seek advantage to the detriment of others and, of course, runners from taxis will now be covered by this provision.

As to preparatory conduct (going equipped), the current law contains a series of offences labelled 'nocturnal offences'—for example, being armed at night with a dangerous or offensive weapon intending to commit certain offences; possession of housebreaking equipment at night; being in disguise; or being in a building at night intending to commit offences, and so on. The bill contains a new section 270C to cover possession of any article in 'suspicious circumstances' (I expect the lawyers will have lots of fun with that) with intent in relation to offences of dishonesty, whether it be during the day or at night. A new offence will deal with the possession of weapons with the intent to commit an offence against a person, as opposed to an offence of dishonesty.

As to secret commissions, the bill includes a new clause to replace the Secret Commissions Act. The offences concern unlawful bias in commercial relationships and cover both public and private sector fiduciaries. Blackmail is still with us, I am sure members will be pleased to hear. However, a number of existing offences in relation to blackmail (that is, extortion) are brought into one offence.

We quite often hear the word 'piracy', but now it seems, tragically, to relate to the area of people smugglers and the like. Piracy is still an offence, but the language of these offences has been modernised. In general terms the maximum penalties provided for these offences in current legislation are inconsistent and are really the product of historical accident. An exception is serious criminal trespass, where the law was changed in 1999. The old maximum penalties and those proposed by the bill are set out in a table at the end of the

second reading explanation, and so I do not propose to go through those in any detail.

However, I compliment the government in bringing this matter back for attention to proposals to tidy up the legislation and, hopefully, simplify it for the judiciary and the legal profession, as well as for any prospective offenders, so that they may clearly understand what offences they may be about to commit.

As to the drafting of this bill, one matter warrants some comment. In 1968 a new Theft Act was prepared in the United Kingdom, and that legislation was, of course, a significant change (such as Australia faces) with the object of simplifying and introducing a codified form of this difficult area of law. It appears that the United Kingdom's drafting was effective, because I am reliably informed that it works quite well. There has been a period during which other jurisdictions considering amendments could look to that measure to see whether there was a way of effecting improvements. If something works reasonably well, that needs to be noted; if something does not work well, that needs to be addressed when a new jurisdiction looks at that matter.

On the face of it, I think it is reasonable to assume that other states have adopted a similar approach to that of the United Kingdom: if they considered that the legislation operated well, it was something that they would replicate within their own jurisdiction. I acknowledge the contribution made by those providing a briefing on this matter, including Mr Matthew Goode, who is clearly experienced in this matter and has had a long association with the development of this legislation.

From the perspective of a new member, it seems that a reform or a proposed piece of legislation needs to fit in with a particular style and approach that has been adopted, presumably quite successfully, in the past, and it appears that parliamentary counsel has proceeded accordingly in respect of whatever legislation has been proposed by the Attorney-General at the time. That would have some obvious benefits in keeping a consistent style of legislation. I raise this issue because I want to highlight that this is a very difficult area of the law for one reason alone, and that is that large silos of areas of law have been developed in fraud and larceny, often independent of each other, and they are variously dotted through the common law to which, to date, we have had to look to receive remedy or relief for successful prosecution or defence.

Because it is so complex, it seems that it would be prudent to err on the side of caution when using a different drafting style in adopting a new approach of attempting to deal with this matter. It seems to work in the United Kingdom and, given the complexity of this area, other jurisdictions have (I suggest wisely in the circumstances) adopted that course which, to the best of my knowledge, works well. For South Australia to go off at a new tangent may be seen as a brave initiative, but an area of such complex law may (and I place this caution on the record) attract some difficulty in the future. I hope I am wrong, because this is an area where the profession, the judiciary and the public at large are looking for some clarity and some simplification, and they clearly will not want this matter confused any more. In summary, I think I have covered the areas I wished to cover, and I indicate the opposition's support for the bill.

Mrs REDMOND (Heysen): I wanted to place on the record a few comments about this bill and, like the member for Bragg, I support the government's initiative in bringing this measure forward. However, unlike the member for Bragg, I congratulate parliamentary counsel on adopting the new approach. I think it is a great way of resolving some of these issues. The member for Bragg touched briefly on some of the old offences we are replacing, and I looked at those, as is my habit. For instance, I refer to the old section 141, which provides:

> Any person who unlawfully and wilfully kills, wounds or takes any house dove or pigeon under circumstances which do not amount to larceny at common law shall be guilty of an offence punishable summarily and liable to pay a fine not exceeding four dollars.

It seems patently obvious when you look at matters such as killing animals with intent to steal the carcass, as opposed to the offence of stealing cattle, as opposed to the separate offence of stealing deer in an enclosed area. It was high time that we adopted some modernisation both as to how we class these offences and how we bring into place some of the more modern offences that were not even contemplated when a lot of these sections were written, and also how they are expressed in that drafting. I particularly like new section 131 in the bill which provides:

> (1) A person's conduct is dishonest if the person acts dishonestly according to the standards of ordinary people and knows that he or she is so acting.

Then the question of whether the defendant's conduct was dishonest according to the standards of ordinary people is a question of fact; and I think that is a very sensible way to go. At the end of new section 131 (and I have seen it in a number of bills which parliamentary counsel have drafted for this house where they have included an example of how a particular section might apply to make it abundantly clear, rather than using plain language), there is an example for us to refer to so that we are clear that we are following the logic of the way it has been expressed.

I think that is a very positive development, and I welcome generally the matters that are covered by this new legislation. I am interested in new section 136, and I wonder if the Attorney would address what circumstances he thinks might be covered by that provision. As I understand the new section, it is one of general deficiency which provides:

> A person may be charged with, and convicted of, theft by reference to a general deficiency in money or other property.

So, as an example, in a case where kegs of beer have disappeared off a truck, it is not necessary to prove that the person in charge of that truck actually stole them. I assume that is what the Attorney has in mind under that offence.

There is another matter which I would ask the Attorney to address in closing this debate. This may save time and even save us from a committee discussion. I had a little difficulty in discerning the difference between the offences created under new section 140, which deals with dishonest dealings with documents (I have no difficulty with that) and new section 141, which deals with dishonest manipulation of machines. New section 140(4) provides:

> (4) A person is guilty of an offence if the person dishonestly engages in conduct to which this section applies intending—
>
> . . . .
>
> (iii) to manipulate a machine or to facilitate manipulation of a machine by someone else; and
>
> (b) by that means—
>
> (i) to benefit him/herself or another; or
>
> (ii) to cause detriment to another.

I am puzzled as to how that differed from the offence created by new section 141, which seems to be in very similar terms. If the Attorney could address that, it would be useful.

I was pleased to see in new section 145 the introduction of the criminal conduct being included in the improper exercise of a fiduciary relationship which includes 'investment advice'. I do have some difficulties with the wording of new section 148, and I will be interested to see in practice how the fiduciary is expected to deliver that advice, noting that it includes investment advice. In my experience, the person giving the advice can often reasonably well hide the advice when it is given, so that although they can technically say they have complied and advised their client as to the nature of the value of the benefit they are receiving and from whom they are receiving it, the person supposedly receiving that advice is really unaware of the fact that they have received it. However, I suspect that that is a matter that will have to be worked out in passing.

I noted with some interest that whilst a number of penalties have been changed and the period of proposed imprisonment for a maximum penalty has been increased in a number of offences, for the offence of sacrilege the only thing that has changed in that is simply to change the word 'larceny' in the explanation to the word 'theft'. The penalty for sacrilege remains imprisonment for life, which I suggest is not quite in keeping with community standards in this day and age.

I omitted to mention new section 140(6), which provides that an offence is created where:

> A person who has, in his or her possession, without lawful excuse, any article for creating a false document or for falsifying a document—

My comment on that is simply that, given the nature of the modern offence that is being created in terms of creating a false document or falsifying a document, it seems to me that the offence under subsection (6) will be easily created and hard to overcome because so many people would so often have in their possession any article for creating a false document or falsifying a document. I know that it says 'without lawful excuse', but it just seems to me that that could be a slightly hazardous provision.

Ms Chapman interjecting:

Mrs REDMOND: Yes. Even a photocopier, as the member for Bragg points out, could come within that new section. I would appreciate the Attorney's comments as to the expectation regarding new section 140(6).

The only other provision that I wanted to comment on was one which was mentioned by the member for Bragg and which I was pleased to see in the bill. In this respect, I refer to new section 270C, which provides:

> A person who is, in suspicious circumstances, in possession of an article intending to use it to commit an offence—

I am quite happy to see that in the bill because, just like the dishonesty matter about which I spoke a moment ago, the general community, I think, has an expectation and it can realistically now expect that the court will understand that, if it is a suspicious circumstance, it is a suspicious circumstance; and everybody knows what that means.

Interestingly, I had a conversation with the member for Fisher the other day, and he suggested that we should have perhaps a responsibility for honesty in dress code, so that when an alleged criminal is brought to a court they should have to wear what they were wearing at the time they were arrested for the offence, so that the balaclava appears on them rather than their being clean-cut. I do not know how we can get around that, but I guess the essence of what he is saying is that the community expectation in relation to these matters often seems to be overcome by a new suit, a short haircut and a few other slick tricks that the community perceives lawyers as coming up with. I must admit that when I represented criminals I always encouraged them to appear at their best.

Members interjecting:

Mrs REDMOND: Some of them were convicted after I had represented them, unfortunately, and some of them put their hands up. But I do welcome in general terms both the nature of what is being brought in by the government and also the manner in which it is being done by parliamentary counsel. I hope that we continue to see this move towards the modernisation of our language and the introduction of modern standards and modern language. When these earlier offences, that are now so antiquated, were drafted, they were done in the language of the day and, in my view, that is what we should be using.

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

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

Motion carried.

Mr BRINDAL (Unley): I briefly wish to support this bill and make a few comments. I support the bill because my colleagues on this side of the house who are practitioners of the law tell me that it is worthy of support. So, I will speak to and support the bill in the following terms. Sitting in the Attorney's seat is a man who constantly goes on talkback radio to champion the public good of the ordinary person. The Attorney says that this is a statute rewritten in modern English. If he is such a poor student of modern English that he thinks this is an intelligible piece of legislation which anyone other than a bunch of lawyers can understand, then the man may well be classified—not by me because I would be named as a fool. If this is the legal profession's attempt to modernise the law, I suggest the legal profession should take some lessons in basic English.

I have a long memory. I remember that, when this political party was last in government, they were going to modernise the law and, true to themselves, they have come back 10 years later and started where they left off. That is fair enough, but if this is the best they can do I suggest that some of them (including their advisers) go back to school and do a whole lot better. This is pathetic! As the member who spoke previously said, we still have life imprisonment for the offence of sacrilege. When the Attorney addresses that matter, I would like him to tell me what successful prosecutions have been taken for sacrilege in the last 20 years or so. When tombstones and churches are desecrated, rarely is a prosecution achieved. When was someone last charged with sacrilege and when last did someone get a life imprisonment sentence for sacrilege? If someone was charged with sacrilege because they committed what some people say is graffiti in a church, if they were imprisoned for life for that offence but did not get life imprisonment for painting graffiti on someone's back fence, that person might think it was a bit unfair because, unfortunately, some people can see little difference between religion and their own back fence—they do not make a distinction. I think that is an important—

The Hon. M.J. Atkinson interjecting:

Mr BRINDAL: I am making the point, as I believe my colleague did earlier, that if you are modernising the terminology life imprisonment for an offence called sacrilege is probably not in accordance with any modern standards in a

metropolitan cultural society. I do not think this is a contribution to plain English language; I think this is just another consolidation of the fact that lawyers in our society are very well paid and will continue to be very well paid as long as the law is written in mystical terms so that people such as the member for Fisher and I and others who have not had the benefit of training at the Adelaide University Law School cannot understand it.

The Hon. M.J. ATKINSON (Attorney-General): I thank the member for Heysen and the member for Bragg for their thoughtful contributions to the debate on the bill. I am not sure of the value of the member for Unley's contribution. What I can tell him is that I have a clear recollection that some young men were charged with sacrilege after a rampage in Uniting Church buildings in the Adelaide Hills not so long ago, and I think I have a recollection of youths being charged with sacrilege in connection with attacks on gravestones in Port Pirie some years back.

The member for Unley reminded me of Sir Ernest Gowers' book *The Complete Plain Words*, which I have been rereading lately because I am preparing a list of about 150 words which officers of the Attorney General's Department will be forbidden to use in future.

Ms Chapman: Thou shalt?

The Hon. M.J. ATKINSON: No, I am prepared to countenance 'thou shalt' because that is nice and clear. I do not know whether my efforts will lead to greater clarity; they may lead to less. I recall reading a passage last night in Sir Ernest Gowers' book where he says:

> The legal draftsman, whether he is a public official or not, has to ensure to the best of his ability that what he says will be found to mean precisely what he intended, even after it has been subjected to detailed and possibly hostile scrutiny by acute legal minds. For this purpose he has to be constantly aware, not only of the natural meaning which his words convey to the ordinary reader, but also of the special meaning which they have acquired by legal convention and by previous decisions of the courts.

Parliamentary counsel and officers of the Attorney-General's Department have to work within those constraints, so it is no use the member for Unley railing in a utopian fashion against our legal system.

I now refer to a couple of the points which the member for Heysen raised. Proposed section 136 is a continuation of the existing law in section 179. For instance, if a clerk has a fund or funds under his control and takes out a different sum of money each week or takes it from a different part of the fund—from principal or from interest—the prosecution does not have to specify each amount of money and the date on which it came out of the fund, and a single charge can be laid for the general deficiency. The difference between proposed section 140 and proposed section 141 is that, whereas proposed section 141 deals with dishonest manipulations of machines, the last bit of proposed section 140 deals with tampering with documents in such a way as to prepare for dishonestly dealing with a machine.

So, included in the definition of 'a document' would be a magnetic record such as a smartcard or a credit card, and the offence would be the intention of using the cards to dishonestly manipulate a machine but it might not have got to the point where the machine was actually manipulated or that may not be able to be proved. So, it is just the manipulating with a magnetic record in its guise as a document that is covered by that section.

I am glad that the bill created such interest. I congratulate the Model Criminal Code Officers Committee and parliamentary counsel on their work. Listening to the members for Bragg and Heysen, it is obvious that matters of drafting style are highly personal and the approval or disapproval of particular styles by members of parliament cannot be predicted by reference to their political party or on which side of the house they happen to sit. Lastly, I record that the aspect of this bill in which I think the public will be most interested is that it abolishes a distinction which I always found impossible to explain on talkback radio, that is, the distinction between illegal use of a motor vehicle and larceny of a motor vehicle; they will both now be theft, and that is a good thing.

Bill read a second time.

Clauses 1 to 3 passed.

Clause 4.

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

Page 4, lines 21 and 22—Leave out paragraph (a) of the definition of 'benefit' and insert:

(a) a benefit of a proprietary nature; or

(ab) a financial advantage; or

The bill includes financial advantage and financial disadvantage as a subspecies of benefit or detriment of a proprietary nature respectively. This can be taken to suggest that the phrase is restricted to situations in which the offender intends to induce the victim to confer or resign a right of ownership. If so, the deception offence does not cover the case of a deception intended to induce the victim to part with mere possession. One of the problems of the old law was that extreme care had to be taken in distinguishing between larceny and obtaining by false pretences. The problem has been alleviated to some extent by provisions in the bill that ensure that cases of obtaining ownership of property by deception fall under both theft and section 139 deception. The overlap is partial, however. Cases of obtaining and attempting obtaining by deception would have to be prosecuted as theft or attempted theft if the thief did not seek to induce transfer of a proprietary interest in property. This was not the intention of the bill. The amendments make it clear that that is not the intended result by separating the two concepts.

Mrs REDMOND: I have a question of a drafting nature rather than any difficulty with the proposed amendment. I am curious as to why, since we are bringing in this new bill, instead of making the definition (a), (b) and (c), it will be (a), (ab) and (b). As I understand the proposed amendment, it deletes the proposed (a) and inserts instead (a) and (ab), which leaves in place the proposed original (b). I do not understand why we would not simply name them (a), (b) and (c) and draft the proposed amendment so that we end up with the document reading (a), (b) and (c).

The CHAIRMAN: I shared the query of the member for Heysen and am given to understand that it is part of the amending process at the table.

The Hon. M.J. ATKINSON: The Clerks do wonderful work and this is part of their vocation and we would not wish to deprive them of it.

Ms CHAPMAN: This matter has been brought in at fairly short notice, but I acknowledge and thank members of the briefing committee this morning in giving some information. Mr Goode was kind enough to indicate what had happened in relation to these amendments. Consistent with what I said earlier, this is a very difficult area of the law and this draft bill, as is appropriate, was presented to the Law Society for consideration. In addition to Mr Goode's comment, this bill and previous drafts have been circulated to other members of the profession expert in this area. It is a very hard area in which to undertake comprehensive work in looking through

it, and the new styles have added some extra burden in the exercise.

I suppose it is the fact that amendments have come back in that consultation process, which I understand have not come from the Law Society or a particular practitioner but have come from the Law School, and someone who is eminently qualified and experienced has had a good look at this bill and presented a submission which identifies where there could be significant improvement either to avert any potential problem in interpretation or to make it clearer. On first reading that seems to be the exercise that is being undertaken, that is, that the Attorney has received the submission and taken from it in presenting this amendment appropriate recognition of his acceptance of at least part or whole of that submission to bring this to our attention today.

It seems that the very fact that someone of this calibre has gone through and comprehensively identified areas of concern, which are translated into this amendment, supports what I said earlier, namely, that the wholesale redrafting and adding to it a new style is likely to introduce potential further complexity to what is already a very complex area. That is the danger of trying to do too much too soon or too differently. Nevertheless, I acknowledge that this contribution has been made. I accept that time is very likely the reason, but the submissions have come in, the Attorney with his advisers has looked at what they have accepted and this amendment has come in for us to look at. I have briefly been through it against the bill without having had an opportunity to look at it against the principal act.

I decline at this stage to indicate our agreement to all the changes in clause 4, although it may turn out that some would be perfectly appropriate and important, for example, the very substantial addition to the definition of the word 'deal', but nevertheless I decline to support it at this stage and ask that the Attorney provide a copy of the submission to the shadow attorney and/or myself (the shadow attorney being in another house) so we can look at it and perhaps identify areas with which we agree. For example, the original definition of the word 'deal' in the bill was 'a dealing with property includes conversion'. Having read many acts of parliament, that seems to be in language consistent with the way in which we have been doing this for a long time; that is, the definition does not tell us what anything means. That is quite familiar. Whether or not it appropriately deals with the matter or not, I am pleased to say that the newly proposed definition for 'deal' quite succinctly and clearly sets out what the drafter has in mind to be taken into account, and in fact identifies four subtitles.

Again, without having seen the submission, I can only presume that caution has been identified by the person making the submission, and accordingly accepted by the minister; and that we do need to identify areas that this is to cover and make a very much clearer definition clause for it to be of use in subsequent interpretation of the act.

All these matters which arise in the amendments to clause 4, and perhaps in anticipation of not having to speak to clause 8 (which I think is the only other clause being amended), could easily be clarified when we see the submission or have an opportunity to speak to the author. That matter may be able to be dealt with in the upper house and maybe with consent, but, in the meantime, I decline to indicate that we will consent.

Mrs REDMOND: I was under the impression that we were dealing with the definition of 'benefit' at this stage; is that right? Are we dealing with all the definitions?

The ACTING CHAIRPERSON (Ms Thompson): We are just dealing with the definition of 'benefit'. That is the question. I am being a bit liberal with people speaking about more than one thing at once in the interest of brevity.

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

Page 4, line 25—Leave out the definition of 'deal' and insert the following definition:

'deal'—a person deals with property if the person—
(a) takes, obtains or receives the property; or
(b) retains the property; or
(c) converts or disposes of the property; or
(d) deals with the property in any other way;

The conduct required for conviction for theft is dissected and distributed among five verbs—takes, receives, retains, deals with, or disposes of. These replace the single verb 'appropriates' which is used in the definition of theft in the United Kingdom Theft Act 1968 and its Australian derivative. This was done because of the vagueness and unsatisfactory history of the concept of appropriation, but the bill missed a word that also should be there. No provision has been made for theft by obtaining.

This is important because a great deal of what was obtaining by false pretence will now be theft. After due consideration, it has been decided as a matter of drafting that the listing of the verbs is unwieldy, anyway, so 'obtains' has been added to the list, and most of the verbs have been placed in the definition of 'deals'. This occasions some consequential amendments.

Mrs REDMOND: In relation to the proposed new definition of 'deals', the Attorney mentioned five verbs, but amongst them was not the word 'converts'. In my view 'conversion' is a similar to larceny in terms of common understanding. The Attorney and I, no doubt, have some understanding of what it means, but the average person has difficulty coming to terms with that concept. It seems to me that the definition of 'deal' would be just as valid if we removed the words 'converts or' at the beginning of proposed subparagraph (c) so that you have 'takes, obtains or receives the property'; 'retains the property'; 'disposes of the property'; or 'deals with the property in any other way, but leaves out the concept of conversion. It simply seems to me that it is another one of those old-fashioned things that we could perhaps remove now.

The Hon. M.J. ATKINSON: My advice is that we wanted to be clear that 'conversion' is part of conduct to be covered. 'Conversion' is certainly doing no harm in the clause. On those grounds, we would prefer to retain it. I do not think the bill will be a bestseller or widely read. I move:

Page 5, lines 2 and 3—Leave out paragraph (a) of the definition of 'detriment' and insert:

(a) a detriment of a proprietary nature; or
(b) a financial advantage; or

This is a mirror amendment to the concept of financial disadvantage which I have explained.

The next amendments can be taken together, and these are the ones that concern the member for Heysen. I move:

Page 5, lines 9 to 14—Leave out the definition of 'fundamental mistake'.

Page 6, lines 15 to 17—Leave out paragraph (d) of the definition of 'owner'.

These amendments are related and can be taken together. The role of 'fundamental mistake' in theft is a troubled and complex area of theft law. The Model Criminal Code sections 15.5(3) and 15.5(4) and the Theft Act UK section 5(4) diverge on this. The Model Criminal Code refuses to follow the English section and was an attempt to avoid its deficien-

cies. Further consideration of the concept suggests that the definition of 'fundamental mistake' in the bill does not really matter very much; nothing much turns on it. Once defined, 'fundamental mistake' makes only one appearance in the definition of 'owner of property'.

Under the current provisions of the bill, the victim remains owner of the property, and hence a potential victim of the theft, if the defendant gets property as a consequence of fundamental mistake and the defendant is subject to an obligation to make restitution to the victim. What is meant by this obligation to make restitution is a simple reference to the civil law remedy of restitution available on recision of contracts, or in cases where money is paid on mistake of fact. If the defendant and the victim enter a contractual relationship and the victim laboured under a fundamental mistake, the defendant who realised the mistake from the outset cannot be guilty of theft until the victim rescinds the contract. Not until that point can it be said that the defendant is under an obligation to make restitution. At that point, dishonest conduct by a defendant who seeks to defeat the restitutionary claim can amount to theft.

Similarly, when money is handed over in consequence of mistake of fact, the defendant who receives the money is under an obligation to restore it in specie. The simplest way of dealing with this complexity is to eliminate all mention of it, for it is redundant. So far as the criminal law is concerned, a fundamental mistake is a mistake that prevents ownership passing. All the standard English texts deal with it. Since property does not pass, the law of theft applies to the defendant's conduct; there is no need for a statutory provision. I move:

Page 7, line 22—
Leave out 'takes and keeps' and insert:
keeps or otherwise deals with

This is a consequential amendment to the reordering of the verbs defining 'theft' explained beforehand. I move:

Page 7, line 27—
Leave out 'right to act in that way[1]' and insert:
legal or equitable right to act in that way

This and some following amendments have to do with the defence of claim of right. This amendment corrects a possible error. The Theft Act of the Model Criminal Code and the common law restrict the application of the defence to cases where the defendant is mistaken concerning legal or equitable rights. That was the intention here; the amendment simply makes it clear. I move:

Page 7, lines 28 to 32—
Leave out the note immediately following subsection (5) and insert:
Example—
A takes an umbrella violently from B honestly but mistakenly believing that B has stolen A's umbrella and that A is entitled to use force to get it back. In fact, it belongs to B. A is charged with robbery. A cannot be properly convicted on this charge because of his honest but mistaken belief (however unreasonable). However, he may still be guilty of an assault.
(6) A person who asserts a legal or equitable right to property that he or she honestly believes to exist does not by so doing, deal dishonestly with the property.
Example—
A takes an umbrella violently from B honestly believing that the umbrella belongs to A and that A is entitled to possession of the umbrella (but knowing that she is not entitled to use force to get it back). The assertion of that possessory right (whether or not correctly founded in law) is not dishonest (and therefore cannot amount to theft) although the means used to get the umbrella back may well amount to some other offence.

This is in part a drafting amendment. The first example was a footnote; now it is an example. The second part of the amendment is substantive. The current provision in the bill applies only where the person believes that they have a right to act in that way. This needs clarification. The example that currently follows the provision suggests that there is no excuse unless the honest belief in one's right extends to include the means employed to exercise the right. In principle, this seems wrong. We have offences which impose punishment for trespass and the use of force in the absence of dishonesty. Burglary and robbery are compound offences that marry dishonesty with criminal trespass or an offence of violence. Liability for these compound offences should be reserved for instances where the defendant is dishonest with respect to the property in question. Subsection (5) does not purport to tell us when conduct is dishonest; that is the function of subsection (1). The better approach is to ask the dishonesty question in each case that is the subject of the theft. The bill currently is ambiguous on the question. That should not be so. The new subsection and example are designed to clear up the problem. I move:

Page 8, lines 14 and 15—
Leave out 'takes, receives, retains, deals with or disposes of' and insert:
deals with

This is consequential on an earlier change. I move:

Page 9, lines 14 and 15—
Leave out '(but it is not essential to use that description of the offence in an instrument of charge)' and insert:
but may be described either as theft or receiving in an instrument of charge and is, in any event, punishable as a species of theft.

Under the regime proposed by the bill, all receiving amounts to theft. One might as well have abolished receiving entirely, except that it would make the person known as the fence on *The Bill* on a Saturday night somewhat redundant. However, to make the matter clear, the bill provides that you can charge receiving as a subspecies of theft, if you like. That will maintain the richness of our language, but the ingredients of the offence will still be theft. It appears that the wording of that principle which is not changed was ambiguous; therefore there is an amendment to make it clear. I move:

Page 10—
Line 34—Leave out 'dishonestly deceives another in order to' and insert:
deceives another and, by doing so—
Page 11—
Line 1—Leave out 'benefit' and insert:
dishonestly benefits
Line 2—Leave out 'cause' and insert:
dishonestly causes

The reason for this group of three amendments is simple: the word 'dishonesty' was in the wrong place. The bill speaks of dishonest deception; that is redundant. What was meant was that the object of the deception be dishonest. The amendments are designed to do that.

Amendments carried; clause as amended passed.

Clauses 5 to 7 passed.

Clause 8.

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

Page 18, line 8—
Leave out the definition of 'threat' and insert:
'threat' includes an implied threat but, unless the threat is a threat of violence, does not include a threat made in the course of, or incidentally to—
(a) collective bargaining; or
(b) negotiations to secure a political or industrial advantage;

Clause 8 deals with blackmail. This amendment deals with the definition of 'threat', and should be of interest to all people involved in the political process. We would not want the criminal law of blackmail to intersect with our daily activities. The bill currently and deliberately alters the current law so that the kinds of demands that may constitute blackmail are not limited to property or financial demands. The limit that curbs the scope of the crime is effectively public or community standards. The objection was taken that this left the law too wide. The concept of dishonesty is an essential element of the modern law of theft. We are committed to the belief that there is a consensus among people about right and wrong when modes of acquiring property or financial advantage are an issue. The objection was that there is no reason to suppose that this consensus extends across the entire range of possible demands that one person may make of another, so we have considered that and limited the scope of blackmail so that it does not include threats made in the course of collective bargaining or negotiations to secure a political or industrial advantage. So, the next time the member for Bragg and I say to someone who is running against us in a branch ballot that we will not support them for state council next year if they do not support us, we will not be committing an offence, I presume. The limits are hard to draw. There may be some who think that threats in these circumstances should be punishable, but we thought the line should be drawn here.

Amendment carried: clause as amended passed.

Remaining clauses (9 to 19), schedules and title passed.

Bill reported with amendments.

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

That this bill be now read a third time.

I am grateful to the members for Heysen and Bragg for studying the bill in such detail and participating constructively in the debate. I thank the committee for its patience while the government amendments were canvassed by me.

Bill read a third time and passed.

AGRICULTURAL AND VETERINARY PRODUCTS (CONTROL OF USE) BILL

The Legislative Council agreed to the amendments made by the House of Assembly without any amendment.

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

Adjourned debate on second reading.

(Continued from 29 May. Page 370.)

Ms CHAPMAN (Bragg): Consistent with the preceding two bills, this measure was introduced in the same terms by the Liberal government on 28 November 2001 but was not debated. I highlight one matter in the second reading explanation which describes the effect of the bill as follows:

The bill seeks to clarify the application of the criminal jurisdiction of South Australian courts. This area of the law is complicated and recent statutory attempts to clarify it have been only partially successful.

I suggest it is an understatement to say that previous attempts to clarify this area of the law have been partially successful. I acknowledge that the second reading explanation sets out appropriately and well a detailed explanation as to the complex issue that is being addressed.

In as simple terms as one can explain this issue, the purpose of this bill is to determine the question as to whether, where a crime is committed in one state by a person who is physically present in that state, but his or her actions are intended to affect someone in another state, the person can be charged before a court in the latter state. Most jurisdictions only seek to charge those whose offences have a physical connection with their territory. That is probably for good reason, because they do not necessarily want to attract business, but that is quite clear.

These issues are governed by a number of common law rules, some of which are contradictory, and that in no way helps us to deal with these matters when it comes to either the judiciary or the legal profession. The consequence has been that resolving the question of whether a particular state has jurisdiction has become very confused over the years, and detailed examples were given in the second reading explanation, which I do not propose to go over.

I place on the record that, in 1992, a committee of officials drafted a law to clarify the position. This new provision coexists with the common law rules. It was adopted in four states and is presently section 5C of the Criminal Law Consolidation Act 1935. However, section 5C has been largely ignored by the courts, which have continued to apply the common law rules. The officers who devised the original section 5C, and their successors, have developed a new section in an effort to overcome the deficiencies of the old 5C. As I understand it, to date only New South Wales has adopted it, but in any event it is a matter that we thank the Attorney for bringing back to this house for determination, and I indicate the opposition's support.

The Hon. M.J. ATKINSON (Attorney-General): The government is pleased that the opposition will be supporting the bill, and I thank the member for Bragg for deliberating on it.

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

LAW REFORM (DELAY IN RESOLUTION OF PERSONAL INJURY CLAIMS) BILL

Adjourned debate on second reading.

(Continued from 4 June. Page 489.)

Ms CHAPMAN (Bragg): This is the fourth of a number of bills that replicates a previous bill introduced in another place by the Hon. Trevor Griffin, and it passed through the Legislative Council in about November 2001. The bill lapsed because of the parliament's being dissolved before this house had an opportunity to consider the matter and complete the debate. It is fair to say that the second reading explanation appropriately covers the matter. I do not therefore propose to add any further comment, other than to thank the government for bringing the matter back for the consideration of the house. As I understand it, it is without any amendment at all. On that basis, I make no further comment and indicate the opposition's support.

Mrs REDMOND (Heysen): I wanted to place on the record my thanks to the government for introducing this measure. I know that in practice on a number of occasions I have had situations where people have died either expectedly

or have unexpectedly died, depriving their family of their claim for pain and suffering. I am pleased to see the provisions in this bill for the awarding of exemplary damages if an insurer or other person who would otherwise be paying out the money deliberately delays the matter in the hope that the plaintiff will die before they have to pay it out, knowing full well that, if they do die, their right to the damages will die with them as the law has stood up until now. We have all been aware from reports in the media of people who are dying from cancer where a claim is proceeding, but that is not always the case.

I had an instance in the last couple of years of a very elderly couple, a lady 89 and her husband 93, who were attacked in the Blackwood Shopping Centre on a Saturday morning and suffered quite significant injuries resulting in hospitalisation. They were caused to move home and a number of other consequential things occurred subsequent to the injury. I became convinced in the course of conducting that matter that the Crown Solicitor's Office was relying on the fact that these people were so old that, if they delayed the matter for long enough, they would not have to pay out what was ultimately a fairly paltry amount of money under a Criminal Injuries Compensation Act claim. But, given the ages and fragility of these people as a result of the injuries they had sustained, the Crown Solicitor's Office was just being blatantly obstructive in allowing the matter to proceed.

I would have been delighted had this law existed at that time so that I could have written to them and said, 'If you do not get your act together and start dealing with this, expect that we will make a claim, not only to continue the claim (which this bill will allow for the estate to get the compensation in any event), but to claim exemplary damages for behaviour which is simply inappropriate, in my view, immoral and, hopefully, now will be illegal.

The Hon. M.J. ATKINSON (Attorney-General): Following on from the comments of the member for Heysen, it will be not so much illegal but punishable or a deterrent. It is for the reasons that the member for Heysen gave that the Hon. Nick Xenophon in another place introduced legislation of this kind relating to dust diseases. It is very much to the credit of the former Attorney-General (Hon. Trevor Griffin) that, rather than dismissing it as yet another private member's bill from an Independent member or an opposition member, he and his staff in the policy and legislation section of the Attorney-General's Department responded to it constructively. That is why we have the bill we have before us now.

Although the Law Society is opposed to exemplary damages, I nevertheless think this bill is a worthwhile bill. It creates a useful deterrent, and I thank the Liberal Party for its continuing support.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

Ms CHAPMAN: I seek some clarification from the Attorney-General. The definition of 'dependant' has the following qualification:

(assuming that he or she had been financially dependent on the deceased person). . .

Does that include a dependant who might be financially dependent, not because they rely on the income from their spouse, the deceased person, to provide for them by way of direct support, but because the deceased person may, for example, have had a separate income, so you have a couple where they both have an income and effectively cost share accommodation and expenses in that home but do not necessarily directly support each other from the income? I would like some clarification. Are they excluded from this provision if they are a dependant and cost share and do not have a direct dependency?

The Hon. M.J. ATKINSON: Our intention in that clause was to borrow from the wrongful death provisions of the Wrongs Act, and they in turn come from Lord Campbell's act. The answer is that we really do not know if cost sharing constitutes financial dependency for the purposes of this clause. That would be a matter that would have to be determined if a case arose. I am sorry that I cannot be more helpful than that.

Ms CHAPMAN: I refer to new section 35C(7) on page 5. This makes provision for the tribunal to either pay directly to the dependants or to pay to the estate of the deceased person. In new subsection (8), in exercising its discretion in new subsection (7) as to which group it pays to, the tribunal is to make an award to dependants rather than the estate, that is, exercising some preference, 'unless there are no dependants or there is some other good reason to the contrary'. It then goes on to make provision for the apportionment. Could the Attorney clarify what is meant by 'some other good reason'? What is intended there?

The Hon. M.J. ATKINSON: It is not possible to see all eventualities upon the death of the plaintiff, so this gives the court a discretion in the way the court might use its discretion to direct the money into the will and, via the will, into the estate, rather than to give it to the dependants. It might be where the dependants are well provided for by workers compensation, death benefits or insurance, or a combination of those and there is some other person with a good claim on the plaintiff for assistance after the plaintiff's death. It is a little like what I used to know as the testate of family maintenance provisions, which I think in South Australia are called something like 'family provisions'.

Clause passed.

Title passed.

Bill reported without amendment.

Bill read a third time and passed.

ADJOURNMENT

At 5.55 p.m. the house adjourned until Monday 26 August at 2 p.m.