HOUSE OF ASSEMBLY

Tuesday 15 October 2002

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

ASSENT TO BILLS

Her Excellency the Governor, by message, intimated her assent to the following bills:

Agricultural and Veterinary Products (Control of Use),

Air Transport (Route Licensing—Passenger Services),

Appropriation,

Electricity (Miscellaneous) Amendment,

Essential Services Commission,

Fisheries (Contravention of Corresponding Laws) Amendment,

Fisheries (Validation of Administrative Acts),

Prices (Prohibition on Return of Unsold Bread) Amendment,

Recreational Services (Limitation of Liability),

Stamp Duties (Rental Business and Conveyance Rates) Amendment,

Statutes Amendment (Structured Settlements),

Statutes Amendment (Third Party Bodily Injury Insurance),

Wrongs (Liability and Damages for Personal Injury) Amendment.

TOBIN, Dr M.J., DEATH

The Hon. M.D. RANN (Premier): I move:

That this house expresses its deepest condolences to the family, friends and colleagues of Dr Margaret Tobin, a pre-eminent and tireless servant of the people of this state and, as a mark of respect to her memory, that the sitting of the house be suspended until the ringing of the bells.

It was a measure of the commitment and dedication of Dr Margaret Tobin that she spent her last hours organising help for other people. Since the tragic events of the weekend in Bali, Dr Tobin had been instrumental in organising counselling and other support services for those arriving home from Kuta and for the families of the victims. We grieve for her loss as a dedicated public servant, we grieve for her family and we grieve with her colleagues. None of us can begin to understand the shock that her family must be going through. Her husband of 13 years, Don, is here today—her best friend, her rock. Her mother Jean and her sister Bernadette flew here from Melbourne as soon as they heard the news. Her brother Damian and her other sister Mary-Kathleen are here today grieving for their sister. I have been fortunate enough today to have met family members and to express to them the deepest sympathies not just of the government or this parliament but for all the people of South Australia.

Dr Tobin grew up in Croydon in Melbourne, the oldest of eight children in a solid working class family. Being the oldest, her parents spent considerable energy and time on the education of their obviously very clever and talented daughter. Dr Tobin graduated in medicine from the University of Melbourne in 1978, and she completed postgraduate qualifications as a psychiatrist and was admitted to the Royal Australian College of Psychiatrists in 1986. She worked both in Victoria and, later, in New South Wales. She was a former director of South Eastern Sydney's Area Health Services, one of the country's top mental health administrative jobs. Margaret has been a national and international consultant on mental health and brought enormous medical, teaching and management skills to South Australia.

When she was appointed to head the state's mental health services in July 2000, she told her new staff that her motto was 'This time, make things happen,' and she certainly was doing that. Just a few weeks ago, Dr Tobin was interviewed about National Mental Health Week. This is what she said:

People need to stop thinking about mental illness as a rare and worrying condition important to somebody else and start thinking that mental health is everybody's business—that a person in your family or your circle of friends is absolutely certain to get a mental illness of one sort or another and, therefore, it is urgent that the community understands and is sympathetic to mental illness.

The fact that Margaret's family is here with us in parliament today—just one day after her tragic, senseless, incomprehensible death—is testament to their pride in her achievements, and I know what they were most proud of: despite the fact that she had reached such an esteemed position in her field, Dr Tobin chose to dedicate her life and career to the public mental health service. They said that Margaret always figured that she could be of greater service in the public system than as a private practitioner in psychiatry. She said she wanted to help those who might not get a service elsewhere.

Dr Tobin constantly advocated for the most disadvantaged, marginalised and alienated people in our community. That, of course, can sometimes be a thankless task. She dedicated her life to improving the lives of others. Her friends and colleagues have described her as both compassionate and passionate, with a love of books, classical music and opera.

Dr Tobin celebrated her 50th birthday just a few weeks ago. She was honest, dedicated and absolutely committed to mental health. Her staff say they all took on her passion for making life better for those with a mental illness, and she inspired those around her to do better. I understand that she made some very close friends during her brief two years here in Adelaide, and our hearts go out to them as well.

This morning, the Minister for Health, Lea Stevens, and Social Justice Minister, Steph Key, and I visited staff in the Department of Human Services—her valued colleagues. They are obviously traumatised, and counselling support has been put in place for them.

The loss of Dr Margaret Tobin is another trauma for our state, another stark reminder—if we ever needed one—after the atrocities of the weekend that we are not untouched by senseless violence. I have just spoken with Margaret's husband and family, and I have told them that for the people of South Australia Margaret's memorial must be and will be the much improved mental health service for which she has so tirelessly worked and fought.

The Hon. R.G. KERIN (Leader of the Opposition): It is with great sadness that I second the motion so aptly moved by the Premier. South Australia and South Australians owe Dr Margaret Tobin a great deal. Margaret Tobin was a specialist. She was professional, compassionate and caring. In addition, Margaret Tobin was extremely committed to reforming this state's mental health system; she was committed to her staff; and she was committed to the clients of that department.

No-one is more aware of Dr Tobin's contribution to this state than the former health minister Dean Brown, who knew her very well, as did the current minister. I know Dean was

devastated, as were we all, when we learnt of the attack on Dr Tobin yesterday and, later in the day, of her subsequent death.

Dr Tobin commenced duties at the Department of Human Services on 31 July 2000 in the newly created position of Director of Mental Health. Dr Tobin's role was to oversee a radical overhaul of the state's mental health system, and that, as we all understand, is an enormous challenge in any jurisdiction.

Dr Tobin came to Adelaide from New South Wales, where she was Director of the South Eastern Sydney Area Health Service. Previously, she had held several national and international consultancy roles. As well as being a psychiatrist, Dr Tobin had an MBA. She brought enormous medical, teaching and management experience to the state. When she was appointed, Dr Tobin was charged with many tasks, not the least of which was to enhance mental health services for adolescents, including the establishment of a statewide adolescent in-patient service at the Women's and Children's Hospital; to provide stable supported accommodation initiatives for people with complex needs; to develop a new role for Glenside Hospital for specialist mental health rehabilitation services, as well as for in-patient care for people with severe and unstable mental illness; the promotion of greater integration of mental health services within a regional network; and to provide training and educational support to attract and maintain an effective rural work force.

Dr Tobin played a vital leadership role in the changes that have taken place in mental health in South Australia, and she certainly did that with great compassion and distinction. Margaret Tobin has been described as a private, intensely dedicated professional. She was highly regarded by all who knew her well, particularly within government and the medical profession. It is just inconceivable that Dr Margaret Tobin was taken from us in this manner. Words cannot adequately describe the shock and horror those in this house felt when we learnt of the attack on her. It is a tragedy and a senseless loss of what was a very valuable life.

This morning I heard the Minister for Health express the view that it is now up to us to ensure that Margaret Tobin's work and vision are implemented. We on this side of the house wholeheartedly agree with those sentiments. On behalf of the opposition, I express my deepest sympathies to Dr Tobin's husband Don and to her family and her many friends. We also express our deepest sympathy to her work colleagues in what for them are incredibly difficult circumstances. We support the motion.

The Hon. L. STEVENS (Minister for Health): Yesterday the unacceptable and the irreconcilable occurred. Yesterday South Australia lost one of its most dedicated and driven public servants, Dr Margaret Tobin. Just as this state was feeling the impact of the tragic events in Bali, we had to confront another severe blow. Margaret Tobin, the Director of our state's public mental health services, was killed. This was a brutal, cold and evil act. Margaret was simply doing her job as tirelessly and as fearlessly as she has done for some two years now. Ironically, yesterday Margaret was going about the task of organising and coordinating the trauma counselling services for the victims of Bali and their families. That work will go on, as will all of Margaret's work: she would not have it any other way. On behalf of the house I extend my sincere condolences to her family and friends and to her work colleagues who have been deeply affected by this incident.

Margaret Tobin came to this state from New South Wales two years ago to head up the mental health reform process. She first came as part of a review team commissioned by the former government. The message that review team gave was sharp, dramatic and compelling. Margaret and the team were very frank about the need for change and improvement in our mental health services. It was a message that the former government heard and understood. It is a message that this government hears, understands and will continue to act upon. Margaret, in delivering that message, put her money where her mouth was as she always did. Margaret took up the offer to lead the changes she had most strongly advocated for this state, and she started delivering.

Margaret's career is illustrated by boldness and bravery, and bringing about much needed reform in mental health for the benefit of consumers and the community generally. Dr Margaret Tobin received her medical degrees from Melbourne University in 1978 and went on to complete her psychiatric training in 1986. She also successfully undertook a Master of Business Administration in 1990, thereby bringing together the skills of clinical excellence and organisational leadership that she put to such great use. Margaret had clearly set some explicit career goals for herself. She wanted to make a difference and she did. Margaret has done it all. She has been a junior medical officer, a psychiatric registrar, a senior psychiatric registrar; she went onto become the deputy psychiatric superintendent at Willsmere Hospital. She also moved on to become a regional clinical policy adviser in Victoria before becoming director of clinical services at Lakeside and Aradale Hospitals between 1989 and 1993. Later Margaret moved to Sydney where she headed Area Mental Health Services in southern and south-eastern Sydney between 1995 and 2000. She then brought all this experience, drive, passion and commitment to South Australia.

To review the positions Margaret has held does no justice to what she has achieved. In all her positions, she was a driver for change. To say that Margaret was at the sharp end in mental health reform is not enough. Margaret made every position she held the sharp end: she made a difference. Margaret was a leader in the careful yet deliberate deinstitutionalisation of psychiatric hospitals. She knew that to achieve this kind of change the development of community based mental health services must go hand in hand with it. She helped change the way in which people think, act and behave in mental health services. She challenged and confronted us all to do better. That challenge is still there.

More than anything, Margaret was a great believer in the need to change culture, values and beliefs. It is only by changing these things in ourselves and in our services that we will end the stigma and discrimination experienced by those in our community disadvantaged by mental illness. As the Premier has reminded us, Margaret's enduring message is that mental health and mental illness is everyone's business.

Margaret's death affects us all. It most particularly affects her family and close friends, but that is not all. I want to pay a special tribute to the people who worked near and close to Margaret. When this awful event happened on the eighth floor of the DHS building yesterday, it sent a shock wave throughout the building and throughout the entire health and community service system. I want particularly to commend the actions of Kae Martin and Deb Pratt, two senior nurses in the department, who rushed to Margaret's side to do as much as they could. Sadly, nothing could help.

This is a hard time for all staff in helping services. The Premier and I, together with Minister Key, spent the morning at the DHS Citi-Centre building talking to as many staff as we could. Today was the day when the helpers needed help. Everyone was upset, yet in some ways calmly accepting the unacceptable. People in health and community services know that there are risks involved in what they do. That does not make those risks tolerable or ever acceptable, but events such as yesterday bring home the need for all of us to take care.

Some uninformed members of the community may refer to public servants as faceless and self-serving. That was never true. Margaret Tobin was a true public servant. She dedicated her life to the betterment of the most disadvantaged in our society. Margaret Tobin was a leader, a teacher, an administrator of great strength, a reformer and a driver of change. Yesterday, South Australia lost its leader and its director of mental health reform, but it did not lose its leadership or its direction. Margaret gave us that and we can never lose it. This is the day for remembrance and sorrow; this is also a day for recommitment to keep going.

This morning Mike Melino, the Manager in the Mental Health Unit, brought Margaret's staff together. It was a sad time, as you could imagine. He said what Margaret would have wanted him to say. The message was simple and clear:

> this must not stop us. . . keep going. . . that's what Margaret would want.

That again is a message that Margaret has delivered to this government, this state and this parliament. Improving mental health services requires the efforts of the whole community, the government and both sides of this house.

In supporting this motion I am personally recommitting myself, as the Premier and the Leader of the Opposition have done before me, to the reforms started by Dr Margaret Tobin, and I invite all my colleagues on both sides of the house to share in this. To complete the task is what Margaret would have wanted and what she deserves. There can be no better legacy or tribute to her.

The Hon. DEAN BROWN (Deputy Leader of the Opposition): This afternoon we pay tribute to a remarkable woman: a woman who had a passion to make life better for people who suffered from mental illness and for our broader community to understand what those people and their carers and families were experiencing. She was a leader. She had a vision about where she wanted mental health to go, not just here in South Australia but nationally and internationally. She was recognised internationally for her understanding of and commitment to mental health.

I first met Margaret as part of the review team set up by Dr Peter Brennan in late 1999, and on a number of occasions during that review process she asked if she could come and sit down with me to talk about what was wrong with the system, what needed to occur with mental illness treatment here in South Australia, and to be part of establishing a plan that certainly had a profound impact on me, on the department, on the then director, Christine Charles (whom I had the chance to speak to from Japan yesterday), and on many of her other colleagues. Few people would understand the personal commitment and effort that Margaret made. I know that her husband Don and some of her colleagues would understand, but few others would. She paid the highest price in respect of what she wanted to set up here in South Australia.

I would like to touch for one moment on what she set out to achieve, because this parliament and this state must understand that and make sure that it is followed through. If ever there was a memorable occasion, it was that on which Dr Margaret Tobin gave evidence to the select committee when, I think it is fair to say, members of the committee sat absolutely spellbound for two hours, listening to her vision of what should occur with mental health here in South Australia. But it was not just to South Australia that her message applied: it was to the whole of Australia.

The first and most important message was to tear down the prejudices that exist within our community concerning people who suffer from mental illness. The second was to understand the personal trauma that those people go through. The third was to understand the trauma that the committed carers and families of people with mental health problems have gone through—a group of people who invariably have been forgotten. On a number of occasions, I spoke on platforms or was in forums with Margaret when she talked about what she wanted to do in terms of support for those people. She had a vision to make sure that we would not allow people who suffered from mental illness simply to be pushed out into the community without the necessary support around them.

I am delighted to say that this state, as a result of that vision, has embarked on a program (which will take a number of years to complete) to set up supported accommodation. The first facility was established last year in the northern suburbs; a facility is being constructed at present at Victor Harbor; and there is a commitment by the previous and present governments to establish facilities both throughout the metropolitan area and in key country regions.

I am aware of the extent to which both sides of this parliament have been touched by what Margaret Tobin has left for us. She profoundly changed my personal attitude to mental illness and mental health and the treatment that people should have. You may recall that, as minister, I would often talk about this issue within the parliament because it was Margaret who convinced me that, by standing up and talking about it more and more in public, we would increase the understanding and therefore the awareness of the vast majority of people who just want to shut it out of their minds.

Mental illness and the treatment of people with that sort of an affliction invariably was seen as something that should not be dealt with in the broader health system. Margaret set out to embark on a program to encourage general practitioners to take responsibility for people with a mental illness. I spent part of the weekend at an event which brought together 62 country GPs, most of whom until that stage had refused to treat people with mental illness, and we embarked on a program under Margaret's leadership to make sure that those people became actively involved and that mental illness was to be treated in the same way as any other illness within the health care system. Many times Margaret talked to me about the difficulties that she was having in changing attitudes to mental illness within the health care system. She said that hospitals were fine in terms of technology and delicate and earth-shattering surgery but that also they were places where you had to be able to deal with and treat mental illness on an equal footing. I pay tribute to Margaret for her efforts and commitment in that area.

Margaret also had a huge commitment to lifting skills and resources in the mental health area. In particular, she was concerned that modern day skills for dealing with mental illness were not readily available within our system. Again, I honour those moments where I sat down with Margaret and shared her thoughts working out ways in which she could put them forward. She was one health professional who was

always willing to talk to the media in frank and open terms, saying it as it was. If she ever criticised me, my government or the system, I would have to say that I accepted that criticism—and Margaret knew that I did. She was fighting a lot of battles. On a number of occasions I assured her that in those battles to bring about fundamental change she had the support of Christine Charles and me to back her every inch of the way.

In this way we were trying to make sure that that priority for mental health was the priority in terms of the whole of the health care system, because mental health is the fastest growing illness within our developed community. By the year 2020 it is estimated that it will be the third most important illness within our entire community. It affects about one in four or one in five people in the community. At present in Australia we have Beyond Blue, a national program for depression. Margaret and others strove very hard to make sure that that program was established. This state (together with other states) has committed, on an annual basis, a significant amount of money towards that program. I think it is important that Beyond Blue be one of out great tributes to Margaret.

I would like to offer my condolences to Don and Margaret's family. I know her passion for privacy; I know her passion for Don; and I know her passion for her work. Regularly, I would ring Margaret on Sunday mornings, Sunday evenings and Saturday nights, invariably when a crisis might have occurred in the mental health area or when some other key issue had arisen. Margaret was always there. She was always her calm, reassuring self, but with advice, passion and clarity that is so rare. She was unique in terms of being clinically a superb psychiatrist but, at the same time, a perfectionist when it came to health administration.

I feel for her colleagues. On a number of occasions we sat around the table and discussed issues and thrashed through those issues. I know how close her colleagues were to her. I know their admiration for the leadership and vision she gave. As minister, I felt I developed a very close bond, almost a unique bond, with Margaret, who came into a very difficult circumstance. She had given advice as to where the system should head, and she took on what I thought was a challenge that she knew was going to be an enormous challenge, namely, to become the Director of Mental Health. Perhaps in some ways it was the most important recommendation of the review.

I thank Margaret for taking on that role; and I thank her for what she has contributed to South Australia, particularly for the vision, commitment and improvement to the mental health system. As I said, we have lost a friend and colleague. My thoughts today are with Don, her family and her very close colleagues.

The SPEAKER: I add my condolences to those of the Premier, the Leader of the Opposition, the Minister for Health, and the deputy leader to the members of the family of Dr Margaret Tobin and express that on behalf of you all. I guess it is a time for to us reflect upon what it is we seek to achieve in society where, by being open and inclusive, we know we take risks. What kind of mind it could have been that conceived it and then perpetrated the act is not something about which we can speculate at this point or in this place, but each of us secretly or quietly would wonder about that.

There is no question but that it was heinous, unnecessary and uncivilised and, in short, whatever we can do to ameliorate the circumstances in which anyone would conceive of doing such a thing, as individual members we must do it, and as a parliament it is our duty to do it. To that extent I am sure you all join with me in supporting the remarks that have been made from both sides of the house to commit and to provide the kinds of service to the people who were so well served during her short time as CEO of mental health services, as Dr Margaret Tobin was.

Motion carried by members standing in their places in silence.

[Sitting suspended from 2.40 to 2.49 p.m.]

HOSPITALS, WESTERN COMMUNITY

A petition signed by 646 residents of South Australia, requesting the house to urge the government to take immediate action to preserve medical and surgical services at the Western Community Hospital and other country hospitals, was presented by the Hon. Dean Brown.

Petition received.

CROWN LANDS (MISCELLANEOUS) AMENDMENT BILL

A petition signed by 95 residents of South Australia, requesting the house to urge the government to withdraw the Crown Lands (Miscellaneous) Amendment Bill 2002, was presented by Mrs Maywald.

Petition received.

VOLUNTARY EUTHANASIA

A petition signed by 36 residents of South Australia, requesting the house to reject Voluntary Euthanasia legislation, ensure medical staff in hospitals receive proper palliative care training and provide adequate funding for the palliative care of terminally ill patients, was presented by Mrs Maywald.

Petition received.

SAME SEX RELATIONSHIPS

A petition signed by 138 residents of South Australia, requesting the house support the passage of legislation to remove discriminatory provisions from all State legislation which discriminates against people in same sex relationships, was presented by Mrs Maywald.

Petition received.

PUBLIC WORKS COMMITTEE REPORTS

The SPEAKER: I lay on the table the following reports of the Public Works Committee, which have been received and published pursuant to section 17(7) of the Parliamentary Committees Act 1991:

182nd report—Port Adelaide WWTP EIP Relocation to Bolivar;

183rd report—Commercial Road Viaduct Upgrade.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. M.D. Rann)—

Auditor-General's Department—Report on the Operations for the Year Ending 30 June 2002

Disciplinary Appeals Tribunal—Report of the Presiding Officer for the Year Ended 30 June 2002
Government Boards and Committees Information—Report 2002 (Vol 1, 2 & 3)
Promotion and Grievance Appeals Tribunal—Report of the Presiding Officer for the Year Ended 30 June 2002

By the Treasurer (Hon. K.O. Foley)—

Regulations under the following Acts—
Public Finance and Audit—Public Authorities
Southern State Superannuation—Education, West Beach Trust
Superannuation—Education, West Beach Trust

By the Minister for Government Enterprises (Hon. P.F. Conlon)—

South Australian Ports—Disposal of Maritime Assets—
Ministerial Direction and Transfer Order
South Australian Ports—Transfer of Maritime Assets—
Transfer Order
Transfer Order

By the Minister for Energy (Hon. P.F. Conlon)—

Regulations under the following Acts—
Electricity—
Customers
Contestable Customers
Petroleum Products Subsidy—Claim for Payment

By the Attorney-General (Hon. M.J. Atkinson)—

Regulations under the following Acts—
Criminal Injuries Compensation—Remake
Criminal Law (Forensic Procedures)—M's DNA
Electronic Transactions—Exclusions
Subordinate Legislation—Postponement of Expiry
Rules of Court—
District Court—E-filing project
Supreme Court—
E-filing
Subpoena
Rules—
Legal Practitioners—Education & Admission Council Rules—Employment

By the Minister for Consumer Affairs (Hon. M.J. Atkinson)—

Regulations under the following Acts—
Liquor Licensing—Dry Areas—
Kadina, Moonta, Port Hughes, Wallaroo
Port Augusta
Victor Harbor

By the Minister for Health (Hon. L. Stevens)—

Human Services—Department of—
Report 2001-2002
Report to Parliament on Palliative Care in South Australia 2002
Physiotherapists Board of South Australia Report for the Year Ended 30 June 2002
Regulations under the following Acts—
Controlled Substances—Simple Cannabis Expiation Fees
South Australian Health Commission—
Fees for Service
Prescribed Health Services

By the Minister for Environment and Conservation (Hon. J.D. Hill)—

Clare Valley Water Resources Planning Committee—Report 2001—2002
Coast Protection Board—Report 2001—2002
Land Board—Report 2001—2002
Martindale Hall Conservation Trust—Report 2001—2002
Northern Adelaide and Barossa Catchment Water Management Board—Report 2001-2002
Onkaparinga Catchment Water Management Board—Report 2002
Patawalonga Catchment Water Management Board—Report 2002
South Australian National Parks and Wildlife Council—Report 2001—2002
Wilderness Protection Act 1992—South Australia—Report 2001—2002
Regulations under the following Acts—
Animal and Plant Control (Agricultural Protection and Other Purposes)—Agricultural Protection
Environment Protection—Fee Unit

By the Minister for Gambling (Hon. J.D. Hill)—

Rules—
Authorised Betting Operations—Bookmakers Licensing Rules—
Information Protection
Telecommunications Betting

By the Minister for Transport (Hon. M.J. Wright)—

Regulations under the following Acts—
Harbors and Navigation—Further Time Extension

By the Minister for Industrial Relations (Hon. M.J. Wright)—

Regulations under the following Acts—
Occupational Health, Safety and Welfare—Electrical
Workers Rehabilitation and Compensation—
Local Government Corporations
Scale of medical, other charges

By the Minister for Tourism (Hon. J.D. Lomax-Smith)—

Agriculture, Advisory Board of—Report 2001—2002
Phylloxera and Grape Industry Board of South Australia—Report 2001-2002
Regulations under the following Acts—
Aquaculture—Fees for Licensee
Fisheries—Gill, Mesh and Bait Nets
Livestock—Deer Keepers
Primary Industry Funding Schemes—Deer Industry
Veterinary Surgeons—Prescribed Requirements

By the Minister for Employment, Training and Further Education (Hon. J.D. Lomax-Smith)—

Regulations under the following Acts—
Construction Industry Training Fund—GST

By the Minister for Urban Development and Planning (Hon. J.W. Weatherill)—

Adelaide, City of Development Plan—Adult Premises Plan Amendment—Report on the Interim Operation
Boundary Adjustment Facilitation Panel—Report 2001-2002
Barossa Council Development Plan—Town Plan Amendment—Report on the Interim Operation
Development Act, Administration of—Report 2001—2002
Land Not Within a Council Area (Coastal Waters) Development Plan—Lower Eyre Peninsula Aquaculture Plan Amendment Report—Report on the Interim Operation
Victor Harbor, City of—Local Heritage Plan Amendment Report—Report on the Interim Operation
West Beach Trust—Report 2001-2002
Regulations under the following Acts—
Development—Cover requirement revoked

By the Minister for Local Government (Hon. J.W. Weatherill)—

Local Government Act, Section 269—Report on Operation of Part 1, Chapter 13 of the Act
Local Government Activities by the State Electoral Office—Report 2001-2002
Rules—
Local Government—Local Government Superannuation Scheme—
Ayres Rock Co.
Investment Option
Local Council By-Laws—
City of Campbelltown

No 1- Permits and Penalties
No 2—Moveable Signs
No 3—Roads
No 4—Local Government Land
Town of Gawler
No 6—Bird Scarers
Naracoorte Lucindale
No 1- Permits and Penalties
No 3—Roads
No 4—Local Government Land
No 5—Dogs
District Council of Streaky Bay
No 1—Permits and Penalties
No 2—Moveable Signs
No 3—Roads
No 4—Local Government Land
No 5—Dogs

MOUNT REMARKABLE DISTRICT COUNCIL

The SPEAKER: Pursuant to section 131 of the Local Government Act 1999, I lay on the table the annual report of the District Council of Mount Remarkable for the year 2001-02.

QUESTIONS ON NOTICE

The SPEAKER: I direct that written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 11, 15, 18, 23, 25, 26, 29, 31, 33-35, 38, 45, 47, 48, 50-52, 55, 61, 65, 67, 68, 71, 72, 74, 82, 84-97 and 99-102.

STAMP DUTY

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

The Hon K.O. FOLEY: Receipts from stamp duty on conveyances (residential and non-residential) in 2001-02 exceeded budget by $112 million. The housing boom was a major factor contributing to this improvement.

The above budget level of receipts are however temporary revenue gains.

As outlined in chapter 4 of the 2002-03 budget statement, the forward estimates provide for a weakening in the property market in 2002-03. Compared to 2001-02 conveyance duty receipts are estimated to fall by $67 million in 2002-03.

EYRE PENINSULA NATURAL RESOURCE MANAGEMENT GROUP

In reply to **Mrs PENFOLD** (19 August).

The Hon. J.D. HILL: The honourable member for Flinders has highlighted the important work being done by the Eyre Peninsula Natural Resource Management (EPNRM) group. I totally support her comments on the role and importance of this and similar groups.

In response to her question of the future of such groups, I refer to the government's election commitment to natural resource management, which includes proposals to integrate existing institutional arrangements. Specifically the policy states:

> Integrated natural resource management based on water catchment areas will be developed and the continuation of 'skill based boards' will be supported.

The goal of the government is to establish efficient and effective NRM institutions, funding arrangements, and decision-making processes, at state, regional and sub-regional levels. These changes will be secured through legislative reform.

To achieve the above I have instigated a project task team working with the Interim Natural Resource Management Council to consult, evaluate and propose legislation to achieve this outcome. An important part of this project is a consultation process. Recently the EPNRM group participated in one of the nine regional workshops held through South Australian to consider options for integration.

Following these workshops and other consultation processes, submissions were received from interested parties. A discussion paper will be released in October for further consultation.

Subsequently, legislation will be developed to establish natural resource management boards for all parts of South Australia. The role of each board will include the functions of the existing regional integrated natural resource management bodies such as EPNRM. However, such bodies will also have other roles and responsibilities presently handled by catchment water management boards, animal and plant control boards and soil conservation boards. Thus an important focus of consultation is the development of appropriate regional and sub regional arrangements. So far there is a lot of public support for change and many excellent ideas have been raised. The exact arrangements and roles of regional bodies will be proposed to parliament next year following the public consultation process.

PRISONS, PSYCHOLOGICAL SERVICES

In reply to **Mr BROKENSHIRE** (17 July).

The Hon. K.O. FOLEY: The Minister for Correctional Services has advised that:

- The Department for Correctional Services employs psychologists to work with prisoners and offenders, a high proportion of whom have mental health and personality disorders.
- The latest information available to the Department for Correctional Services on the extent of the mental health, personality disorder and intellectual disability problem in the prison setting, as measured on reception, is as follows:

Psychosis	10.7% males	
	15.2% females	
Affective Disorders	21.0% males	
	33.9% females	
Anxiety Disorders	33.9% males	
	55.8% females	
Personality Disorders	40.1% males	
	57.0% females	
Intellectual Disability	IQ <75	6.0%
	IQ >75<90	4.0%

- In 1996-97, because of a need to:
  - develop a greater profile for the use of psychologists to manage offenders and reduce recidivism;
  - encourage local students to enter the field of forensic psychology;
  - improve recruiting opportunities for the department; and,
  - leverage the department's ability to conduct research projects;

  the department entered into an agreement with the University of South Australia to fund a chair of forensic psychology at the university.
- For a fee of around $264 000, the university established a chair of forensic psychology. Included in this amount was provision for two psychologists who were to be employed as lecturers and who would:
  - provide direct psychological services to prisons and community corrections;
  - conduct direct clinical services for prisoners and offenders; and,
  - supervise students undertaking work placements and to support and conduct student research.
- The removal of the two psychologists means that department will have to re-arrange priorities and resources to fund continuing psychological services in community corrections.
- There will be no reduction in psychological services to the Adelaide Women's Prison.

GLENELG PEDESTRIAN CROSSING

In reply to **Dr McFETRIDGE** (20 August).

The Hon. M.J. WRIGHT: It should be noted that the term 'barn dance' is not strictly accurate. Pedestrian crossing facilities were originally entitled 'barnes dance'—named after a Mr Barnes who advocated their introduction. In New South Wales these crossings are referred to as 'scramble crossings', which is the term that South Australia has adopted.

Transport SA has advised me that the intersection of Jetty Road, Partridge Street and Gordon Street, Glenelg comes under the care, control and management of the City of Holdfast Bay. Therefore, the establishment of a scramble crossing as a part of the traffic signals at this intersection would be an initiative of council.

Transport SA has not been approached by the City of Holdfast Bay for approval to introduce a scramble crossing at this intersection.

For your interest, a scramble pedestrian crossing facility requires approval from Transport SA prior to implementation as the signs

necessary to signify the facility are excluded from the minister's notice to councils of general approval to use traffic control devices.

Transport SA has developed a guideline for the use of scramble crossings to provide a uniform approach for their installation and operation in South Australia. This guideline applies to all such traffic signal operations on public roads under either the responsibility of Transport SA or local government.

DRIVERS' LICENCES

In reply to **Hon. M.R. BUCKBY** (13 August).

The Hon. M.J. WRIGHT: It appears that the concerns raised with you may have arisen from a misleading headline in 25 February 2002 edition of the *Advertiser*, which read 'Senior drivers facing tougher tests'.

While the headline suggested that changes were going to be made to the licensing of older drivers, this is not in fact the case. The headline actually related to an article about the trialing of a 'GP Toolkit' developed by the Adelaide Hills Division of General Practice (an organisation of medical practitioners in the Adelaide Hills).

As you may be aware, older drivers are subject to annual medical and eyesight review from age 70. In examining an older driver, a medical practitioner is asked to make a judgement on whether or not the older driver is medically fit to drive a motor vehicle.

The role of the medical practitioner in providing advice on the fitness of an older driver to continue to hold a driver's licence is most important and, at times, a difficult one.

I understand the 'GP Toolkit' was developed by the Adelaide Hills Division of General Practice to assist in the conduct of the medical examination of older drivers, and that it is currently being trialed by a group of medical practitioners and their patients.

ROADS, BLACK SPOT FUNDING

In reply to **Mrs PENFOLD** (19 August).

The Hon. M.J. WRIGHT: Funding of $3.5 million has been allocated to the state black spot program in the 2002-2003 financial year.

Projects in rural areas have received funding of $2 420 000 under the program—69 per cent of the total funds available. Of this amount, $1 960 000 was allocated to rural arterial roads and $460 000 was allocated to rural local roads.

The projects approved for funding under the state black spot program for the 2002-2003 financial year are detailed in the attached report.

State black spot program 2002-2003

Organisation	Site description	Treatment	Funding
DC Grant	Intersection of Worrolong Road & Kennedy Ave.	Reconstruct southern approach to establish a staggered 'T' intersection	$150 000
DC Mount Barker	Intersection of Wellington and Albert Roads	Install a roundabout and appropriate signing	$205 000
DC Mount Barker	Intersection of Princes Highway and Bald Hills Road at Blackiston	Indented right island, deceleration lane for right turn to Nairne and left turn deceleration lane into Bald Hills Road	$105 000
City of Mitcham	Bridge over creek, Rosella Ave near Lowan Ave	Install box beam type guardfence on Western side	$ 52 500
City of Mitcham	Culvert on Carrick Hill Drive south of Church Rd	Install guardfence on both sides of Carrick Hill Dve	$ 32 500
Town of Gawler	Intersection of Main North and Redbanks Roads	Investigate roundabout and undertake installation including improved delineation and lighting	$110 000
City of Salisbury	Junction of Nelson and Murrell Roads, Para Vista	Install crash cushions and modify traffic islands	$ 45 000
Total Program Costs for Local Roads			
Rural arterial road projects			
TSA—Eastern Region	Intersection of Jubilee Highway and Pick Avenue, Mount Gambier	Upgrade intersections	$450 000
TSA—Mid North Region	Intersection of Coast Road and Curramulka Road, Yorke Peninsula	Upgrade intersection	$260 000
TSA—Eastern Region	Intersection of Noarlunga—Victor Harbor with Cleland Gully and Woodcone Roads	Upgrade intersection	$400 000
TSA—Northern & Western	Intersection of Manin North and Silo Access Roads at Melrose	Upgrade Intersection	$130 000
TSA—Metropolitan Region	Aldgate—White Hill intersection with Verdun Interchange Ramp	Install roundabout	$500 000
TSA—Mid North Region	RN3492 Warnertown—Jamestown RRD 1.0 to RRD 4.0	Seal widening and install edgelines	$220 000
Total Program Costs for Rural Arterial Roads			$1 960 000
Urban arterial road projects			
TSA—Metropolitan Region	Intersection of Salisbury Highway and Spains Road, Salisbury	Install traffic signals	$280 000
TSA—Metropolitan Region	Intersection of Cross Road and Winifred Street, Glandore	Install traffic signals	$300 000
TSA—Metropolitan Region	Intersections of Sturt and Morphett and Sturt and Diagonal Roads	Modifications to traffic signals near Marion Shopping Centre	$260 000
Total Program Costs for Urban Arterial Roads			$840 000
Total State Black Spot Program Costs for 2002-2003			$3 500 000

ROADS, REGIONAL

In reply to **Mr BROKENSHIRE** (19 August).

The Hon. M.J. WRIGHT: All shoulder sealing work is carried out in accordance with standardised work methods described in Transport SA's specifications.

Shoulder sealing has been successful in achieving safety outcomes across the state. In those rare instances where sections of work have shown deterioration they have been repaired as part of the overall total shoulder sealing program.

The shoulder sealing undertaken along the Victor Harbor Road was completed in June 2002, totalling 5.5 km in length. Following this work a few intermittent sections have shown some deterioration and have been repaired.

In addition, edge lines have been reinstated on this road to provide clear delineation and reduce the likelihood of vehicles, particularly heavy vehicles travelling on the shoulder, thereby reducing the risk of any further failures.

WASTE WATER DUMPING FEES

In reply to **Mr GOLDSWORTHY** (15 August).

The Hon. P.F. CONLON: SA Water has undertaken an internal review of policy relating to the acceptance of liquid hauled waste. Extensive analysis of the cost of treatment took place in order for pricing to reflect full cost recovery, in line with national competition policy.

Full cost recovery pricing was sought as the waste being accepted is generated from non-contributing customers to sewer who are presently heavily subsidised by customers connected to the sewerage network. SA Water's current acceptance price for septic waste of $1.40 per kL is essentially a nominal charge and has little relationship to actual costs.

The acceptance price will be $25 per kL at metropolitan treatment plants and $92 per kL at country treatment plants. The acceptance price of $92 per kL at Heathfield and country treatment plants reflects the relatively high capital value of the upgraded plant/s for a low flow through the plant.

While the country acceptance price represents a quantum increase on previous pricing, relative to the average contribution by residential South Australian households to sewer ($356 p.a.), an acceptance price of $92 per kL compares extremely favourably. The cost of a country septic sewerage service would total, on average, $400 every three years inclusive of transportation charges, or $133 per annum.

The impact of the increased charges on the householder will be in the order of $90 per annum. The comparative cost of sewerage services, inclusive of septic pump-outs, will be significantly less than for households currently connected to SA Water's sewerage system in the Adelaide Hills.

STOCK THEFT

In reply to **Hon. G.M. GUNN** (19 August).

The Hon. P.F. CONLON: Police services in the northern communities are well established with support readily available from neighbouring districts. In addition, resources from northern operations service such as motorcycles, are utilised when necessary. Police are aware of stock theft and are working with community stakeholders to address the issue. Incidents are being handled locally and within current resources.

A SAPOL officer from north east legal services area will be attending a specialised rural crime investigation course in New South Wales in October this year. SAPOL's crime training section is working with local police officers and the Farmers Federation to develop a training/information package in relation to stock identification and theft. It is anticipated that delivery of the package to police officers located in rural areas of the state will commence towards the end of this year. Additionally, SAPOL is examining associated crime reporting data mechanisms, particularly data fields. These improvements are expected to better identify the types of thefts occurring in specific geographic areas.

SAPOL would consider any national approach to crime prevention and investigation relevant to livestock theft.

DROUGHT

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

Leave granted.

The Hon. M.D. RANN: Last weekend, I announced a $5 million drought package for South Australian farmers and rural communities who have been hit hard by record low rainfalls which threaten their livelihoods and the state's primary industries. As members are no doubt aware, there are many farms in South Australia, particularly in the Murray Mallee and the north-east pastoral area, as well as in other areas of the state, that have been severely hit by drought. During this year, rainfall in most agricultural areas of the state has been significantly below average, with many farms suffering a one in 20 year low and others having the lowest rainfall on record.

During the past few weeks I have travelled to some of the state's drought-affected areas with the Minister for Agriculture and with John Lush and also Carol Vincent from the South Australian Farmers Federation. We visited the Murray Mallee; Carrieton, Orroroo and Johnburgh in the Upper North; and Sturt Vale, Manna Hill and Wirrealpa in the North-East pastoral district.

In each area I asked farmers to tell me how best the state government could help and, interestingly, they told me that they are not looking for handouts. Many of the farmers are trying to improve farming practices and to employ different methods to decrease the impact of drought. Time and again I was told that in Australia we are used to 'once in generation' droughts.

However, in the current dry conditions, there are some farmers who are struggling to survive. The areas that were least able to prepare for the drought are the North-East pastoral district and some parts of the Murray Mallee that were affected by frosts last year and, this year, by frost and high winds. These same farmers are now suffering again the combined effects of low rainfalls and extraordinarily strong winds.

In response to what I saw in the country, I established a task force headed by the Chief Executive of the Department of Primary Industries, Jim Hallion, and including representatives from the South Australian Farmers Federation and relevant state and local government agencies. I asked the task force to find ways that the government can best support rural communities in these difficult times, and I thank them for presenting to me a solid and workable package of assistance measures.

As part of the rural support package, we will allocate $300 000 to provide four extra rural counsellors, including a financial counsellor, located within the South Australian Farmers Federation. We will put $1 million into FarmBis to deliver training and management for farming sustainability, including coordination and promotion in drought-affected areas. We are providing:

- cash grants of up to $10 000 to assist families in need—to provide the means for the most badly affected farmers to buy seed or stock for the next season;
- $150 000 in community grants for rural community groups to carry out activities that have a drought focus;
- $240 000 to support further development of the sustainable farming systems project in the Murray Mallee;
- $150 000 to fast-track the development of drought tolerant crops, including a strain of wheat used by farmers in Mexico that is thought by John Lush to be up to five times more drought tolerant than the strains of wheat used by most Australian farmers;
- $200 000 to extend the results of research undertaken through the Central North-East Farm Assistance program;
- $300 000 to further support sustainable management and

building community capacity in the rangelands;
- $140 000 to develop and extend livestock management best practice in drought-affected areas;
- $50 000 to assist farmers in managing frost;
- $50 000 for additional road maintenance in the Central North-East; and
- $720 000 for the business support component of exceptional circumstances assistance for areas of the Murray Mallee and Central North-East should exceptional circumstances be declared by the federal government.

The government has also given a donation of $200 000 to the National Farmhand Foundation appeal for drought-affected farmers. A drought information hotline—1800 999 209—and an internet site have been established by the Department of Primary Industries and the South Australian Farmers Federation so that farmers in any part of the state can access information in relation to the assistance that is available. The state government is working with communities to assess areas of the Mallee and North-East pastoral district against exceptional circumstances criteria. Negotiations between the state and commonwealth are continuing, and we have told the federal government we are fast-tracking exceptional circumstances assessment processes.

As a community, we rely on our farmers and they deserve our support when times are tough. Cooperation is needed between federal and state jurisdictions so that there can be no buck passing and no alibis or excuses.

INSURANCE, PUBLIC LIABILITY

The Hon. K.O. FOLEY (Deputy Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.O. FOLEY: On 22 August, in answer to a question about public liability and expansion of the services offered by Suncorp GIO, I said:

> 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.

In giving my answer I was reading from a draft media release which differed from the press release that was finally released. As a result, I gave the house incorrect information regarding Suncorp's intended timing for the wider introduction of public liability insurance.

The draft mentioned South Australia. At the time of my statement Suncorp GIO had not made a final decision about entering the South Australian market and so the final media release did not include South Australia in its announcement. Immediately before question time on the day in question my office contacted Suncorp GIO to check the media release. As a result of that call and a misunderstanding with Suncorp my office understood that the media release had been released unchanged.

However, I can inform the house that I have received a letter from Suncorp advising me that they intend to make public liability insurance much more widely available in South Australia as of yesterday, 14 October. In the letter to me, Suncorp GIO Group Executive General Manager, Mr John Trowbridge, said:

> The company will offer public liability insurance to a much broader range of businesses, consumers and community organisations following recent legislative reforms to improve the system. We believe that the reforms that have been implemented will lead to a reduction in costs in the public liability system and this gives us an opportunity to make public liability insurance available at reasonable prices to more consumers.

This is excellent news for all South Australian consumers and businesses and is recognition of the benefits of legislative reforms that have been undertaken by this government.

Following these reforms, as advised to the house in August, business and community groups which had previously been unable to source public liability insurance, and had faced the prospect of having to close their doors, will now be able to get solid, secure insurance cover as that offered by Suncorp, if it, of course, is attractive to the people seeking it. A range of community organisations such a sheltered workshops, unlicensed clubs, charitable aid depots, aged persons support organisations, performing arts venues and residential care services, I am advised, will now be able to source public liability cover from Suncorp.

I can also report to the house that on 2 October 2002 I received a copy of the final Ipp Report, a report containing a series of recommendations for further reform of the law of negligence. The states and the commonwealth are now considering, as a matter of urgency, which recommendations of the Ipp Report will be adopted and the method of their implementation. I will continue to keep the house informed of progress on this important issue.

NATIONAL WINE CENTRE

The Hon. K.O. FOLEY (Deputy Premier): I seek leave to make a further ministerial statement.

Leave granted.

The Hon. K.O. FOLEY: I rise to inform the house of the current situation regarding the National Wine Centre. There has been much comment about the centre's future over the past couple of weeks but, unfortunately, in some cases that comment has been accurate.

Let me take honourable members back to 25 June 2002, when the state government announced that it had brokered a deal with the wine industry designed to provide a future for the National Wine Centre. Under the deal, the Winemakers' Federation of Australia was to lease the centre from the government and take responsibility for its management through a company. The state government was to retain ownership of the wine centre and have responsibility for major maintenance.

As part of the deal the state government allocated working capital support in the form of a grant of $500 000 in 2002-03. The federation commenced operating the centre from 1 July 2002. On 24 September 2002, the Chief Executive Officer of the Winemakers Federation, Mr Ian Sutton, contacted me by telephone to inform me that the centre was not viable and that the Winemakers Federation intended to wind up the company controlling the centre. Mr Sutton—

Members interjecting:

The SPEAKER: Order!

The Hon. W.A. Matthew interjecting:

The Hon. K.O. FOLEY: I think you should be careful with what you say; you—

The SPEAKER: Order! The Treasurer will resume his statement and not engage in debate with such inane interjections as come from the opposition.

The Hon. K.O. FOLEY: Thank you, sir. Mr Sutton informed me that the federation had called in an insolvency practitioner—

The Hon. W.A. Matthew interjecting:

The SPEAKER: The member for Bright will come to order!

The Hon. K.O. FOLEY: Sir, I will just go back; I have lost my place, I think. On 24 September 2002, the chief executive of the federation, Mr Ian Sutton, contacted me by telephone to inform me that the centre was not viable and that the federation intended to wind up the company controlling the centre. Mr Sutton informed me that the federation had called in an insolvency practitioner, Mr Bruce Carter, to review the business of the centre and advise on its viability. By letter dated 26 September 2002, Mr Sutton advised me of the following:

- The projected trading loss for the centre for the period 1 July 2002 to 30 September 2002 was $480 000 against a budgeted loss of $220 000.
- Mr Brian Croser, as the sole director of the federation company, had formed the view that the company could no longer continue to operate the centre business in the absence of a further capital injection.
- No capital injection would be forthcoming from the wine industry.
- There was a projected loss of a further $250 000 for the next three months for the centre.

This government has stated repeatedly that it is not in the business of propping up expensive mistakes made by the former Liberal government. We refuse to put taxpayers' money into the centre when it could be used on schools and hospitals.

The state government has already provided $388 000 for the centre's opening—and who could forget the centre's opening?; an annual contribution of $253 000 for board expenses; an appropriation of $415 000 to cover a period of delayed opening from 1 July to 31 August 2001; $320 000 for additional items such as a ticket system, IT hardware and software, post-construction cleaning and gardening, the regional showcase, security and similar services; on 20 December 2001, approval for additional funding by the former government of $1.75 million for the period from December 2001 to 31 March 2002; and again on 31 May 2002, approval of additional appropriation funding of $730 000 for the period to 30 June 2002. In addition, of course, the state government contributed $14.6 million in creating the centre, with the commonwealth government contributing $12 million from the federation fund—

Mr Hamilton-Smith: Give them the money back!

The Hon. K.O. FOLEY: Give the money back, did you say?

Mr Hamilton-Smith interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Extraordinary. Sir, I will ignore the interjection from the shadow minister that we should give the money back. The wine industry made various donations to wine stocks and the exhibition, and made some contribution to elements of the facility. In April 2002, I wrote to Mr Brian Croser, the chair of the centre, and informed him that the Department of Treasury and Finance had analysed the business of the centre and found that, on likely assumptions, the centre stood to make a loss of $2.6 million per year if its current operations continued. The experience of the federation in running the centre for one quarter bears that estimate out. The business plan for the centre, which was developed previously by the government and the federation, was clearly flawed from the beginning. I am advised that it was the federation but it may well have been the government.

In January 2002, Ian Kowalick produced a report stating that the centre's projected revenue in the start-up phase was optimistic, particularly in the area of visitor numbers relating to 2001 and 2002. Compounding this issue was its delayed opening and excessive labour force levels, mainly in the food and beverage division. Mr Ian Kowalick (the former head of Premier and Cabinet under the Olsen premiership) stated that the resulting current cost structure could not be supported by the expected revenue base. Mr Kowalick also stated that the centre was not financially viable as it was unable to pay its debts as and when they fell due under the current operating model without government support going forward.

If the centre were to continue operating in its current mode, according to Mr Kowalick, it would still require substantial ongoing support of approximately $2 million per year. Of course, Treasury subsequently advised that that figure was closer to $2.5 million. That option is simply not acceptable to this government. The visitor numbers estimated by the centre's original business plan were for between 127 000 and 213 000 persons per year: actual attendance in 2001 at the exhibition, we are advised, was more like 38 000. The Kowalick report projected attendance for 2001-02 at about 58 000: again, the centre's business plan was shown to be seriously flawed.

Mr Bruce Carter, who was engaged by the Winemakers Federation to assist them, rapidly developed a working knowledge of the centre's accounts. He has extensive experience in the hospitality and winery industry and has been involved in a number of high profile liquidations, including acting as the receiver for Harris Scarfe, Waikerie Producers Ltd, Normans Wines and Balfour's. In light of Mr Carter's experience in the field, the government has asked him to take over the management of the centre while he prepares a report to government containing the following important points:

- a review of the financial position and results of trading for the centre for the period 1 July 2002 to 30 September 2002;
- a report of monthly trading expectations for the centre through to 30 June 2003;
- an assessment of assets and liabilities of the centre as at 30 June 2002, on high and low scenarios;
- an analysis of the positions of the individual tenants of the centre;
- an analysis of the viability of the centre's exhibition operating on a stand-alone basis;
- an assessment of any alternative use for the centre that may be available in the short term;
- financial projections of a wind-down of all centre business activities by 31 December 2002;
- recommendations on any possible strategies and alternatives for the centre that require no further injection of funds from the government; and
- a strategy for honouring all existing reservations at the centre up until 31 March at the lowest cost to government, including engaging government personnel or private providers to provide services to fulfil these contracts on a stand-alone basis.

Mr Carter has been asked to report to government by 31 October. The government will give urgent consideration to this recommendation and make an announcement concerning the future of the centre as soon as possible. The important point there is that the government will be honouring all functions, such as weddings, for the centre: my statement refers to all functions. Our aim is to honour those up until the end of March as best we can, although we are obviously open to looking beyond that if it is at all feasible. To those who have their weddings booked at the centre, we are guaranteeing that those functions will be delivered.

RAILWAYS, MOUNT GAMBIER TO WOLSELEY LINE

The Hon. M.J. WRIGHT (Minister for Transport): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.J. WRIGHT: On Friday 11 October I announced that Australia Southern Railroad (ASR) had withdrawn from detailed negotiations to reopen the Mount Gambier to Wolseley rail line for the movement of freight. This is a disappointment, given that the government has been in detailed negotiations with ASR for 10 months. ASR has not provided details further to its decision, and I will not speculate on that.

The state's contribution remains at $10 million, as announced by the Premier in May 2002. It is important to note that the tender process enables the state government to approach the two other respondents, Freight Australia and Gateway Rail, to determine whether they are able to enter into negotiations. This will be actioned this week. In addition to the existing option both tenderers provide, I have requested the Department of Transport and Urban Planning to investigate further options, including the possibility of the government's having a more central role in reopening the rail link.

The house would be aware that this project has received bipartisan support and that ASR and the South Australian government have been in detailed contract negotiations since January 2002, following an expression of interest process that started in May 2001 under the previous government. The EOI process was used to determine whether the private sector would be interested in a joint venture to reopen the line. As minister in an incoming government I requested that the project be assessed to ensure that the South-East was the most appropriate region in which to invest rail capital. In March, this was confirmed to be the case and, as such, the government committed to completing a process already in place. In May, cabinet approved $10 million to fund the project.

The replacement value of the state-owned track infrastructure assets in the South-East is estimated to be $200 million, but it has a scrap value of just $5 million. Therefore, there is a substantial benefit from making it operational. This project will return the assets to an operational condition with an estimated depreciated value of $100 million. It is not all dollars: there are significant transport safety benefits when freight is transferred from road to rail.

Since the announcement of the government's approval of the project, considerable concern has been expressed about the impact that truck movements will have on the city of Mount Gambier with the existing intermodal freight terminal near the centre of the town. While all three tenderers indicated their intention to continue to use the existing freight terminal facility, all advised a willingness to consider alternative locations once a business case could be justified.

Although disappointed with the withdrawal of ASR, I reiterate that the government is committed to exploring options for the rail link and, more broadly, to the promotion of rail in South Australia.

QUESTION TIME

DROUGHT RELIEF

The Hon. R.G. KERIN (Leader of the Opposition): Will the Premier update the house on the timing and preparation of an exceptional circumstances application for the pastoral zone in the north-east of the state and negotiations with the federal government on a cost sharing agreement for such assistance? Whilst much of the state is in the grip of drought this season, the north-east pastoral area is particularly dry and has experienced a succession of poor years, and would appear to meet criteria for the exceptional circumstances application. Earlier this year, the federal Minister for Primary Industries, Warren Truss, put forward to the states a new proposal for cost sharing of exceptional circumstances. Whilst this was initially rejected by the states, the federal minister has said that any state that wishes to negotiate a new agreement is welcome to come to the table.

The Hon. M.D. RANN (Premier): The Leader of the Opposition may not be aware of this, but last week all the agriculture ministers met and discussed exceptional circumstances provisions and, indeed, as I understand it, some progress was made on a formula. I will obtain a report from the Minister for Agriculture, Food and Fisheries for the Leader of the Opposition forthwith.

TOBIN, Dr M.J., DEATH

Mr KOUTSANTONIS (West Torrens): Will the Minister for Police provide the house with an update on the investigation into yesterday's tragic events?

The Hon. P.F. CONLON (Minister for Police): First, I would like to take this opportunity to thank the police of the STAR group and the Adelaide local service area who entered the Department of Human Services building in Hindmarsh Square in what were clearly dangerous and uncertain circumstances yesterday.

As members would be aware, yesterday's shooting has been declared a major crime, and police from a number of specialist areas, including the major crime investigation and the forensic services branches, are involved in the investigation of this matter. STAR group members and Adelaide local service area response personnel continue to be actively involved. The police have released a description of the alleged perpetrator, which has been provided by a number of witnesses at the scene of the crime. The description provided by witnesses has been a valuable tool in enabling police to reduce the number of individuals they need to investigate. The investigation is ongoing, and police continue to follow up on a number of issues, many of which have resulted from matters that have arisen previously with the department of health and human services.

South Australian Police have activated a massive response team for this investigation. Currently, approximately 30 detectives are involved in following up leads, excluding suspects from suspicion and attempting to identify the location and identity of the suspect. Further resources will be mobilised as the needs of the case determine. We will leave no stone unturned.

I would like to thank Acting Commissioner John White for his calm and clear leadership in this stressful time. I would also like to take this opportunity to reiterate the calls by the police for assistance from the public. This is an offence against our community, and it will take an effort by all of us to assist the police in the investigation of this tragic event.

Can I also say at this stage, too, that when the events were unfolding yesterday a number of rumours flew around the airwaves, which, following on the Dili event, led to uncertain-

ty and fear. I would like at this point to recognise the role that our electorate officers play, so often on their own. They were certainly placed in a position of fear and uncertainty yesterday. The work they do often goes unrecognised: I would like to recognise it on this occasion.

DROUGHT RELIEF

The Hon. R.G. KERIN (Leader of the Opposition): Again, my question is directed to the Premier. Given the drought conditions being experienced across much of rural South Australia, will the Premier undertake to consider further the reinstatement of funding to the FarmBis program to last year's level to assist farmers to continue to improve their practices and financial management in difficult times?

FarmBis is a successful program which, in recent years, has been introduced to prepare farmers not only to better survive dry years but, overall, to improve their farming and financial management practices. The program represented a major shift from direct financial assistance in hard times to a program aimed at producing a more sustainable farming community, and that is certainly consistent with the message as conveyed by the Premier in his earlier ministerial statement. The program was severely cut in the recent budget. We welcome the announcement on the weekend, as part of the government's drought package—

The SPEAKER: Order! I think the leader is now straying into comment.

The Hon. R.G. KERIN: Okay, sir, I will continue. The FarmBis budget was reduced by $3.5 million both this year and next year—a total of $7 million—which has also resulted in a loss of $7 million in federal government money, and a subsequent loss of many programs of importance to farmers in improving their practices.

The Hon. M.D. RANN (Premier): As I mentioned in my ministerial statement earlier today, as part of the assistance package that we announced at the weekend, cabinet has approved expenditure of $1 million to be put into FarmBis to deliver training and management for farming sustainability, and will include coordination and promotion in drought affected areas. With respect to the Leader of the Opposition's previous question, in terms of our commitment to exceptional circumstances assistance, cabinet has approved $720 000 for the business support component of exceptional circumstances assistance, specifically aimed at the areas of the Murray-Mallee and the central north-east.

GOVERNMENT BUILDINGS, SECURITY

Mr CAICA (Colton): Following the tragic events of yesterday, can the Premier advise the house what action has been taken to look into security issues in government buildings?

The Hon. M.D. RANN (Premier): I thank the honourable member for Colton for his question. Yesterday afternoon, immediately after being informed of the tragic death of Margaret Tobin and in the wake of the tragic events in the Citi-Centre, I instigated an immediate review of security in South Australian government buildings. The chief executive of the Department of Premier and Cabinet, Mr Warren McCann, will head that review. This morning that review team held its first meeting. I am advised that the following action will occur immediately. The chief executives of all government departments have been asked to:

- immediately implement additional security measures where they believe them to be necessary;
- offer counselling services to staff affected by yesterday's tragic events—not just staff directly involved in the Citi-Centre or, indeed, in the Department of Human Services; and
- reassure staff and ensure that they are informed of current protective arrangements available to them.

Police will today conduct an immediate assessment of security risks with a view to placing additional security resources in government buildings and facilities where staff are assessed to be at risk. I spoke with the Deputy Commissioner of Police about this matter early this morning. As well, a full-time team—including representatives from police, the Department of Administrative and Information Services and the Department of Human Services—will begin work today to review, in consultation with all departments and agencies, security arrangements in all government buildings and facilities to identify those at most risk of a security breach and to recommend immediate measures to remedy any security deficiencies found. This part of the team's work is to be completed within three weeks. The team will also recommend, for implementation by departments, areas where security assessments should be undertaken for implementation over the immediate term.

This afternoon the Commissioner for Public Employment is briefing the Public Service Association on these arrangements. The PSA and other relevant unions will continue to be fully consulted throughout the exercise. As I mentioned today in relation to this matter, following the first meeting of the review team set up yesterday afternoon, I met with Warren McCann, the chief executive of the Department of Premier and Cabinet, and had discussions with the Deputy Police Commissioner and, indeed, with the CEO of the Department of Human Services during our visit to the Citi-Centre today.

The government takes extremely seriously the safety and welfare of all those who serve our state. We will do all in our power to ensure that they are able to go about their business—our state's business—without threat.

DROUGHT

Mr WILLIAMS (MacKillop): Will the Minister for Environment and Conservation assure the house that he will seek accurate information about which areas of the state are drought affected? Recently, on radio, the minister criticised the opposition's call for the government to take into consideration the economic effects of drought and withdraw its proposal to increase crown lease rents. The minister stated:

> Crown leases aren't where the drought affected parts of the state are.

As you would be well aware, Mr Speaker, there are many farmers in this state—for example, in the Mallee, in the Riverland and elsewhere—who hold single and multiple crown leases and who are also facing the economic hardship of drought. I have been informed by several constituents that comments such as these, to use the minister's own words, 'frighten people in the bush'.

The Hon. J.D. HILL (Minister for Environment and Conservation): Yes.

TRAUMA RESPONSE HOTLINES

Ms CICCARELLO (Norwood): Can the Minister for Health provide the house with details of trauma response hotlines established to assist people who have been distressed by the tragedy in Bali and arrangements for staff counselling services in response to the brutal murder of South Australia's Director of Mental Health Services?

The Hon. L. STEVENS (Minister for Health): I thank the honourable member for this important question about the services that have been established to assist the many people who have been affected by both of these brutal and senseless acts.

Following the tragic events in Bali, the Department of Human Services arranged for counselling and support to be provided by a special Bali counselling response team. This team is under the leadership of Professor Sandy McFarlane, an acknowledged international expert on the psychological effects of such traumatic events. The telephone number for the response team is 1300 661 231.

People affected by the tragic events in Bali, including those who were in Bali or relatives and friends at home, may experience distressing images of the event, tearfulness, sleep disturbance, frustration and moodiness for a few days or a week and during this time. Most people benefit by talking through their reactions with someone who is supportive and sympathetic, and this can be a family member, a local GP or a health care worker. In a small number of cases, people may experience severe distress which can continue for some weeks. These people will benefit from discussing their reactions with an experienced mental health professional and receiving more detailed help. The Bali counselling response team will be able to recommend people who would be helpful in this process.

It is sadly ironic that in the moments before being brutally murdered yesterday Dr Margaret Tobin was finalising arrangements for the Bali counselling response team. Following yesterday's tragedy, counselling services have been established for staff, and the telephone numbers are 8226 6940 and 8226 6867. In addition to providing counselling services, the chief executive of the Department of Human Services is reviewing all aspects of staff safety across the department, and all senior managers are being involved in strategies to support staff.

PROPERTY SALES DATA

The Hon. D.C. KOTZ (Newland): Will the Minister for Urban Development and Planning assure the house that the decision not to award the Real Estate Institute of SA (REISA) a licence to retail property sales data was not primarily driven by a desire to maximise the revenue raised from the licence tender system? It is claimed that the decision to exclude REISA will result in many small and medium South Australian businesses having to pay much higher prices for the data than would have been the case if REISA had been successful and is, therefore, a considerable impost on many South Australian real estate businesses and valuers.

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): The member's question is directed at a tender process that occurred in relation to a product provided by the land services department to a range of people who package it and resell it to the real estate industry. This was a prior arrangement that came into place whereby two companies—I think, from recollection, UPmarket and another promulgated through the Real Estate Institute—had the benefit of providing that service to the industry without having gone to tender.

So, in the manner of the new government, we chose to do something radical: we decided to go to a tender process. A tender process is an open and accountable process whereby you ask the market to approach you, and there are certain objective criteria against which one measures whether somebody should win the contract or otherwise. I thought I would explain that, because it seems to be a proposition lost on those sitting opposite.

This process was open and accountable. It was motivated by a desire to have a product provided by a group of people who could win a tender. A lot of people were interested in providing this service, so the tender process was opened up to those people, and the five people who won it did so fairly and squarely.

PLASTIC SHOPPING BAGS

Ms BEDFORD (Florey): Can the Minister for Environment and Conservation advise the house of the effects of plastic shopping bags on the environment? What action is being planned to deal with the issue at a national level?

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for her question and I acknowledge her ongoing interest in things environmental. On Thursday and Friday of last week, environment ministers met in Sydney, and I was very pleased to put the issue of supermarket plastic bags on the agenda on behalf of the South Australian government and the community.

As members are aware, supermarket plastic bags impose a significant impact on the Australian environment. Every year Australians use more than 6 billion plastic bags, some 375 million of which, I gather, are used in South Australia. These bags clog our landfills, and they take up to 100 years to break down. Not only do they clog up our landfills but also they get into our water systems, our food chains and—

Members interjecting:

The Hon. J.D. HILL: Mr Speaker, the outrageous behaviour on the other side shocks me. The ministerial council meeting agreed with me that the problem demands a national response by government and industry, and it therefore resolved to establish a working party of the ministerial council.

Mr Brindal interjecting:

The Hon. J.D. HILL: The member for Unley would apparently prefer that we made a decision without thinking about it. That is typical of his behaviour.

The SPEAKER: The member for Unley will desist.

The Hon. J.D. HILL: The ministerial council unanimously decided to establish a working party of that body that would work with industry and with community representatives to identify all the options for the elimination of the environmental impacts of non-degradable plastic shopping bags. This could be done in a range of ways: a levy could be raised, as has been done in Ireland and in other jurisdictions or alternative products could be used in shopping centres; indeed, shopping bags could be banned and the marketplace could develop alternatives.

The Hon. I.F. Evans: What's your preference?

The Hon. J.D. HILL: My preference is that we ban the shopping bags and allow the marketplace to develop alternatives. That is my opinion. We want to have a national—

Mr Koutsantonis interjecting:

The SPEAKER: The member for West Torrens will leave it to the minister to answer the question.

The Hon. J.D. HILL: Thank you, Mr Speaker. We want to have a national approach and we want to work with the chains on a national basis.

Members interjecting:

The Hon. J.D. HILL: I will not bite, Mr Speaker. It is the first day.

The SPEAKER: The member for Schubert might find a novel use for a plastic bag if he opens his mouth again.

The Hon. J.D. HILL: Sir, as long as it does not involve oranges it is probably okay. We want to tackle this problem, and the best way, in my opinion, would be to ban plastic bags; give the industry, say, three years and then say, 'This is when the ban is going to take effect. You work out alternatives.' Let the marketplace develop alternatives, and they could be biodegradable bags, corn starch bags, or shoppers could bring their own bags—calico or whatever—into the shopping centre.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: I would be reluctant to see a levy put in place because, whilst it might reduce the use of plastic bags in the short term, I believe that the number would increase over a longer period and it would just impose another cost on consumers. So, I think there are other methods that could be adopted.

The findings of the working party will affect supermarket retailers; therefore, the task force will work closely with all the states, the commonwealth and the supermarket operators. Of course, we also hope to change the community's attitude in relation to the packaging. We must take action now. I think the community is well and truly behind this initiative; the comments and the feedback have been very positive. The alternative is to leave billions of tonnes of plastic waste for future generations to deal with, which would be a toxic legacy for our grandchildren to endure.

NAVAL SHIPBUILDING

The Hon. R.G. KERIN (Leader of the Opposition): Will the Premier please inform the house what steps the government has taken to ensure that South Australia has the best chance of securing development as the nation's naval shipbuilding and maintenance centre as a result of the imminent federal decision on the future of naval shipbuilding in Australia? The commonwealth government has released plans indicating that it will soon make a decision whether it will consolidate the bulk of the nation's shipbuilding activities into a single national shipbuilding facility. South Australia has built an enviable reputation in defence, with numerous international defence companies choosing Adelaide as an investment location. Capitalising on this reputation to secure this deal could mean thousands of new jobs for South Australians and billions of dollars for the economy.

The SPEAKER: Before I call on the Premier, can I help the leader's minders, if nobody else, to understand that what remarks are made in explanation of a question are purely for the purpose of ensuring that the question can be understood. They are not an invitation to deliver a speech and to make remarks. Equally, can I advise him and them that the use of words such as 'please' is not necessary. Members do not have to beg for answers: that is in contradiction of a longstanding Westminster principle. Ministers are asked and must answer. The Premier.

The Hon. M.D. RANN (Premier): For the clarification of all members of parliament, the federal government has recently announced that it intends to rationalise naval shipbuilding in Australia. Of course, at the moment, shipbuilding for the Navy is spread across a number of states—in New South Wales; in Victoria at the Williamstown dockyard; also in Western Australia, where work has been undertaken on patrol boats; and, of course, in South Australia, with the South Australian Submarine Corporation.

Considerable debate has taken place over many years that Australia is overserviced in terms of shipbuilding capacity and that indeed there needs to be a greater concentration, a greater critical mass, to achieve efficiencies and also in terms of winning new contracts. A task force has been established in the Department of Industry comprising a group that also includes both the Deputy Premier and myself. The Deputy Premier, Robert Champion de Crespigny, who is the Chair of the Economic Development Board, and I have held a series of meetings on this matter. In Sydney, I met with one of the proponents, Tenix, and with British Aerospace; the Deputy Premier has met with ADI; and Robert de Crespigny has met with a number of federal ministers on this matter.

A group has been established to pursue this to try to ensure that South Australia's position is enhanced in terms of the number of contracts awarded here. Obviously, a number of issues need to be resolved, including the future ownership of the Australian Submarine Corporation. We understand that the decision to be made by the federal government has been deferred, or certainly is not on time. However, in the meantime, we are pursuing this matter with vigour and rigour.

Back in the 1980s I was involved in working with Jim Duncan, who was the head of the submarine task force. Part of that process meant lobbying the Hawke government to establish the $6 billion submarine project here in South Australia against the overwhelming political odds and the belief that New South Wales and Victoria were the front-runners.

We established the case based on better industrial relations and the expertise and technology provided by the DSTO. We went out and lobbied the overseas tenderers to try to ensure that they listed South Australia as their preferred location. In Sweden we met with Kockums; in Kiel we met with HDW; we met with the Thyssen Group in Essen and, from memory, in Dusseldorf; and we also met with Vickers in Britain at Barrow-in-Furness and in London. We also went to Rotterdam in Holland to talk to the owners of the Dutch submarine, RDM. Many people thought that the Dutch boat was the best technologically, but it was in fact the most expensive. The hot favourite was the HDW submarine built at Kiel, and that company has a long history of building submarines over many years.

We decided, however, that it was important to be the preferred location of a series of companies, and from memory—and this is going back 17 years—we were the preferred location for HDW, RDM and Kockums. New South Wales was favoured by the British Vickers, based at Barrow-in-Furness, who were unsuccessful. Kockums won and, because of our strategy, we became the site for one of the biggest technological defence projects in the history of our nation. We will be putting the same kind of expertise together in order to better our chances of achieving greater rationalisation in South Australia rather than away from it.

The SPEAKER: Order! The members for Unley and Florey perhaps need to know that it is all right for them to

stand where they will in the house but that they should never turn their back on the chair.

EDUCATION DEPARTMENT EXPENDITURE

Ms CHAPMAN (Bragg): Will the Minister for Education and Children's Services advise the house of the purpose of a ministerial direction by her that all expenditure in her department over $1 000 must be approved by her? I became aware that the minister had issued a direction to operate within her department that all expenditure over $1 000 was to be approved by her. I am also told that this has been circumvented already by the ingenuity of those in the department who have put in several order forms for more than a $1 000 order to have the same effect and avoid this direction. Nevertheless, it does place a question mark on the issue of trusting members of the department—

Members interjecting:

The SPEAKER: The member for Bragg is reminded by the interjections from the other side that she now clearly goes into commentary.

Ms CHAPMAN: Thank you, sir. I will simply state then that heads of these departments, and indeed even those at the interim level, have authority to approve projects of $100 000 or more. As you, sir, are fully aware, this is a budget of some $1.8 billion a year for which there are questions of accountability.

The Hon. P.L. WHITE (Minister for Education and Children's Services): I have to say that in all that I really did not detect the question. There was a lot of comment reflecting the philosophical attitude of the opposition member. Let me say this to the opposition: let me worry about what happens in the department. My advice to you is to get a policy and a vision for education in this state and start picking up on the real issues that are of concern to the people of this state. What have you got to do with your time other than quibble about administrative arrangements in my department which have not, for that matter, been in operation for a while? Let me tell you that the information gained during the short period of time that delegations—

Members interjecting:

The SPEAKER: Order! The minister may need to be reminded (I am not sure) that, if the remarks are addressed to the opposition, they should be referred to in the third person. If the second person pronoun 'you' was meant for me, I point out that I did not think myself that ignorant.

The Hon. P.L. WHITE: And indeed sir, you are not: my apologies. My point simply is that if this is the best the opposition has to worry about then go and get a life and go and start worrying about the education of children in South Australia. If there are no complaints, that is a pretty good statement about the competence of this government.

ROADS, REGIONAL

The Hon. M.R. BUCKBY (Light): Can the Minister for Transport advise the house of the progress of the shoulder sealing implementation program for the year 2002-03? We are nearly one-third of the way through the financial year. Valuable regional road funding has been cut to fund shoulder sealing and, while the government has announced a number of road safety strategies, no information regarding the sealing of road shoulders has been forthcoming.

The Hon. M.J. WRIGHT (Minister for Transport): The government has previously announced that for the first time, and as part of a safety package, we are spending $3.5 million on a state black spot program. It is the first time ever in South Australia. Over 50 per cent of that is being spent in country South Australia. I have also announced that there is an additional $1.7 million for shoulder sealing, all of which will go to country South Australia, and I shall be happy to bring that detail back to the shadow minister.

SCHOOLS, PORT AUGUSTA

Ms BREUER (Giles): Given that schools in Port Augusta have experienced some difficulty in attracting relief teachers to work in those schools, can the Minister for Education and Children's Services advise whether anything can be done to help address the problem that has certainly existed for many years of attracting relief teachers to work in Port Augusta schools?

The Hon. P.L. WHITE (Minister for Education and Children's Services): I thank the member for her question, as she is an effective lobbyist for schools in the area and is the first to alert me to issues of concern as they arise. The schools in Port Augusta have been facing some significant difficulty in finding relief teachers over quite a long period of time. This is a difficult problem, but we need to find those teachers in order to ensure that every student has appropriate access to their education.

The problems facing schools in Port Augusta have been compounded by the previous government's reluctance to make permanent teaching appointments. That preference for contract staff rather than permanent appointments has acted as a disincentive for teachers to take up positions in places like Port Augusta. The state government is now addressing that problem of permanency and has already made offers of permanency to hundreds of teachers around the state.

The shortage of relief teachers in Port Augusta has impacted significantly on the local schools. I realise that the district schools office and the schools themselves have promoted their town well to help attract teachers to the area. However, special assistance is necessary, and I have today put in place new arrangements for Port Augusta. Those arrangements will impact on the effect of teacher illness and absences in the schools, too. The approach is aimed at meeting the individual needs of the Port Augusta community rather than rigidly sticking to a staffing formula. The plan includes additional permanent relief teacher positions. Those will be advertised nationally for Port Augusta during term four, and all suitable applicants will be appointed.

Using the field of applicants for 15 additional Port Augusta vacancies that have been advertised recently in round two of school choice, suitable teachers will be offered permanent against temporary positions to fill the anticipated vacancies for Port Augusta in 2003. In the unlikely event that there are insufficient applicants for the round two school choice vacancies to fill those additional salaries, then the department will use the matching runs of teachers seeking employment within DECS to fill those positions.

Another change is that the relief teachers will be able to access subsidised accommodation and travel costs to relocate to Port Augusta and provide a temporary relief teacher service to the schools of Port Augusta. This is new for relief teachers. While many people have a belief that Port Augusta is a difficult—

Mr Brindal interjecting:

The SPEAKER: The member for Unley will come to order!

The Hon. P.L. WHITE: —place to teach, it is our commitment as a government to ensure that the young people of Port Augusta have every chance to gain the very best education possible, and these initiatives will go some way towards that end.

SHACKS

Mrs PENFOLD (Flinders): Will the Minister for Environment and Conservation advise when those people who paid their shack freeholding fees more than 12 months ago will receive their titles? I have constituents with shacks at Tulka and Arno Bay who have paid considerable fees over 12 months ago but who, to date, have not received their titles. A few weeks ago at the Lipson show one owner advised me that, since the changeover of government, the issue of shack freeholding appears to have stalled.

The Hon. J.D. HILL (Minister for Environment and Conservation): I can assure the member at the very beginning that it has not stalled under the current government. In fact, the arrangements that were in place prior to the election have been kept in place and I have instructed my officers to act on the same policy parameters that were put in place by the former government. I can absolutely assure the member that whatever arrangements were in place then are now in place. Of course, some difficulties have arisen with particular areas because of the environmental concerns and they are being worked through. In other areas, of course, there are issues to do with native title and there are also administrative issues in the way in which particular groups of shack holders are working through the issues.

However, I can get a reply for the member in terms of the area that she refers to, but I can assure the house and the member that there has been no slowdown in the process. The former government's policy, which involved the transfer into private ownership of many thousands of sites, has been a very slow process. Much detailed work has to be done, it is time consuming and the bureaucracy has worked through it in the best way it possibly can—

The Hon. D.C. Kotz interjecting:

The Hon. J.D. HILL: The member for Newland is interjecting. I cannot hear what she is saying, but I think she ought to be careful because she was responsible when this process was put in place and, if she would like, I will go through the records and let the house know the kind of systems that she put in place which we are now dealing with and which are now causing the delays to which the member for Flinders is referring.

JUSTICES OF THE PEACE

Mr SNELLING (Playford): My question is directed to the Attorney-General. What progress has been made into the review of justices of the peace initiated by the former Attorney-General (Hon. Trevor Griffin)?

The Hon. M.J. ATKINSON (Attorney-General): Much. In June 2001, the report on the review of justices of the peace was released for public comment. Representatives from the Attorney-General's Department, the Royal Association of Justices (of which I am a member) and the Courts Administration Authority were asked to coordinate the carrying out of the review's 41 recommendations. Part of the committee's duty was to conduct a comprehensive survey of all JPs in South Australia. That is about 9 500 people, and 7 200 JPs responded to the survey, including about 500 JPs who signed a response to resign their commission. I have since written to Her Excellency the Governor, advising her of the resignations and I have written to thank the former JPs for their service to the South Australian public.

Earlier this year I also wrote to JPs to inform them of some of the findings from the survey. A follow-up survey of about 1 600 JPs who did not respond to the November 2001 survey will occur soon.

Members interjecting:

The SPEAKER: May I point out for honourable members' benefit that the chair is interested in the answer from the Attorney-General, not from any one of the other 46 members.

The Hon. M.J. ATKINSON: The follow-up survey is to ensure that the JP roll maintained by my office is accurate. Justices who do not respond to either survey may be deemed inactive. The committee has now finalised its report on the implementation of the JP review recommendations, including changes that should be made to the operational processes, and this report is now with me with a number of recommendations for me to consider. I am concerned that it be clear to all how JPs apply, are chosen, hold office and why some applications are refused. Changes to the Justices of the Peace Act will be needed. A key finding of the committee's deliberations that I am aware of to date is the need for a clear definition of the office of justice of the peace in the act.

The office of JP is understood through descriptions in case law and the practices of Attorney-General's Department officers rather than from the act. We must formulate statutory criteria for selection and improve JP education and training. Work is occurring on an information package for prospective applicants that will also be on the justice portfolio web site. This will enable applicants to decide whether they are suitable.

The Hon. I.F. Evans interjecting:

The Hon. M.J. ATKINSON: I thank the member for Davenport for his endorsement. I am keen for justices of the peace to be able to do more in the justice portfolio, including restoration of JP work in the Magistrates Court for appropriately trained JPs—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: I notice the member for Heysen does not share my enthusiasm for that. A number of operational changes will be made that do not require new legislation. These will include improved information on the JP system, public access to local JPs via local councils, police stations and the internet, and improvements to the application and selection process for justices of the peace. For example, the present quota system will be improved to ensure that local JP representation reflects the particular demographic characteristics of regions and improves the diversity of justices of the peace.

I can think of one example where the previous government knocked back an application from a Ukrainian speaking applicant to become a justice of the peace because he lived in North Adelaide. Because so many people retire to live in North Adelaide there were many more justices of the peace than the quota required for North Adelaide. Of course, that is not the point of his application: he would be there to serve Ukrainian Australians who, as far as I know, do not have a JP to serve their needs.

CRIME PREVENTION

Dr McFETRIDGE (Morphett): Will the Minister for Local Government advise the house how many, and at what cost, councils are employing private security firms to supplement crime prevention and police patrols? The City of Holdfast Bay recently entered into a three-year contract with a private security firm to supplement local police patrols by undertaking traffic management, policing of by-laws and reporting of incidents to police, which may include such things as dangerous driving, drunkenness and vandalism. These security guards work between 7 p.m. and 7 a.m. seven days a week at a cost of nearly $.25 million. Ratepayers in the City of Holdfast Bay have complained to me that they are paying twice to ensure public safety in the area—once through their council rates and again through their taxes which fund the SA police. Ratepayers say that with the Treasurer having announced cuts to local government crime prevention programs—

Members interjecting:

The SPEAKER: Order! The honourable member's leave is withdrawn. Grievance debates will start in a quarter of an hour. The Minister for Local Government.

The Hon. J.W. WEATHERILL (Minister for Local Government): Obviously, I do not have those figures up my sleeve, but I will endeavour to bring back an answer. I make these general comments. Clearly, the role that local government plays in a whole range of issues that are not policing but are tantamount to policing are roles that it has traditionally played. Like so many things that exist in the relationship between state and local government, there is a developing degree of overlap between the services provided by both levels, not least because local government is now becoming much more responsive to its local communities. Like us, it has electorates. When demands are made, it involves itself in responding to those demands. It chooses to finance those things in the way it does under its budget and it makes its own budget priorities, just as we do. The premise that somehow there is some equivalence between what we have done—

The SPEAKER: Order! The member for Unley will take a seat. The honourable minister has the call.

The Hon. J.W. WEATHERILL: The suggestion that there is somehow some necessary relationship between policing and what certain councils may be doing in relation to the employment of private security persons just does not hold water. You are not comparing apples with apples. With all due respect to the honourable member, I will bring back an answer to his questions, but I do not think it will prove the point that he made in argument.

ADELAIDE AQUATIC CENTRE

Mr CAICA (Colton): Will the Minister for Recreation, Sport and Racing advise the house what is happening in relation to increased costs for aquatic sports using the Adelaide Aquatic Centre?

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): I am pleased to advise that an agreement has been reached between the state government and the Adelaide City Council regarding the affordable use of the Adelaide Aquatic Centre for aquatic sports. Earlier this year, Adelaide City Council announced that it would raise access fees for aquatic sports (those sports being swimming, diving, water polo, canoe polo and underwater hockey), for the use of the Adelaide Aquatic Centre. Access fees for aquatic sports were set to rise significantly through the use of commercial pool hire rates, with costs for sports such as swimming set to increase from approximately $94 000 to $230 000 by 2004.

On 30 August, an offer of $210 000 each year until 2005, indexed in years 2 and 3, was made by the government to the Adelaide City Council, and, of course that was for those prices for the user groups to stay at their previous levels, in return. I am pleased to advise that the Adelaide City Council unanimously endorsed the government's offer of over $600 000 over the next three years to subsidise aquatic sporting groups at the Adelaide Aquatic Centre.

This agreement will allow the coalition of aquatic centre users to continue to train and compete at the Adelaide Aquatic Centre and will allow the department to work with the various stakeholders, including the Adelaide City Council, to formulate a strategy for state level aquatics facilities in South Australia. The formalisation of this arrangement with the Adelaide City Council is now being progressed, and I would like to acknowledge the Adelaide City Council for providing the time to a new government to try to work through these details.

NARACOORTE HOUSING PROJECT

Mr WILLIAMS (MacKillop): Will the Minister for Housing advise the house whether the state government will follow the lead of the federal government in providing funds to the much needed Naracoorte work force housing project? The Naracoorte district in the South-East of the state already has a very low unemployment rate. The local wine grape industry continues to grow and there is a good chance of the local meatworks putting on another shift, which would mean at least another 150 jobs. There is no rental accommodation available to house prospective workers, with even the local caravan park having no further capacity.

A federal grant of some $280 000 to $290 000 has already been approved to establish a housing project for the district, and the local council is willing to borrow to add to the funds.I have been advised that, while the housing shortage is stifling economic growth in this region, the minister has informed the South-East Local Government Association that this project is not a priority of this government.

The SPEAKER: In large measure, can I tell the member for MacKillop, the remarks made were not necessary for the minister or me to understand the question. That is a further repetition of members failing to understand what standing orders mean. I will be looking more closely at that during the next few days. In the meantime, the Minister for Housing.

The Hon. S.W. KEY (Minister for Housing): In answering the question I should reply on two levels. First, as the Minister for Housing my main priority is to make sure that we are housing as many people as possible who have no shelter at all. As the honourable member would know, the Premier has announced through the Social Inclusion Unit an absolute commitment to making sure that the issue of homelessness, particularly those people sleeping rough, is a priority in the housing portfolio, one that all of us on this side see as paramount. Secondly, an issue that has been raised, certainly in our travels with the community cabinet in country regions and also from the various constituents, represented by people who have those constituencies, is that of employee housing.

This matter has been looked at on an organised level across government with different ministers, including the

Minister for Regional Development. My comments to the South-East Local Government Association were to emphasise the fact that the priority for the housing portfolio at the moment is to make sure that we have a first priority for people in need, and then we look at trying to fit in with affordable housing, which is another important issue in the housing community, to try to make sure that there is some effect on the economy, whether it be the regional and rural economy or the local economy.

SOUTH AUSTRALIAN MOTOR SPORT BOARD

Mr O'BRIEN (Napier): Will the Minister for Industry, Investment and Trade advise the house of the recently approved board appointments made to the South Australian Motor Sport Board?

The Hon. K.O. FOLEY (Minister for Industry, Investment and Trade): As members would be aware, the South Australian Motor Sport Board oversees the running of the Clipsal 500 V8 motor race. I duly acknowledge the role of the former government in securing that race. The decision by the former government to secure for South Australia a V8 motor race has proven to be a good decision, and I applaud the former government for that. With the new government in place, I have ministerial responsibility for the Motor Sport Board, which would come as no surprise to most members, who are aware of my deep passion for motor sports.

The Hon. M.J. Wright: Just like the arts.

The Hon. K.O. FOLEY: The arts and motor sport jockey for attention by me.

The Hon. P.F. Conlon: Loves that opera!

The Hon. K.O. FOLEY: A choice between the opera and motor sport? I'd probably play a round of golf. But I am a passionate minister responsible for the Clipsal 500 in South Australia. Cabinet has recently agreed to reappoint Mr Roger Cook as chair of the South Australian Motor Sport Board for a further two-year period. I am also pleased to announce that the government has reappointed Michael Brock of Brock Partners Real Estate for a further two years.

The Hon. M.D. Rann: A great racing family.

The Hon. K.O. FOLEY: A different family, I think, Premier. The government chose not to reappoint Mr John Patten as a Director of the Motor Sport Board.

Ms Chapman: That's a big mistake.

The Hon. K.O. FOLEY: The member for Bragg says that my decision not to reappoint John Patten was a big mistake. She may think that, but it was the choice of the government. The government has appointed as Deputy Chairman a prominent South Australian business person who serves on a number of boards of companies in South Australia including the Scott Group. A former chief executive in the transport industry, I understand that he worked for IPEC. I refer to a well-known and leading South Australian businessman, Mr Greg Bolton, who also happens to be the Chairman of the Port Power Football Club. That did not influence my recommendation to cabinet.

I can say that I declared all appropriate interests, but the cabinet was of the view that Greg Bolton, particularly because of his role in establishing a football club from scratch and because he has had particular expertise in major events and sporting functions, would make an outstanding appointment as Deputy Chair of the Motor Sport Board. There is much more to be announced in the weeks ahead, about next year's race, and I look forward to making further announcements at the earliest opportunity to keep members opposite informed.

EMERGENCY RADIO SIGNALS

Mrs PENFOLD (Flinders): Will the Minister for Transport advise the house whether he has been able to have the reception by Radio Adelaide of the HF Emergency radio signals improved to ensure that they will be heard particularly in the area of the Great Australian Bight if there is an emergency in South Australian seas?

The Hon. M.J. WRIGHT (Minister for Transport): I thank the member for Flinders for her ongoing work with regard to this issue, because she has drawn it not only to my attention but also to the attention of the house and has been able to highlight some ongoing problems, some of which are being addressed. However, more work needs to be done. As the member for Flinders—and I think the house generally—is aware, there is a previous arrangement with the federal government which has resulted in the state government having some additional responsibilities. Nonetheless, I think the member is aware that I have written to the federal government, and we are having ongoing discussions. We have not fully resolved some of those difficulties, but I think we are progressing positively. I will bring back additional information for the honourable member and the house.

GRIEVANCE DEBATE

DROUGHT RELIEF

Mr VENNING (Schubert): First, I would like to convey my condolences to the families and friends of the innocent victims of the fatal bombing attack in Bali on the weekend and also to the family of Dr Margaret Tobin. These are tragic events, and we hope and pray for happier times.

Further to questions raised during question time today and the Premier's announcement, I wish to comment on the drought conditions affecting much of South Australia. It was confirmed last week by the Federal Bureau of Meteorology that a large part of South Australia is experiencing the worst drought in 20 years. I cannot recall such a severe rain deficiency. In 1982, there was a very bad drought, but even then we did not have the sustained dry period that we are experiencing at the moment. This current dry period is apparently caused by the El Nino effect, and there is a 60 per cent chance that South Australia will see a lower than average rainfall.

It has been the driest six months in South Australia since 1982 with below average rainfall for most districts, and the way the weather is going at the moment this record could soon be further eclipsed. This is not good news. Long-lasting and far-reaching effects of drought fought by farmers, rural communities and cities impact on industry, employment and economic growth. It affects so many people—farmers and also small businesses in rural areas—and it also impacts on the city. This has led to pressure mounting by state governments for the federal government to provide exceptional circumstances funding for farmers ravaged by the drought.

I note what the Premier said today in the house. I also note the South Australian drought assistance which was announced in the house today and which was flagged last Saturday at the Labor Party conference. I thought it was a strange place to announce it, but I welcomed it.

I will not repeat the various announcements that have been made, but I will say that, although I appreciate the government's sentiments and its assistance, I think the emphasis needs to be altered. The immediate need is to look after livestock, because when it does not rain the feed does not grow and the livestock, especially valuable breeding stock (both sheep and cattle), feel the pinch. Assistance is required to acquire and transport fodder, and that is very expensive. It is hurtful to have to feed stock hay which is expensive to buy, and then you have to pay transport costs as well. So, I think there ought to be more emphasis on that issue.

Secondly, as has already been mentioned, there is the huge cost of putting in next year's crop. The difference between this drought and those that have gone before is the huge cost of putting in a crop—the huge cost of fuel, fertiliser and seed. Fuel prices have government taxes and excises built into them, so relief is as simple as lifting the excise off farm diesel. We have had a fertiliser subsidy scheme before; I recommend its reintroduction using a means test on a sliding scale. Much more can be done.

The impact of the drought on South Australian farmers is intensive, but I do not think our farmers are asking for a hand-out. Many throughout the state experienced bumper harvests last year. We had very good harvests in the last two seasons, and I believe that most farmers have acted responsibly and put away some resources for a year such as this, although some areas of the state which missed out last year because of frosts and other unusual events are in big trouble. My big concern is that not only have we had no rain but also we have had frosts and mice. Would members believe that we have had mice in the crops today chewing away at the stem of the ripening grain so that the grain is weakened and the first strong wind blows it down? I cannot recall a period of so much rotten bad luck—and it goes on and on.

Mr Koutsantonis: We'll all be ruined!

Mr VENNING: The member says that we will all be ruined. The big problem is what will happen next year because sometimes, as often happens, droughts come in pairs. I am thankful for the government's assistance, but I look forward to further input.

Time expired.

ELECTORATE OFFICES, SECURITY

Mr KOUTSANTONIS (West Torrens): I am impressed by Comrade Venning's socialist objective. I support everything he says, but I also encourage him when working families and small businesses go through tough economic times to stand in this place and call for the same subsidies and relief for them. I agree that when a drought hits it hurts. It is visible pain and it gets a lot of sympathy, as it should, but when small businesses go through tough economic times during recessions and depressions not many people call for subsidies or hand-outs for families who are struggling. It seems to me that members opposite might want to think about some of these metropolitan families and small businesses that are doing it tough as well.

I want to talk about yesterday's event and how it relates to our electorate staff. Our electorate staff do a wonderful job. Often they are put in awkward situations with people who have come to the end of their tether—people who have gone everywhere they can within government to try to get a solution and, as a last resort, either through a government department or a relative, are sent to us. When they come to see us, they can be highly agitated and very angry, and, when we are honest and say, 'There's little we can do,' they can get violent.

I am not saying that we should not strengthen security in government departments—we should—but in electorate offices there is often only one staff member working. Only recently we have been able to employ an extra 0.6 staff for our offices. My personal assistant closed the office yesterday and it is closed today. She will not be opening the office for the rest of the week because she is terrified. She is new to the job and I have been trying to reassure her. When we have had problems in the past, we have pressed the duress alarm and then received a telephone call asking whether everything is okay before someone is despatched. As of today, that situation has been remedied and someone will now be despatched immediately.

I ask the Premier and the ministers, while they are reviewing safety of government buildings, to take into account those government offices—not only electorate offices but also other offices—that are staffed by only one or two people. They are often on their own and they are vulnerable. I think that every member of parliament is concerned about their personal assistant's safety—

An honourable member: We want two staff!

Mr KOUTSANTONIS: Absolutely—and maybe even video surveillance. I also want to raise an issue that I heard on Radio 5AA on the Leon Byner Show in relation to mail and postage. Given the federal government's wont to privatise Telstra, communication expenses are getting higher and people are relying on mail more often to communicate with each other. Many residents of nursing homes and many elderly people are fearful of leaving their homes to take mail to letterboxes. Australia Post has been moving letterboxes to some of the most stupid positions I have seen. One of the most common complaints I receive at my electorate office is that Australia Post has been moving them some two or three kilometres, away from areas where they have been for 20 or 30 years.

I was wondering whether Australia Post could develop a trial system whereby once a week people over the age of 65 years could have a certain signal on their letterbox when they have letters they want delivered. When the postie turns up, a flag or sign would indicate that mail in a secure position is to be delivered. Australia Post has looked at this issue. There must be a simple way whereby, if you are elderly, infirm or cannot get out, and you are not in a nursing home because you want to stay at home, you can communicate with others rather than by using a telephone. The postie could pick up the mail and take it to the post office.

I am sure we could undertake a trial period to see how it works. We could even just move the letterboxes back nearer to nursing homes or closer to where they should be. For example, a lady said on radio that they moved a letterbox from a deep valley near a nursing home to the top of a hill where there was a shopping centre, and the postie on his own merits was now picking up mail from the nursing home because every single one of the patients in the nursing home had stopped walking up the hill—basically, because they could not walk up the hill.

Mr McEwen interjecting:

Mr KOUTSANTONIS: He delivers to the nursing home, as well. Off his own bat, he is picking up mail. I ask members to urge their federal government counterparts to think about such a scheme.

Time expired.

BALI BOMBINGS

Mr MEIER (Goyder): I, too, express my condolences and sympathy to the families and friends of those people who suffered the tragedy in Bali last weekend. It has been a rather horrific week, and one cannot help but reflect on why innocent people should be victims. It shows that Australian citizens, who cherish their freedom, and who in the past have had to fight for their freedom, nevertheless are part of the world scene. My deepest sympathies go to all those who have been affected, particularly those who have lost loved ones and friends but, equally, to those who have loved ones and friends who have been injured—in so many cases seriously injured. Undoubtedly, this will affect them for the rest of their lives, and I dare say that everyone who was closely involved will carry this memory with them for the rest of their life.

I hope that commonsense will prevail among the terrorists and that they realise that the actions they undertake physically hurt so many innocent people, in this case the people of Java, who are such wonderful, friendly people who have welcomed Australian tourists to their country year after year. When there has been a downturn in tourism, they have said, 'Please come here: we want you, we welcome you, and we love you.' It will take a long time for a sense of security to be re-established in Bali.

I also want to express my great sympathy to the husband of Dr Margaret Julia Tobin and her family and friends. What a tragedy! Those of us in Parliament House came to realise that we, too, in Adelaide are not safe from, I assume in this case, a person who is completely unstable. As the Opposition Whip putting out the message to opposition members that shootings had occurred, that members were advised not to leave the house—certainly by the front entrance—and that electorate offices in the metropolitan area were advised to close, it came home very much to me.

I want to give my full endorsement to the undertaking by the government to review security. I had the privilege of undertaking a two-week study tour in Scandinavia. In fact, I got back two days before parliament resumed. In Denmark and Sweden the one thing that I noticed when I was turning up for appointments was the massive security in place, although I did not regard it as massive security at the time. I found on every occasion what I assume was a bulletproof glass front that I had to face with a person behind it. There was no direct speaking via normal methods: it was via a microphone and loudspeaker. I had to identify who I was and whom I wished to see. It actually annoyed me because I thought I could have had easier access to government departments or, in two cases, Parliament House. I now realise that sort of security is essential. Unfortunately, we in Adelaide will have to head down that track, as well. No longer can we simply go into buildings and say, 'I'm here to see the minister. Can I go up to the floor?' It will be full security from now on, I believe, and that is because of the unwanted actions of a small minority in our community that is creating such a situation for us here in Adelaide and South Australia.

Time expired.

FESTIVAL OF MUSIC 2002

Mr CAICA (Colton): Like others, I express my condolences to the families and friends of victims of the Bali massacre, as well as to the husband, family and colleagues of Dr Margaret Tobin.

On a brighter note, I wish to inform the house of an event I attended, during the break, on 26 September at the Adelaide Festival Theatre, namely, the Festival of Music 2002. The Festival of Music is conducted under the auspices of the South Australian Primary Schools Music Society, in conjunction with the Department of Education and Children's Services. My wife and I attended on this occasion with our parents to look at, in the first instance, my son, who was part of the 460 person choir that performed there that night. I know that the member for Morphett was also in attendance that night, as was the minister. It was one of the most brilliant nights I have ever experienced. The talent that was displayed by each member of the choir and those who had the task of performing individual acts throughout the night was nothing short of astounding. They were outstanding in their performance.

As I said, the Festival of Music is a joint presentation of the South Australian Public (Primary) Schools Music Society and the Department of Education and Children's Services. It is an annual concert. Interestingly, 2002 was the 108th year of operation of the music festival and, indeed, the 102nd of the concert series. Throughout the program, which was conducted over 13 different nights, over 230 schools were represented, with 6 000 student choir members involved. What was most heartening that night was the manner in which the children stood up in front of a packed Festival Theatre (there was not a spare seat in the house) and displayed with such confidence their craft and their art in both music and dance.

There are so many schools that I could highlight, but it would be remiss of me not to highlight a couple of the schools that were involved from my electorate. They are the Grange Primary School—and I pay tribute to the choir director, Diana Busolin—and the Fulham North Primary School (which my son attends) and its choir trainer, Lucy Markevicius. Every school had outstanding performers throughout, and we can be very proud of all the people who performed that night. However, I also wish to highlight the efforts of Blackwood High School, in particular, its input through the *Rhythms of a Cappella*, and the Blackwood High School stage band, and also the girls' choir from Marryatville High School. They were all truly outstanding. Whilst I cannot name each and every performer there that night, I would like to be able to do so. It was a night that was worth attending.

Another highlight of the night was *A Global Odyssey*. As part of last year's Centenary of Federation celebrations, there was a focus on a new concept of commissioning work to be written specifically that represented other parts of the globe. This year, they took it to another level and focused on that same concept and undertook what was a global odyssey—that is, the performers undertook music and dance from different parts of the world. One that really struck me was *Tipuna* from New Zealand, which was based on traditional New Zealand arrangements. The soloist, Matthew West, from the Grange Primary School, was absolutely outstanding. He sounded like I expect an angel would sound—as was the case with Cathryn McDonald of the Grange Primary School, another soloist, who performed *Over the Rainbow*.

All those who participated in that night—the department for its organisation, the conductors, the pianists and the program comperes—were a tribute not only to the schools they represented but also to the education system that we have here in South Australia that allows these children to develop, practise and become perfect in their craft. I have no doubt in my mind that many who performed that night—and, I expect, on each of the 13 nights throughout the whole series—will go on to be outstanding performers at the highest level of dance and music on this planet.

ACCESS CABS

The Hon. M.R. BUCKBY (Light): I rise today to discuss the issue of Access Cabs in South Australia. My comments are no criticism of the minister, because the minister and the PTB have undertaken many of the suggested improvements contained in the report of Mr Ian Kowalick which identified a number of improvements that could be made to the system. I am not criticising the minister: I think that he has travelled down that path and is doing the right thing. However, we are still experiencing a number of problems with this system, in the area of the booking system. The direction now is to book through the central booking agency, and the problem is still there in the delays that are being experienced by those people who require an Access Cab. I wish to relate to members one problem that was raised on the Leon Byner program only the other morning, where a pensioner—

The Hon. M.J. Atkinson: You are all listening now!

The Hon. M.R. BUCKBY: I have listened for a long time—I have been on there many times as education minister, and the issues that were raised there have been valid.

An honourable member: He dragged him on.

The Hon. M.R. BUCKBY: No, he didn't, actually. The issue here is that a pensioner had booked an Access Cab for 1 o'clock on a Sunday afternoon. It was not to be a long trip: the pensioner would be at his destination for only half an hour, and then required a return trip. Unfortunately, the Access Cab turned up at 20 to 3 in the afternoon. At that stage, the caller to Byner's program indicated that they said to the cabbie, 'Look, there is no use in doing it now, because the time has passed as to when I wanted to be there, so we no longer require you.' This is not good enough.

When looking through Ian Kowalick's report, I noted that the Western Australian system appears to be delivering better outcomes for those people who require the use of an Access Cab than is the situation in all other states, including South Australia. Mr Kowalick noted that, under the booking system in Western Australia, there is authority from the Passenger Transport Board to direct a driver to take a job to achieve acceptable performance standards. To my knowledge, that is not the situation here at this time, and I think that is where we are running into a problem. Drivers will say that they will take that job; then a better job comes up—just an ordinary taxi job, so to speak, transporting a person without a disability. As a result, the Access Cab job gets put down the line and the person concerned has to wait for a long period of time.

An honourable member: You can't just blame the driver.

The Hon. M.R. BUCKBY: No, I am not just blaming the drivers, because there are 68 Access Cabs and 920 taxis here in South Australia. So, there is a question of whether there are enough Access Cabs here in South Australia, and whether the financial rewards to those people who take on the responsibility of an Access Cab are enough to ensure that there is a return to them for doing an access job which will give them an income equal to that of an ordinary taxi job. Those are the sorts of questions that I think that this government has to look at to ensure an adequate service for these people who have a disability and have no other form of transport that they can access. They rely solely on this cab system. The drivers who undertake this service are very dedicated people. I have one driver in my own area who absolutely loves the job. He loves delivering the service to those people who are in a wheelchair and for whom this is the only form of transport they can use.

This matter of the waiting time is something that the government really must address. I believe that the service that is being delivered is not good enough at this time. The minister is attempting to address it, and I give him brownie points for that, but at this stage it would appear that the central booking system is not working, so we have to look again at that system and see how it can be made to work better—whether drivers need to be directed to take a job, or in terms of looking at who can undertake a particular job at a time.

GOLDEN GROVE FOOTBALL CLUB

Ms RANKINE (Wright): It was with some excitement that I was looking forward to coming into this house and announcing that the Golden Grove Football Club had won its first ever senior premiership with its A6 reserve club.

An honourable member: Good club!

Ms RANKINE: It certainly is. Certainly, I think that the events of the past few days have tempered that excitement somewhat across our nation as we see the devastation that has been inflicted on a number of sporting clubs in Bali.

Certainly, too, the Sturt Football Club has suffered great tragedy after a wonderful victory, having waited 26 years for a premiership. I express my sincere condolences to the club and also to those who are suffering as a result of yesterday's tragedy.

The Golden Grove Football Club is a relatively new club—its senior team is only six years old—and their effort this year has been magnificent and their premiership just reward. The club has achieved this with no clubrooms and no proper facilities, playing on the worst oval in the league. However, the club has a group of young people and—I am sure I will be forgiven—some not so young people who were determined and committed to ensuring the best possible outcome for the club and the local community, as well as for the personal development of those young players.

The Golden Grove A6 Reserves team started its season with 11 straight wins. That, in itself, was a club record. There was a bit of a mid-season slump but, come the finals, they won every game, defeating North Pines on grand final day. My commiserations and congratulations go to North Pines. The game was tough and hard and I know that no quarter was given by either side. The competition between these neighbouring sides is particularly fierce and I am sure that North Pines will bounce back as strong as ever next year.

On the day, the Golden Grove team managed to put it all together. They were led by their captain Danny Harris, vice captain Craig Illman and deputy vice captain Evan Stewart. Simon LaBarrie, Adam Roe, Simon Illman, Brett Elsworthy, Anthony Baird, Kristian Cook, Paul Callaghan, Adam Peterson, Shaun Bitters, Darren Leray, Simon Gillett, John Butcher, Phil Jordan, Jeremy Brook, Damien Haddad, Matthew Cooper, Damien Edwards, Paul Clancy, Graham Muscat, Simon Pomery, Shaun Duffy and Kristian Griffiths all played their part in this great victory. However, the

success of teams relies on more than just their players and this team was supported by the coach Jamie Sloan, assistant coach and very capable dad Bill Sloan, team manager Steve Gilling, trainer Michaela Edwards, trainer Paul Hunter, assistant Jamie Holmes, and runner Brett Rankine.

Mr Venning interjecting:

Ms RANKINE: Brett Rankine, that is right. And let me tell members that Jamie Sloan has been a member of the Rankine clan for more years than I would like to admit and, if I was prone to going grey, Jamie would have produced his fair share of grey hairs. On his appointment, he told me that his vision for the team was not only to win games but also to set standards and care for his players and give them a sense of worth and understanding of the pride and responsibility they have when they don their club guernsey. That is exactly what he did. He brought people, players and support staff back to the area and back to the club. Mates he had played with returned. Again, they are young fellows who, in their time, had managed to cause this particular mother some angst. My son, as I mentioned, Brett Rankine, was a runner. Jeff Stewart came back to play and won the Best and Fairest award. Kristian Griffiths returned to play. Kristian Cook, a young man, travelled from Glenelg every week to play and train for Golden Grove.

I extend my personal and sincere congratulations to Jamie, his support team and players. This club has gone from strength to strength, and the last advice I have been given is that they were fielding about 170 junior players, and I am sure it is more now. I was delighted to be involved only a week or so ago in their junior presentation awards. Each child is encouraged and praised, and parents give up their time and put in enormous effort to involve their children and keep them interested and involved. I am happy to have been able to assist the club in a number of areas to gain funds for things such as new guernseys and much needed lighting when it was forced to rent lights to put on trailers. This win is a catalyst for the club. It has well and truly arrived and is looking forward to more success in the future.

SELECT COMMITTEE ON THE CROWN LANDS (MISCELLANEOUS) AMENDMENT BILL

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

That the time for bringing up the report of the committee be extended to Monday 18 November.

Motion carried.

STATUTES AMENDMENT (BUSHFIRES) BILL

Adjourned debate on second reading.

(Continued from 19 August. Page 1146.)

Mr BROKENSHIRE (Mawson): The opposition supports the general principle of this important bill. However, it is an initiative that needs to be closely looked at. Arson in any form is horrendous: there is no doubt about that. Those of us who have seen fire, particularly where it is deliberately lit, and the impact that it has on families, individuals and communities, depending on the extent of the fire—be it a structural fire or a bushfire—realise the agony that it causes. Clearly, last year in New South Wales, especially around Christmas and New Year, the whole of Australia started to see the potential for devastation when arsonists copycat each other, or bushfires start and arson is added. Having had the privilege of being Minister for Emergency Services at that time, I can clearly remember the work and effort undertaken by many volunteers from both the CFS and the South Australian Metropolitan Fire Service.

Having said that the opposition supports the bill in principle, I advise the house that we have some concerns. A very detailed and comprehensive paper was put to the then premier, Rob Kerin, by me when we were in government, involving a holistic approach to what could be done to address the issue of arson. That paper, which was comprehensive, detailed and thought through by a team of people, came up with what I believe was a fairly good package of initiatives. Premier Kerin, at the time, went to the media and announced that some initiatives would be put in place if we were returned to office, one of which was to increase penalties and to introduce a dedicated bill for bushfire arson. Soon afterwards, the then leader of the opposition made similar comments in the media.

I want to flag two amendments that we will seek to make. The first amendment is one that I think is very important. Something has been said about the fact that this bill is about toughening up and being hard with regard to arsonists, specific to bushfires. As I have said, the opposition has no problem with that because it goes hand in hand with our policy, but our problem is the difference between this bill and the policy published in our policy paper in relation to emergency services earlier this year, and that is that the maximum penalty for arson would be life imprisonment.

This bill provides that the maximum penalty will be 20 years. We do not see that that penalty is in the specific spirit and intent of a bill that, for the general principle, is bipartisan. As it stands at the moment, section 85 provides that, if there is damage that causes more than to the value of $30 000, the maximum penalty (through section 85 of the Criminal Law Consolidation Act) is life imprisonment.

So, the problem with this bill is that is, particularly with bushfire, it does not take very much damage at all to make $30 000, believe you me; I know that from experience. In New South Wales, where $70 million damage was caused and it cost the fire service $70 million to control those fires, I cannot see why parliament would want to turn around and say, 'We're going to get tougher on bushfire arsonists but we're going to give you 20 years maximum, although, under the current legislation, life imprisonment is the maximum.' So, that is why we will move an amendment to see that it becomes a maximum of life imprisonment.

I also flag that we are concerned about the definition of the word 'recklessly' in the bill. Section 85B provides:

A person who intentionally or recklessly causes a bushfire is guilty of an offence.

As I said, again we agree with the general principle, but the general wording in the current section 85 states:

. . . or being recklessly indifferent as to whether the property of another is damaged.

So, we flag an amendment there as well to try to tighten that up a little so that there is more general understanding of the issues surrounding recklessness, and I will talk more about that when I move the amendment.

The issue of arson is one on which a lot of work has been done in Australia, particularly in this state. I congratulate the

fire safety department of the South Australian Metropolitan Fire Service. It is a particular section of the SAMFS that I have always been impressed with; the South Australian Metropolitan Fire Service knows that. It has initiated a number of programs that have targeted potential arsonists at a very young age—an extremely young age at times. These programs have had outstanding results.

We looked at how we could toughen up the legislation to send a message to people who want to go out there and deliberately, intentionally and recklessly create a bushfire that could potentially be an Ash Wednesday, where lives are lost, millions of dollars of property—not only structural but livestock—livelihoods and families in communities are literally destroyed. I saw that myself during Ash Wednesday, and I know a number of my colleagues in this house who had areas in the South-East and the Mid North saw similar scenes to those on the Fleurieu Peninsula. It is absolutely devastating. I am not saying that that started from arson, but I am saying that an arsonist could potentially cause that much damage and economic loss to the state of South Australia, to families, to communities and individuals.

We need to try to get on top of the problem before it starts. I want to put some ideas on the record, and I am happy for the government to take these up—in fact, I would encourage the government to do so—and I will go through these now.

I encourage the government to look at establishing a firestoppers program as part of, and alongside, the highly successful crimestoppers program. Had we got back into office, we would have been doing that this year. If this government wants to take the idea up, I would congratulate them, because it is an ideal time, just before the bushfire season, to really focus on, highlight and raise the issues around establishing a firestoppers program so that people are vigilant in their own area. Far too often the arsonist has gone into an area and, before anyone has seen that vehicle, that arson, the fire has started and they are starting another one a couple of kilometres up the road. So, I encourage the government to consider that.

I encourage the government to expand the juvenile fire awareness and intervention program managed by the SAMFS and, no doubt, the minister is aware of it. It is a great program that, with training from the Metropolitan Fire Service, could be extended into the CFS and into the retained firefighting stations of the South Australian Metropolitan Fire Service, because arson, particularly bushfire arson, is more pertinent to the CFS than it is to the South Australian Metropolitan Fire Service. Let us look at being proactive and expanding that program, because it has proven results. Trends and patterns and much research has proved that, if you can nip it in the bud early, you can prevent that person from becoming an arsonist.

I also recommend that the government considers establishing a coordinating group from SAPOL, CFS and SAMFS to oversee initiatives to reduce the incidence of arson generally but, particularly, bushfire arson. Whilst they all do very good work, I think a coordinated group and coordinated effort could come up with some good results. Education and media campaigns could also be done in this area. You can never educate people enough on the dangers of bushfire and arson generally. Another suggestion is that the reward, which at the moment is $25 000, could be increased to $100 000 to encourage information to be given leading to the arrest of arsonists. I encourage the government to look at that.

I flag today that it is my intention to look at introducing two amendments, not today—not these two today—but in future; one amendment is to the Young Offenders Act, to ensure that juvenile offenders over the age of 15 who are charged with arson are treated as adults, because the opposition believes that, when it comes to arson, a 15 year old does know what they are doing—not only with bushfire arson but also the issues around churches and schools, because one of the—

Ms Ciccarello: And fences, brush fences.

Mr BROKENSHIRE: You may like to put that forward at the appropriate time, member for Norwood. The opposition and the government are agreed that there needs to be a special bill for bushfire arsonists because of the enormous impact that it has on a community. A bushfire such as Ash Wednesday, which started in my own area at the bottom of Willunga Hill at McLaren Flat on Thomas Road and, effectively, went right through to Meadows, Kuitpo, nearly down to my home town of Mount Compass and then right across to Strathalbyn, had an enormous impact that cannot be described and that still exists. It is 20 years next year since Ash Wednesday and there is still hurt in the community as a result of the loss of loved ones. The damage is still visible and, every day when people get up to work on their properties in that area, they are still reminded of Ash Wednesday.

So, the intent of this bill is to do whatever is possible; that if you are going to have an enormous impact on communities, then toughen up the legal penalties. Of course, I believe that when churches and schools are torched, when arson occurs, that also has an enormous impact on communities. Therefore, I flag now that we will be introducing a bill to amend the Young Offenders Act.

I also raise the issue of the Country Fires Act, which currently creates an offence of lighting a fire during the bushfire season in circumstances where the fire endangers, or is likely to endanger, the life or property of another. That is fine. We agree with that and we support that. However, the maximum penalty for that offence is two years imprisonment or an $8 000 fine. We do not believe that it can stay at that level given the enormous damage and the increase in values over the period of time, particularly in recent years. Indeed, in the second reading explanation of the government's own bill, it says that there are significant problems with the system of criminal damage offences where seriousness is determined by the value of property. So, despite having acknowledged that in its second reading explanation, the government has not actually done anything about the penalties in the Country Fires Act, and we will be looking at bringing in amendments to that act as well.

I will conclude because I know some of my colleagues want to speak, and I am pleased that they do because this is a serious and important bill. As the minister said in the house recently (and I agree with him), this year could be a high fire risk year. Last year fuel loads were enormous and the potential for a massive fire last year was as great as I can remember. This year the fuel load is not there but moisture levels are very low, and in particular the subsoil moisture level in the high rainfall areas is low, so that with the high wind which is typical of a drought year we will have a classic example of the kind of conditions we experienced in 1983, when we had Ash Wednesday. We pray that we will not have another Ash Wednesday. I know that all of us have done and will continue to do what we can to ensure that the services are trained and equipped.

It is appropriate that this bill be debated in the parliament today. As I said, we support the general principle of the bill because we both have the same policy, but I encourage and

ask the government to look at other strategies that could have a better impact. Let us face it: would it not be better to nip in the bud a young person who is showing tendencies towards arson so that they can get on in mainstream society and be a contributor than to have to go down this track because we did not have in place those other strategies, so that by the time they are in their teens or early 20s—or indeed even older—they are getting into some pretty heavy arson. I therefore ask the government to look at those other initiatives. I congratulate it if it will take those initiatives forward.

The Hon. P.F. Conlon: We might take better ones. We have got some in the pipeline, mate.

Mr BROKENSHIRE: The minister says they might take better ones. That is fine, but I have not seen any broad strategies such as I have just highlighted in the chamber.

The Hon. P.F. Conlon: One of our broad strategies was fixing up the mess in emergency services funding. We thought that was an important thing to do.

Mr BROKENSHIRE: I think this is a pretty important range of strategies, and one of these days the government might just give the opposition a bit of credit. However, Madam Acting Speaker, I will not digress now. Instead, I will return to the subject, and that is, as I said, that we support the principles of the bill but we think there are a couple of fundamental flaws in it. So, we will move a couple of amendments when we get to the committee stage.

Mr CAICA (Colton): As most in this house would understand, I was a member of the Metropolitan Fire Service for 18 years, and primarily my function there was to involve myself in urban firefighting as opposed to rural or bush firefighting. But there were numerous occasions when the members of the Metropolitan Fire Service were required through mutual aid circumstances to assist the CFS in dealing with bushfires, particularly those in the Adelaide Hills.

In fact, I recall my first two weeks in the job as a firefighter in the recruit squad. It was 17 February 1983 or thereabouts when I was required, along with 20 other recruits to the South Australian Metropolitan Fire Service, to stop training and assist in the Ash Wednesday bushfires that occurred at that time. Interestingly, I remember attending an incident on Anstey's Hill on the first day and driving up in the fire truck to that incident. It was interesting because only one recruit was allowed on the fire truck with the fully trained crew. The driver leaned back toward me and said, 'What can you do?' I informed him that I was very good at reef knots but not very good at many of the technicalities of firefighting at that stage. However, I played my part on that day in assisting the Metropolitan Fire Service and the CFS personnel as best I could in combating what was an horrific set of circumstances up there.

The following day, the entire recruit squad was required to go to Yarrabee Road where there had been, I think, seven or eight fatalities the previous day. To witness first hand the devastation caused by the bushfires in that area, which was replicated throughout South Australia, was something that I will never forget, as is the case, I am sure, with the many other recruits and the other people who were required to clean up in those areas after the bushfires had run through.

So, it is safe to say that, whilst my area of expertise was not in bush firefighting, I was involved in the firefighting over many years through the mutual aid arrangements that were made between the CFS and the South Australian Metropolitan Fire Service. That is something that I am very proud to have participated in.

Obviously I stand to support this bill, as I believe everybody in this chamber will, because it ensures that there are proper penalties in place for those people who light fires: arsonists. Indeed, over the last few days we have been reflecting on the acts of terror that have occurred in Bali and locally. In my view, those who light bushfires are nothing short of terrorists themselves and need to be dealt with appropriately by the law, and that is what this bill endeavours to do.

I also highlight one of the roles of this government will undertake and, from my personal dealings with the minister, I know that our government will work on developing a far better relationship between the CFS and the MFS than has ever occurred before. I do recognise the comments of the member for Mawson with respect to fire prevention strategies that need to be put in place and the importance of education and of jointly working through all the various departments charged with the responsibility of the suppression and prevention of fires to make sure that there is a joint approach with regard to minimising the impact of fire through education and training. I know that is something that our minister and our government are committed to doing. We will be working very hard to make sure that positive outcomes occur in the future through that approach.

Although not having worked in the South Australian Metropolitan Fire Service Fire Prevention Department, as an operational firefighter each and every one of us had the responsibility of attending schools and talking to community groups about aspects of fire prevention and fire safety, and these were coordinated under the auspices of the department's fire prevention section. There is no doubt that we can do more in that area through a concerted and collective approach from both the CFS and the MFS, and I know that is what our minister is aiming toward. We will do that in this term of government.

I do not have too much more to add, except to say that this is something that needs to be put in place and will be supported, I know, by each and every member of this parliament. I am not suggesting that it will prevent people, in the first instance, lighting fires because it would appear that people get off on that kind of thing, and that is well known not just throughout South Australia but throughout the world: whether it be a bushfire, a school fire or a house fire, there will always be those people who will continue to be arsonists.

This bill will ensure that there are appropriate penalties in place and that these people are put away for a period of time that reflects the damage and the terror that they cause. I commend the bill to each and every one of you.

Mr WILLIAMS (MacKillop): I have no problem with the general thrust of what is designed in this bill. As most members of the house would be well aware, I have suffered personally from bushfires. Indeed, my wife and I lost our home in 1983, and I have had family members fall victim to bushfires. So, I think I know as well as anybody the pain, suffering and hurt that can arise from bushfire.

I have no sympathy whatsoever for those in our community who set fire to the bush, roadside vegetation or whatever and sneak off wishing to see the countryside ablaze. I agree with the comments of the member for Colton that, as we reflect upon the happenings in Bali over the last weekend, someone who would set fire to the bushland in the Australian scene is nothing more than a terrorist. I think that the analogy he drew is very apt.

However, I do question from where this little piece of legislation has come. Since coming to government in the past six months, we have seen the Premier running around the state feverishly making statements about a whole host of things, and many of his statements have been about ramping up penalties over a whole heap of things. He has been on the law and order bandwagon. We have to be very careful that we do not set some mad auction going about whose penalties will be tougher. I suspect that there is not some small element of that mentality in this piece of legislation.

I believe that section 85 of the Criminal Law Consolidation Act already adequately covers this matter. I do not believe that there is any necessity to put a whole new offence of causing a bushfire on the statute books. I do not think that section 85 is so bereft that it does not already give our prosecutors plenty of ammunition. If we wanted to up the anti and if we merely wanted the penalties available to the courts to more reflect the will of our communities, it would be merely a matter of making some minor adjustments to section 85. That is why I believe that this bill has come to the house for the wrong reasons. It has come to the house for political reasons rather than reasons of good law making.

Whilst I have no problem with using the full weight of the law against arsonists—and would certainly encourage the government to go down that path—I question why we have this bill in this form before us. I certainly question—and, hopefully, during the committee stage, we will have the opportunity to question the minister—what effect this bill will have on the situation where, for example, damage has been assessed at over $30 000. What will the courts do? Will they be looking at a possible head sentence of life imprisonment or, if it is a bushfire, will they be restricted to a sentence of merely 20 years? Does the effect of this bill lessen the potential penalty awarded by a court against a perpetrator of such a gross act?

I make those comments as an indication of my thoughts on this matter. I reiterate that I have no problem with locking up arsonists and throwing away the key. Section 85 talks about the different value of damage. Again, I have great difficulty in assessing the difference of the intent of a perpetrator. For instance, if a perpetrator happens to light a fire on the roadside and then scuttles off into hiding somewhere, his intent was to cause mayhem, possibly to cause damage. Again, the member for Colton said that some people enjoy doing this sort of thing. Maybe they enjoy watching the evening television news and seeing others fighting bushfires and risking their life, I do not know, I just cannot comprehend it.

The fact is that they light a fire and it is either through luck or good management of our emergency services that the extent of damage is restricted. The intent is always the same and we should be prosecuting the intent rather than the extent or value of the damage caused as section 85 does—

The Hon. P.F. Conlon: We just did that, and you say it's unnecessary.

Mr WILLIAMS: No, that is why I said that section 85 could be amended rather than bring in a totally new offence. The minister interjects and says that is what we are doing. On my reading of this bill, section 85 will not be amended and will not be repealed. My understanding is that section 85 will remain on the statute books. The point that I am trying to make is that I think it will cause some confusion. For the minister's benefit, the other point I have been making is that this bill has come into the house for the wrong reasons. Having said that, once again, I have no problem with throwing the book at perpetrators of this offence.

Ms RANKINE (Wright): This piece of legislation is a very important step; that is, having a dedicated piece of legislation directed specifically at arsonists who light bushfires. I personally experienced the devastation of the New South Wales bushfires earlier this year when approximately 15 000 firefighters in New South Wales were fighting 100 blazes from Kurrajong in the Blue Mountains to the Sussex Inlet on the south coast. Many homes were lost and treasured possessions destroyed. We were very lucky, in those circumstances, that there was no loss of life, and that goes to the great credit of all the firefighters who were present during that very difficult time.

What we also have to realise when we are dealing with legislation such as this is that fire is a natural phenomenon in our country. It is one which we have to learn to live with, have a far greater awareness of and a far greater preparedness to deal with. In New South Wales, for example, the vast majority of the fires were caused by lightning strikes. Therefore, we do have to have a greater understanding of where fires are likely to strike and what damage they are likely to cause. The New South Wales experience was a vivid example of how vulnerable metropolitan areas, as well as rural areas, can be when a bushfire is raging.

As we improve our urban environment, to a large degree we also increase the bushfire risk. If the New South Wales situation was transposed to South Australia, we would have lost much of metropolitan Adelaide. I have run a number of community safety days in my electorate to build awareness, and I will continue to do so for as long as the CFS will allow me—and I am sure with the support of their minister. In fact, the Salisbury CFS is one of the busiest brigades in South Australia. We have a magnificent reserve in the heart of our community which was also subject to fire last December, a fire which was deliberately lit and which threatened a number of homes.

Despite the comments made by the member for MacKillop, considerable research has been conducted into what makes people light fires. Dr Richard Kocsis who is a forensic psychologist, said that arsonists set fires for as many different reasons as murderers kill and that it is very unhelpful to see all arsonists as one type of person. He undertook research into arsonists who were found guilty in 148 different cases and he was able to identify four broad categories of serial arsonists. He determined that there are those who are motivated by resentment and that they often target educational facilities, for example. There are also those who are angry and who often target residential properties and inflict other damage.

There are those who get sexual gratification, as they associate fire with sexual pleasure, and those who just get wanton excitement. Members might laugh about this, but it is important research. We need strong legislation, but we also need to have greater understanding. Prevention is always better than punishment. He also said that junior firebugs have a fascination with fire and generally do not understand the dangers of their actions; and that there is no real purpose to them and they could just as easily trash a telephone box, for example, neither of which acts is acceptable. However, it is really important when discussing arsonists to have an understanding of what we are dealing with.

Louise Newman, Chairwoman of the Faculty of Child and Adolescent Psychiatry with the Royal Australian and New Zealand College of Psychiatrists, recommended a prolonged

period of community service for people involved in arson. She said that those people tend not to have much sense of belonging to a community and that we need to identify high-risk young people and address the reasons for their anti-social behaviour. She considered that that was the best strategy and again made the point that prevention is much better than punishment. It is vital that we educate and inform our young people. Very many of them, I am sure, go out and light a fire for a lark, unaware of the consequences they are likely to inflict, and this legislation is part of that educational process. We are saying that the community is no longer prepared to tolerate those seeking sexual gratification or those—

The ACTING SPEAKER (Ms Thompson): Order! The member for Mawson will face the chair and speak quietly, thank you.

Ms RANKINE: —just seeking a thrill. I could say a cheap thrill but we know that it is not a cheap thrill: it is a thrill that puts numbers of people's lives at risk, as well as property and very loved possessions. I am particularly pleased with part 3 of this bill, which deals with the gravity of the offence, ensuring that people have an understanding of the consequences of their actions. That is part of our juvenile justice system at the moment. As part of the process in dealing with juvenile offenders, they can be confronted by their victims and forced to see the results of their actions. I think this is a very worthy inclusion in legislation that also applies to adults.

The bill is sending a very strong message that if you put lives at risk, as arsonists did in New South Wales and as arsonists did during those terrible Ash Wednesday bushfires, you will pay a hefty price. I am very pleased to support the bill.

Ms CHAPMAN (Bragg): There are a couple of matters that I would like to raise in this debate. First, I am pleased to have heard the contributions by other members and hope not to traverse the same issues. Principally, I would like to speak about the amendments proposed to the Criminal Law (Sentencing) Act 1988. Before I do so, may I place on the record my concern and, indeed, surprise to find, on initially receiving this bill, that the penalty for the proposed new offence of causing a bushfire, either intentionally or recklessly, should be a penalty less than the life sentence already provided under the Criminal Law Consolidation Act section 85 provisions for arson.

It caused me some surprise, given that during the last election campaign both the Liberal and Labor Parties had announced that they would be considering tougher penalties for lighting bushfires. One does ask the question as to what can be tougher than a life sentence of imprisonment, and I will not go there. What I will say is that to introduce a bill that reflects the new offence of causing a bushfire and then introducing a maximum penalty less than that applicable to arson is somewhat puzzling.

The issues in relation to definition and, in particular, as to the continued reliance on recklessness raises another question as to potential inconsistency. I heard the member for Mawson speak about proposed amendments in that area, and I ask that that be clear.

I would ask that, either between now and the committee stage or now and the debate in the other place, some consideration be given to ensuring that the law in relation to penalty and criminal sanction in this area is consistent and that, if the common law rules in relation to recklessness are going to be applied, we stick to similar wording as is currently applicable under section 85 of the Criminal Law Consolidation Act. Hopefully, we will then minimise confusion both in relation to decisions to prosecute and in the successful (or otherwise) prosecution of the matter when it comes before the courts.

I note from my own inquiry that arson itself does not appear to be an overly popular offence when it comes to convictions in our superior court. Last year I think there were four successful convictions for the offence of arson, but it is fair to say that when it occurs and when damage is caused—and this is a matter which is clearly expressed in the second reading explanation by the minister and one with which I agree—the consequences can be horrific and the property and personal damage and threat to life can be and are catastrophic. This state has not been able to avoid that in the past, and I expect that we will continue to be exposed to it in the future for as long as persons intentionally or recklessly carry out this sort of conduct. So, there is the need to protect. There are serious consequences in the absence of it, so the thrust and sentiment of this legislation has my full support.

I am disappointed at the manner in which this matter has been proceeded with in introducing a different offence, which I regretfully say I do not think best covers the situation. I place on the record that it might have been better to consider removing the levels of value of property damage in the Criminal Law Consolidation Act—

The Hon. M.J. Atkinson: It is a different offence.

Ms CHAPMAN: I understand, without interjection by the Attorney-General, that causing a bushfire is a different offence from that of arson. On the other hand, both are circumstances where there is a form of criminal damage, but this could have been done in a different way. Nevertheless, the government has the call and has decided to go down this road.

I would also like to comment in relation to the new offence that the bill specifically provides that there will be no offence if the action is committed and damage is only caused to the property or vegetation on the land of the person who started the fire, or to property of another person who had authorised or consented to the fire. That leaves open other questions.

On the face of it, I think that is intended to ensure that, if you just muck up your own back yard or an area that you are authorised to deal with in causing damage to that specific property, you should not attract any prosecution or penalty. Of course, if someone deliberately lights a fire, even on their own property, with reckless disregard to what damage it may do if it goes into another person's property, or causes damage to property on the land owned by the offender, they escape prosecution under this act, notwithstanding that they may have caused extensive damage on their own property. Why should they escape that?

Secondly, no offence is committed if the bushfire results from operations genuinely directed at extinguishing or controlling a fire. I think that is a reasonable exemption. In response to the calls from the other side about the previous example, what if other persons are injured on that person's property, or what if someone else's vehicle is parked on that person's property? What if a fire is deliberately lit to destroy the property of another person situated on the land of the offender? These are all issues which I suggest are not covered by the ill-thought through exemptions in the drafting of this legislation.

I turn now to clause 5, the proposed amendment of section 10 of the Criminal Law (Sentencing) Act. This amendment introduces some interesting matters which could

cause some confusion. I am pleased to say that I have had an opportunity to receive a briefing from the minister's advisers on this matter. Subclause (3) provides:

> A primary policy of the criminal law in relation to arson or causing a bushfire is—
>
> (a) to bring home to the offender the extreme gravity of the offence—

however that is to be applied—

> (b) to exact reparation from the offender, to the maximum extent possible under the criminal justice system, for harm done to the community.

I suppose this begs the question of whether a differential penalty should be imposed or whether it imposes on the sentencing officer an obligation, if the offender is rich, to impose a much higher monetary penalty than if the offender is poor. Whilst that is allowed in relation to sentencing, there seems to be no reason why this particular offence should attract a reparation instruction from a sentencing officer. The legislation then cites an example of where the court may require the offender to meet with the victim. It seeks to introduce a process whereby the offender will be required to face the victim, but it is an example. I am reliably informed by the minister's advisers that footnotes form part of the legislation but examples do not. Example No. 1 states:

> The court may, with the consent of victims of the offence or victims of the kind of harm that the offence could have caused, require the offender (under appropriate supervision) to meet with the victims.

Instead of introducing into this legislation an obligation for the offender to meet with the victim if directed to do so by the sentencing officer—with a condition that the victim will not have to meet the offender; it should be clearly identified that the victim does not have to be present—we have only an unenforceable example. This could, of course, mean that the sentencing officer could require the victim to meet with the offender even if the victim did not want to, because the provision is currently drafted to allow that.

One would hope that the judicial officer hearing the matter would take due notice of the facts, carefully consider the situation and hopefully not act in a fashion which would in any way cause further hurt, pain or difficulty for the victim. This is a classic opportunity to deal with this issue and bring home to the offender the consequences of their actions through having to meet with the victim but, instead of clearly placing that in the legislation and making it a clear responsibility of the sentencing officer not to do anything that would impede, hurt or cause further injury or distress to the victim, it is included as an example. I ask that this issue be looked at carefully and that (in committee) we examine how it can be remedied, so that if there is to be a provision to bring home the seriousness of this offence to the offender then let us do it clearly through the sentencing officer but not as an example tacked on at the end which we all know is not enforceable.

The Hon. M.J. Atkinson: What do you mean by 'enforceable'?

Ms CHAPMAN: I mean that the example is not in any way binding on the sentencing officer under the Criminal Law (Sentencing) Act because it is just an example; it is not within the body of the act and it is not included in the footnotes. As was acknowledged when we inquired about this from the minister's advisers—

The Hon. M.J. Atkinson interjecting:

Ms CHAPMAN: Well, we certainly hope not, but the law is there to be followed, and the clear intention of this legislation is to ensure that those who cause bushfires and damage to property and persons are sentenced in a manner which does not cause further injury, hurt or harm to victims, as I have indicated. I sincerely hope that this matter is examined carefully and that we can have some clear identification of what is actually proposed in terms of the maximum extent possible and the instruction that is given to judicial officers in relation to that aspect.

I come from an area in South Australia where bushfires have ravaged the countryside on a number of occasions and life and livestock have been lost. I now represent a district which is intensely urbanised and which abuts vegetated land in steep gullies at the top of which serious damage from bushfires has occurred during the last 20 years. This issue must be addressed to ensure the safety of people who live in urban areas abutting intensely vegetated areas, which have their own difficulties in terms of addressing their maintenance, to ensure minimum risk of damage in the event of bushfires occurring either naturally or as a result of activities of the persons whom we are attempting to capture today.

The Hon. P.F. CONLON (Minister for Emergency Services): I will be brief. Not one person here would not be extremely concerned about bushfires in the upcoming bushfire season. I do not think there is one single member here (especially members opposite who are close to the hills) who would not do everything in their power to prevent bushfires and who are not aware of the very great dangers that we will face this summer. It is a little unfortunate that what is emerging from the debate is that we all want to do that but we want to be sure that we get credit for whatever is done. As the minister who will be responsible for emergency services in the coming summer I do not care who gets responsibility for it as long as the outcome assists in preventing bushfires.

As the former minister suggested, we are addressing a range of other matters. In fact, I hope to have a submission to cabinet soon, and I have other matters to address the prevention of bushfires and to increase our state of preparedness. It will be an early bushfire season in many parts of South Australia this year. Every time I wake up and feel the north wind blowing, even though it is a little cool, my heart fills with trepidation.

The amendments of the opposition are misguided. The offence of causing more than $30 000 worth of damage, which attracts life imprisonment, remains. What we have done is exactly what the member for MacKillop suggested should be done. The criminal law has long attributed more serious penalties to consequences; whether those consequences are really the intended consequences of an act is one of those things. The current provision is not unusual in the criminal law. We have created a provision that does not require any proof of damage. Both those offences will be open to a prosecutor. The great benefit of the new clause is that there will not be a need to prove damage. There will be a need to prove a person intentionally or recklessly caused a bushfire.

I do not think any member will be able to explain to me the difference between 'recklessly causing a bushfire' and being 'recklessly indifferent' as to whether one causes a bushfire. Recklessness is a state of mind long known to the criminal law, and I would have thought it was probably ordinarily described as being 'recklessly indifferent to the consequences'. I think it is a change without difference.

I note that the member for Bragg passed over these two amendments very quickly to then talk about a series of things

that are wrong. She talks at greater length about things she thinks are wrong with the bill. I do not know whether that says something about her standing in the party room. The matters that most concern her have not been the subject of amendment, while matters that—quite rightly—concern her briefly have been matters for amendment—but I leave that for internal discussions in the Liberal Party; it is certainly nothing to do with me.

I support this bill. It is not, by a long shot, the only answer we need for the coming summer. We are putting in place a range of matters to improve our preparedness for bushfires. I understand I will get the support of the member for Mawson, who is a longstanding member of the CFS and a property owner of a bucolic nature. He knows very well the threat of bushfires. I urge members to support this bill. Let us not play games; let us simply get a result. The member for Wright, who is also a CFS volunteer, points out that this in itself will not be all the answer but if locking up some fellow who lights bushfires for 20 years assists in preventing bushfires, then I will be locking them up.

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

Dr McFETRIDGE (Morphett): I support this bill. I will not go into the technicalities of it—the lawyers have done a good job there for us. I do not care whether it is called 'arson', 'bushfire' or the new trendy term 'wildfire'; it still burns, hurts and destroys. It destroys the lives of individuals and it destroys properties and communities. If members want any evidence of how severely fires can burn people, they should watch the ABC news about the disaster in Bali—and I pass on my condolences to all concerned.

Bushfire is a tragedy, no matter how one looks at it. I was in Sydney at Christmas time, and I flew over the disastrous fires there. I spent 13 years in the Country Fire Service—some of that time as a captain—in the Happy Valley brigade, which is one of the busiest brigades in the state. I have attended many bushfires. I have personally seen how fires can destroy. I have felt the heat; I have smelt the smoke; and I have seen flames higher than the ceiling of this chamber. It is a pretty scary situation. The fact that someone would deliberately go out and light fires is something that I cannot comprehend.

We heard the member for Wright talking about the many causes of arson. The fact that someone even considers committing arson, never mind goes out there and commits arson—or, as we will now know it, lights a bushfire—whether it is recklessly, indifferently or deliberately, is all a matter of semantics and pedantics, and I am sure that the Attorney-General will advise me of the best term there.

We need to remember that, no matter what we call the act of destroying property, lives and communities through the lighting of fires of any sort, it is something that must not go unpunished: it should be punished in a most severe way. I think that the punishment proposed by this new legislation will fit the crime. There does seem to be a bit of an anomaly, where the penalty has been reduced for a similar crime under another act. However, I am sure that will be sorted out during the committee stage. I congratulate everyone on both sides of this house on their effort to help the metropolitan and country fire services in their task of removing the threat of bushfires, no matter what their cause.

I was disappointed to see in Bob Ellis's new book, *Beyond Babylon*, mention of a particular member of the government who had visited Sydney. Premier Carr from New South Wales came to South Australia to congratulate the heroic volunteers who helped out in New South Wales, and this member tried to use that as a photo opportunity for her own political purposes. I was very disappointed about that. The only justice was that she was cropped out of the photograph when it was published in the *Advertiser*.

Mrs GERAGHTY: Sir, I rise on a point of order. I think that the member opposite is misrepresenting the genuine interest and concern of the member to whom he is referring. I think perhaps he should withdraw the remark.

The DEPUTY SPEAKER: There is no point of order. A member need only respond if it relates to himself or herself.

Dr McFETRIDGE: I would hate to misrepresent anyone in this chamber. Perhaps that is why Bob Ellis's book has been banned in South Australia—because facts like that have been misrepresented by Mr Ellis. That is really quite shameful. However, I do not want to detract from the fact that there is a serious problem here—

Mrs Geraghty interjecting:

The DEPUTY SPEAKER: Order, the member for Torrens!

Dr McFETRIDGE: —and there is a need to control the idiots in the world who go out and light fires; the need to punish those who light fires is something that I totally support.

I would like to raise one other minor issue about the difference between intentional, reckless and unintentional acts. I know of cases where the Country Fire Service, the National Parks and Wildlife Service and even some farmers have lit fires for burn-off and hazard reduction purposes, and, although it was quite safe to do so at the time, the wind and the weather conditions have changed and the fire has got out of control. I wonder how that will be dealt with in this situation. I am sure that I will have it explained to me. But do not get me wrong: I am 100 per cent behind the intention of this legislation. As I said, I have been there and done that and I have seen the damage that bushfires can cause, and anything that we can do to support the firefighters in South Australia—whether it is the MFS or the CFS—and, therefore, the communities in South Australia, is something that I wholeheartedly endorse.

Mrs REDMOND (Heysen): It is almost exactly one week to the hour since 10 homes were burnt to the ground in Engadine, a little town south of Sydney which happens to be my home town where I was born and raised, which is why I remember it being on the news last week. It was also subject to threat in the bushfires earlier this year.

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: It is south of Sutherland.

The DEPUTY SPEAKER: Order! The Attorney-General is out of order, and so is the member for Heysen.

Mrs REDMOND: The point I am making, Mr Deputy Speaker, is simply that I have always lived in bushfire risk areas and, indeed, I lived through the two Ash Wednesday fires in the Adelaide Hills. I am surprised that I did not bump into the member for Colton, who said that he was in Yarrabee Road the day after the Ash Wednesday bushfires, because I was there cleaning up some of the places that had survived the fire but with a bit of damage.

In rising to support the bill, I first note what I think was an oversight by the Attorney-General when he introduced it. I read his second reading speech and I was puzzled because, in his introductory comments before he reached the point where the rest of the speech was inserted in *Hansard* without

the need to read it, he said that the definition of a bushfire is 'a fire that burns or threatens to burn out of control'. I thought that to be odd, because the great fire of London would come within that definition. He actually left off the end of the definition, which makes all the difference, and that is that it is a bushfire that burns out of control causing damage to vegetation, whether or not other property is damaged. I thought the Attorney-General should note that he is not always perfect. The amendments proposed by this legislation, of course—

Mr Goldsworthy: Take that!

Mrs REDMOND: I couldn't resist. The amendments in this bill are being inserted into the Criminal Law Consolidation Act and the Criminal Law (Sentencing) Act and, as the Attorney pointed out in his second reading speech, there are already offences in that act for arson and there are already offences in the Country Fires Act. While I support the bill, it would have seemed neater to me, given that we are introducing a specific offence relating to bushfires, to put that offence into the Country Fires Act rather than into the Criminal Law Consolidation Act. However, that said, I do not denigrate the effect of what the Attorney is trying to achieve in this legislation.

Essentially, as I see it, the effect of this will be that the existing offences for arson remain, the existing offences under the Country Fires Act remain and this new offence will be added for bushfires. The major difference, it seems to me, on reading the act and the second reading speech, will be that for the existing offence of arson a prosecutor will have to prove a level of damage, and it is, of course, quite possible in the case of a bushfire to have quite significant damage to areas of remnant vegetation or potentially endangered species and all sorts of things but, without being able to put a specific value on it, there is a difficulty for a prosecutor in proving the major offence. That will mean, almost inevitably—as commonly happens in a lot of criminal matters—that, if a fire is deliberately lit, there could be a series of offences charged against one individual under various acts—under the Country Fires Act and under the Criminal Law Consolidation Act and under both section 85, the existing arson provisions, and section 85A, the new bushfire provisions.

If the damage is over $30 000, the maximum penalty under the existing legislation of life imprisonment will still apply. If a level of damage cannot be proven, the prosecutor can still ask for the maximum penalty of 20 years under the new provisions in the bushfire legislation. Almost inevitably, that will mean that what happens in most criminal matters will also occur in this matter; that is, a series of charges may be laid and negotiations may then ensue in which it is negotiated that the perpetrator may plead guilty to the lesser charge and take the lesser consequences but still get off having a hearing on those more significant charges.

One hopes that generally the prosecutors will be in a position to negotiate a fairly tough penalty, because I am sure that the community expects that we go to the point of imposing some very serious penalties in this particular area, because the consequences to our communities are so far reaching.

Of course, the other area that this bill tackles is that of sentencing, and that is done under the Criminal Law (Sentencing) Act. Under the current section 10, the age of the offender, the possibility of rehabilitation, the previous history and a whole range of other issues are set out. I was not a member of this place when the previous government introduced the home invasion provisions, but a special provision was inserted that stated, 'We have a policy about home invasion and, when you're sentencing for that particular offence, you've got to pay attention to that policy.'

This follows the same pattern. We will now insert this provision which states the policy about bushfires, and these two elements which I will discuss in a moment will be followed when sentencing is imposed for the offence of lighting a bushfire. Those two elements, of course, are:

> The primary policy of the criminal law in relation to either arson—

that is, it now imposes it for the existing section 85—

> or causing a bushfire—

the new section 85A proposed by this bill—

> is, first, to bring home to the offender the extreme gravity of the offence and, secondly, to exact reparation from the offender to the maximum extent possible under the criminal justice system for harm done to the community.

On that second point, on the basis of the examples that are given, I read it that 'exacting reparation' really has nothing to do with monetary reparation; to what extent that is possible under the current legislation, it will remain possible. For example, if some sort of vegetation that is very important has been destroyed, the person might be required to help replant that vegetation, or some such thing. I take it from the examples, although it is not clear from the bill itself, that that is the intention.

One of the difficulties I have with the legislation is that often in criminal matters there is no possibility to exact any monetary reparation from the sorts of offenders who do these things. I think the member for Mawson raised the issue—and I would commend further thought and further action on the matter—of those offenders who are not old enough to be dealt with currently under our criminal justice system as adults. In my view, if they are old enough to light a bushfire, they are old enough to be dealt with as adults under this legislation. I would certainly be interested in seeing that sort of provision being introduced.

There are a couple of inconsistencies and problems in the bill. As I indicated earlier, under the arson provisions the existing law provides that if a bushfire causes more than $30 000 of damage, the maximum penalty is life imprisonment. In theory, without the necessity to prove the level of damage, the new provision could create a situation where the lesser penalty of a maximum of 20 years could be imposed even though the bushfire had caused $1 million worth of damage. So, there is a little difficulty with that inconsistency. As I said, it goes over the top.

The 'attempt' provision is under the existing arson provisions in section 85. In section 85 of the current Criminal Law Consolidation Act, three levels of penalty are set out for the scale of offences for arson when it is committed: if the damage caused is worth less than $2 500, currently that is a maximum of two years; for damage worth between $2 500 and $29 999, there is a maximum of five years; and, for more than $30 000, there is a maximum penalty of life imprisonment. On the next page of that same section there is a series of penalties which are less than that for the attempt.

It is also worth noting that there is a similar series of provisions for non-arson damaged property offences, and they are also a lesser series of penalties, which indicates that the previous government or governments that introduced this over a period of time had already decided that fires and arson offences were particularly serious and it was necessary to send a particular message to the community. So, a higher

level of offences has already been created under that provision.

Section 10(e) of the existing sentencing legislation refers to the arbiter—whoever it is: judge, magistrate or whoever—taking into account any injury, loss or damage which results from the offence. That is one of the things which, under section 10, have to be taken into account. It seems to me that it would be appropriate to expand it in this particular issue to include two other aspects. One of those aspects is the potential injury, loss or damage. At the moment only the actual loss or damage is taken into consideration, and I think it is appropriate that the potential injury, loss or damage from a bushfire be taken into account. Also, the actual cost to the community should be considered, because the actual cost of loss and damage does not take into account what it costs our community in terms of volunteers, the risk at which they put themselves, the cost of equipment, the levies we all now pay and all those other factors. There is a cost to the community in a bushfire, including an emotional element, a social element, an environmental element and all sorts of elements.

Mr Brokenshire interjecting:

Mrs REDMOND: Exactly. The member for Mawson referred to the risk to life of the volunteers out there doing the work. It is my view that it would be appropriate, in considering how best to set the parameters for the sentencing aspects, to take into account not just the actual damage but the potential damage from the act itself, as well as the cost to the community that can arise from this sort of activity.

So, like other members on both sides who have spoken, I fully support the intention of this legislation. I do not have a great problem with the fact that it is creating an additional offence. I do see some little difficulty in that there is a level of inconsistency in having life imprisonment for anything over $30 000 and the 20-year maximum for things that could well be more than $30 000, as well as this aspect of the sentencing. It could be more defined in terms of just what the judge or magistrate is to take into account in determining the appropriate sentence. Hopefully, the wording 'bringing home to the offender the gravity of the offence' might be broad enough, given a sufficiently educated magistrate or judge—hopefully not a justice of the peace—to make a determination that those are appropriate factors to be taken into account.

We all know that these things can happen and have devastating consequences for numerous people in numerous ways, whether it is a Friends of the Parks group that has done a huge amount of work over the years and sees all that work devastated because someone has lit a fire in their park or because of actual damage to property. It is appropriate, I think, that all those things are taken into account. I support the bill, which I think is worth while. We must do everything we can to bring the message home to those few people in the community—not the vast majority of us who are well aware of the difficulties, dangers and risks that these things pose—who are either reckless (a la Engadine one week ago—that appears to have been simply a reckless act) or who are deliberately lighting fires, and I support the bill as a further way to do it.

The SPEAKER: I call the member for Kavel.

The Hon. M.J. Atkinson interjecting:

Mr GOLDSWORTHY (Kavel): Just following on from the comments of the Attorney, I will speak only briefly because members on both sides of the house have covered the issue very comprehensively. I note what the member for MacKillop said before the dinner break about his property and his home being destroyed on Ash Wednesday and I can certainly empathise with the member. As I have stated in the house previously when speaking to motions and legislation concerning fires and so on, our family property at Houghton in the Hills was burnt out on Ash Wednesday, but luckily our house was not burnt, unlike the member for MacKillop's, which really is a tragedy. As we know, there was also the other Ash Wednesday a couple of years previous to the 1983 fire. In the 1950s there was a fairly significant fire in the Hills and adjoining districts—it was called Black Sunday. As I said, it was in the 1950s—

Mrs Redmond: 1958.

Mr GOLDSWORTHY: 1958, was it?

An honourable member: No, 1956 I think.

Mr GOLDSWORTHY: No, it was before that, I was not born. It was the year before I was born, I think.

Members interjecting:

Mr GOLDSWORTHY: No, I think it was the year before I was born. I certainly was around the place on Ash Wednesday. I witnessed the devastation that that wildfire not only caused to our district but throughout the Hills and the Fleurieu Peninsula—thousands of hectares of property was burnt. As I have said previously in the house, I was born and raised as a child and teenager in the Hills, and I have continued to live there for the past 16 or so years since I was married. The Hills is a tremendous place in which to live. It has lovely rural settings, as members would know, but, obviously, there is the inherent risk of fire. The member for Wright spoke on this issue; that is, for whatever reason, people light fires. I find it difficult to understand why someone would intentionally light a fire, watch it get away and, for some reason, enjoy the damage that it causes and the stress under which it puts volunteer firefighters, CFS and MFS personnel.

The Minister for Government Enterprises has spoken previously concerning fire safety and fire initiatives. He also has spoken about cold burns in conservation parks and national parks. I am a strong advocate of that. We need to be able to reduce the fuel loads in those parks so that when—

Dr McFetridge interjecting:

Mr GOLDSWORTHY: That is right. As the member for Morphett said, 'For hazard reduction', so that when fires do start they are more easily controlled. That takes me to another point which is not directly associated with this piece of legislation, but in terms of bushfires and their control, I encourage all the residents in the Hills, and particularly in the higher fire risk areas, that they do practise fire safety around their homes and their property, that they clean up around their residences, clean their gutters out, have a separate water source and a firefighting pump and equipment such as that so that when a fire does come through not only are they able to protect their property adequately but their life, too.

As the local member, I drive around the Hills on a fairly regular basis. My electorate covers about 900 or so square kilometres, and it still concerns me that houses are built in a fairly—

Members interjecting:

The DEPUTY SPEAKER: Order, the minister and the member for Schubert! The Attorney is out of order and will suffer the consequences in a minute. The member for Kavel has the call.

Mr GOLDSWORTHY: I will now resume the comments I was making before that little interruption. It still concerns me when I drive around that I see homes which are in what I would regard as fairly precarious situations, with trees up

close to and hanging over their roofs. I would encourage those folk to try to clean up their properties so that, if a fire does come through, they are adequately protected. There is every likelihood of bushfires in the state this summer, whether it be in the Hills, in the South-East or in national conservation parks but, as I said, it is vitally important that people practise fire safety.

I want to commend and pay tribute to the CFS and MFS personnel who put their lives at risk when they go out to fight bushfires. They are called upon morning, noon and night. They have to get up in the middle of the night and early in the morning to man the appliances in order to protect others.

I fully support the intent of the legislation. As I said, for whatever reason individuals light these fires, they have to be caught and the full weight of the law should be brought down on them.

Mr VENNING (Schubert): I support this bill, but with some conditions which I will explain a little later. The impact of bushfires is devastating for land-holders and families who lose property and, worse than that, their personal possessions, and the firebugs who deliberately start fires need to be reprimanded accordingly. They should be met with the full force of the law. As we all know, we live in the driest state on the driest continent when it comes to bushfires in summer being highly prevalent, so appropriate measures need to be taken to reduce the outbreak of bushfires and to put in place deterrents for would-be arsonists. Besides the preventive measures undertaken by households, I must say that national parks and councils need to reduce the fuel for bushfires.

It is of utmost importance that would-be arsonists are deterred. I agree that it is necessary to set appropriate penalties for arsonists found guilty of deliberately lighting a bushfire, as they can damage and destroy lives, vegetation and properties. Whilst setting these penalties, we need to be aware of instances where farmers and land-holders can inadvertently start a bushfire. Such penalties should not apply in these situations; this is the area of my concern and the area where I support the bill, but on condition. Under the current act and the penalties that apply, a person who starts a bushfire can be found guilty of arson. A maximum penalty for arson is life imprisonment if the damage exceeds $30 000. If between $2 500 and $30 000 worth of damage is caused, the maximum penalty is five years imprisonment, and for less than $2 500 the maximum is a penalty of two years.

I find that quite ridiculous, because it is based on the value. I find it quite unusual that a law like that can be promulgated. I am not sure which government actually passed it, but I think it is quite ridiculous and quite unusual if that is the case. So, I have problems with the act, and no doubt this new legislation goes a fair way to solving some of those problems. Penalties are determined by the value of property destroyed, which poses these difficulties. It can be incredibly difficult to pinpoint changes over time in the monetary value of land, property and vegetation, and valuations are not always a fair indication of the loss of, for example, endangered animal habitat which has been burnt and is irreplaceable, or the cost of rebuilding infrastructure, and so on. It is quite strange to put a monetary value on it like that.

This bushfires amendment bill has been changed so that for a person who intentionally or recklessly—and I will quote the word 'recklessly' again and again—causes a bushfire the maximum penalty is 20 years. A bushfire is classed as 'a fire that burns, or threatens to burn, out of control causing damage to vegetation' regardless of whether property is affected. Prior to the election, Premier Rann stated—and other speakers have said this (and I would like it clarified by the minister in his reply)—that the penalties for arsonists would increase. However, they have been reduced from life to 20 years in this amended bill.

The Hon. M.J. Atkinson interjecting:

Mr VENNING: We have the Attorney sitting here. I hope he can enlighten me. I know life is life, but I suppose 20 years is not life. To a rank and file layperson like me, going from life to 20 years is a reduction in sentence.

The Hon. M.J. Atkinson interjecting:

Mr VENNING: No?

The Hon. M.J. Atkinson: They are different offences.

Mr VENNING: Here we go! Obviously, the Attorney is trained in the law, because black is not black and white is not white. My sister is a lawyer so I understand.

The Hon. M.J. Atkinson interjecting:

Mr VENNING: I am an ordinary, average person who was brought up on the land, and the only attribute I have is commonsense—I hope I have it. I certainly cannot understand this, and maybe the minister—

The Hon. M.J. Atkinson: Your wife's a great asset.

Mr VENNING: My word! She's not here yet, but she's in the building. Thank you for that. I would like that clarified not only for me but also for the average Mr and Mrs Citizen who would want to know that this bill is being introduced to increase the penalty; but the average person would see it as a decrease. Please explain that. The bill provides that it is not an offence if the bushfire damages vegetation (or other property) only on the land of the person who lit the fire. I have difficulty with that because, as one earlier speaker from the government side said, this land could burn valuable vegetation. Let us say that a person wants to subvert the Native Vegetation Act and get rid of a few native trees to plant some vineyards—and I have a few of those—and lights a bushfire and burns down those trees. He cannot be fined. In fact, to have a rubber stamp like that is difficult. A bushfire is a bushfire. If it causes damage to natural assets, it should be the same. It is not an offence if the bushfire damages vegetation (or other property) only on the land of the person who authorised or consented to the fire. It is same reason as the one before. I do not see any difference in that.

As I said before, my conditional support for this bill depends on the clarifications relating to this bill. It needs to be clarified for farmers who may inadvertently start a bushfire causing damage to their own and neighbouring properties. The word 'recklessly' needs clarification, particularly when we have farmers who carry out various farming activities in open country. Will farmers be charged if a bushfire starts on their property and spreads to a neighbour's land? If this occurs on a day that is not a fire ban day, then the farmer is not being reckless and fire can be classed as accidental. However, if a fire ban is in place and a farmer accidentally causes a fire affecting neighbours, the question is: are they liable and will they be charged? I know the minister earlier today said that there are two acts in relation to this: the bushfire act and, indeed, the other act in relation to arson.

However, how do you class a fire that is accidentally started? Most farmers will (and do) reap on fire ban days —I admit that I have done so myself—and they will continue to do so. I believe we need to apply the strictest penalties to firebugs who cause millions of dollars worth of damage and heartbreak for families and communities, particularly in rural areas.

I want to put this on the record so that in any future debates it is quite clear what this bill means. Farmers have accepted a code of practice in relation to fire bans and harvest operations which was put together by the previous government in cooperation with the South Australian Farmers Federation, insurance companies and others. So, a code of practice exists in relation to fire bans and harvest operations. I disagree, as I said earlier, that farmers should not ever reap on a fire ban day, because the bureau can (and does) get it wrong. They call a fire ban on the previous evening, and you wake up the next morning and find that it is a cool day but, because there is a fire ban, the restrictions apply. Also, conditions can change during the day: a cool change can come in and the conditions will be different.

Just because it has been gazetted as a fire ban day should not mean that you cannot reap. If you tell a farmer in the middle of a harvest when he has golden grain, particularly if he has had a bit of storm damage and things are running late and the silos are filling, that he cannot reap because someone says it is a fire ban day, you are kidding yourself. I myself have been guilty of reaping on a fire ban day. Commonsense is the most important thing in relation to reaping on fire ban days. If it is very hot and windy you do not reap—full stop—because you know that, if you throw a spark from your machine, it might get into the stubble and it will be gone.

However, if it is a very hot day and there is no breeze, as far as I am concerned you can reap, and I have done that. I started a fire one day because the brakes on the header jammed, the disc brakes became red-hot and dropped a spark, and I lit a fire about 50 or 60 feet long down a strip of the paddock. It was lucky that I had clean rear-vision mirrors, because I saw it. I got out of the harvester, called my father and brother on the radio and they came out with a fire unit, but I had the fire out with the knapsack on the header before they got there. If there had been a strong wind it would have gone a kilometre before anyone could get there to help me.

So, commonsense prevails in relation to these matters. Farmers will reap on fire ban days, and that should not be a criterion. The question is: could it be said by a lawyer—and we have a few lawyers here—that that person was being reckless reaping on a fire ban day? He is in the cabin of his harvester reaping away and up comes a gale force wind. He cannot see from inside because he is surrounded by glass. If a farmer starts a fire in those circumstances, is that a reckless act? I want this clarified because I believe that the current code of practice covers this issue.

Most farmers carry out burning-off operations, which can get out of control. Farmers burn off for several reasons: burning crop residue, burning firebreaks and doing cool burns in forested areas to get rid of combustible material before the fire season hits. It does not happen often but sometimes these fires get out of control. Under this legislation, would that be considered to be reckless? That worries me because I can see a zealous lawyer or even a parliamentary draftsperson coming in here and redoing this legislation in four years' time and saying that it is an offence to reap on a fire ban day, that it is reckless and that you cannot do it. I do not believe that any farmer should be inhibited from reaping on a fire ban day. So, for the record, I urge the minister to define the word 'reckless' more clearly. I think he intends to do that or that he is attempting to do so. If a person deliberately lights a fire by striking a match to cause malicious damage, that is arson and I support the highest penalty. I get a bit passionate about this because a fire is a very useful tool to prevent fires, namely, to remove combustible material in cooler conditions in a controlled operation. We see in the Adelaide Hills and all over Australia that they do cool burns to reduce the flammable material.

The bill says that one will not be prosecuted if the fire stays on one's own property. I have difficulty with that and would like it removed because, if I destroy natural assets on my property, like a fine stand of beautiful native gums, I do not believe the rules should be any different if I did it on my own property than if I did it on somebody else's property: I have still destroyed a wonderful natural asset. That is giving ground to the greenies, but I can see some people deliberately doing that to get rid of some natural assets.

I have a long history of handling fires on my property. I have been called a fire bug myself because, along with the local fire control officer, at a fire scene I was asked to light a fire to control a fire that was out of control. The late Frank Landers from Gladstone was the fire control officer. He was a whiz when it came to controlling a wild fire. Some fires you cannot control with water because they are out of control. The only way you can control them is with fire. I can recall clearly being in the foothills above Georgetown and the fire was racing towards Georgetown, out of control. He said, 'Lad, are you game?' I said, 'Anything to save Georgetown.' He said, 'Come with me.' We went down a little track about a mile out of Georgetown and the fire was about half a mile up the hill. We had our firelighters and he said, 'When I say go, you go and don't stop, otherwise you won't survive.' The fire came down to about 300 metres from us and he said 'go'. We lit the fire along the fire side of that track. When I turned around I could not believe what I saw: the fire we had lit was not going the same way as the other fire but back towards the one that was coming. The fires burnt up together and never got over that track. We had two small units following us, putting out a few small sparks that jumped the track.

I could not believe that a person with good knowledge of fire could save such a terrible situation by using fire. That was a bit of history I will never forget. You do not outlaw fires because they can be a useful tool, although they can be dangerous in the hands of inexperienced people and arsonists. I certainly pay the highest tribute to all our CFS people who go out there and risk their lives, particularly in the Adelaide Hills. It is very dangerous to go into some of those areas because in any dangerous situation you always like to know where the path out or escape route is. Fires race up the hills and crawl down them. If your only way out is a ridge, the fire comes up that ridge quicker than you know and you can be caught. We know of so many fatalities in recent times.

I pay the highest tribute to our CFS and MFS people who get involved. I also pay tribute to those people from South Australia who have gone across to the Sydney and New South Wales fires—they have done a marvellous job and are great ambassadors for our state. I have the highest regard for these volunteers—they are not paid, but the camaraderie and the job they do is fantastic. We need to apply the strictest of penalties to firebugs who cause millions of dollars of damage and cause absolute heartbreak for families who lose everything because some stupid person decided to light a fire for reasons best known to themselves. The damage is done, particularly in rural areas. A farmer's crop is his livelihood, and it is easy to come along with a bottle of inflammatory material and a match and burn out a farmer.

I think it is very relevant and very timely that we put in place legislation which does deter arsonists and which puts in place the best deterrent possible. I hope that the minister will spell out these unknown areas on which we are asking

for clarification, particularly the word 'reckless'. I presume we are going into the committee stage and that the word 'reckless' will be defined.

The Hon. M.J. Atkinson: I will define it for you until you can't take any more.

Mr VENNING: I am happy to sit here and listen if the Attorney-General wants to define 'reckless'. When lawyers and others are trying to define what a law or an act means, they read these speeches and, if the minister says that reckless does not mean a farmer starting a fire by reaping his harvest on a fire ban day, or a burning-off operation which gets out of control, if he says that is not reckless but, rather, an accident, I am happy for that to stand. I am concerned that when the minister and I are long gone, when we are no longer here, but the legislation is, I do not want to put any penalty—

The Hon. M.J. Atkinson: Not necessarily.

Mr VENNING: I have one thing in mind in this place, namely, people's rights. I have a very strong commitment to farmers and their right to farm. One of those rights is to be able to control natural disasters (which are fires) and some farmers choose to do it by burning-off operations. I do not want to put any impediments and penalties in their way. If the bill is clarified tonight and it safeguards these people, I am happy to support it 100 per cent. If it deters arsonists, I am there all the way. I support the bill with those conditions.

The Hon. M.J. ATKINSON (Attorney-General): I should like to thank all members for their contribution to the debate, especially the member for Heysen, who immediately understood what the bill was about. I think there are some members who conceded that they did not understand what the bill was about and they sought guidance. There is no shame in that—and the member for Schubert was one of those.

The point of the bill is that it creates an offence that is easier to prove than the existing arson offence. The 20-year penalty gives the court, more clearly than the indeterminate maximum of life, better guidance in sentencing. Where the courts are faced with a maximum penalty of life in the relevant statute but conduct that is not particularly serious, then the courts tend to give a quite light sentence because the courts are not really being guided by parliament when we put in an indeterminate penalty such as life. I think putting in a maximum penalty of 20 years gives the court more guidance than the maximum penalty for arson.

For the information of the member for Schubert, the point is that arson offences are maintained. This new offence is being constructed alongside them and the prosecution can choose which offence it cares to use. This offence is not detracting from the arson offence. It is not lowering the penalties or lowering the tariff, as the member for Schubert seems to think. The member for Schubert in his contribution said, 'Firebugs cause millions of dollars of worth of damage'. What he should know is that they will still attract the arson offence, for which the maximum penalty is life, as he would want it to be.

The purpose of this offence is to deal with lighting fires that do not necessarily cause great monetary damage. That was the reason for introducing the offence. It derives from the recommendations of the Model Criminal Code Officers Committee and, with the indulgence of the house, I will read the relevant part of that commentary:

> The Code offence, which imposes liability when there is a substantial risk of fire spreading to vegetation on land belonging to another, does not require proof that injury or damage was likely.

The commentary further states:

> Unlike arson and criminal damage, the bushfire offence is predicated on the creation of risk rather than the infliction of harm. The reason for the offence is the risk of catastrophe, unpredictable in extent and consequences, rather than injury to individual rights of ownership over vegetation.

I think that explains the purpose of this bill and why there needs to be a change. At least I hope that the member for Schubert finds that explanation helpful. The bushfire offence will catch people who light potentially life-threatening fires even if there is no quantifiable damage.

The member for Heysen was exactly correct in her interpretation of the mention of reparation in the bill. It is not really about monetary damages: it is about doing what the—

Members interjecting:

The Hon. M.J. ATKINSON: I do not want to make the member for Heysen unpopular on her side but she just happened—

Mr Goldsworthy interjecting:

The Hon. M.J. ATKINSON: —to be right about this. I do not want the member for Kavel to be put out. It is not an exam: it is a debate.

Mr Goldsworthy: You are the examiner, are you? In your dreams, mate!

The Hon. M.J. ATKINSON: Okay. It is about the offender doing what he or she can to make good the damage caused, and that may be clearing the property, planting trees or visiting the victims in hospital. I think that the member for MacKillop's queries about the bill were much the same as those of the member for Schubert. The answer to the member for MacKillop is that the reason for the legislation is to address the fact that arson offences are framed so that the seriousness depends on the value of the damages. This bill catches those who are reckless about whether a fire spreads, whatever the actual outcome.

So, if there is damage exceeding $30 000, the more serious branch of the arson offence continues to apply. I think the member for Bragg thought that we were substituting this offence for the arson offences; I think that was her misapprehension. In fact, as I have just explained for the benefit of the member for Schubert, we were introducing a different offence that would stand alongside the arson offences. This bill was prompted by a request from the commonwealth Attorney-General for all jurisdictions to enact the Model Criminal Code Officers Committee's recommended legislation. New South Wales has passed the law. Indeed, it did so this year, and the equivalent bill is still in the ACT Assembly and debate on it has been adjourned.

The member for Schubert asked for a definition of 'recklessness'. In the Model Criminal Code Officers Committee commentary, the officers say:

> The bushfire offence requires proof of intentional or reckless causation of the fire and recklessness, at the least, as to the spread of the fire on property belonging to another. Unlike most offences in the Model Criminal Code, there is a latent element of constructive fault in the definition of the offence.

They go on to say:

> So as long as the offender realises the risk that the fire will spread, there is no need for proof of realisation of the extent of the horror which may follow. This offence has a very particular connection to Australian ecology and the commemoration of Australian rural history in Black Mondays, Black Thursdays and Black Fridays.

The Macquarie Dictionary defines 'reckless' as:

> Utterly careless of the consequences of action; without caution [or] characterised by or proceeding from such carelessness:

In the law dictionaries it is defined in this way—and I refer here to the *Oxford Companion to Law*:

> Recklessness. A state of mind in which a person may do certain acts and which may be relevant to his legal liability for those acts and their consequences. Recklessness, like intention, requires foresight of certain consequences of his acts as inevitable, or probable, or sometimes even as possible but, unlike intention, involves no desire that these consequences should result or will to bring them about. It is the state of mind of the man who takes a chance or a risk, knowing that there is a risk. As in the case of intentional conduct, foresight may be imputed to a person if a reasonable man would have foreseen the consequences as inevitable, or probable, or possible, but absence of desire may appear from the circumstances. If the actor foresees, or must be taken to have foreseen, it does not matter whether he was willing to run the risk or indifferent to it. Recklessness is frequently a requisite of particular crimes, or is specified as the mental element of a crime as a weaker alternative to the intentional doing of the same act.

The courts have dealt with recklessness over many years. In the volume *Words and Phrases Legally Defined*, there is a large number of definitions of what is reckless, or recklessness, but this one particularly appealed to me, because I know that it probably will not help the member for Schubert. Lord Hailsham—Quintin Hogg, when he was in the House of Commons—of course, was a Conservative MP, so I thought that the definition was appropriate. He says:

> It only surprises me that there should have been any question regarding the existence of mens rea in relation to the words 'reckless', 'recklessly' or 'recklessness'. Unlike most English words it has been in the English language as a word in general use at least since the eighth century AD almost always with the same meaning, applied to a person or conduct evincing a state of mind stopping short of deliberate intention, and going beyond mere inadvertence, or, in its modern though not its etymological and original sense, mere carelessness.
>
> The Oxford English Dictionary quotes several examples from Old English, many from the Middle English period, and many more from modern English. The word was familiar to the Venerable Bede, to Langland, to Chaucer, to Sir Thomas More and to Shakespeare. In its alternative and possibly older pronunciation, and etymologically incorrect spelling. . . it was known to the authors of the Articles of religion—

that is the 39 Articles, for the benefit of the member for Kavel—

> printed in the book of Common Prayer. Though its pronunciation has varied, so far as I know its meaning has not. There is no separate legal meaning to the word.

I hope that is helpful. The government thinks this bill is a useful addition to the law, and we intend to stand by it.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

Mr BROKENSHIRE: I move:

> Page 3, lines 15 to 18—Leave out all words in these lines and insert:
>
> A person who causes a bushfire—
>
> (a) intending to cause a bushfire; or
>
> (b) being recklessly indifferent as to whether his or her conduct causes a bushfire,
>
> is guilty of an offence.
>
> Maximum penalty: Imprisonment for life.

I put this amendment to the parliament, particularly to the Attorney-General, on the basis that, as I have previously said and I will repeat it on the record, whilst we agree with the principle of this bill, the amendment is in a format similar to that which we proposed when we were in government prior to the election. I encourage and ask the parliament and especially the Attorney-General to see the wisdom in these amendments on the basis of two things. The first is clearly that of consistency because, whilst the Attorney-General has commended the member for Heysen, as indeed I do, for the way that she—

The Hon. M.J. Atkinson: But not with as much enthusiasm!

Mr BROKENSHIRE: I have great enthusiasm for the member for Heysen, but I will not share that with the Attorney-General. The fact is that, if we are to be serious about the issue of bushfire arson—and we have already spoken for some time in the parliament today about that—then surely we should have consistency and we should have the best possible chance when it comes to the definition. The issues concerning recklessness are quite well described under section 85(1) of the Criminal Law Consolidation Act as it stands, so why do we not keep that consistency? Section 85(1) deals with a person intending to damage property of another, or being recklessly indifferent as to whether property of another is damaged. That is what I am proposing with these amendments: if a person is intending to cause a bushfire or is being recklessly indifferent as to whether their conduct causes a bushfire, that person is guilty of an offence.

We are concerned, and I think the Attorney would agree, that there are already cases that have gone before the judiciary where there has been a different interpretation of the word 'recklessly'. We do not believe that it has been defined in this bill and we are simply saying that, whilst we agree with the thrust and the general principle, it would be good housekeeping to guide the judiciary and keep that consistency.

The Hon. M.J. ATKINSON: The government is not inclined to accept either suggested change to clause 4. We are not inclined to accept 'recklessly indifferent' as an amendment instead of 'recklessly' because the courts have not interpreted the former differently from the latter: there is simply no difference between the two. But I will come back to that. We oppose, more strongly, having an indeterminate sentence as the maximum penalty. A lot of the offences which until recently carried life as the maximum penalty were originally capital offences and, in some cases, it is random that they have ended up carrying life imprisonment. To have the maximum penalty as life imprisonment is not to give the courts much guidance as to what sentence the court ought to impose. So I think it is the reverse of what the member for Mawson and the member for Schubert claim. We would be giving the courts more guidance if we set a determinate maximum penalty of 20 years.

I will make the member for Mawson this offer: I will accept his amendment as to 'recklessly indifferent' because it will not make any difference, but I will do that only if he withdraws the maximum penalty of life imprisonment. Do not hold me to this, but I think that 20 years as the maximum penalty for a bushfire offence is five years more than the highest maximum penalty for that offence anywhere in Australia.

Mr BROKENSHIRE: I find the Attorney-General quite frank, and always have, and I find that the Attorney is frank here because he is not convincing in his argument, and I think he has just agreed with that by virtue of saying he would accept that part of my amendment. I firmly believe that, if you are going to use the argument that he put up, you have to do something with section 85, which deals with arson other than bushfire when it will stay in the act that the maximum penalty is life imprisonment if you do more than $30 000 worth of damage. So there is no consistency, and consistency is important. So either you have to move an amendment to

bring it back to a maximum of 20 years if you are going to signal to the courts some consistency, or support life imprisonment. My understanding of life imprisonment is that—with the exception of, I think, one case that I am aware of—there has always been a discretion in respect of the non-parole period.

The Hon. M.J. Atkinson: For a non-parole period.

Mr BROKENSHIRE: Yes. And certainly in the case of an Ash Wednesday, where someone recklessly and indifferently goes out on a day when the temperature is 42°C, there is a 35 knot north wind and it is 9 o'clock in the morning; they jump into the car with a couple of Molotov cocktails, take a drive through the Mount Lofty Ranges and can wipe out half the state. If we are going to be serious about this, then we really do need consistency. You will still get credit in the media for bringing in this bill, but let us have a look at this seriously. The member for Heysen, as you rightly pointed out, Attorney, put the other options and so on from the trade-offs that can occur as the wheeling and dealing occurs in the judicial system, but I believe that that consistency is so important.

During debate previously I flagged the proposition of bringing in an amendment concerning arson to schools and churches as well, because that has the same impact on communities that we are talking about with this bill that we support in principle. So, again, I ask the Attorney to reconsider his position.

The Hon. M.J. ATKINSON: I do not think there is an inconsistency. With arson, parliament has broken up the arson offence into three segments depending on the seriousness of the damage caused. In this bushfire offence we are not segmenting it. It is just one offence. So, the 20 year maximum penalty is there to cover a whole spectrum of conduct—conduct of varying seriousness, whereas in the arson offence it is segmented with three different penalties depending on the money value of the damage caused. So, it is important to the government that we have a determinate penalty for the bushfire offence because it is not segmented into levels of seriousness, and we think we would give much more guidance to the courts by having a determinate maximum penalty than an indeterminate one where there could be a hugely differing range in the seriousness of the conduct. So that is why we have framed it the way we have.

Mrs REDMOND: I wanted to comment only on the first part of this proposal and commend to the minister the need for consistency. Whilst I would have preferred it if we had simply used the term 'reckless' in all of the clauses, given that we already have 'reckless indifference' in the existing clauses—whilst it seems to me to be repetitive and for the life of the me I cannot see at law what the difference is between being reckless and being recklessly indifferent—

The Hon. M.J. Atkinson: That's because there isn't any.

Mrs REDMOND: Exactly. Therefore, 'recklessly' would have been a more modern approach to it, to simply use the simpler shorter version. But, given that we have the term 'reckless indifference'—

The Hon. M.J. Atkinson: We did in the bushfire offence.

Mrs REDMOND: Yes. But I am, nevertheless, supporting the idea that we need to use 'recklessly indifferent' again in this new clause, because it seems to me that, if we put in a new clause which is immediately adjacent to a clause of the act that uses the term 'recklessly indifferent', inevitably an argument will arise in court, whether put by counsel or commented upon by a judge, that the parliament thinks about these things, and if they have put 'recklessly' in one clause and 'recklessly indifferent' in another clause there must be a reason for it and there must be some difference between those two concepts. So, for that reason alone we need to be consistent and ensure that we include it in the same format throughout those three clauses—85, 85A and 85B.

Mr BROKENSHIRE: We have covered our points in this debate pretty solidly, and I thank colleagues on our side of the house for their input. As was said earlier, we take this bill very seriously—as do all members of the house—particularly because many of us live in and represent rural areas. I know the Attorney appreciates that; I can see that by his rural dress support these days.

Obviously, when this bill goes to the other place, it may decide to move some amendments, and the Attorney is well aware of that. I can count, and I acknowledge that you have indicated that you accept our amendments when it comes to the definition. I ask that that be put up separately to the maximum penalty, imprisonment for life, amendment.

Amendment with the omission of reference to penalty carried; amendment to line 16, referring to 'maximum penalty, imprisonment for life' negatived; clause as amended passed.

Clause 5 and title passed.

Bill reported with amendments.

Bill read a third time and passed.

LEGISLATION REVISION AND PUBLICATION BILL

Adjourned debate on second reading.

(Continued from 17 July. Page 884.)

Ms CHAPMAN (Bragg): This bill updates the law relating to the revision and publication of South Australian Acts of Parliament and regulations. The current law is contained in the Acts Republication Act (in relation to legislation) and in the Subordinate Legislation Act (in relation to regulations). These days, the continual updating of legislation and online availability of current legislation and regulations are taken for granted, but this has not always been so.

For the record, I note that the first consolidation of South Australian legislation was not undertaken until the late 1930s. That reprint was authorised by the Acts Republication Act 1934. It was then hoped that that task would be completed by the centenary year, 1936, but, in fact, it was not available until 1937 and is known as the reprint of 1937. A further consolidation of the statutes was published in 1975, almost 40 years after the first and more than six years after it was mandated by the Acts Republication Act 1967. In the meantime, consolidated copies of some more popular acts were prepared by the Government Printer for sale in pamphlet form.

Today, all acts of general application are reprinted and kept up to date on a fortnightly basis. Some consolidated regulations are reprinted and some are made available as electronic versions, and this system has worked efficiently.

I do note that this bill retains the little-known office of the Commissioner for Legislation Revision, which is to be extended to include 'and Publication'. No such office exists in Victoria or New South Wales. Whilst the second reading explanation does not display any explanation as to why we would continue this practice, I note that Queensland, Tasmania and the ACT still have such an office holder. I am not even sure who the current commissioner is or whether he

or she has been appointed, but I note that there is provision in the act for a member of the Public Service to undertake that responsibility.

I suppose I only raise the question as to why we retain that position because there are no other specified powers in the act under which the commissioner operates. It designates that area of responsibility of the revision responsibility and also the very important area of publication, which I note is added into the title, and that is not in any way to diminish the benefits of acknowledging that responsibility. Indeed, I would like to see the expansion of the publication of legislative material, which more and more we are seeing in modern language and form that is easily digestible to the general public. The publishing aspect of printed or electronic form legislation is something that has my full endorsement.

However, I do wonder as to the need to retain the role of commissioner. Perhaps the Attorney can identify whether we actually have one and, if so, I note that there is a transitional provision for her or him to continue in that role with the passing of this legislation. Perhaps the Attorney could identify what purpose there is in retaining it, seeing that we are here to tidy up these matters.

Another matter I raise is that, while we are here—and I flag that this may be a matter which will be raised in another place—it seems that there is a case to go a little further and make provision in this bill, which already adds a rather extensive list in clause 7, as proposed, for the revision powers, to add either there or in a separate provision a clause to delete the Latin regnal dating of acts of parliament. It is a feature which I suggest is now considerably outdated and serves no useful purpose.

The example with which I have been provided by the shadow attorney-general is the title page of the Hairdressers Miscellaneous Amendment Act 2001 which, below the royal coat of arms, contains the words and figures 'Anno quinqua decimo Elizabethae II Reginae AD 2001'. One has to question the useful purpose of continuing this practice in acts of parliament. The commonwealth parliament and most other states have abandoned the Latin regnal dating. The bill is otherwise dated in the heading.

While this bill is under consideration I would ask the Attorney to consider supporting the abolition of the continued practice of Latin regnal dating, either this evening or, more appropriately, between here and the other place. It would, I suggest, require a specific provision. Perhaps the Attorney takes the view that the matter is dealt with in the new subclause in clause 7(c) which provides that 'obsolete headings may be omitted'. However, at least on my assessment, that would not give specific instruction to delete the reference to Latin regnal dating in the legislation.

We do see in acts of parliament reference to the regnal date, but when a bill is reprinted with amendments it is reprinted without that and that seems to be common practice. However, I suggest that we need a specific clause to delete that requirement if the Attorney is prepared to consider that. Otherwise, the bill has the opposition's support.

The Hon. M.J. ATKINSON(Attorney-General): I thank the member for Bragg for her close attention to such a dry bill. The Commissioner for Statute Revision in South Australia is always an officer within the Office of Parliamentary Counsel, not Parliamentary Counsel himself.

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: I was afraid you would ask that. It is Ashley Marshall, who has retired, and Christine Swift is acting in the position. Victoria does not have authority for revision and I think the Victorian legislation will be the poorer for that. Appropriate revisions include formatting, removing spent amendments, removing start and end dates when they are no longer relevant or have been superseded, and notably section headings. I had quite a run-in a few years ago with parliamentary counsel over section headings because what I regard as the most important section in our statute law, namely, section 359 of the Local Government Act, had a section heading which was most favourable to my position on the closure of Barton Road, North Adelaide. As part of the authority of the Commissioner for Statute Revision, that section heading, which was based on the parliamentary debates on the section, was removed and replaced with a section heading which was more appropriate to the text of the section, rather than the intention or the debates, and correspondence ensued.

Although I was the unintended victim of that process, I nevertheless think that a commissioner for statute revision is a good position to have and that this kind of revision without reference to parliament is necessary, provided it is done within the scope of the authority. Tasmania, the ACT and Queensland have all looked at this question recently and decided that they need the equivalent of a commissioner for statute revision and that that person should be within the Office of Parliamentary Counsel. I thank the opposition for its indication of support for the bill.

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

STATUTES AMENDMENT (STAMP DUTIES AND OTHER MEASURES) BILL

Adjourned debate on second reading.

(Continued from 22 August. Page 1299.)

The Hon. I.F. EVANS (Davenport): We are debating the Statutes Amendment (Stamp Duties and Other Measures) Bill.

The Hon. M.J. Atkinson: We know that.

The Hon. I.F. EVANS: I am just confirming that I know! I have witnessed in this place members of the opposition standing up and debating the totally wrong bill, as happened on one occasion—

The Hon. M.J. Atkinson: And your dad could always talk for 10 minutes about nothing. That was one of his great virtues.

The Hon. I.F. EVANS: Absolutely, and it might be a similar case here tonight. This bill has been brought in by the government to tidy up a number of measures in relation to stamp duties, payroll taxes, the Tax Administration Act, the First Home Owner Grant Act and some other measures. It deals with seven or eight issues that have come to the government's attention over time. The opposition does not intend to hold the house long on this issue because we support the bill's intent. We will have no need of a detailed committee discussion if the Treasurer gives me answers to the questions that I have brought to his attention in relation to the payroll tax matter, but I understand that in committee we might have to deal with a one word amendment on behalf of the government.

This bill contains a range of measures to implement grants and clarify existing exemptions or concessions, to confirm the operation of existing provisions and to make some other minor changes to update the state's tax laws. The first

measure relates to the First Home Owner Grant Act, and the commonwealth government, through various ministers and the Prime Minister, has made a series of announcements since March 2001 about how the First Home Owner Grant Scheme would work, with different announcements about amounts of $7 000 and $14 000.

As I understand these amendments, they simply bring into line the application of the act to match the current practice in relation to the scheme's administration. Even though it is retrospective in a minor way, the Liberal Party will agree to support that issue on this occasion. The amendments in relation to the First Home Owner Grant Scheme formally implement the Commonwealth-State agreement in relation to that scheme, so we do not have any opposition to that measure.

In relation to payroll tax, I have already brought to the Treasurer's attention a couple of questions that he might like to confirm to save us having extensive committee debate. They relate to whether the government currently is aware of any other court cases, appeals or formal objections in relation to both payroll tax issues. The payroll tax issues dealt with by this particular bill are needed in one case because of a recent Supreme Court decision regarding Hills Industries, the effect of which was that a particular treatment of superannuation contributions did not constitute wages liable to pay payroll tax. This decision was contrary to the previously widely held view as to the ambit of superannuation benefit provisions. In other words, in the Hills Industries case the court looked at the way in which it was treating superannuation and whether that was caught in the wage calculation with regard to payroll tax. This now tidies up that issue. It is the way it was expected to be applied and we support that particular issue.

The second matter in relation to payroll tax concerned employment agents. Since its enactment in 1992, Revenue SA has interpreted the provisions in relation to payroll tax and employment agents. Revenue SA has believed that they apply to employment agents to include any situation where the services of a natural person, that is the contract worker, are provided by a subcontracting partnership, trust or company engaged by the employment agent. Doubts have recently been raised concerning the interpretation of these particular provisions where an employment agent procures the services of a natural person for their client but indeed engages a subcontracting entity such as a company rather than a natural person. The question is whether the payroll tax calculation comes into play if they use another entity other than the natural person, for instance, a trust. This particular amendment to the Payroll Tax Act tidies up that issue.

We will need clarification on both those issues as to whether there are any known court cases, any formal objections or any appeals on those payroll tax matters. That is really the only issue on which we need clarification to prevent our going into a lengthy committee discussion. The other issue which this bill deals with is the Petroleum Products Regulation Act. The Petroleum Products Regulation Act contains confidentiality issues which provide a prohibition on the releasing publicly of any information relating to the information obtained under the administration of the act. I understand that there was a circumstance in which the department was happy to release some information, the minister was happy to release some information, but, under the previous government, the crown law advice was that they could not release it because of these provisions in this act. This simply tidies up that provision and provides an opportunity for the government to be more open with information in relation to the Petroleum Products Regulation Act, and so we welcome that particular change.

The next issue relates to the Stamp Duties Act 1923. Amendments to the bill deal with a number of stamp duty issues. It amends the Stamp Duties Act to extend the time in which an application can be made for a refund of a duty paid from one to five years. That simply allows people to obtain a refund over a longer period which would seem to help people in the community, so we support that concept. Secondly, another proposed amendment to the Stamp Duties Act will remove a legislative impediment to the modernisation of the stamp duty collection regimes so as to enable taxpayers to transact their business with Revenue SA over the internet. We would say that most people in South Australia would expect to be able to deal with Revenue SA over the internet, so we have no problem with that particular amendment.

The third amendment to the Stamp Duties Act allows a stamp duty concession to first home buyers. Recently, the government has become aware of a number of first home buyers who have been denied a refund of the stamp duty—the first home concession as it is known—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 their completing the project within 12 months. Under the current legislation there is a 12 month provision.

This amendment provides that they can extend that to 24 months and still get a refund of their stamp duty. Having come from the building industry, I am aware of delays quite often within the industry that are not the client's fault, so it seems appropriate that we provide that flexibility to have a two-year time period rather than a one-year period. Therefore, we also support that amendment.

Fourthly, there is an amendment to the first home concession provisions. It is proposed to ensure that the concession is available to rural first home buyers. Revenue SA has been providing a first home concession on an administrative basis where the first home is purchased as part of the operating primary production property, provided that the value of the house and immediately surrounding land is less than some $130 000.

The purpose of implementing this approach was to ensure that rural first home purchasers can receive the same concession as their urban-based counterparts. Those amendments provide the legislative backing to the previous interpretation of longstanding practice of Revenue SA. In other words, we are bringing the legislation into line with current practice, and we support that.

The fifth area where the bill amends the Stamp Duties Act is in relation to the existing exemption from duty for transfers as a family farm, including goods used for the business of primary production. As I understand this amendment, there was some debate about the transfer and whether duty should be attracted on some of the equipment, I believe, as goods used for the business of primary production. This is simply clarifying that matter, and we support the amendment.

The sixth amendment in relation to the Stamp Duties Act is to ensure that transactions that are effected under the commonwealth and state Financial Sector (Transfer of Business) Acts are chargeable with stamp duty. Such transactions were considered liable to duty under the Stamp Duties Act. However, based on legal advice, I understand from Crown Law, there is now some doubt about whether the existing provisions operate adequately in all situations, so the

issues require clarification. Again, as it is a commonwealth-state relationship, we support those changes to clarify that and to make sure that we are operating within the law.

The bill also 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 already been paid, the transfer instrument is charged only with nominal stamp duty and the government is not double dipping, in effect, because of an administrative error. We also support that concept.

The eighth and last amendment to the Stamp Duties Act is to substitute any reference to the words 'a prescribed form' with a reference to a form approved by the Commissioner. That is simply giving the Commissioner the opportunity to approve forms rather than having what is known as a prescribed form come through a rather bureaucratic process to get approval. We accept that. We understand that it brings us into line with a number of other acts where that has occurred.

As members can see from the debate, it is really a series of minor amendments to the Stamp Duties Act, just a tidying up of a whole range of issues, and the opposition is quite happy to support the government on these issues.

The Taxation Administration Act 1996 is also being amended to create a technical anomaly by clarifying the operation of the extension of time provisions in the act, thereby preventing the possibility of unlimited refund claims being made in the case of objection and appeals against a liability to pay tax. We have no objection to those proposals by the government. If the Treasurer can clarify for us those issues in relation to payroll tax, we have no need for a committee, although I think the Treasurer might have one minor amendment.

The Hon. K.O. FOLEY (Treasurer): I appreciate the contribution from the member for Davenport who, I think, very succinctly summarised the various amendments that we are making in this bill. One thing I learnt very quickly when I became Treasurer is that one is forever amending stamp duty legislation. Every time someone takes us to court and is successful, we quickly close the door—often after the horse has bolted, although one does not know these things until people test the law. That is as it is. It has always been the case with this type of legislation. We try to cover all contingencies but the reality is that, as long as there are clever lawyers in Adelaide, there will always be ways for people to test existing statute.

I know that the member for Bragg would never have attempted to test statute but, unfortunately, many lawyers successfully do, so we always have to amend legislation to ensure that the integrity of what we want done in terms of legislation and our taxing of certain activities is maintained. This bill certainly addresses a couple of those issues as they relate to payroll tax, and I will address the honourable member's specific point in a moment. A number of other such amendments give us the opportunity to address a number of other issues at the same time, to allow us to tidy up a number of other pieces of legislation. I do not need to go into that, as I have done that in my written second reading explanation. The member for Davenport has provided us with a good summary of the legislation.

We will have to go into committee, because there is one minor amendment. There is a drafting error where we have to replace the word 'duty' with 'tax'. The member, together with the shadow treasurer, has raised issues about current actions, appeals or objections. I am advised by the Commissioner of State Taxation that Revenue SA has conducted a thorough search of its databases and, based on this search and based upon further questions that he has asked of senior officers, the Taxation Commissioner is satisfied that, to the best of his knowledge, there are no current objections or appeals which will be affected by the retrospective operation of the proposed superannuation and employment agents amendments. That is the advice to the government from the Taxation Commissioner—that that, to the best of his knowledge, is the situation. However, what the honourable member may be referring to—not that I am for one moment suggesting that the honourable member might be fishing for something else in this exercise—is an objection that was dealt with by the previous treasurer. Naturally, it would be inappropriate for me to discuss the name of this taxpayer or objector in that case. I am happy to discuss that matter with the former treasurer should he want me to.

I can say that the Commissioner of State Taxation advises me that the previous matter related to an objection against an assessment that Revenue SA had made, which included amounts paid to contractors who were partnerships in respect of payroll tax. I am advised, again by the state taxation commissioner, that the objection was lodged with the previous treasurer. Subsequently, based on the Crown Solicitor's advice, he confirmed (that is, the former treasurer) the commissioner's assessment and disallowed the objection. I am advised that this occurred in December 2000. The commissioner further advises that no appeal has been lodged. As I said in my second reading explanation, the approach to retrospectivity contained in this bill is consistent with that taken in the Stamp Duties (Land Rich Entities and Redemption) Amendment Act 2000 dealing with the MSP amendments. More specifically, the MSP amendments operated to impose a liability in respect of an instrument or transaction made or occurring before 30 September 1999, the relevant date of that MSP, where no assessment of duty in respect of the instrument or transaction had been made before the relevant date, or an assessment of duty in respect of the instrument of transaction had been made before that relevant date but no objection to the assessment was made within 60 days after the date of the assessment or an objection to the assessment was made and the objection was disallowed.

In the case in question, an objection to the assessment was made and disallowed and the taxpayer took no further legal action in relation to the matter. Therefore, the policy decisions taken as to the circumstances in which the proposed amendments will be retrospective are consistent with the policy decisions with respect to the MSP amendments. That is the advice of the Commissioner for State Taxation, and I am happy to share that advice with the house. That is the best answer that I can give to the honourable member's question; I hope it is sufficient. With those few words, I thank the honourable member and members opposite for supporting the bill.

Bill read a second time.

In committee.

Clauses 1 to 12 passed.

Clause 13.

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

Page 11, line 6—Leave out 'duty' and insert 'tax'.

This is a minor adjustment of a slight error in drafting which happens from time to time.

The Hon. I.F. EVANS: What is the difference between a duty and a tax?

The Hon. K.O. FOLEY: If I answered that question I would only embarrass the member for Davenport. I have no intention of doing any such thing.

The Hon. I.F. EVANS: Mr Chairman, I am happy to be embarrassed.

The Hon. K.O. FOLEY: No, you wouldn't be.

Amendment carried; clause as amended passed.

Remaining clauses (14 to 30) and title passed.

Bill reported with an amendment.

Bill read a third time and passed.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Adjourned debate on second reading.

(Continued from 9 July. Page 643.)

Ms CHAPMAN (Bragg): This bill probably will not generate any controversy. It covers a number of amendments that were included in the Statutes Amendment (Attorney-General's Portfolio) Bill 2001, which lapsed. There is an addition to deal with the difficulties that arose in the decision of Police v Siviour, which involves additional provisions for the Acts Interpretation Act 1915. I do not propose to comment any further, other than to say that it has been necessary to attend to it and I am pleased to see that it has been included in these amendments.

I will comment on two other matters, the first being the Domestic Violence Act 1994. The proposal here is to make the definition of 'member of a defendant's family' consistent with the definition in section 39 of the Criminal Law Consolidation Act 1935. Essentially the amendment to make this consistent and include a child of whom the defendant has custody as a parent or guardian, or a child who normally or regularly resides with the defendant, serves to contemporise and take into account domestic arrangements as currently exist, as they commonly include children who are not the natural or adopted children of both or any multiple number of adults in a household.

Secondly, a recent phenomenon (although it probably has been around for a significant time) is where children regularly reside in a household but do not necessarily have any direct personal relationship. These children may be children by a relative of blood or children who temporarily stay with a family perhaps due to some dislocation in their own family arrangements. It is important here that there is a recognition that households comprise and are complemented by children in different relationships with the adults in the household and that they must at all times be provided for and protected. This serves to assist a protective mechanism that is otherwise applicable under the Domestic Violence Act 1994.

The other matter to which I refer is the Trustee Act. I note that this is again an amendment to allow for an increase in an amount where the value of trust property is to be considered. In allowing for some inflation when reviewing this, in order to have the acceptable charitable trust provision, the value of the trust property is not to exceed $300 000—from $250 000. While I suggest that that probably does not really contemporise a reasonable increase, given the amount of time that has elapsed, I have looked at this matter and I understand the adjustments can be made to facilitate that by regulation. That arbitrary, I suppose, in some ways, plucking out $300 000 really only serves as a base, which has a mechanism attached for variation and which sufficiently covers that. Otherwise, the opposition supports the bill.

I understand that an amendment has been identified and was circulated earlier today. That makes provision for a deletion in the Evidence Act, which deals with the issue of declarations or affirmations, as distinct from oaths, and it introduces an amendment to clause 8(4) that provides:

> An affirmation is to be administered to a person by asking the person 'Do you solemnly and truly affirm' followed by the words of the appropriate oath (omitting any words of imprecation or calling to witness) after which the person must say, 'I do solemnly and truly affirm'.

I do not raise any objection to that. The other amendment is identification of the court to be exercised in criminal jurisdiction. We will need to move into committee to deal with those amendments but, otherwise, I do not raise any objection or complaint to the same.

The Hon. M.J. ATKINSON (Attorney-General): I thank the member for Bragg for her meticulous consideration of the provisions of the bill on behalf of the opposition. At this stage I should also foreshadow that I will request a committee stage because I will be moving amendments to clauses 8 and 9 of the bill which amend the Evidence Act. The amendments which have been circulated are minor and technical. They were moved by the former Attorney-General, of blessed memory, as amendments to the Statutes Amendment (Attorney-General's Portfolio) Bill 2001, which lapsed upon the calling of the election last year. The amendments were passed without opposition in another place and were incorporated into the bill as introduced by the former government into the house. Owing to an oversight, the amendments were not incorporated into the 2002 bill that I introduced on 8 July.

The proposed amendments arise from comments made by the Chief Judge of the District Court, His Honour Terry Worthington. Clause 8 of the bill amends section 6 of the Evidence Act to provide that affirmations may be administered in the same way as oaths are sworn. The Chief Judge was concerned that in its original form the amendments to section 6 could result in the omission of the commencing phrase of the affirmation, 'Do you truly and solemnly declare and affirm'. On the basis of His Honour's comments, I am moving an amendment that shall make clear that these words are not to be omitted in administering the affirmation.

As someone who uses it at the opening of any parliament, I am keen that the affirmation be treated in the same way as the oath. It is worth remembering that the affirmation was introduced not for non-believers, as is commonly supposed, but for those who take seriously our Lord's appeal, 'Let your yes be yes and your no be no. Everything else comes from the devil.' Clause 9 of the bill—

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: Well, I am glad that the member for Bragg is enriched because I can recall those of us who took the affirmation at the commencement of the 1994 parliament being denounced in a news release and speech from the then member for Lee who claimed that we were all atheists who were undermining the fabric of society. I am glad that, at that time, the then opposition leader, the Hon. Lynn Arnold, explained that the origins of the affirmation were for dissenting Christians and not for non-believers, in particular Anabaptists and Moravians.

Clause 9 of the bill amends section 34A of the Evidence Act to make convictions for criminal offences in lower courts

admissible in civil proceedings on the same grounds as convictions for indictable offences in the Supreme Court. The Chief Judge was of the view that the new version of clause 34A in the bill could inadvertently permit the finding of an offence by a court exercising civil jurisdiction to be admissible, where relevant, in subsequent civil proceedings. This is undesirable.

Part of the justification for providing for the admission of previous convictions is that the issues have previously been determined to a higher standard of proof, namely, proof beyond reasonable doubt. I intend moving amendments to address his honour's concerns.

Bill read a second time.

In committee.

Clauses 1 to 7 passed.

Clause 8.

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

Page 5, lines 29-32—Leave out subsection (4) and insert:

(4) An affirmation is to be administered to a person by asking the person 'Do you solemnly and truly affirm' followed by the words of the appropriate oath (omitting any words of imprecation or calling to witness) after which the person must say 'I do solemnly and truly affirm'.

Comments were received from the Chief Judge of the District Court about the amendment, which will enable affirmations to be administered in court in the same way as oaths are sworn, with the affirmation read out by the person administering the oath and the person taking the oath simply following with, 'I do solemnly declare and affirm.' The Chief Judge commented that the amendment, as currently drafted, could result in the omission of the commencing phrase of the affirmation, 'Do you truly and solemnly declare and affirm?' This amendment makes it clear that these words are not to be omitted in administering the affirmation.

Amendment carried; clause as amended passed.

Clause 9.

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

Page 6, line 4—After 'court' insert:
exercising criminal jurisdiction

His Honour the Chief Judge also provided comments about the amendments to section 34A of the Evidence Act in clause 9, which are designed to ensure that evidence of convictions in the lower courts are admissible in the same way as evidence of convictions in the Supreme Court. The amendments also extend the provision to apply to situations where a court makes a finding that an offence has been committed but proceeds without recording a conviction. His Honour has suggested that, in its present form, the amended section 34A could inadvertently permit the finding of an offence by a court exercising civil jurisdiction to be admissible as evidence of the offence, where relevant, in subsequent civil proceedings. One of the justifications for section 34A was that time and expense could be saved by not requiring parties to relitigate issues in civil proceedings that have already been determined to a higher standard of proof in criminal proceedings. This amendment ensures that only findings of an offence by courts exercising criminal jurisdiction should be admissible as evidence of the commission of an offence.

Amendment carried; clause as amended passed.

Remaining clauses (10 to 26) and title passed.

Bill reported with amendments.

Bill read a third time and passed.

STATUTES AMENDMENT (TRANSPORT PORTFOLIO) BILL

Adjourned debate on second reading.

(Continued from 10 July. Page 712.)

The Hon. M.R. BUCKBY (Light): The opposition will be supporting this bill. It was introduced in October last year by the then minister for transport (Hon. Diana Laidlaw) in another place and, apart from one area that has been added to it, the bill is exactly the same as was presented by the minister at that time. The bill is, basically, a technical bill. It deals with a number of acts: the Civil Aviation (Carriers' Liability) Act 1962, the Harbors and Navigation Act 1993, the Motor Vehicles (Miscellaneous) Act 1999 and the Motor Vehicles Act 1959. In the first of those areas, the civil aviation carriers' liability, the bill deals with the legal liability of commercial air carriers regarding loss of property and physical injury to passengers. This bill will ensure that a carrier has the appropriate insurance to transport passengers so that passengers can be quite confident that, if any property—that is, luggage—is lost or if they are injured while undertaking the flight, the carrier has appropriate insurance to ensure that they do not suffer personal loss. The Harbors and Navigation Act deals with persons appointed under the act to issue expiation notices, and the bill allows government authorised persons to issue those expiation notices for breaches of the act, which they are not able to do at this stage. That seems perfectly sensible to me. With respect to the Motor Vehicles Act 1959, this bill extends the same exposure to personal liability to drivers of vehicles that are uninsured as apply to those drivers of vehicles that are insured, and it also addresses the storage of licence photographs.

This bill contains an additional provision to the previous minister's bill relating to the case of Police v. Siviour, where Siviour was exceeding the speed limit, was apprehended by the police and an alcotest was taken. In determining the case, the magistrate did not accept the police's alcotest. The case then went to a panel of three judges, who could not agree on the outcome nor whether or not it came under the power of the court. As a result of that, an amendment to section 47E of the Road Traffic Act will ensure that this issue is quite clear in future and that such a judgment cannot be made again. Where we are dealing with alcohol issues on the road and particularly where an offence has occurred, it is important that evidence gathered by police is able to be accepted by the court in determining the guilt of a person and the factors surrounding that. That is a technicality, and a sensible one, to ensure that that evidence can be presented to the court and that the court can then make a decision on all the evidence that comes before it. So, the opposition has much pleasure in supporting this bill.

Mrs GERAGHTY (Torrens): As the minister stated in his second reading speech and as the member for Light also said, this bill is essentially technical in nature, with the arguable exception of the amendment to section 47E of the Road Traffic Act 1961 which seeks to address the legal anomaly which was raised in Police v. Siviour. The minister has previously explained the effect of this amendment, so it is unnecessary to go into detail again, but suffice to say that it is a clarification of the law in this respect so as to avoid resorting to the Acts Interpretation Act by those who administer it. It is a move that will reduce confusion for everyone regardless of on which side of the judicial bench

they sit and, importantly, it will allow the police to ensure road safety by removing an identified impediment to implementing the alcotest. The amendment of section 160 allowing police or Transport SA staff to affix defect notices to vehicles and to stop vehicles on the suspicion of a vehicle being defective is a measure which seeks to address the current challenge to commonsense in the legislation as it stands at present. In essence, it operates from the same philosophical basis as the insertion of section 47E, namely, providing police with the legislative powers to ensure road safety. These are indisputably minor amendments but amendments with community safety as their paramount purpose.

In addition, the amendment to section 116 of the Motor Vehicles Act provides circumstances in which an absolute right of recovery may be had against the Nominal Defendant following death or bodily injury caused by the driver of an uninsured motor vehicle. The circumstances set out in the section—such as reckless indifference, being under the influence of drugs or alcohol and intending to cause death or bodily injury—quite clearly depict exactly what type of behaviour will allow for compensation on the part of the injured party. The fact that the legislation allows for the absolute recovery of damages when a nominal defendant has acted in such an irresponsible or deliberately destructive manner should be of great benefit to those adversely affected.

Again, the bill is predominantly functional in its nature, although such small changes as the amendments to the Motor Vehicle Act seeking to change the law so as to hold that those on probationary licences may not instruct learner drivers or accompany them whilst they drive vehicles are minor but sensible changes to the Motor Vehicles Act. Such an amendment, quite obviously, has the wellbeing of learner drivers in mind and, no doubt, the community would recognise that a driver on a probationary licence would probably not be the best influence or the best instructor for a learner driver. The minister has previously stated that road crashes cost South Australian taxpayers more than $1 billion every year. In my mind, providing a legislative framework in which learner drivers may establish a solid foundation on which to build their driving skills represents a move towards addressing what is a complex and multi-faceted issue.

The amendment of the Civil Aviation (Carriers' Liability) Act brings the state legislation into line with the commonwealth legislative scheme and, in essence, is designed to reduce administrative confusion that might arise between the jurisdictions. The amendment in this respect is not problematic.

The amendment of the Harbour and Navigation Act, in essence, provides for authorised persons to act in accordance with the provisions of the act and, notably, requires that operators of recreational vehicles are certified as competent. The addition of an offence in this amendment operates in such a manner as to enforce the requirement of certification of competency with the imposition of an expiation notice or fine for contravention of the provisions of the amended act—again, a very sensible move with public safety as the motivating legislative intent.

The provisions in the bill, however minor, are part of the ongoing work of this parliament in identifying and making alterations to legislation where the provisions are recognised as anomalous or problematic in their operation. The fact that the proposed amendments are intended to operate in such a manner as to improve the degree of safety which the legislation affords the community is by all means an important effect, no matter how minor the actual changes are.

The Hon. M.J. ATKINSON (Attorney-General): I thank all members for their contribution, particularly the shadow minister and the member for Torrens, because they were the only two speakers. I think both the shadow minister and the member for Torrens have given a very good summary of what is in the bill. As has correctly been outlined, it is a technical bill, and it is functional in nature. I particularly welcome the comments of the shadow minister relating to section 47E with respect to alcotesting—the only difference between this bill and a previous bill of the former government which the shadow minister correctly identified as being very important and essential to this bill. The government thanks the opposition for its support and, obviously, we wish this bill a speedy passage through both houses.

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

ADJOURNMENT

At 9.56 p.m. the house adjourned until Wednesday 16 October at 2 p.m.