HOUSE OF ASSEMBLY

Tuesday 22 November 1994

The SPEAKER (Hon. G.M. Gunn) took the Chair at 2 p.m. and read prayers.

CORRECTIONAL SERVICES (PRIVATE MANAGEMENT AGREEMENTS) AMENDMENT BILL

The Hon. W.A. MATTHEW (Minister for Correctional Services): I move:

That the sitting of the House be continued during the conference with the Legislative Council on the Bill.

Motion carried.

ENVIRONMENTAL POLLUTION

A petition signed by 42 residents of South Australia requesting that the House urge the Government to order the decontamination of the ANR site at Islington, stop the development of the Collex waste plant at Kilburn and stop obnoxious odours emitted from factories around Grand Junction Road was presented by Mr Clarke.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 124, 125, 127, 130, 132, 134 and 135; and I direct that the following answer to a question without notice be distributed and printed in *Hansard*.

EDUCATION STAFF

In reply to **Hon. M.D. RANN (Leader of the Opposition)** 12 October.

The Hon. DEAN BROWN: My colleague the Minister for Education and Children's Services has provided the following response. At the time of the budget, the Government indicated that up to 422 teacher positions would be separated because of the change to the divisors in the staffing formula. Separation packages will be targeted to specific curriculum areas where there is surplus. Teachers who have been assessed as AST or who hold leadership positions will not be considered for TSPs. These teachers are our most experienced teachers.

At the time of the budget a comparative report was prepared showing the difference between 1994 principal estimated enrolments and 1995 estimated enrolments. This report indicated that there could also be an impact on schools because of possible enrolment change. However, we will not know until February 1995 when actual enrolments are known as to how accurate these enrolment estimates were.

In recent years there have been occasions when there have been significant differences between the estimated and actual enrolment figures. The Government will only offer TSPs to teachers in those curriculum areas where there is clearly demonstrated surplus which will only be known when the first round of the teacher placement exercise is completed in November.

RADIOACTIVE WASTE

The Hon. DEAN BROWN (Premier): I seek leave to make a ministerial statement in relation to storage of radioactive waste here in South Australia.

Leave granted.

The Hon. DEAN BROWN: I refer to the ongoing public debate about the storage of radioactive waste. It is important for the Parliament and the public to be fully informed about this issue. Contrary to the practice of the former South Australian Labor Government, my Government will continue to ensure that the public is informed. That was the reason for my ministerial statement to the House last Thursday announcing the beginning of the transfer of some low level material to Woomera. I now give further background on this matter. There are two issues: first, the proposal by the Federal Government to identify a site in Australia for the permanent disposal of radioactive waste; and, secondly, moves for a temporary storage site that have arisen concurrent with the proposal for a permanent disposal site.

It was in 1986 (eight years ago) that a Commonwealth-State consultative committee recommended the establishment of a national repository for the burial of radioactive waste generated in Australia as an inevitable consequence of the use of radioactive materials in medicine, industry and research. It is important to recognise that these are low level wastes. Following the recommendation of the Commonwealth-State consultative committee, the Commonwealth and the States began a cooperative site selection study. South Australia, under the former Labor Government, cooperated in this study which, in its first phase, identified large regions of Australia likely to prove technically suitable. Some of those regions were in South Australia.

In September 1991, the Commonwealth sought further cooperation from the States in a further site selection study. Again, the former Labor Government in this State gave full cooperation, although not all States did so. For the information of the House and the public, I table a letter dated 21 October 1991 from the then Deputy Premier and Minister for Health (Dr Hopgood) signifying to the Commonwealth South Australia's cooperation. I quote from that letter as follows:

The South Australian Government acknowledges the need for disposal facilities for radioactive wastes to be established in Australia. Together with all other States and Territories and the Commonwealth, South Australia has radioactive wastes arising from medical, scientific and industrial uses of radionuclides awaiting disposal. We are also aware that future mineral processing opportunities could be jeopardised by the lack of a suitable disposal facility for radioactive by-products.

This letter also advised the Commonwealth as follows:

I agree that South Australian officials should continue to take part in the desk study process with a view to preparing a short list of suitable sites for further discussion between the Commonwealth and State Governments.

The House should note that the present Leader of the Opposition was a member of the Cabinet which endorsed South Australia's full cooperation in that matter. As a result of this decision—

An honourable member interjecting:

The Hon. DEAN BROWN: Yes, he was there; he was part of the Cabinet and part of that decision. As a result of this decision, in April 1992—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: As a result of this decision, in April 1992 the then Federal Minister for Primary Industries and Energy (Mr Crean) wrote to the former South Australian Premier, Mr Bannon. I table a copy of that letter. It referred to the potential to use Olympic Dam as a disposal site for wastes arising from the medical, industrial and research use of radionuclides. Mr Crean stated:

> The Commonwealth Government strongly supports this investigation of the prospects of radioactive waste disposal at Olympic Dam and would welcome South Australia's support for the study.

The former South Australian Labor Government gave that support, including the current Leader of the Opposition as a Minister in that Cabinet.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: In December 1992, the former South Australian Minister of Health (Mr Evans) presented a detailed summary to Cabinet on all of the developments I have so far mentioned, and advised that a preliminary study had been completed on the proposal to use the Olympic Dam site for permanent disposal. This submission presented the pros and cons of continued South Australian cooperation in this matter. As a result of this Cabinet submission, South Australia's cooperation under the former Government continued. Again, the present Leader of the Opposition was a direct party to that decision as a member of Cabinet. Indeed, that cooperation continued right through until the 1993 State election. In September 1993, the former Premier (Mr Arnold) signed into Cabinet a note which briefed Cabinet on the latest developments. Again, Cabinet, including the current Leader of the Opposition, did not oppose those developments. This note also referred to the issue of a temporary storage site. It stated:

> The Commonwealth has a more immediate requirement to relocate radioactive waste removed from the CSIRO facility at Fisherman's Bend and presently stored at Lucas Heights.

The note advised the former Labor Cabinet, all of them, that the Commonwealth's preferred option for temporary storage was the Rangehead site at Woomera. Accordingly, the former Labor Government was appraised of all of the background, which has led to the current movement of low level waste to that Rangehead site. At no stage did the former Labor Government oppose either the moves to identify a permanent disposal site, including the detailed consideration of South Australian sites, or the Commonwealth's proposal for a temporary storage site in South Australia. The information I have put before the House makes abundantly clear that my Government inherited a set of decisions made by the Federal Labor Government and the former South Australian Labor Government. It is now our responsibility to protect the interests of South Australia, something that the former Government, yet again in respect of this matter, failed to do.

Unlike the former Government, I have sought assurances from the Prime Minister that the current site at Rangehead will be used only on a temporary basis and that the waste will be removed for permanent disposal as soon as possible. I have asked the Prime Minister to spell out the Commonwealth's time frames because that is where the responsibility lies in this matter: wholly and solely with the Commonwealth Government. Here we are dealing with waste, under the control of the Commonwealth, being moved between properties owned by the Commonwealth.

In relation to the issue of a permanent disposal site, in July this year the Federal Government invited public comment on a discussion paper released following the site studies (to which I have already referred) undertaken, as I emphasis again, with the full knowledge and cooperation of the former South Australian Labor Government. That discussion paper identified eight potential suitable areas of regional scale for a permanent disposal site. Those regions are in Western Australia, South Australia, the Northern Territory and Queensland. That is the current status of this work. I make this point abundantly clear to the House: no proposal has been put to my Government by the Commonwealth to establish this site at Olympic Dam, nor is any such proposal under any active consideration at any level of the South Australian Government. My Government's focus in relation to Olympic Dam is to give all possible support to the proposed expansion of the mining component of that project. At the same time my Government is determined that, in the continuing work by the Commonwealth to identify a permanent disposal site, full consideration is given to the impact on the environment. That is why at the meeting of Ministers convened in Adelaide on 4 November, at the Australian and New Zealand Environment and Conservation Council, it was the South Australian Minister who listed this issue for discussion.

In closing, I refer to a statement made on 7 October 1992 by the former Commonwealth Minister for Primary Industries and Energy, Mr Crean, in which he invited public comment on developments to that time in identifying a permanent disposal site. Mr Crean said:

> The problem has to be addressed and a suitable site must be found. We need to move beyond agreement in principle and promote a mature debate based on objective criteria.

I agree with Mr Crean. However, what is now standing in the way of such a debate is the scaremongering and duplicity of the Leader of the Opposition in this House.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: He has opposed the use of the Woomera site for a temporary storage facility. Today he is publicly opposing moves for a permanent disposal site.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: Effectively, he has unilaterally withdrawn his cooperation in a process initiated by his Federal Labor colleagues for which, as a member of the Cabinet of South Australia, he previously gave support on several occasions.

The Hon. M.D. Rann: That's untrue.

The Hon. DEAN BROWN: There are three Cabinet submissions which clearly indicate that the present Leader of the Opposition gave his full support as a member of Cabinet to those proposals developed here in South Australia, and the Government records clearly establish that fact.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: I can understand why the Leader of the Opposition is squirming in his seat—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: —having been so dishonest publicly in terms of his standing on this issue. In the circumstances, it is up to the Federal Government to deal with the Leader of the Opposition. These are Federal Government initiatives, which the Leader is attempting to undermine. The next move lies squarely with the Federal Government. As far as the South Australian Government is concerned, we will not accept any proposal for the establishment of a permanent disposal site in South Australia which has not been exposed to the most rigorous environmental and safety assessment and which does not have community support. It is up to the Federal Government to seek that support. It will have to start by demanding that the Leader of the Opposition immediately cease his attempts to mislead and scare the people of South Australia about a project—

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: —which the Federal Government regards as vital to the national interest. I table the two letters referred to in my ministerial statement.

PAPERS TABLED

The following papers were laid on the table:

By the Deputy Premier (Hon. S.J. Baker)—

Fair Trading Act—Regulations—Exemptions—Eagle Blue/Super Pizza Hut Promotion

By the Treasurer (Hon. S.J. Baker)—

Financial Institutions Duty Act—Regulations—Exemption—Transfer of Funds

By the Minister for Industry, Manufacturing, Small Business and Regional Development (Hon. J.W. Olsen)—

Carrick Hill Trust—Report, 1993-94

By the Minister for Housing, Urban Development and Local Government Relations (Hon. J.K.G. Oswald)—

Department of Housing and Urban Development—Report, 1993-94
Urban Land Trust Act—Regulations—Northfield Joint Venture—Boundary Realignment
District Council of Berri—By-law No. 11—Horse Traffic Prohibition

By the Minister for Primary Industries (Hon. D.S. Baker)—

Dairy Authority of South Australia—Report, 1993-94
Primary Industries South Australia—Report, 1993-94
Soil Conservation Boards—Report, 1993-94

By the Minister for the Environment and Natural Resources (Hon. D.C. Wotton)—

Coast Protection Board—Report, 1993-94.

GRAFFITI

The Hon. R.B. SUCH (Minister for Employment, Training and Further Education): I table a ministerial statement made by the Attorney-General in another place on the subject of graffiti.

QUESTION TIME

MODBURY HOSPITAL

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Minister for Health. Why did the Government ignore the advice of the Assistant Under Treasurer, Dr Bernie Lindner, when he called for the Government to reissue the tender for private sector involvement in Modbury Hospital because of serious concerns about the process being pursued by the Minister and his officials? In a confidential letter dated 29 July, Dr Bernie Lindner stated that he believed the Government should consider reissuing the tender. Dr Lindner said:

> . . . we might end up with a one horse race with a finishing post that has moved as the race progresses and parties who might have nominated, had they known the true nature of the race, being excluded. There is thus a ripe potential for future disputation about this project by aggrieved potential bidders.

The Hon. M.H. ARMITAGE: The South Australian public will have improved health services in the north-eastern area provided in new facilities at the Modbury Hospital. I remind the Leader of the Opposition that there will be extra intensive care beds, coronary care beds and a further 22 obstetric beds, step-down care, and so on. All that will be provided at a saving of $6.5 million. The only nigger in the woodpile at the moment in this whole scenario is that the Federal Minister for Health is apparently attempting to put political obstacles in the way of a process that will make sure that $6 million is saved and better services provided.

So, I would expect that the Leader of the Opposition would be only too happy to write to his Federal colleague on behalf of all the people of South Australia, and particularly those in the north-eastern suburbs, and ask that she immediately get out of the way and allow those savings to be produced. We have heard about a letter from the Deputy Under Treasurer I think—I cannot remember exactly—but, of course, that man—

Members interjecting:

The SPEAKER: Order!

The Hon. M.H. ARMITAGE: —is a financial expert, and I assure the Leader of the Opposition that the whole process has been checked time and again by legal officers. Every single thing in relation to the tender for this matter of Modbury Hospital has met with a positive outcome from that legal advice.

MURRAY-DARLING BASIN

Mr ANDREW (Chaffey): Following the Premier's public call for the Murray-Darling Basin agreement to allow for water rights to be traded between the States, will the Premier outline the benefits of such a move and say whether he intends to raise the matter with the Victorian and New South Wales Premiers?

The Hon. DEAN BROWN: First, I should bring to the attention of the House that two significant congresses are meeting in Adelaide at present: both of them relate to water, and they have decided to meet jointly under the name of 'Water Down Under 1994'. Something like 700 people are attending these two congresses. It is interesting that South Australia once again has been able to attract to this State major international congresses on technical matters. I had the opportunity to open the congress proceedings this morning and, in doing so, I called for the opportunity for trade and water rights between the States. I would like to outline to the House briefly the reasons for my making that call.

There is a great imbalance between the States, first, in terms of the total allocation of water for irrigation, secondly, in the ability of the States to actually use that allocation and, thirdly, in terms of the irrigation techniques used and the extent to which excess drainage water is allowed to run back into the Murray River system. Of course, South Australia is a State that has a limited allocation. We obtain 50 per cent of Adelaide's domestic water supply from the Murray River system and, of course, we use the remainder of our allocation for irrigation very vigorously for this State. At present, there is an opportunity to increase the amount of irrigation that could take place in South Australia if only we had a greater allocation.

Secondly, though, there is an urgent need to increase the flow of water down the Murray River system. Because of the irrigation rights that already exist in New South Wales and Victoria, those States are drawing off excessive water and leaving only a limited supply of water to flow down the Murray River system. In a season such as the one we are having, where the water flowing down the system is very limited indeed, particularly down the Darling system, the

potential to keep a reasonable flow going down the Murray River system is extremely limited. As a consequence, there is a grave fear that we face a summer of algal blooms, particularly in South Australia, and that could be very damaging for the various urban communities along the Murray River system. Last year, I experienced that in my electorate, which is at the end of the Murray River system, where areas such as Milang, Clayton and Goolwa suffered considerably as a result of algal bloom.

Members may not quite understand what an algal bloom looks like, but it virtually involves the entire river water system taking on a bright blue-green colour. That means that that water cannot be used for stock consumption, it certainly should not be used for domestic consumption, and it should not even be used, particularly if the bloom is very heavy, for domestic purposes such as showering. There is a significant opportunity for South Australia to increase its irrigation potential if only we could buy some of the water rights out of New South Wales and Victoria. To achieve that, we need to make sure that we have a standardised system for both the pricing and use of water. I believe that that can be achieved.

There is enormous potential for South Australia to benefit from the interstate trade of water and irrigation rights. I will be taking up that matter with the Premiers of New South Wales and Victoria at the Premiers' Conference at the end of this week. However, this will be an enormous boost not only to the honourable member's electorate but, very importantly, to the growing of additional wine crops in South Australia to increase wine production and other irrigable crops.

MODBURY HOSPITAL

The Hon. M.D. RANN (Leader of the Opposition): My question is again directed to the Minister for Health. Given the concerns of the Assistant Under Treasurer Mr Bernie Lindner—and I have a copy of his letter—has the Minister sought or received advice from Crown Law regarding the Government's exposure to claims for compensation arising out of the Modbury Hospital privatisation process—and perhaps this time the Minister can answer without making any racist or offensive remarks?

The SPEAKER: Order! The Leader is commenting.

The Hon. M.H. ARMITAGE: The matter of the potential privatisation of Modbury Hospital, as I said, has been through the most rigorous assessment, with independent legal and financial advice. That has very much given the go ahead to the process. Whilst we are talking about the whole Modbury exercise, perhaps I can identify to the Leader of the Opposition and the member for Elizabeth, who believes that there are huge protests about this matter, that I did ask the South Australian Director of Healthscope Pty Ltd, which is the successful tenderer, to speak with this group of 27 dissidents in the area to ensure that any of their questions are answered, just as Healthscope has spoken with the Coalition for Better Health, the AMA, the royal colleges and the professors of medicine, surgery and so on.

The company is very open about its process and is only too happy to speak with everyone. Indeed, I was informed just before the House began sitting that the Director of Healthscope went to the meeting ready to share his information and no-one from this group turned up. That shows the level of interest. I think that the people of South Australia recognise that they will get a better health care system; they realise that as taxpayers they will save $6 million; and they are enthusiastically supporting it.

INFORMATION TECHNOLOGY

Mr WADE (Elder): Can the Treasurer outline what savings the Government is making in the area of information technology as a result of the decision that standard information systems be adopted by all agencies within Government?

The Hon. S.J. BAKER: It is not only good management but the changes that are taking place are very exciting. In fact, we are utilising the whole of Government approach to ensure that we get the best product at the best price and with the greatest efficiencies as a result.

On various occasions, I have outlined a number of the initiatives and the House has been provided with extensive information on the EDS outsourcing. However, in terms of the other areas in which the IT subcommittee has been involved, a number of decisions have been taken. A very important decision was that involving Microsoft. Members would have recognised the importance of that decision. We have a superior word processing package with a whole range of modules that will be very important in order for the Government to have a consistent form of communication with adequate software. That will cover at least 18 000 PCs and word processing, spreadsheet presentation, graphics, electronic mail and diary packages. We estimate that over the time frame of the agreement savings to the Government will be about $4.5 million.

Masterpiece, which is the software package developed by Computer Associates, was signed last week. There are 10 modules to the Masterpiece software and, again, it is mandated throughout Government: there are no excuses for people operating on the 21 different financial systems that we managed to find in a very short time. We have found that there will be considerable savings not only in relation to the licence fees but also because we have Government departments and agencies operating on the same system rather than feeding inappropriate or non-matching data into the Treasury system and not using standard formats.

Therefore, there will be a saving of about $4 million over the life of that contract. The concept package, which currently covers some 50 000 employees and has already achieved savings of about $1.8 million, is related to human resource management. That will be extended to 70 000 employees, and simply by ensuring that this system is in place and operating effectively we believe future savings of about $700 000 will be achieved involving the Health Commission alone. Because of the way we signed the deal, we believe that there will be savings of $3 million just on the packages we have purchased.

There are some exciting developments involving records management, and we are in the process of implementing a feasibility study of standard records management systems. It is indicated that benefits of about $10.8 million and costs of $6.3 million will accrue over five years, representing a saving of $4.5 million. As a large purchaser, the Government can use its purchasing power to achieve not only cost savings but, more importantly, standardisation throughout the public sector, an area in which there has been a great deficiency for far too long.

MODBURY HOSPITAL

Ms STEVENS (Elizabeth): Will the Minister for Health confirm that bookings for some categories of surgery are not being taken at the Modbury Hospital beyond 1 January? If so,

will he urgently intervene to ensure that public patients in the north-eastern suburbs are not disadvantaged?

The Hon. M.H. ARMITAGE: I will certainly intervene to ensure that public patients in the north-eastern suburbs are not disadvantaged. The way I will do that is by making sure that the contract for Healthscope is operative on 1 January 1995. I would very much appreciate the help of the shadow Minister for Health in dealing with her recalcitrant colleague in Canberra who appears to want to stop this process, which will see, as I said before, better health services in the north-eastern area provided at $6 million benefit to the taxpayers of South Australia.

ENTERPRISE AGREEMENTS

Mr CONDOUS (Colton): Will the Minister for Industrial Affairs advise the House of the number of enterprise agreements that have been approved by the South Australian Industrial Relations Commission under the Industrial and Employee Relations Act 1994?

The Hon. G.A. INGERSON: Over the past month or so we have held a range of meetings in the country, and last evening we had our first meeting at Golden Grove, attended by 100 people. We are making extremely good progress relative to our Federal counterparts. It is important that the Parliament be advised that 20 enterprise agreements have been filed with the Enterprise Agreement Commissioner. This has involved a rate of one per week and, considering that it was eight weeks before any could be set up, one can see that it is almost double the anticipated rate: 12 agreements have been approved and eight are still awaiting approval. The agreements cover 1 700 employees in the State and include manufacturing, retail, clothing, cleaning, transport, farming, food, dairy and local government. I believe that the take-up rate is a sign of confidence in the South Australian system.

However, under the Federal system, which was supposed to open up industrial relations to the private sector, particularly for non-unionists, over the same three-month period there were only nine applications for approval, despite the existence of 900 000 employees in Australia. Of those nine agreements, only two were approved in that first three month period. In fact, the South Australian experience has been twice as good as the early experience under Federal laws, and the coverage has been very wide, involving unionists and non-unionists.

MODBURY HOSPITAL

Ms STEVENS (Elizabeth): Given the Minister for Health's previous answers to the House indicating that the sale of Modbury Hospital was never contemplated, why did Healthscope offer $50 million to purchase the hospital?

The Hon. M.H. ARMITAGE: I am only too delighted to address the matter of the sale of Modbury Hospital with the shadow Minister, because the shadow Minister is the person who, immediately after a briefing from the people within the commission, on three occasions having been told on day X that the hospital, the assets and the land are not for sale, on day X plus one was peddling the rumour that the hospital is to be sold. If that sort of behaviour had gone on in the member for Elizabeth's school she would have given the kids 100 lines. It is outrageous. She was told on three occasions that the hospital is not for sale. I do not care how many offers are made for the hospital, because the hospital is not for sale.

INDUSTRIAL DESIGN

Mr LEGGETT (Hanson): Will the Minister for Industry, Manufacturing, Small Business and Regional Development tell the House the significance of a display by industrial design students, which opened this week at the Adelaide Airport, and will he also explain how industrial design can play an important role in the future of exporting South Australian goods?

The Hon. J.W. OLSEN: There is no doubt that the challenge for South Australian manufacturers is to be able to compete on the international market. Given the signing last week of the new APEC accord, under which by the years 2010 and 2020 respectively there will be a reduction in the tariff barriers applicable to the Asia Pacific region, it will be incumbent upon us in South Australia to recognise that, if we are to compete in that marketplace, not only do we have to be price and quality competitive but we also have to take the next step to ensure that we have design innovation that makes our products stand out among those in the Asia Pacific region and throughout the world. Given that manufacturing industry makes up something like 15 per cent of South Australia's employment base, growth for our manufacturing industry will depend upon our accessing those markets.

We need not only to get the cost structure right by reducing such things as electricity tariffs but also to position our products so that they stand out among international products in the region. Innovation is not new to South Australia. The South Australian Centre for Manufacturing has in place a rapid prototyping machine for industry in this State to access. It is the only machine of its type in Australia. Currently, the Centre for Manufacturing is having assembled in the United States of America a larger machine that will continue to ensure that South Australia is ahead of the other States in providing research and development and rapid prototyping to manufacturing industry in South Australia. Incidentally, the Sinter station at the Centre for Manufacturing is used not only by manufacturing industry but also by the Cranio-facial Unit in South Australia for titanium implants. So, it has a whole spectrum of uses.

When some 70 manufacturers in South Australia were questioned for the Arthur D. Little report, commissioned by the former Government some 18 months to two years ago, only four recognised that design was and could be an important competitive advantage for manufacturing industry. Engelhardt Eyewear, which, coincidentally, was one of the four, is now exporting 25 per cent of its spectacle frames to such countries as New Zealand and South Africa. But to come back specifically to the graduates this year from the industrial design course at the University of South Australia, some of their achievements have been absolutely outstanding. I might add that 20 per cent of graduates this year are females, which compares with the Australian average for the course of 7 per cent. Once again, South Australia is benchmarking other States of Australia. The exhibition includes:

- innovative designs for a new motor cycle, which has received some publicity in recent times;
- a new lightweight electric guitar, which has overseas interest in its mode of production and which has been patented by the person who invented it here in South Australia. It is one-third lighter than the conventional guitar, using the latest digital electronics;
- a soft drink dispenser to replace an imported design that had taken over market share in South Australia;

· and I have already mentioned spectacles with a significantly enlarged field of view.

The Australian Design Institute Encouragement Award this year went to Julie Dorrington for her work over the past 12 months. The graduates also included Ben Ting, the Australian winner of the worldwide Sony Design Award, who also participated in the Asian finals in Singapore earlier this year. The exhibition is worth looking at, but it underscores not only that we have a better balance in the number of graduates, with females as part of that course, but that people who are graduating from our industrial design course at the University of South Australia are receiving national and international recognition for the work they are doing. That can do only one thing: better position South Australia over the next 20 years to maintain its manufacturing base and expand that manufacturing base for export opportunities.

MODBURY HOSPITAL

Ms STEVENS (Elizabeth): My question is directed to the Minister for Health. Why have staff—

Mr Foley interjecting:

The SPEAKER: Order! The member for Hart is out of order.

Ms STEVENS: —at the IMVS Modbury Laboratories been kept in the dark about their future following the decision to tender Modbury Hospital's pathology service to Gribbles? Will the Minister attend Saturday's rally on Modbury Hospital to explain future options to all hospital staff?

The Hon. M.H. ARMITAGE: The pathology staff at Modbury Hospital, as I think I explained last week to the shadow Minister—and we know she has short-term memory loss from one day to the next—

Mr CLARKE: I rise on a point of order, Mr Speaker. The Minister has repeatedly referred to the member for Elizabeth as 'she', which is not in accordance with Standing Orders.

The SPEAKER: The Chair is of the view that the comments are not contrary to Standing Orders.

The Hon. M.H. ARMITAGE: The important point in what I said to the member for Elizabeth last week was that the pathology staff at Modbury Hospital are a discrete entity from the Institute of Medical and Veterinary Science. Let us not lose sight of the fact that they are not employees of Modbury Hospital. When it was decided to proceed down the contestability line for a number of services at Modbury Hospital (recognising that the beneficiaries are the patients and the taxpayers of South Australia), the CEO of Modbury Hospital spoke to Modbury Hospital staff and informed the IMVS management of this intention. The tender brief was then circulated to all interested parties following a public call for tenders in the *Advertiser*. I should emphasise that the tender brief was circulated to the IMVS.

Again, as I indicated last week to the member for Elizabeth, the IMVS, which is the employer of the pathology staff at Modbury Hospital, was invited to submit a tender. As I have said on countless occasions, both inside and outside the House, I am only too delighted for all of these processes to have as many participants as possible, because the Government's only brief is to provide the services cost-effectively. I would be only too delighted if more tenderers put up their hand and were part of this process.

The Institute of Medical and Veterinary Science has been given the tender brief. Its price for exactly the same services as will be offered to the successful tenderer, whenever that is nominated (and that has not yet occurred), was nearly 100 per cent more. As I said last week, if the member for Elizabeth wishes this Government to provide exactly the same services at approximately twice the cost, please let her tell the taxpayers of South Australia, because that is not the message I get from people.

BOWLS CHAMPIONSHIP

Mr BECKER (Peake): Will the Minister for Recreation, Sport and Racing support Lockleys Bowling Club, on behalf of Bowls Australia Inc., hosting the 1996 World Bowls Championship between 18 and 31 March 1996?

Members interjecting:

The SPEAKER: Order! I do not think the Minister needs all that assistance.

The Hon. J.K.G. OSWALD: I congratulate the member on the quality of the representation he has made to me on behalf of the bowling community in South Australia for what is an important event to be staged in Adelaide in 1996. I can confirm that the World Bowls Championship will be staged in Adelaide. I say that with some confidence because my department will contribute $200 000 toward the running of the event. We made that decision because we recognise the economic significance of this event coming to Adelaide, and also the significance of the size of the event in the world bowls community. The budget for the event is some $1.63 million, and it is expected to bring over 1 000 participants to Adelaide. Of course, that figure can be expanded quite dramatically depending on the number of people who accompany the competitors.

The competitors will come from 32 countries around the world, and negotiations are well advanced to ensure that we get world television coverage for the event. When that is all put together, it is a very significant event. It demonstrates that Adelaide can stage national and international events, and it shows that we are very active in filling the vacuum that will be created when the Grand Prix leaves this State. It shows that the Government has lined up behind the Grand Prix a range of large and high profile events of national and international standard to take its place.

MODBURY HOSPITAL

Mr QUIRKE (Playford): My question is directed to the Minister for Health. Will the many services provided by the salaried medical officers at Modbury Hospital continue after the Healthscope takeover? Will these officers retain their State superannuation benefits where appropriate, and when will they be advised as to whether or not their employment will continue at Modbury or elsewhere in the system?

The Hon. M.H. ARMITAGE: Those matters are obviously for negotiation between Healthscope and the individual employees, and a number of things have been guaranteed to the employees of Modbury, including the offer of employment under Healthscope (if that is the option people wish to choose), redeployment within the system if they do not wish to take up the Healthscope offer and the offer of TSPs.

Mr Quirke interjecting:

The Hon. M.H. ARMITAGE: The member for Playford says, 'Isn't it a little late for this?' It has been known for ages. He should obtain from one of his constituents a copy of a letter I wrote to people on the day the successful tenderer was announced. Whilst talking about the staff, I should indicate to the House and to the member for Playford in particular that

on the day after the announcement of the successful tenderer I went to Modbury Hospital to discuss with the staff how they felt about the proposals for Modbury Hospital. This was on a day when the now Secretary of the Australian Nurses Federation and the ALP Left candidate for the Federal seat of Adelaide (I recognise it is not from everyone's faction—and let us not bring Peter Duncan into the discussion) issued a media release, which had been put out in the form of a fax from the ANF with the headline 'Industrial bans likely to be increased following announcement of successful tender'.

I was given a copy of the release just before I left to go out there and thought that it would be interesting, but nevertheless I believed it was important that I speak to these people. I am delighted to tell the House and the member for Playford, who seems to think there is some unrest out there, that I was greeted by people who had been to a staff meeting at which a number of people, including union representatives, had spoken. The unanimous decision of that meeting was to remove all industrial bans. That was from the staff. Forget the highly-paid union organisers, because they do not know what is going on. The staff unanimously voted to remove all industrial bans, which they did. As I went around the hospital I spoke to approximately 50 people. I went to every ward, I spoke to nurses, porters and messengers. It is fair to say that some people said, 'I will never work for the private system'. I understand that. I cannot understand why they would want to do it, but I understand that that is their view. They will take a TSP or we will offer them redeployment.

The vast majority of workers in the system said, 'We are delighted that a decision has been made; it is about time something was done because even the previous Government went down this track for years. I am thrilled this decision has been made'. The final comment they made, almost *en masse*, was that it is the best thing for Modbury, that it has needed a shot in the arm for a long time. That is what the staff of Modbury Hospital have felt, and I am pleased to advise that overall agreement with the plan has continued.

CHINA TRADE MISSION

Mr VENNING (Custance): Will the Minister for Mines and Energy explain details of the new cooperative agreement with the Hebei Bureau of Geology and Mineral Resources that he recently signed in Beijing? The Minister recently returned from an official visit to China. In his portfolio area of mines and energy he had many detailed discussions with his Chinese counterparts, particularly on projects of mutual interest.

The Hon. D.S. BAKER: I was in China recently, travelling with some business people who had mining interests and with people from the Barley Board, to which I will come in a moment. We signed a mutual cooperation agreement with the Hebei Province, through the Hebei Bureau of Geology and Mineral Resources. I thank the Austrade people who put it together, as it took a bit of organising. The province covers an area north and west of Beijing. It has prospective country much the same as the Gawler Craton in South Australia and which is already yielding gold, base metals and, in some cases, diamond prospects.

Senior geologists from Hebei Province had visited South Australia, had looked at Olympic Dam and at the aeromagnetic surveys done in the State and were most impressed. We have now signed a cooperation agreement, and the mining business people we were travelling with signed an agreement to supply technology and mining expertise to another province in China whilst we were there. It is this exchange of cooperation and, more importantly, the supply of expertise which we have in this State that is readily saleable to those people.

Going on from that—and the Premier has had a lot of experience trading with China—while discussions were taking place with the Barley Board and the buying organisations in China, every one of them expressed the need for long-term relationships to be formed. It does not happen overnight. One of the important things we had to explain to them was that, because of the season, there may not be as much barley available in South Australia and they said, 'Look, because of our long-term cooperation and trading, we understand that'. To take it further, a delegation of the people to whom we spoke in China is visiting South Australia this week. The delegation is having discussions with the Barley Board in South Australia in relation to what it can supply this year and in future years. When we open discussions with China it is important to forge long-term relationships to build up the trust between both countries. Our venture into the mining area will have long-term ramifications as our expertise in many cases is unique in the world.

TOWNSEND HOUSE

Mrs GERAGHTY (Torrens): Will the Premier intervene and direct the Minister for Education and Children's Services to reverse his decision to close the Townsend House preschool for children with hearing impairment? The Minister has said that this decision was taken after intensive and inclusive consultation, but the parents of children attending the school have not been consulted by the Minister and last night the Minister admitted that he had not seen or read their submissions to him.

The Hon. DEAN BROWN: I have been briefed by the Minister on the decision that has been made and, as the Minister has said publicly, a large number of parents have taken their children away from the school already and have mainstreamed them. The honourable member may not realise that the Federal Government itself for some time has been pushing for mainstreaming of children with specific disabilities. As a result of that there has been significant and improved access for these children with high levels of disability in normal schools and pre-schools. I know this because my wife works actively with the Crippled Children's Association, which has undergone dramatic changes over the past 10 years. As a result of those changes, the vast majority of students are now so-called mainstreamed and very few students now attend a special school, including the Crippled Children's Association at Regency Park, and far less than used to be the case. The same has occurred at Townsend House.

The Hon. Frank Blevins interjecting:

The Hon. DEAN BROWN: If the honourable member would listen, partly due to significant pressure by the Federal Government, which has been facilitated by both the former Labor Government in South Australia and the present Liberal Government, these children are encouraged to be mainstreamed. As a result of that, the demand on the school itself was significantly reduced. I understand that it was down to a very small number. One figure was three children. Someone disputed that and said there were seven children. You certainly cannot run a pre-school on three or seven students, as I am sure the honourable member would realise. It is not

as though these people will not be able to have special opportunities to help them with their disabilities in a normal kindergarten—they will. The inference that came through on television last night is that these children will have nothing. That is not the case at all: in fact, these children have access to specialist help and facilities in a range of areas including the kindergarten mainstream.

I also indicate to the honourable member that, whilst quite naturally there is a lot of emotion on a subject such as Townsend House, because it has been there for 40 or 50 years or more—as a young lad I can recall it in the 1950s; in fact, our neighbour taught there—other facilities are now being developed within the community which, in some cases, will replace other specialist facilities as they close down. This partly reflects the change in technology that is occurring.

I bring to the attention of the House the fact that on Friday last week I opened a new facility called Optcom, which I think is a most exciting opportunity for people with severe disabilities. I am talking not just about people with hearing disabilities or deafness but about people with physical disabilities such as multiple sclerosis, who can hardly move, or quadriplegics who cannot move or communicate with any other part of their body except their mouth. This facility has already put through its first graduates. It takes people with enormous disabilities and teaches them computer technology skills, allowing them to develop personalised skills far in excess of what they could do before. For example, a former landscape architect, who became a quadriplegic as a result of a severe car accident, has now developed through Optcom some of the best computer CAD-CAM facilities for landscape design. As a result, he is now regarded as one of the best landscape architects in the whole of South Australia. This facility allows people to develop skills well beyond what they would otherwise be able to achieve.

In opening this facility, I was amazed at the standard of equipment. This is a multimedia centre, probably the best in the whole of Australia, with literally dozens and dozens of computers and CAD-CAM facilities and other aids designed to help these people. So, whilst there will be some occasions when facilities such as Townsend House are closed due to mainstreaming of students—and a lot of history, and therefore a lot of emotion, will be involved in the closure of those facilities—the honourable member and the media equally have a responsibility to highlight some of the new and much bigger facilities that are being opened, such as Optcom, which I opened on Friday last week.

LAKE EYRE BASIN

Mr KERIN (Frome): Has the Minister for the Environment and Natural Resources been advised of any change in attitude on the part of the Opposition to the Federal Government's proposal to place the Lake Eyre Basin on the world heritage list?

The SPEAKER: I call the Minister for the Environment and Natural Resources. The Speaker is also interested in the answer.

The Hon. D.C. WOTTON: Mr Speaker, I am sure that you would have an interest in this subject, and I also have had quite an interest in what we have been able to find out in the past few days. It is quite obvious that there has been a change of attitude on the part of the Opposition in regard to the world heritage listing of the Lake Eyre Basin, and I am very pleased to hear about it. I am informed that the Hon. Ron Roberts in another place indicated recently during a country radio interview that the Labor Party had changed its opinion regarding world heritage listing of the Lake Eyre Basin.

This is an issue with which the former State Labor Government fumbled for many years. The indecision of the former Government caused significant hardship to a number of your constituents, Mr Speaker, and in particular to the pastoralists of the Lake Eyre Basin. However, in 1993, after much procrastination, the former Government came out in support of the world heritage listing of the basin. That gave the Federal Government the support it was seeking to include a commitment to assess the portion of the Lake Eyre Basin within South Australia for world heritage listing in its 1993 pre-election statement on the environment. I point out that the former Government, as it gave support to the Federal Government to do that, would recognise that the Federal Government has walked away from any responsibility that the Queensland, New South Wales or Northern Territory Governments might have in regard to the world heritage listing of this basin.

In fact, the catchment, which I would have thought was one of the more important parts of the Lake Eyre Basin, is in Queensland, and the Federal Government has made quite clear to the Queensland Government that it does not want to interfere and that it will not press for world heritage listing in that State. If it were not for the initial support by the former State Labor Government, the issue of world heritage listing would never have been pursued by its Federal colleagues. However, that is all history and behind us, and I now welcome the Opposition's back flip on this important issue and the fact that it now recognises that the world heritage listing of the Lake Eyre Basin is totally inappropriate. It would now appear that the Opposition supports the Government in its view that the basin can best be protected under State legislation, a policy which it has had all along regarding this matter and one which it will continue to promote. I can only hope now that the Opposition will actively lobby its Federal counterparts regarding this issue.

MODBURY HOSPITAL

Mr QUIRKE (Playford): Following the answer of the Minister for Health to my previous question, is he seriously telling the House that the staffing of Modbury Hospital, including specialist and surgical services, has not yet been finalised only six weeks before it comes under new management; and, if so, when will these important details be finalised?

The Hon. M.H. ARMITAGE: Yes, I am telling the House that. I am also telling the House that Healthscope is undergoing negotiations on a daily basis and is delighted with the progress and, as I said before in answer to the previous question, the staff are happy with the situation as well. The heads of agreement states quite clearly that the same range of services will be provided and, as the Opposition clearly does not know because it has no experience in these matters, when outsourcing or tendering occurs, obviously one needs a large number of staff. So, the staff are very pleased with the matter as is Healthscope. As I have said on countless occasions, this is a win-win situation for the people of the north-eastern suburbs and the taxpayers of South Australia.

RADIOACTIVE WASTE

Mr EVANS (Davenport): My question is directed to the Premier. Has Cabinet received any briefing on a proposal to establish Olympic Dam as a permanent waste disposal site?

The Hon. DEAN BROWN: The answer is 'No, the Cabinet has not': in fact, no proposal has been put to the South Australian Liberal Government for the permanent disposal of radioactive waste at Olympic Dam. I raise this point because I note that, after he was acutely embarrassed in the House this afternoon because of his absolute deceit of the people of South Australia over the last few days, the Leader of the Opposition rushed outside and cobbled together a press release, as he invariably does. We see it day after day: when he is embarrassed in this House and left absolutely high and dry because of his own duplicity, he rushes out and tries to put a different spin on the story.

That is exactly what the honourable member did this afternoon. He went out there again to give another press release in an attempt to put yet another spin on the matter. The facts are that, as I said earlier this afternoon, there was a letter from the Federal Minister, Simon Crean, to the then Premier John Bannon on 2 April 1992; I was briefed earlier this year, as I said I would be, in terms of where South Australia stood; and I found there was no firm proposal whatsoever.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Premier.

The Hon. DEAN BROWN: That's right. There was no—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: No firm proposal was put to the South Australian Government in terms of the storage of waste at Roxby Downs. I found that nothing whatsoever had occurred in terms of any report coming back to Government after this very preliminary letter sent to John Bannon. So, quite clearly, the Government had no proposal before it to store the waste at Roxby Downs, equally as we had no firm decision at that stage by the Federal Government to store the waste at Woomera. What happened was that the Federal Government took that decision and then notified South Australia afterwards.

What concerns me, though, is that from 1991 the former Labor Government did not say anything publicly about the storage of radioactive waste in South Australia. It sat on this issue. The matter was raised in Cabinet in 1992, and what happened? The current Leader of the Opposition sat there and apparently accepted that decision, allowing it to be transmitted to the Federal Government. Then the matter came up again in September last year, and what did the current Leader of the Opposition do? He sat there once again and agreed with the proposal to establish a permanent storage of radioactive waste in South Australia.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: Look at him squirm in his seat now.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: He has been exposed for what he is—a fraud. You are a fraud.

Members interjecting:

The SPEAKER: Order! I suggest to members that the level of interjection is far above that which it should be.

The Hon. DEAN BROWN: My ministerial statement is there for everyone inside and outside the House to see, and I stand by that ministerial statement. The facts are that this afternoon the current Leader of the Opposition was exposed as a fraud on this issue of storage of radioactive waste. He sat there in Cabinet as a senior Minister, year after year—

The Hon. S.J. BAKER: I rise on a point of order, Mr Speaker. On at least three audible occasions, the Leader of the Opposition has said, 'That's a lie.' That is unparliamentary and I ask you to have him withdraw it.

The SPEAKER: Order! I suggest that two comments have been particularly close to contravening Standing Orders. The Leader of the Opposition said that the Premier's comments were a lie, and those comments should be withdrawn. I also suggest to the Premier that the word 'fraud' is contrary to Standing Orders, and I ask him to withdraw.

The Hon. DEAN BROWN: I point out that the facts are there for all South Australia—

The SPEAKER: Order! I have asked the Leader to withdraw the word 'lie', and I have asked the Premier to withdraw the word 'fraud'. I invite the Leader to do that.

The Hon. M.D. RANN: I am very happy to withdraw the word 'lie', which I used to respond directly to his use of the word 'fraud'.

The SPEAKER: Order! When the Chair asks a member to withdraw, it has to be done without qualification. I ask the Leader to withdraw without qualification.

The Hon. M.D. RANN: I am very happy to withdraw, and I am sure that the Premier will be.

The SPEAKER: I also suggest that the honourable Premier withdraw.

The Hon. DEAN BROWN: I equally withdraw my remark about fraud. But the facts are there for all South Australians to see; the facts are there to understand in relation to the duplicity that has occurred, the extent to which the Leader of the Opposition—

Mr CLARKE: I rise on a point of order, Mr Speaker. The Premier did not withdraw his comment unreservedly, as did the Leader of the Opposition: he qualified it.

The SPEAKER: Order! I suggest to the House that the level of interjections is far too high, and the Chair will take other action. My understanding is that the Premier indicated that he had withdrawn the term 'fraud', and I understand he has completed his answer. The member for Torrens.

SCHOOLS, PRIVATE MONOPOLIES

Mrs GERAGHTY (Torrens): Will the Minister for Employment, Training and Further Education, representing the Minister for Education and Children's Services, advise the House as to what measures have been taken to resolve the issue of private monopolies on school property? The Minister wrote to a small business proprietor who supplies and makes school uniforms, advising him that he would give proper consideration to ensure that there were no breaches to the Planning Act, Public Finance and Audit Act, State Supply Act, Trade Practices Act and the Fair Trading Act in the event of schools tendering for private operators to establish shops on campus grounds.

The Hon. R.B. SUCH: I will seek a detailed reply from my ministerial colleague in another place.

STATE CLOTHING CORPORATION

Mr BUCKBY (Light): Will the Treasurer inform the House of the progress being made towards the sale of the Government-owned State Clothing Corporation? Recently, I noticed that the asset management task force placed a newspaper advertisement seeking expressions of interest for the State Clothing Corporation.

The Hon. S.J. BAKER: Before I answer the question, I understand that someone is drinking in the gallery; if that is the case, action needs to be taken. This is an important question, and I know that the member for Giles has a great deal of interest in the answer. We have asked for expressions of interest for the State Clothing Corporation. An advertisement was placed in the paper, and we have had a very positive response: a number of people have expressed interest. Of course, where that finally finishes is anybody's guess, but at least there has been some level of enthusiasm regarding the two facilities that we are talking about, one being the clothing factory at Whyalla and the other the warehousing facility in Adelaide.

To date we have had 30 expressions of interest, 15 of which tend to suggest that they have more than just a fleeting interest in the facilities that we are talking about, and the rest have withdrawn from active interest. So, we have a closing date of 7 December, and we will know at that stage the extent of interest and the seriousness of that interest. But we are quite hopeful that, with some innovative management and change of style, we will be able to have both facilities up and running to the benefit of all concerned.

WORKCOVER

Mr CLARKE (Deputy Leader of the Opposition): My question is directed to the Minister for Industrial Affairs. Has the board or management of WorkCover taken a decision either on their own initiative or at ministerial instruction to refuse applications made by injured workers pursuant to section 42 of the Workers Rehabilitation and Compensation Act, pending the decision of Parliament on the Government's recently announced package of amendments to the WorkCover Act? If this is so, will the Minister instruct WorkCover to process all applications made under section 42 as the law stands now and not try to second guess the will of Parliament?

I have received a number of complaints from workers who have been injured and who have told me that they have been informed by employees of WorkCover that their application for compensation for the commutation of weekly payments, that is under section 42, will not be processed until WorkCover knows the outcome of the Government's legislation.

The Hon. G.A. INGERSON: I am not aware of any formal decision of the board and, as a consequence, I will obtain a considered reply.

GRIEVANCE DEBATE

The SPEAKER: Order! The question before the Chair is that the House note grievances.

The Hon. M.D. RANN (Leader of the Opposition): I want to draw to the attention of the House a number of statements made by Government members in recent days. I take this opportunity to condemn a reported statement by the Liberal MP for Lee that State and Federal Labor MPs had fascist leanings and were making policy moves closely mirroring the fascist dictator Benito Mussolini. Mr Rossi's distasteful comments, reported in the Messenger Press, deserve the contempt of the entire community and the condemnation of Mr Rossi's Liberal Party and his Premier. That statement degrades this Parliament and all MPs. It insults those millions of Italian people who were the victims of Mussolini; it insults those allied troops and brave Italian partisans who fought and died fighting fascism. Certainly, I find his remarks deeply offensive. My father was a strong Labor man. He spent six years of his life fighting Nazism and fascism, including several years fighting in Italy with the eighth army against Mr Mussolini and the Nazis.

I doubt whether the member for Lee would have the courage to repeat his comments in any RSL club in this State. I hope that the Premier will join me in condemning the statements of a man who is clearly unfit for office and who is an embarrassment to his electorate, his Party and the South Australian Parliament. I am not surprised to learn that there are attempts to strip Mr Rossi of his preselection. He has ceased being just a joke. His bizarre statements are reported in other States, embarrassing not only the Liberal Party but all South Australians.

I am also concerned to hear the Minister for Aboriginal Affairs in this State using the word 'nigger'. On three occasions today he used that word, that racist insult, which I have never heard used in this Parliament previously, either as a staffer over the years observing this Parliament or, indeed, as a member of this House.

Of course, we then saw the member for Ridley's bizarre claims that a killer cat virus be introduced into South Australia. It seems that the honourable member wants to do a 'Joe Rossi' on cats. Once again, we have heard no response from the Premier to rule out something that is causing great concern in the community. Of course, a plague such as this would have the potential to affect every cat in this State, and possibly many other animals—feral, native and household. This matter should be of concern to the hundreds of thousands of families, and especially to the elderly, who gain enormous love and affection from their cats. Once again, we have seen no response from the Government—there is a big front page story but the Government merely runs for cover. This Government has a number of backbenchers who daily cause it embarrassment.

On a series of occasions the Premier has told this House that, as a member of Cabinet, I supported and endorsed a nuclear waste dump for this State. That is totally untrue, and I will go outside this Chamber and use much stronger words that would be considered unparliamentary. Discussions were revealed in February of this year, and this issue was debated in the House. The Premier simply made the same speech that he made in February in an attempt to divert attention away from his own problems. He has had about five different positions on this nuclear dump issue. If members look behind the rhetoric they will see what he really wants: that is, he is in collusion in wanting a dump in this State. We will not see him come out publicly and oppose a permanent repository. Although, of course, on Thursday he was an apologist for this action, on Friday, after a few calls to talkback shows, he did a complete about turn.

Indeed, the issue was discussed on several occasions by the former Government. We felt that, following our experiences with nuclear tests at Maralinga and their impact on both our environment and South Australian Aboriginal people, our State had already taken its national obligations seriously and at some considerable cost. Indeed, the Federal Government was informed of the former South Australian Government's strong concerns about the Commonwealth proposal.

Let us see where the Premier really stands. He said that he had never heard of the Roxby Downs proposal. It was raised in this House in February and he said in this House that he was aware of the proposal. In today's newspaper he is quoted as saying that he was not aware of the proposal. He cannot have it both ways; he cannot try to explain to one group of people that he is opposed to something and to others that he supports it. There will be more said on this issue.

Mr BUCKBY (Light): I wish to bring to the attention of the House the efforts of a local Lyndoch-Williamstown Landcare group, which is a particularly enthusiastic group of people. The plan on which the group is currently working and which will be put before the Minister for Primary Industries this week proposes a corridor vegetation link between the Sandy Creek Conservation Park and the Altona-Rowland Flat area. There has been considerable clearing in the Sandy Creek-Cockatoo Valley area, which is in my electorate, and the Sandy Creek Conservation Park is now quite an island in terms of vegetation. As a result of that, the numerous bird species within that vegetation park are tending to become inbred.

The Lyndoch-Williamstown Landcare group has formulated a plan that will link that conservation park with Altona-Rowland Flat and, in so doing, allow the passage of birds through that corridor thereby enabling them to interbreed with bird species in other areas, eventually moving on to the area of Kaiser Stuhl.

The Sandy Creek area is also within the migration path of many bird species, and the planting of a native vegetation corridor will enable a food source for those migratory species as well as enhance the food source for those birds already there and, as I said, promote their movement. The Sandy Creek area is host to a large number of native vegetation species. There are some 30 different species of plants, grasses and trees in that area, and some 10 different bird species just in the area adjoining the Sandy Creek Road.

The plan to be put forward looks at the planting of shelter belts to farms, vineyards and orchards. It also looks at the management of native vegetation in the area and the restoration of existing native vegetation, the revegetation of degraded areas, catchment management of the North Para River and subcatchments, the improvement of local and regional water quality and reduction of soil salinity levels, the dispersal of insect-eating birds to facilitate the movement of birds and animals with low dispersal rates, and improving the habitat for regional migrants, nomadic arid species and seasonal resource users of the Sandy Creek Conservation Park.

At the moment the group has put together plans, which have been approved by the Barossa council, involving the use of closed public roads, which under the plan will be fenced and then revegetated with native species of that area. As I said, this Landcare group is particularly active. It has undertaken previous projects on the Tweedy Gully site, which involved the planting of native vegetation species and efforts to stop the erosion in that area. Recently the group was also involved in an International Year of the Family planting at Lyndoch, where native species were planted at the Anglican Church on 20 acres. Again, that is gradually revegetating the area.

The group's plan is particularly good. In the long term, it is looking at linking the conservation parks of Para Wirra to Sandy Creek and, as I said, to Altona-Rowland Flat and finally to Kaiser Stuhl. The corridor will provide a very good protection for small species of birds that have trouble in moving from one vegetation site to another without being attacked by predators. I commend the group's plan and look forward to consultation with the Minister this week.

The Hon. FRANK BLEVINS (Giles): I want to make a plea today that I never thought any member of Parliament would have to make. My plea is very simple: I want the provision of male and female toilets in all areas of the Whyalla Hospital. What an extraordinary thing to have to ask! We are now in the position at Whyalla Hospital under this Government where it will not, until today, anyway, ensure that there are separate male and female toilets throughout that hospital.

The embarrassment that this has caused to some patients was spelt out very clearly in the *Whyalla News* of Friday, 18 November, wherein an article referring to a patient, Mr Mercer—and I am sure he will not mind my mentioning his name—states:

> During his stay Mr Mercer said he often walked into the toilet on someone else, scaring both himself and the person in there. 'What happens is the nurses take the old people in there and they can't stay with them. . . You don't know they're there. I got that way I got up very early in the morning so I wouldn't clash with them.'

In response to this issue, which has been an ongoing issue in Whyalla, Mr Greatrex, the CEO of the hospital—a person for whom I have some regard (I do not think it is his fault at all)—said:

> Improving the toilet facilities was a major cost item in the renovations.

On several occasions I have made an appeal for the toilet facilities to be upgraded. Whyalla Hospital is a very large hospital for what is, on occasions, a very small number of patients. I think patient numbers on occasions go below 60, and the hospital was built for three or four times that number. So, some sensible restructuring is to be done at the hospital and nobody in the community opposes that but, when the Health Commission starts quibbling about having separate male and female toilets in patient areas, that is where I think everybody draws the line. I think it has gone too far. It is not and will not be accepted by the community.

The way the health system is treating country areas is appalling and is an indictment particularly on members opposite, who have a responsibility to look after country electorates. Every country member in this House knows what is occurring in these hospitals. The Government is not necessarily talking about closing these hospitals but is, in effect, bringing them to their knees. To apply casemix funding to some of these hospitals is lunacy. There is no way a hospital outside the metropolitan area which does a procedure, say, once a fortnight can compete with the Royal Adelaide Hospital which may do a dozen of those procedures a day. It stands to reason that there is no competition. Insufficient allowance is made for this in the funding of these country hospitals.

Whyalla Hospital is no different. In fact, of the hospitals operating in South Australia it has been singled out for the

largest funding cut proportionately. In my view, this is wrong. As I say, I have no argument with the restructuring of the hospital to provide for lower numbers—that is fair enough. Nobody would argue about that, but in addition there is the inappropriate application of casemix plus funding cuts, and that will be disastrous for the Whyalla Hospital.

On almost every occasion the Minister for Health gets to his feet to answer a question the patients do not get a mention. All he talks about is 'economic units'. That is what the health system in this State has been reduced to—whether the hospital can make a profit out of you or whether you are a financial liability to it. That is the way everybody is being treated. It is inappropriate in hospitals and it is particularly inappropriate in country hospitals.

Mr BRINDAL (Unley): Things in this House are cyclic in nature and you, Sir, would know that more than most. I draw the attention of the House to an article which appeared in the *News* of 5 October 1989, which was entitled 'Row Erupts on N-dump' and which stated:

> A row broke out today over allegations a Liberal Government would set up a nuclear waste dump at Roxby Downs. A senior Opposition source said the Party was considering legal action over the news reports and statements made at the weekend on the topic. Opposition Leader, Mr Olsen, said he would decide today on a response to claims made by the State Government and the member for Briggs, Mr Rann. Mr Olsen said it was a 'fabrication'. . .

The Leader of the Opposition has been on about this subject since 1989 at least, and from what was presented in the House today apparently has adopted a variety of attitudes. I also draw the attention of the House to an article in the *Advertiser* of 4 September 1989 by political writer, Mark Batistich, stating:

> The ALP's public opposition to the Tonkin Liberal Government's Roxby Downs uranium mine legislation in 1982 was part of a 'clever and cruel plan' to ensure the project went ahead, according to Dr John Cornwall, formerly one of the leading figures in the parliamentary ALP. . . He said the ALP's clandestine plan to secretly support Roxby Downs while publicly opposing it was engineered by senior ALP figures including the then Leader of the Opposition, Mr Bannon, and the then shadow Attorney-General, Mr Sumner.

The plan was to goad Mr Foster into crossing the floor to support the Liberal Government. The article continues:

> He [Dr Cornwall] said it was believed necessary to get Mr Foster to cross the floor to vote with the Liberals and pass the mine's indenture Bill to 'get the Labor Opposition off the hook', following fears that opposition to the mine would cost the ALP the upcoming election.

That, I believe, is the nexus in what the Opposition is still on about today—to say one thing publicly and to do another in private. I do not know what will be the outcome of putting low level radioactive waste at Roxby Downs but I do know that an article appearing in the *Sunday Mail* on 1 October 1989, entitled 'Libs back Roxby nuclear dump move', reports that Mr Roger Goldsworthy (the then Liberal Deputy Leader), Mr Martin Cameron and a number of other Liberals supported the concept of low level radioactive waste being dumped at Roxby Downs.

On a number of occasions I have had the good fortune to visit Roxby Downs, as I know at least one member sitting opposite has done. It is a very good state of the art mine. It is 530 kilometres from Adelaide. The mine adits are hundreds of metres below the surface of the desert, and it is in one of the most geologically stable formations on earth. We cannot have it both ways. We are profligate in our use of resources; we are criminal, almost, in the extent of our waste. Some of the waste which we produce is highly toxic and has the potential to seriously harm this planet. It is all right for the Leader of the Opposition and other members to stand up and espouse that famous 'not-in-my-back-yard' principle. We know that we have to get rid of it and get rid of it safely—but never in my back yard! That is not good enough.

We have a very stable and safe repository for low level radioactive waste—one of the best on earth—but the Opposition is so narrow and blinkered in its vision that all it can say is 'No'. I do not say an unqualified 'Yes'; I say, 'Let's look at it.' If for the good of this planet we have a location which is safe and reasonable and which is a good place to bury some of the world's most dangerous substances, we should not reject it out of hand. We should get past this blinkered parochial attitude that some members have to winning the next election, look at the good of this country and perhaps the world on a larger scale and say, 'We can do something here which will benefit our whole species.' We have created a mess. We owe it to our children and children's children to clean it up.

Mrs GERAGHTY (Torrens): I would not normally carry on a grievance against another member, but the member for Mawson has raised many issues which I believe need to be addressed—issues which I found offensive. On the last occasion I finished speaking I was addressing the Torrens by-election. I had made the comment that I won the Torrens by-election during the Government's honeymoon period at a time when not many punters would have put a buck on Labor, certainly not to win.

An honourable member interjecting:

Mrs GERAGHTY: I put my money on it. My campaign was fought on honesty and grassroots issues.

Mr Rossi interjecting:

Mrs GERAGHTY: I am telling you that it was. Here we go, bellowing again! There were no dirty tricks in the Torrens by-election—not from me and not from my family. Remember, I was the one who said that I lived in Modbury North. I did not indicate to people that I lived in the electorate, as my opponent did. He had lived in the electorate but he moved out, and that certainly was not said. There were none of those scare tactics.

In fact, I did tell the truth, and I must say that some of the issues that we raised in the Torrens by-election have come to fruition. The Government held off from implementing some of its policies during the by-election. For example, we were aware of the proposed closure of the Holden Hill Primary School, but that was said to be a scare tactic of ours. Indeed, that school is closing this year. We have water charges now, rent increases, and I could go on and on, but I am sure the honourable member gets the message about making such allegations. I would like to talk about my excitable nature, because the member for Mawson likes talking about it. In fact, he said that the only time I show any interest in the House is when a union is mentioned. Unfortunately, the honourable member has now left the House.

I will be blunt about that: that is a blatant untruth. I have spoken on a variety of issues in this place and have asked many questions. I am concerned over many issues, such as the Housing Trust (and members could ask the Minister; I have pursued those issues), mental health, education, childcare, aged services and, particularly, services for the intellectually disabled. I have raised a diversity of issues such as those, and I am passionate about them all. The honourable member just tried a cheap and shoddy shot to make his Government look good, but he failed. As with other com-

ments the member for Mawson made, such as those about the closure of the Mount Burr sawmilling operation and the recent petrol dispute, I know he did not bother to research those topics, either.

Like him, I have concerns about the quality of contributions in this House—particularly his, after that last contribution. Since he mentioned the *Advertiser* point scoring exercise, let me say that I found as little credibility in the member for Mawson's contribution as I found in the *Advertiser* article. Since the honourable member brought it up, I am happy to talk about it. I would like to know where the information came from to make such a political and public judgment. I know it did not come from the electorate of Torrens. Perhaps it came from colleagues in this House: who knows? Was the information given based on unbiased judgment or was it otherwise? I work hard in Torrens: I do not take the electorate for granted, nor will I. My credibility comes into play in Torrens.

I often get excited, I might say, and I do not deny that, but members should not mistake excitement for incredulous disgust. I certainly was disgusted with the member for Mawson and his colleague who egged him on at that stage. I know which of us (me or the member for Mawson) should be on *Red Faces*. It is a pity that the honourable member wasted his time and that of the House on such trivial point scoring. I might say that I participate in point scoring competition in dog showing, and I say frankly that there is more integrity in that game than in the petty point scoring the honourable member attempted the other day.

The DEPUTY SPEAKER: Order! The honourable member's time has expired.

Mr ROSSI (Lee): I would like to reflect on what the Leader of the Opposition just did in his grievance debate, accusing me of not knowing what I was talking about.

Mr Atkinson interjecting:

Mr ROSSI: I will lead that if you bear with me, keep quiet and show me the courtesies I show you from time to time. On which side of this House are the Leader's socialists? I ask the member for Spence to tell me that. On which side of the House do the Leaders hold grudges? I know which side of the House—your side. Your Leader continually holds grudges and tries to get revenge from the Government side. Which side of the House comes from trade union ranks? It is the side of the member for Spence that comes from union ranks, not this side. Then we go on to something else: which side of the House fought for workers to have eight hour working days? It was your side of the House. You tell me also: which other leader in the world had the same type of policies? Members on the other side of the House do not have brains to think for themselves; the only thing they do is copy other people's ideas.

I ask the member for Spence to tell me which other Leader in the world believed in centralised government. It was, of course, Mussolini. And who else do we have in Australia—your right honourable Mr Keating. He is trying to abolish the States by reforming regional Governments. That is identical to somebody else's reactions. Of course, we could go on. Which side of the House has the most atheists as followers? Which side of the House usually pushes for the abolition of the monarchy? Your side of the House—the socialist Labor Party. Which side of the House made this State bankrupt? You tell me: which side of the House made this State bankrupt? It was Labor. Who made Italy bankrupt? Mussolini. Do members opposite understand that?

Now, of course, you have the other leader, the leader of Australia, your mate, Mr Paul Keating, who does not know how to add up; who was the best Treasurer at making us bankrupt. We have rewards for single mothers, not on responsibility but on how many kids they push out. That is another example of another leader in another country. People in Australia, the socialist Labor Party in Australia, do not have the brains to think the policies out themselves.

Mr Atkinson interjecting:

Mr ROSSI: It gets me absolutely wild that people like the member for Spence always interject, because they believe in democracy their way and no other person's way. He always interferes when we speak out. He never gives us the courtesy of making a speech without interruptions.

Mr Atkinson interjecting:

The DEPUTY SPEAKER: Order! The member for Spence is grossly discourteous. He has interjected for the past three minutes.

Mr ROSSI: Which political Party caused the media to go from three newspapers to one? Which other leader in which country caused the same thing over there? It was, of course, the South Australian Labor Party, in government, that caused Adelaide to have only one newspaper, and it was Mussolini in Italy who controlled the media in the same fashion. Which Government caused the Public Service to be politically appointed? It was the Don Dunstan Labor Party. Of course, we could go on with Mussolini and what happened in Italy. It was Mussolini who employed in the Public Service those people who supported him and no other.

The correlation between members opposite and people in Italy is identical, pretty well step by step. I will not go away from my accusations, because I know I am right. I had a father who served in the Second World War, who had only grade 2 primary school and who, as a teenager, when I was 18 and wanted to join the army, gave me a few warnings and tips.

The DEPUTY SPEAKER: Order! The honourable member's time has expired.

LOCAL GOVERNMENT (1995 ELECTIONS) AMENDMENT BILL

The Hon. J.K.G. OSWALD (Minister for Housing, Urban Development and Local Government Relations) obtained leave and introduced a Bill for an Act to amend the Local Government Act 1934. Read a first time.

The Hon. J.K.G. OSWALD: I move:

That this Bill be now read a second time.

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

Leave granted.

This short Bill amends the electoral provisions of the *Local Government Act* to empower the Governor to suspend, for a maximum of 12 months, the holding of elections otherwise due to take place in May 1995 for groups of two or more councils in cases where a formal proposal for the amalgamation of those councils has been lodged under the *Local Government Act*.

The Government has recently announced the initiatives it is taking to facilitate urgently needed improvements in Local Government structural arrangements. Many councils recognise that they must seriously examine changes to the ways in which they are structured so that they can deliver more effective and competitive services, participate effectively in strategies for the regional devel-

opment of the State, and interact productively with the State and Commonwealth spheres of Government. In the coming months a Ministerial Advisory Group will be examining and making recommendations on how to achieve these improved arrangements in the shortest time with the greatest economy of resources and minimum community dislocation.

Some councils are now taking steps to reform their organisations. A small number are preparing amalgamation proposals for consideration under the process currently set out in the *Local Government Act* and it is these councils and their electors which may be able to benefit from the provisions of this Bill.

If, before the 16 February 1995, a formal proposal for the amalgamation of two or more councils has been lodged with the Local Government Association under section 18 of the *Local Government Act*, the councils affected by the proposal may apply for the suspension of their May 1995 elections for up to 12 months. The 16th of February is one week after the closing date for the Local Government voters roll and two weeks before nominations from candidates must be called for. Taking into account the time necessary for a proclamation to be made, this is considered to be the latest feasible time to approve the suspension of elections. The object of the suspension is to ensure some continuity in the examination of a proposal once it has commenced, so that the process is not wasteful, confusing, or unnecessarily prolonged.

There is some legislative precedent in South Australia for the suspension of elections by Governor's proclamation for those councils which have lodged a detailed amalgamation proposal. This was possible under the former provisions of the *Local Government Act* in cases where a proposal for amalgamation was before the Local Government Advisory Commission and the Commission advised that it would not be able to report on the proposal before the opening of nominations in an election year. The power was also included as part of the current process in the original *Local Government (Reform) Amendment Bill 1992* but it was removed during debate because of a general feeling that it had been over-used. This Bill limits the power to suspend elections to a one-off suspension for a defined period.

Before a proclamation to suspend elections can be made by the Governor, those councils making joint application will need to demonstrate that they have taken sufficient steps to make their electors aware of the proposal and of the processes under which it will be considered, and that copies of the proposal have been available to the electors for at least 14 days. Deferment of democratic elections, even for a limited and certain period, is a serious step and electors are entitled to full information about the proposal and their rights in relation to it.

When elections may be suspended in the context of an active amalgamation proposal, electors must be assured by their councils that they retain ways of registering their approval or disapproval of the proposal and influencing the decision. Under the procedures currently set out in Part II of the *Local Government Act* for dealing with amalgamation proposals, a formal program of public consultation and consultation with any organisation or association that represents persons who have a particular interest in the proposal (whether as ratepayers or residents, officers or employees of a council, employers within the local community, persons who are interested in relevant environmental issues, or otherwise) must occur before the independent panel dealing with the proposal makes its recommendation. In addition 10 per cent or more of electors for an area affected by a proposal can demand a poll on the panel's recommendation. The result of the poll will be binding if a total turnout of 25 per cent is achieved in the areas affected by the proposal, and even if that turnout is not achieved the panel must reconsider any recommendation opposed by electors.

The councils will also have to satisfy the Minister that there is a reasonable likelihood of the panel forwarding its report to the Minister within the next 12 months. Some proposals are more complex than others and the panel process relies heavily on the commitment and resourcing of the councils involved. There would be no point in suspending periodical elections for one year in cases where it appeared unlikely, at the outset, that the process of examining, consulting, and reporting on the proposal would be completed within that time.

The reinstatement of a power to suspend elections in order to facilitate consideration of an amalgamation proposal is supported by the Local Government Association and by those councils who may be in a position to apply for suspension. This Bill is an interim measure pending a fuller consideration in early 1995 of the current provisions for amalgamation and boundary change contained in the *Local Government Act*.

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 94—Date of elections

This clause amends the section of the principal Act that deals with the date on which elections are to be held. *New subsection (5)* will enable the Governor to make a proclamation suspending the 1995 elections for those councils who are the subject of an amalgamation proposal that has been initiated under the Act (by the councils or their electors) and referred to the Local Government Association. The councils concerned must apply for suspension and satisfy the Minister (before 16 February 1995) that they have taken proper action to inform electors of the proposal and of the processes for its consideration. Copies of the proposal must have been available to electors at least 14 days prior to applying to the Minister for suspension. The Minister must also be satisfied that there is a reasonable likelihood of the panel reporting to the Minister on the proposal within the next 12 months. *New subsection (6)* provides that the suspended elections must take place within 12 months of the 1995 polling day, subject to any other proclamation that may be made under Part II in the event of a decision being made that amalgamation will take place. *New subsections (6) and (7)* are facilitatory provisions.

Mr ATKINSON secured the adjournment of the debate.

LAND AGENTS BILL

Adjourned debate on second reading.

(Continued from 19 October. Page 705.)

Mr ATKINSON (Spence): The Opposition has studied the four Bills most carefully.

The DEPUTY SPEAKER: Before the member continues, I point out that there has been no motion for a cognate debate. If it is the wish of the House that the subject matter of the debate be allowed to wander over orders of the day Nos 2, 3 and 4, the Chair is quite happy for that to occur. If the House concurs in that approach, the member for Spence may canvass orders of the day Nos 1, 2, 3 and 4.

Mr ATKINSON: The Liberal Party was elected to office on a platform of, among other things, deregulating consumer protection. The Attorney-General's policy of deregulation won the approval of several associations of traders and professionals affected by the jurisdiction of the Commercial Tribunal. These traders look forward to the repeal of part of Labor's consumer protection legislation. The Attorney says the review of this legislation is timely. The Attorney talks about what is 'appropriate for the mid to late 1990s in relation to consumer protection'. He says that for the past 10 years our consumer protection laws have 'been characterised by neglect and disinterest in what is a very important area of Government activity'.

I am surprised to read a conservative such as the Attorney succumbing to the progressivists' notion that what consumers need from these laws is somehow different in the mid to late 1990s from what it was in the 1980s or the 1970s. Consumers need laws that protect them from the market advantages of bigger and more experienced operators: whether they be retailers, law firms, real estate agents or land brokers. They need this protection from legislators in any age, not just the late 1990s. I am also surprised to read the Attorney's use of the word 'disinterest' when clearly he meant 'lack of interest' or 'uninterested'. I hope that the people who enforce our consumer protection laws do so in a spirit of disinterestedness as between the parties and with a genuine vocational interest in the subject. I suggest the Attorney minds his language and sets a better example for readers of *Hansard*.

The Attorney talked about the need 'to ensure that a balance exists between the rights of consumers and the responsibilities of agents'. If a speech writer is to use a balancing metaphor it is important that he or she engineer a balance between competing or opposing forces. The rights of consumers and the responsibilities of agents are like forces or complementary forces, not competing or opposing forces. The Deputy Premier managed to repeat this woolly thinking in identical terms. We expect it from the Deputy Premier but not the Attorney.

The Government intends partial deregulation of this part of our consumer protection law. The Bills deliver on the Government's promises to the Real Estate Institute, the Institute of Conveyancers and those members of the Law Society and others who have been irritated by the Commercial Tribunal and its procedures. Although I do not doubt that these associations or some of their members called on the Government to deregulate, I do not think a solitary consumer in our State complained to any Government member about our Labor era consumer protection laws and asked them to be repealed in the manner the Government proposes. It is odd that this deregulatory endeavour takes one Act and turns it into four Acts. This is not a common feature of deregulation.

The Bills replace licensing with registration. The Opposition concedes to the Government a mandate for this experiment, but I should like the Deputy Premier to explain to the House just what administrative tasks will become redundant in the switch from licensing to registration. I want to know this so that the House has some evidence before it that public money is being saved. All we have from the Deputy Premier's second reading explanation is an assertion that savings will be made. The Deputy Premier's claim that 'partial deregulation of these groups may enable the profession to move to a more efficient structure yielding economies that could be passed on to consumers' is too much for the Opposition to swallow. I hope that in three years the Deputy Premier will get back to us about that claim.

The Bills allow the Government to delegate unspecified matters to industry organisations by means of written agreements to be tabled in the House. The Opposition is apprehensive about the matters that might be delegated, particularly as they relate to enforcement. I always thought the Liberal Party was opposed to compulsory membership of associations, yet some of these associations are now to supervise the trade on behalf of the Government. That means associations supervising land brokers and land agents who are their members and land brokers and land agents who are not their members. The danger of oppression exists in this proposal, although I am not saying those dangers will be fulfilled. I ask the Government to reflect on what its MPs would be saying to the House if a Bill proposing that supervision over a vocation and disciplinary matters were given to a trade union. Perhaps if the Deputy Premier looks at it that way he will see my point.

On 8 September the Attorney said that he was meeting the chief executive of the REI the following week with the clear expectation that the chief executive would tell the Government what delegations it would like from the Government under the Bills. It is now 22 November. I would have thought the Deputy Premier would be able to tell the House in his reply what delegations the Government was contemplating. The Opposition would prefer these agreements between the Government and vocational associations to be, like regulations, subject to disallowance by the House if the House finds them objectionable in some respect. The Bill, as it stands, extends only the courtesy of their being tabled, not scrutinised or put to the vote.

In relation to the Conveyancing Bill, I am pleased to note that the vocation of land broking, which for so many years was confined to South Australia, is now found in New South Wales and the Northern Territory. The Deputy Premier tells us that mutual recognition agreements may spread the vocation to other States. The Opposition notes that the Government is asking Parliament to grant the Institute of Conveyancers its wish to have professional indemnity insurance made compulsory for land brokers. This puts land brokers on a more equal footing with solicitors. The Opposition supports the clause. We also note with approval the clause enabling the Commissioner for Consumer Affairs to appoint a person as temporary manager of a land broking business whose principal is deregistered under the Bill. This is a comparable provision to that for solicitors. The Opposition also supports the clause that extends the limitation on actions from two to five years. This is qualified by the requirement that actions commenced during the extended period must have the approval of the Minister.

The Opposition is also pleased that its arguments in another place have led to the Government's introducing a clause to prohibit, in most circumstances, the practice of land brokers representing both parties to a transaction. The Opposition welcomes the Government's acceptance of Opposition arguments on this, and I believe the Deputy Premier has an improved clause even closer to Labor policy than that which went through the other place.

I now refer to the Land Valuers Bill. The Deputy Premier said, 'There is an extremely low incidence of complaints against valuers.' By that I think he meant there were few complaints against valuers. I know the Deputy Premier has not had much time to listen to his constituents in his electorate office or to go door knocking in the Mitcham and Colonel Light Gardens areas. However, when he does have some respite from ministerial duties after the next election, he will find that complaints about valuation are commonly made to members of Parliament, although most of them are complaints about valuations by the Office of the Valuer-General for the purpose of EWS and council rates.

An honourable member interjecting:

Mr ATKINSON: Well, the Deputy Premier says, 'That's right.' If that is right, why did he say that there is an extremely low incidence of complaints against valuers? It is clearly not true.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr ATKINSON: Mr Deputy Speaker, can I have some protection from the member for Unley and the Deputy Premier, as rowdy as they are this afternoon? The Deputy Premier argues that land valuers do not need to be licensed or closely regulated because their customers are of a kind that can look after their own interests—banks, solicitors and finance companies. The Opposition thinks this is not quite correct. Private individuals use land valuers during divorces and regarding wills. I am not saying that this by itself justifies regulation, but the spokesmen for the Government are a little eager to cite any justification for their prejudices against regulation in this area.

During debate on the Bills, the Labor Opposition will try to preserve the Commercial Tribunal. We believe that the Commercial Tribunal has served South Australia well. Its lack of lodgment fees and its ability to operate clear of the rules of evidence, if it so desires, have made it the friend of

consumers for almost a generation. Its procedures are more simple and more expeditious than those of the District Court. Although the Commercial Tribunal's jurisdiction has been confined to land agents, second-hand motor vehicle dealers and builders and disputes between commercial landlords and tenants, it is still a force for good in our law.

During the Estimates Committees we learnt that the District Court was falling behind in its work because it was two or more judges under strength. The Attorney told the Estimates Committee that he would be monitoring the District Court to see how it was coping with increased jurisdiction and its temporary undermanning, yet by these Bills the Government asks Parliament to strip the Commercial Tribunal of much of its jurisdiction and transfer it to the District Court. I ask the Deputy Premier to explain this apparent inconsistency to the House, if he is listening. That is three questions I would like him to answer in his summing up on the Bill.

Labor has no objection on principle for licensing to be transferred from the Commercial Tribunal to the Commissioner for Consumer Affairs in the first instance. Appeals could then be made to the Commercial Tribunal from the Commissioner for Consumer Affairs' decision, and this would given the tribunal an exclusively adjudicative role. However, Labor does not fully understand the source of the Government's grudge against the Commercial Tribunal. I do not think that it lies in the Attorney's preference for the courts, the rules of evidence and the full panoply of rule of law. These preferences are, of course, admirable in an Attorney. The Opposition thinks that the source of the grudge might be the Commercial Tribunal's usefulness to consumers in upholding their rights against the bigger players in the market.

Turning to the Land Agents Bill, the Opposition believes that the changes cast a burden on the principals of real estate firms while releasing sales representatives of the firms from regulation. It seems that the principal and his firm shall suffer for the misconduct of the sales representative, yet the sales representative, having been dismissed from that firm, can then continue in the trade for any other firm that chooses to employ him. If I am wrong in my reading of the Bill, I should like the Deputy Premier to put me straight. That is four questions.

In conclusion, the Opposition seeks to defend the jurisdiction of the Commercial Tribunal, to give Parliament the opportunity to scrutinise and reject delegations of regulatory power to private associations, particularly if they involve enforcement against citizens by private associations. We seek to prise from the Government more information about just what it intends to delegate to private associations and we seek that the Government should note our concern about the general retreat from State enforcement of consumer protection.

Mr BROKENSHIRE (Mawson): In debating these four Bills, I point out that in the past I have had an interest, being a real estate agent; however, I have sold my shares in the real estate practice and do not have an interest any further. I would like that recorded in *Hansard*. In opening, I do not support deregulation just for the sake of deregulation, and I have said that many times over many years. However, where there are benefits as a result of deregulation, clearly deregulation should occur. Certainly in the past 20 years, ideas about deregulation have changed significantly. As most people are aware, our Government generally favours deregulation because, amongst other things, it removes the red tape, the licences and the imposts that are a day-to-day imposition on the productivity and continuity of business. We also look at removing costs regarding policing and so on. That is important when you start to look at the real estate agents, brokers and valuers within this State. Whilst we should be making the laws which protect the consumers of this State and help to enhance the State, I do not see why we should be forking out good taxpayers' money to ensure that the laws we have made are being policed. I will expand on that later.

As a result of this deregulation, we will allow industry to steer its own course, and most people in any business, whether a service or manufacturing industry, are always saying to me that they would like to have more autonomy and self-direction. Advice given to me indicates a desire for associations to play a more significant role in the affairs of their own industries.

At this point, I give credit to the Labor Party, something I have done in the past in this House and will continue to do so in the future where I believe it is justified, just as I will continue to debate vigorously with members opposite when I want to give them a smack around the ears for something they might not have done well in the past. When Don Dunstan was Premier of this State, one of the best things he went on record for was the cleaning up of the real estate industry in South Australia. Before that, I would be the first one to admit that, whilst I was not involved in the industry at that stage, not all transactions were in the best interests of the consumers or the vendors. Don Dunstan saw a need to introduce professionalism into the industry in the late 1960s and early 1970s and, to his credit and to the credit of the then Labor Government, this is something on which they could certainly hang their hats and which they could regard as a success. As a result of the existing Acts, they brought about a great degree of professionalism, accountability and credibility, and a better result for all parties.

Just because we are now to deregulate the industry does not mean we will wipe that out: when you look at the Bills, you see that it is far to the contrary, as the checks and balances are still there, but at the end of the day the industry will have to ensure that the checks and balances are implemented. As the Minister for Infrastructure said on another occasion in respect of deregulation, if 2 per cent of people in the real estate, the manufacturing or any other industry cannot get their act into gear and if they pull down that area, the Government will get behind the association, society or institute and make sure that those people are removed because, at the end of the day, why should 98 per cent of people who are doing the job properly be torn apart or bad mouthed simply because a small percentage of people do not want to do the right thing?

It is important that the education requirements, professional standards, codes of conduct and ethics remain. That was one thing about which I was certainly very concerned and, having studied the three years of civil law and accountancy practice towards the full manager's course some 20 years ago, the last thing I would want to see was any deterioration of those educational requirements. Personally, I believe that the more we can get people to study and further enhance their education, the better for all members of our society. That requirement has been left in the Bill and the education standards will stay. Institutes such as the Real Estate Institute will have a much larger say in what happens with professional training not only initially when you have to have specific education requirements but also from the viewpoint of

ongoing training. As far as agents go, in one sense I take the point made by the member for Spence: why should principals have to take full control?

At the end of the day, even under the current Act, whilst a salesperson may get a slap over the wrist, the principal, the agent or the licensee of that body is the one who will cop it: when it is really boiled down, that is the way it has to be. The point which the honourable member did not quite finish is that, whilst the Bill still contains many strong provisions to ensure that salespersons do things properly, if they happen to step out of line, I suggest they would have a difficult job in getting employment with another agent, because agents talk about their employees.

Let us look at a couple of other issues with respect to this Bill. I do not have any problem with the removal of anti-competitive restrictions on the licensing of corporate agents, because as with any industry, whether it be the wine industry or a service industry, the people who produce a good quality product or provide a good quality service will always do quite well and those people who do not come up to scratch will have to either lift their game or get out and find a different career path. If we have good quality people doing the job properly, and if someone can do the job a little more cheaply, so be it: that is what it is all about—competitiveness.

Let us look at another feature of this Bill, that is, the provision of mechanisms for the involvement of industry in the active endorsement of duties of land agents. I have touched on this matter already, but I would like to reinforce what I said earlier: in my opinion, the day has clearly come when the Real Estate Institute, which after all has been in existence for 75 years, must take the lion's share of making sure that this industry continues to become even more professional and more enhanced in the future. Of course, whilst agents will not be licensed any more they will still be subject to a system of registration, and standards will therefore be kept up, as I have said.

The honourable member opposite asks what savings are in this for the Government. One only has to go into the Commercial Tribunal and look at the staff, the records and the follow-up procedures, and so on. I am probably guessing, but there are probably 20 to 25 people with an add-on component of about $50 000 per head. That would be a considerable saving to this State each year if it could be put back into the industry, and that is the way it should be. Industry should be there to make sure that people do things properly, and I do not believe that the Government should back up industry in that respect.

Mr Atkinson interjecting:

Mr BROKENSHIRE: Well, I have great faith in the Real Estate Institute and the work that has been done in the past, including what I said to the honourable member about his previous Government. That work has been done and, as the Attorney-General clearly pointed out when he brought down his report on this Bill, the industry has come a long way, and it is now time for it to become autonomous. The checks and balances are still there, so I do not have any problem with that at all. Corporations will now be entitled to register as land agents, but we must remember that they must still have a natural person who is a registered agent to manage the business. It is not about the local fodder store suddenly putting up its hand and saying, 'I want to become a real estate agent', because it would have to have a natural person who is a registered agent. As I have said, for that person to become a registered agent they would still have to have the required education and abide by the code of conduct, and so on, and they would also have industry overseeing them.

As far as the partial regulation of occupations go, it is true that salespersons will no longer be licensed but, on my reading of the Bill, they will still have to be registered. The Bill proposes that under the Act the Commissioner have the power to delegate specific matters to industry organisations. Obviously, once again, this is a new and significant development, but the Government will work closely with industry to develop complaint resolution procedures and codes of conduct. I advocate more such delegation of responsibility from Government to industry: it should have happened many years ago.

Let us look now at the Real Estate Institute, because I think it is worthwhile to touch on the REI at this stage. Under the leadership from an executive point of view of John Munchenberg, the industry has come a long way over the past 10 or 15 years. I was fortunate to represent the Minister for Housing, Urban Development and Local Government Relations at the seventy-fifth anniversary of the REI a little while ago. The Premier was there as well, and he touched on the fact that he was pleased to see that 1 200 industry representatives attended that night. Unfortunately, as the Premier pointed out, the Leader of the Opposition decided that it was not important enough even to turn up that night. That is quite sad when you consider how important the economic development of this State is with respect to the real estate industry.

Another great thing that the REI has introduced is the CREI, a practising certificate which requires you to keep up your professional ongoing standards and training. I support the REI in this regard. This Bill will encourage more of that sort of thing as the REI will have more direct input into what happens and the direction the industry takes. I have touched generally on the professional standards, but I think the REI should be commended on the way it has led this industry with its constant upgrading of professional standards. It has disciplinary tribunals, and this Bill contains extensive disciplinary provisions. So, once again the checks and balances are there, and they can be improved by associations such as the REI.

The REI can control the bulk of direction of the industry from now on. I understand that 80 per cent, possibly 85 per cent, of all licensed practitioners are members of the REI. Those who are not members will probably find that in the future they will get enormous benefit not only as a direct result of deregulation but certainly by becoming a member of the REI. The value of the real estate industry to the economic development of this State is enormous, and most of us know this. One of the things that assisted the Government of the day last year and the year before when it was struggling to bring in some form of income was the fact that the housing market was going pretty well and, from the Treasury's point of view, stamp duty provided an important source of income to our State. However, more important was the creation of jobs and, with the multiplier effect, the real estate industry has an enormous impact on this State. When people buy a new farm or a new house, they buy machinery and fencing, put down a new bore or new carpet, and the people who get the cheque at the end of the day when the matter is settled put all that money back into our economy. So we must realise how important this industry is to our State.

I must confess that I have a few personal concerns with respect to parts of this Bill which I will follow through with

the Attorney-General, and I will raise those matters in Committee and when the regulations come out. However, by and large, they are only peripheral issues, and I strongly support the main thrust of this Bill. The regulations will come out after the Bill has been proclaimed, and at that point it will be important to ensure that consumer protection and the checks and balances, or what are now known as section 90 statements under the Act, are still in place in a similar manner to the existing provisions. I personally would like to see more information being given to purchasers, because at the end of the day it will save members of Parliament a lot of heartache if through regulation a little more advice goes to the purchaser at the point of signing the contract.

I would briefly like to touch on the related Bills: the Land Valuers Bill and the Conveyancers Bill. The land valuers and land brokers of South Australia can be proud of the achievements within their industry over the past 10 or 15 years. As the Attorney-General stated in his report, the percentage of complaints by valuers and brokers has been very minimal. In fact, if you look at the professionalism and understanding of the Real Property Act that land brokers have, you see that they appear to be the experts in this area and generally are better at conveyancing than solicitors. That is why many solicitors now employ brokers specifically to handle transfers.

This Bill is the start, not the finish, of what this Government is all about. As I said, it is about removing imposts on the taxpayer that should not be there. Clearly, when we look at these Bills, that is certainly provided. This Bill will still protect the consumer and allow full professionalism and further development of all facets of the real estate industry. To that end, I congratulate the Attorney-General on introducing these Bills and I fully support them.

The Hon. S.J. BAKER (Deputy Premier): I thank members for their contributions. Listening to the debate, one would think that the member for Spence is lost in the 1980s or the 1970s, because he just does not believe that change is appropriate, even if the system is not serving the community well. I am not a great believer in change for change's sake but, if we review the system and say that it does not work, we should make appropriate change. I would like to bring to the attention of the House a report which was delivered to the former Government in 1993 reflecting upon the time spent on the licensing system. I hope that the honourable member has read the report, but I guarantee that he has not. It said that the licensing procedures being pursued were time consuming and served no useful purpose.

If the honourable member wishes to debate the Bill, I ask him to go back to some source material emanating from his period in Government. After long deliberations on material provided by all sections of the industry, the former Government, which was a regulatory type of Government, was told that, even despite its penchant for regulating everything in people's lives, it is very expensive and does not produce a constructive result. I would suggest that in the major thrust of the Bill, we are taking away the costliness of a licensing system which serves little or no due purpose and replacing it with a form of registration in line with the principles of the various businesses we are discussing.

The honourable member made the startling observation, 'How can you be in a deregulatory mode when you have four Bills to replace one?' That is a very good debating point: the South Australian Debating Society would be quite proud of the honourable member, although the retort would be something along the lines, 'Twenty years ago, when the Bill was put in place, these occupations merged', whereas we are now talking about specialist skills. We are not talking about multi-facets of the industry but about areas of expertise—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: No; the honourable member is quite wrong. He will find that sections of the industry are far more compartmentalised now than they have been previously.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: That then says that those distinct entities in the industry can be identified and, therefore, they should be recognised as separate professions and occupations. That is what the legislation does, as the honourable member would admit.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: I am not sure that the honourable member is correct, unless he thinks that, in about 20 years' time, if he is still here and the Labor Party has achieved Government, that might be its deregulatory stroke to bring them all back together.

Mr Atkinson: Someone will do it.

The Hon. S.J. BAKER: The member for Spence suggests that someone will do it. I suggest that the industry is now focused on facets of service delivery, that the educational standards required for each are quite separate and that we are talking about different occupations. Whether we condense them into a larger Bill and apply as much of a broad banding as we can, recognise the specific attributes within that Bill and deal with them specifically, or whether we have four Bills in the future, I am not at liberty to judge. I am simply saying that it was the Government's intention to ensure that each part of the industry was recognised separately, because they are distinct parts, requiring distinct expertise and, I believe, separate types of oversight, because the person who sells land has a totally different approach from that of the person who is involved with the conveyancing of property, as the member for Spence would recognise. The honourable member mentioned that he could not see that there were any savings in the system. In response—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: I think he tried to answer his own question, given the way he framed it. If it was an open question, I will give the honourable member an open answer. He is having a running battle—

Mr Atkinson interjecting:

The DEPUTY SPEAKER: Order! The honourable member will have the opportunity to ask any questions on any clause during Committee.

The Hon. S.J. BAKER: Having contributed to the debate, he now wants another opportunity, and he will have that opportunity, as the Deputy Speaker suggests, during the debate on the Bill's clauses. I draw the honourable member's attention to the three areas involved in savings. The first one is the process of licensing, and considerable time and effort have been spent by the tribunal on this aspect. As his own report or the report of the previous Government quite clearly showed, there was not a big pay off for all this effort, simply because someone had achieved a level of expertise through studies and through work in the industry to allow them to be licensed. So, the issue of licensing was not one involving any sense but simply one of procedure, and the procedures are expensive, because those licences have to be processed. I understand that 99 per cent of the licence applications took a long time to process, but the validity of only 1 per cent was

contested. So, the registration system streamlines the process of entry into the occupation.

As the honourable member recognised in his speech, the Government has deliberately determined that there shall be a role for the industry. That is in keeping with a number of statements that we have made over the years that the responsibility should not lie with Government. Government should be there only as the last resort, as the safety net when industry does not behave. If we want to keep looking over people's shoulders, making more regulations and being more finite with those regulations to ensure that every possible breach is covered, we will continue to expand the regulation books and the legislation, and not necessarily to any good effect. So, we have said that industries themselves must act responsibly, otherwise they should not represent the bodies, people or occupations in question. The member for Spence's parallel was, 'Well, we are now setting up a compulsory union.'

Mr Atkinson: I didn't say that.

The Hon. S.J. BAKER: Well, you reflected upon that. In response to the honourable member, I would say that the Government is intent on the industry's taking a constructive stance in terms of its own behaviour and standards. It is about time Australian industry grew up in some areas; it is about time people took responsibility for their own actions and the actions of people around them. As long as we continue as a Government to lay down the law and say, 'This is prescribed by law and you will comply with it', we will continue to miss the boat. The honourable member should look at the very successful German system, about which he may have gathered some knowledge in his travels, in relation to who bears the responsibility.

Mr Atkinson: I've been to Frankfurt airport.

The Hon. S.J. BAKER: The honourable member has been to Frankfurt airport. Perhaps when he has some spare time he will look at the issue of where responsibility lies. I know that when I was in Germany looking at occupational health and safety and industrial relations one of the issues in question was whether Government plays a hands-on role in every facet of life. Of course, the very successful German system says, 'You take responsibility for your actions and if you transgress there is a set of procedures in place by which you can be pulled back into line or face the criminal or civil jurisdiction.'

Mr Atkinson interjecting:

The Hon. S.J. BAKER: Well, the honourable member draws the parallel of the maritime industry's being regulated by the ship painters' and dockers' organisation. I recall that in my earlier years in Parliament I had one or two clashes with that esteemed group. That is not the issue, of course. The issue is the extent to which industry should take responsibility for itself and Government being there only in terms of ensuring that laws can be applied should there be matters that cannot be handled by the industry itself.

Again, there is the matter of savings. We are saying that there is more responsibility on the industry, less effort being made in processing licences and also, we suggest, a move towards conciliation and mediation and use of the court only as a last resort. I was looking at the statistics of the Commercial Tribunal panels that sat during the period 1993-94. In terms of the Land Agents, Brokers and Valuers Act very few matters came up for adjudication. Only eight cases dealing with discipline came before the tribunal for its scrutiny during that whole period.

Mr Brindal interjecting:

The Hon. S.J. BAKER: The honourable member seems to think that there is an outbreak of lawlessness that has to be controlled by Government. I assure the House that if lawlessness breaks out there are still very proper procedures in place to ensure that those people who would otherwise purport to be upright citizens in this industry will no longer be able to operate in the industries to which we are referring, simply because there is provision in the Bill to ensure that they do not. The honourable member would be mindful of the provisions in the legislation that directly reflect on the Government's determination that if a person disgraces the industry that person does not operate in the industry, and that recourse can take a number of forms.

In relation to the Land Agents Bill, the honourable member again reflected on the fact that we are not regulating sales representatives in a particular fashion as we have in the past. I would ask him to look at all forms of industry and the extent to which we get down to the lowest common denominator when we are specifying requirements. There is an overall requirement of duty and responsibility placed upon the employer of such people, but we do not necessarily keep going down the list of employees and saying, 'You have to have a licensing system in place or adhere to these particular regulations.' It is up to the employer to ensure that each employee is responsible in his or her efforts.

So, even though we are reducing the level of oversight from a Government's point of view, obviously there is a much stronger emphasis on the employer's ensuring that his or her employees operate appropriately, and we are also putting in place some safety net provisions for the consumers should the employee not conform. There is no loss of protection for consumers in relation to sales representatives. Greater emphasis has been placed on the responsibility of the land agents in the employment and supervision of their staff. That is consistent with the industrial relations, occupational health and safety, and corporations laws of this country. So, we are being consistent with the major thrust of both Federal and State laws. Again, the honourable member should recognise that.

It is also important to understand that the Government proposes that sales representatives can practise only if they have a prescribed educational qualification. We are saying that the industry is not totally deregulated: people cannot just walk off the street and be a sales representative. Those employees must have qualifications that will be set down in the regulations with which they must conform, otherwise they cannot operate as a sales representative. That is perfectly fair and reasonable. It is the employer who is responsible for ensuring that the person employed as a sales representative actually conforms with that requirement.

The Government will be moving amendments to remove the requirement to register sales representatives. It is the Government's view that regulation is not necessary for this group, and that view is supported by the report of the review of partially registered occupations prepared by the previous Government, to which I alluded earlier. In terms of delegation, the Government proposes that tasks such as the auditing of trust accounts may be delegated to professional organisations. The Government does not intend to delegate all of its powers and functions.

It will not delegate the power to delegate—if the honourable member can understand that—or the power to register land agents. Those are strictly within the purview of the Government. The Government's own green paper reflects upon the effectiveness of the Commercial Tribunal. In effect,

the green paper said, 'Look, it sounded like a good idea at the time,' and I may well have reflected upon the positive nature of the Commercial Tribunal. In practice, that court has been under-utilised. It has not necessarily met the expectations the Parliament had when it was put in place. A Commercial Tribunal was certainly supported by me at the time and, I believe, most members of the Parliament supported the proposition. But it is not necessarily in keeping in relation to putting more responsibility back to the employers under a broad umbrella; making the Commissioner responsible for certain aspects of the legislation and then, if all else fails, having the District Court as the fall-back position where matters of law have to be contested.

The Government believes that it is in fact a step forward. The honourable member suggests that the matter will be back in the Parliament because people cannot be trusted or they will do the wrong thing. I would bring to the attention of the Parliament the situation with respect to land agents and the fact that some interesting names came up during the 1980s in relation to this industry. Contributions are made by land agents and land brokers towards the fund. Very large sums of money were expended in the 1980s and we had a regulatory framework in place. After we had one land broker fall over we had another and then another. The system obviously did not work and all that happened was that the funds were exhausted. The Government did not bother to ensure that audited accounts was presented to it. It made no attempt whatsoever to clean up the industry and we had the scandals of the 1980s.

The Commercial Tribunal does not alter that situation one iota. However, as members would know, this Bill has a number of strengths that are not reflected in the current situation. The weaknesses are very minor, unless somebody believes that our lives should be regulated to the point of exhaustion, which seemed to be the direction taken by the previous Government. I commend all four Bills to the Parliament. I acknowledge the contributions made by members and I congratulate the member for Mawson for his contribution to this debate. The member for Mawson recognised that change has taken place in the industry; he recognised that we, as a Government, had to change the way that we worked in partnership with industry.

The Bills before us reflect those changes. They are a step forward; they will mean that more responsibility is placed upon the employers, with which the member for Spence would have to agree; and more responsibility on the industry, about which the member for Spence may have some reservations. But we are in the 1990s now and, if the honourable member wishes to look at the nations that have succeeded, he will see that far more responsibility is taken by the industries themselves than by the Government in terms of ensuring that the public interest is maintained, but that is due to the efforts of the industry itself and not to some Government standing over it and saying that it needs to be regulated more in order to control its activities. I commend the Bill to the House.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

The Hon. S.J. BAKER: I move:

Page 1, after line 21—Insert definition as follows:
'Court' means the District Court of South Australia;.

This is part of a series of amendments, as the member for Spence would recognise. We are reconstituting the Bill more or less as it arrived in another place and then was decimated by—

Mr Atkinson: Decimated?

The Hon. S.J. BAKER: Decimated.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: That is exactly right.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: It is probably pretty close, if the honourable member wants to reflect on the amendments. I know that we have had a debate about what 'decimation' actually means; but the extent to which it was emasculated, and the honourable member can reflect on that particular terminology and draw his own analogy. This amendment reinserts the status of the District Court, which was taken from the Bill.

This amendment is part of a series that is being reinserted because in another place amendments were made to the originating Bills in that place in order to sustain the Commercial Tribunal and its role. The Government in its review of the provisions of the Land Agents, Brokers and Valuers Act considered the role of the Commercial Tribunal under the existing Act and also considered what functions under the new Bill would be the subject of judicial or quasi-judicial decision making. The approach the Government took was to look at the structure that it was seeking to put in place for the registration and administration of land agents, conveyancers and land valuers. Having done that, the Government looked to see what sorts of matters could be the subject of contention and decided that, because of their limited nature, it was appropriate to direct the resolution of those issues to the District Court and not to the Commercial Tribunal.

We are talking about the residual matters that may require deliberation by a higher tribunal in the form of the District Court. I know that this is not consistent with what the Opposition would wish; we have already debated that during the second reading of this Bill. However, the Government is adamant that change should take place; that there must be a position that provides for matters to be contested. Obviously, most of those will relate to breaches of the law. In this situation breach of the law should be dealt with by the District Court rather than by the tribunal. There will also be matters of civil difference, and they have always been matters of contest in the civil courts. The Government has made no secret of the fact that, on the basis of the change and the structure across a range of legislation from licensing back to registration, in conferring the responsibilities back to the Commissioner for Consumer Affairs rather than to the tribunal there are few if any functions that ought to be the subject of determination by a so-called specialist tribunal.

Shortly after the Minister for Consumer Affairs took office he announced an overhaul of the whole of the legislation administered by what was then the Office of Fair Trading. He gave a clear indication that the Government would be removing the Commercial Tribunal from a significant area of responsibilities and indicated that there would be a significant review of all legislation relating to residential tenancies and commercial tribunals. This trend to rationalise boards and tribunals has been part of the Government's mandate since taking office, as recognised by the member for Spence. The Commercial Tribunal served the State well during the 1980s, but the experience of members of the tribunal from time to time is that they have felt isolated from the mainstream of judicial and quasi-judicial decision making. In addition, the workload of the tribunal dropped

significantly, to the extent that Judge Noblet was voluntarily spending two weeks every month or so in the District Court.

The honourable member made some reflection on the fact that the District Court was in overload. I was not sure what point he was making at the time. Under this Bill, the Government has limited the matters that can be heard and determined by the court. For example, the function of licensing has been removed from the tribunal and given to the Commissioner for Consumer Affairs. It is also interesting to note that radical changes to the Commercial Tribunal were also foreshadowed in the green paper released during the term of the former Labor Government. Under that proposal the tribunal would cease to be the licensing authority and the Commissioner would take up that role. I understand that at the time there was also discussion within the agency about subsuming the tribunal into the District Court structure; whether it would go there as a separate entity or simply become part of the general jurisdiction was never finally determined prior to the change of Government.

So, the Government itself determined that the tribunals, whilst they sounded like a good idea at the time and perhaps did perform a function at the time the Commercial Tribunal was set up, that function had, through the effluxion of time, become less important and, therefore, their role had to be questioned. That was done in conjunction with the licensing. It is pleasing that the Opposition supports the change in respect of the occupational licensing authority from the tribunal to the Commissioner for Consumer Affairs. That matter was not contested by the Opposition in another place or by the member for Spence. As the Opposition is aware, this change was foreshadowed in the green paper.

It is not accurate to describe the Commercial Tribunal as a consumer court. That was another matter brought to the attention of the House by the member for Spence, who seemed to suggest that the Commercial Tribunal was in fact a consumer court. The statistics show quite the opposite in terms of the matters that were dealt with by the Commercial Tribunal in the past financial year. Many of the matters that the member for Spence may have presumed were going to the Commercial Tribunal in fact ended up with the Department for Consumer Affairs. In reality, its role in determining cases affecting consumer rights is limited largely to disputes concerning the statutory warranty of second-hand motor vehicles and domestic building work disputes. The largest part of its workload concerns disputes between commercial landlords and tenants. I looked at the list of cases brought before the Commercial Tribunal and, as I said previously, only eight matters of discipline were considered by the Commercial Tribunal over that period. There was somewhat more activity in relation to second-hand motor vehicles.

All these matters were investigated by the Commissioner for Consumer Affairs. It shows lack of logic to say that the Commissioner, who now reports to the tribunal, cannot do the job under the circumstances. The tribunal also hears appeals on decisions by the Commissioner in respect of claims against the agent's indemnity fund. The vast majority of these claims relate to the activities of mortgage financiers who will now be excluded from the fund. The major area of malpractice is being excluded from the fund.

Suggestions were made about the inexpensiveness of the tribunal, and it was claimed that access to justice for consumers will be restricted. Who has access now? Does the member for Spence understand the role of the tribunal as currently laid down in the statutes? The tribunal can hear disputes over the duty to repair a second-hand car within the warranty period, but it cannot hear other disputes involving second-hand cars, such as a claim for breach of contract. The Commercial Tribunal has been given a limited brief, and the member could claim that it is unfair as it operates today. Some people have what the member would perceive to be justice or at least a fair hearing, while other people with equally compelling claims are left to the courts system.

In relation to domestic building work disputes, the tribunal can be used if the dispute is over workmanship. People cannot make a claim if the dispute is about the cost of the contract or any matter that does not involve an issue of workmanship. It is a matter of whether the previous Government intended that there should be a broader ambit for the tribunal—and it never brought a Bill before the Parliament to broaden that ambit—or whether the whole idea of the tribunal should be subject to change in keeping with the demands of the 1990s rather than the exercises of the 1980s.

Many other issues are raised in respect of the Government's securing its position in relation to the need for the District Court as the appropriate backstop to the system. I think that the member for Spence has probably read the debate in another place. I will not bore the Committee with all the extra detail regarding the rules of evidence, costs and expertise of the tribunal.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: Well, we have discussed the rules of evidence on odd occasions. I am sure that the member for Spence appreciates that I use whatever expertise I have to explain the vagaries of the legal system. This is a key issue. There are a number of consequential amendments which may pass without debate should the member for Spence fail to defeat the Government's amendments.

Mr ATKINSON: During the Estimates Committee I questioned the Attorney about backlogs of judgments in the Magistrates Court and we also discussed the District Court. The Attorney told the Estimates Committee that he was worried about the pressure of business on the District Court and that its jurisdiction was being increased at a time when it was undermanned. The Attorney said that he would monitor the District Court. Is it not odd that at this time, with the District Court under such pressure, the Government should be increasing its jurisdiction? Is the Deputy Premier aware of the Attorney's remarks in the Estimates Committee about the District Court?

The Hon. S.J. BAKER: I think that the member for Spence should look at this issue in context. In 1993-94 eight disciplinary matters were brought to the attention of the Commercial Tribunal. We can assume that, under the new rules, those same eight may divide themselves into two or three before the District Court and the rest would be back with the Commissioner for Consumer Affairs. We are talking about a very small number of cases which would have to be brought before the District Court.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: I am talking about the Land Agents, Brokers and Valuers Act. Only eight cases came before the tribunal. We do not have a breakdown of the eight, but most of those would be dealt with by the Commissioner. Therefore, we might have only two or three which would go to the District Court. I am not compelled by the argument that there is a significant increase in the workload.

Mr ATKINSON: Does the Deputy Premier agree that it is placing an undue burden on consumers who have complaints that they should lose recourse to a tribunal that is not required to be bound by the rules of evidence? Is there not

some advantage for consumers in the Commercial Tribunal as currently constituted? Are not consumers losing something by this move to a more formal and costly court, such as the District Court? Does the Deputy Premier regret the loss of the requirement on consumers now to pay a lodgement fee in the District Court, a fee that they would not have had to pay in the Commercial Tribunal?

The Hon. S.J. BAKER: I am not sure that the honourable member understands the Act that he is dealing with because, if he did, he would recognise three things. First, I point out that 'the tribunal shall act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms, and subject to subsection (2) and the provisions of any other Act is not bound by the rules of evidence but may inform itself on any matters and such matters it thinks fit'.

In relation to that area the District Court shall also not be bound. The provision is that 'in matters of discipline the court shall be bound or the tribunal shall be bound'. The tribunal is bound now. So that the person cannot walk into a tribunal—unlike one other jurisdiction I know well about, the equal opportunities jurisdiction—and be given rough justice. So the case has to be held within the normal rules of evidence and the case has to be proved. So that if a person's livelihood is at risk as a result of the Commercial Tribunal considering evidence before it, the rules of evidence apply. It will be the same with the District Court. If it is matters of consumer merit, then, of course the same—

Mr Atkinson: Even in the District Court?

The Hon. S.J. BAKER: Yes. There was a District Court judge sitting on the Commercial Tribunal. They will be able to release that person back to the District Court and utilise that person's expertise. In fact, the person has been serving two weeks out of every month in the District Court because he has become bored sitting on the Commercial Tribunal.

Mr ATKINSON: I put it to the Deputy Premier that South Australian consumers are losing something by losing a tribunal in which laymen can sit with judges to determine a case. The Commercial Tribunal has specialist skills that judges of the District Court, who are exclusively lawyers, do not have.

The Hon. S.J. BAKER: I do not take the member's contention at all. Simply, many of the matters that will be subject to contest will be matters that will be before the Commissioner. Is the honourable member suggesting that the Commissioner is inherently unfair? For those matters that are contested, and particularly need to be taken before the District Court, it is quite clear that the person who served on the tribunal is the same person, or may be the same type of person, who will be operating in the District Court. Is that person inherently unfair because that person has moved from the tribunal to the District Court or is it of a similar ilk being a District Court judge? There is a lack of logic to the two or three cases that we are talking about.

There are divisions of the District Court which are not bound by the rules of evidence where assessors can sit and no costs apply. A good example of this is the Administrative Appeals Division of the District Court with which the honourable member may be familiar. I do not think the honourable member has fully understood where we are taking this particular piece of legislation. We are only talking about the effect on two or three people. The member can hardly say that the Commissioner is less fair than the tribunal in perhaps the five or six other cases—I am speculating on what the breakdown is—but even if the whole eight cases finished up in the District Court, first, it is not a burden, and, secondly, the extent to which they can be dealt with without imposing the strict rules of evidence remains within the District Court. It is quite clear from the intent of this Act that that will continue to prevail. I do not think that there should be any concern from the honourable member on that score.

Amendment carried.

The Hon. S.J. BAKER: I move:

Page 2, lines 25 and 26—Leave out definition of 'tribunal'.

Amendment carried; clause passed.

Clauses 4 to 6 passed.

Clause 7—'Sales representatives to be registered.'

The Hon. S.J. BAKER: The Government opposes the proposition. It was inserted in another place. I have explained the reasons why we do not wish to have this level of licensing and legislative control on what is effectively an employee. It is quite simple. The member for Spence and his colleague in another place seem to think that progress is made by keeping in place everything that was there before.

Mr Atkinson: Anne Levy is a natural conservative.

The Hon. S.J. BAKER: I will not respond to that interjection. The advice from the Commissioner for Consumer Affairs is that there have been relatively few incidences of conduct by sales representatives that would warrant a registration system and all the costs that are entailed with it. Indeed, there are penalties for the employer should that sales representative fail to perform under the responsibilities required. There are adequate checks and balances within the system.

Mr ATKINSON: The Opposition thinks it is harsh that the principal of a real estate firm should be subject to quite severe regulation under this scheme but that employees—sales representatives of the firm—are not subject to discipline. It seems that principals of real estate firms bear all the liability while their sales representatives, having offended against the regulations, the principal being punished, can then move on to another firm and resume his or her career. It is not normally the role of the Australian Labor Party to be the tribune of principals of real estate firms, but I would like the Deputy Premier to explain why it is necessary to regulate principals so severely and their employees not at all.

The Hon. S.J. BAKER: I wish the honourable member had been around when we debated the Occupational Health, Safety and Welfare Bill.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: The honourable member would like to reflect on that legislation. I spent long hours of the night into the early hours of the morning debating the principle of what is employer responsibility. I believe there is employer responsibility, but the responsibilities which are imparted to or required of employers in that situation are far greater than anything that has been imposed in the past in this case or indeed under the amendments proposed. If someone transgresses, there is opportunity for that person to face the courts. Hence there is the opportunity for the representative to face the court as well as the employer.

I would find it difficult to assume that, if a sales representative breached the law or acted in an unconscionable manner, another firm would accept that person's employment without asking a few questions. It will happen on the odd occasion. I agree with the honourable member that there will be occasions when a sales representative slips through the net, but I point out that what is bad behaviour does not necessarily

translate—even under the existing regulations and requirements—into taking away that person's employment.

We are really talking about only the worst practices. There might be a warning from the tribunal if that person persistently failed to give proper service or to notify deficiencies in the premises which were known at the time and which were misrepresented in the documents. There is a whole range of reasons why a sales representative may not be acting conscionably or appropriately. Those matters will be discussed with the employer as well as the employee, and that is the appropriate way to go. There is nothing special about this area that requires each employee to be registered. If we took the honourable member's argument further, we would have every bar person having to have a licence or the same qualification in the same way as the hotelier. In the area of gaming machines we have specific requirements, as the honourable member knows, because of the nature of gaming machines. We do not have the same specific requirements for those serving at the bar. That is more related to honesty and the integrity of the system than the issue we are facing here, where there may be an occasional incident of misrepresentation creeping into the industry.

In regard to the position where a land agent actually progresses a sale, a land broker is in the system before the sale is finally effected. There are some checks and balances which are natural within the way we conduct business now in South Australia. However, if a person has breached either the Act or good practice, there are ramifications, and there is nothing special about that person being specifically registered. That person still has to have the qualifications required, as a minimum. We are saying that the person has to be qualified to sell property but, in all respects, the employer has no overall responsibility for the action of his or her employees. That is consistent and employers have fought it all the way over a long period in regard to most of the laws that prevail today, whether at the Commonwealth or State level.

Mr ATKINSON: Mr Chairman, the appearance of the member for Eyre in the Chamber reminded me that I must compliment you on the fair and just way that you had been chairing this debate—

The CHAIRMAN: The honourable member should not pursue that line because, by inference, he is reflecting upon the Chair and, as he would be aware, Erskine May frowns heavily on that. I advise the honourable member to discontinue that.

Mr ATKINSON: I know your scholarly familiarity with Erskine May, Sir. I put these circumstances to the Deputy Premier. In my electorate lie the suburbs of Bowden and Brompton which, at one time, were regarded as Adelaide's slums. Since the First World War, these suburbs have become heavily industrial and the number of residences has been reduced, until recently.

Many people are now moving back to the Bowden and Brompton area and buying dwellings there. It is quite common for real estate agents when selling a dwelling in Bowden and Brompton to tell prospective purchasers, 'Don't worry, industry and commerce are on their way out and the area is being rezoned. You have nothing to fear from buying a house here.' That is untrue—the zoning is not being changed. People buy those houses expecting industry to move on. When they find out that industry and commerce are not moving on from Bowden and Brompton, they go to their local member to complain. Of course, there is nothing that the local member can do. These people have been misled by sales representatives who continue to make the same representations each weekend. Under this scheme what penalty would apply to those sales representatives in the event that they were caught making such misrepresentations?

The Hon. S.J. BAKER: There is some suggestion that sales representatives are inherently dishonest. I think that, like advertising agents, they always put a positive gloss on the property they are trying to sell. We have discussed this issue of truth in advertising and truth in selling, and there are remedies under the Fair Trading Act for misrepresentation. It then comes back, if my memory serves me correctly—and I do not think the principle has changed—to whether the buyer depended on that statement in the purchase of the dwelling.

However, I suspect that, in the instance cited by the member for Spence, if the sales representative said, 'Industry is moving on,' that is probably quite correct. If he looks at the way in which Bowden and Brompton are developing, the sales representative may well be right. It may be that they are not specifying the time frame well or at all, but there is no doubt that the western suburbs are being regenerated and that industry is moving in a northerly direction. That is what is happening in many inner suburbs right around the world: areas of industry are being replaced by, we hope, good quality, medium density housing.

There are laws regarding misrepresentation to consumers. Consumers can proceed against a person if they rely on that information and if they feel they have been wronged or, more importantly, if they suffer financial disadvantage as a result of that information. There are laws elsewhere that cater for those matters. If the argument advanced by the member for Spence holds, I would ask him to think back to what a wonderful job the Commercial Tribunal was doing and whether he could say, with only about eight cases a year of malpractice with glossy statements being made over that period putting the best possible perspective on residences and land for sale, why the practice continues, given that the Commercial Tribunal has done such a wonderful job.

It may well be that justice is better served by the Commissioner having a hands-on role in this area where it relates to the responsibilities of the Government rather than the existing provisions. I do not believe that the world will change overnight. I would expect if I intended to buy a house I would want to feel good about that purchase and I would want presented to me the best proposition that I had ever heard in my life. I would expect that as a consumer, but the last thing I would expect would be for the sales person to say, 'This house will fall down in 10 or 20 years' time because the earth will shift or a highway will be put through.' One can always speculate on what tomorrow will bring. I would not expect a sales representative to talk about all the ultra negative aspects of the—

Mr Atkinson: You sound like you are condoning this.

The Hon. S.J. BAKER: No, I am saying that I do not think it is anyone's practice. It is a bit like selling toothpaste or anything else: they put a positive aspect on what they are doing. If they do not, they should not be in the selling game. As a buyer, I would obviously recognise what is fact and what is positive selling technique, if the honourable member can understand the difference. However, if they transgress, remedies are currently available under the law.

An honourable member interjecting:

The Hon. S.J. BAKER: I do not know.

Clause negatived.

Clause 8 passed.

Clause 9—'Entitlement to be registered.'

The Hon. S.J. BAKER: I move:

Page 5—

Lines 6 and 7—Leave out this paragraph and insert the following paragraph:

(e) has not, during the period of five years preceding the application for registration, been a director of a body corporate wound up for the benefit of creditors—

(i) when the body was being so wound up; or

(ii) within the period of six months preceding the commencement of the winding up.

Lines 20 and 21—Leave out this subparagraph and insert the following paragraph:

(iii) has, during the period of five years preceding the application for registration, been a director of a body corporate wound up for the benefit of creditors—

(A) when the body was being so wound up; or

(B) within the period of six months preceding the commencement of the winding up.

I understand that the member for Spence is more or less happy with this amendment, unless I misconstrued his previous response. The first part reflects a drafting amendment to spell out more clearly the proper connection or relationship between the directorship and the winding up of the body corporate. It has regard to the date at which the body corporate was wound up, as this date relates back to the date when the applicant for a licence was a director of the company. It also prevents an unscrupulous director from avoiding the provisions of the Bill by resigning as director in the months before the body corporate is wound up.

So, this provision is to avoid the situation where the fly-by-nighters operating are caught but, before the matters are brought before the courts, tribunals or whatever appropriate authority is in place, that person skips and avoids the potential for liability.

Amendments carried; clause as amended passed.

Clause 10 negatived.

Clause 11—'Duration of registration and annual fee and return.'

The Hon. S.J. BAKER: I move:

Page 5, line 32 and page 6, lines 1, 6, 8, 10, 12, 14 and 17—Leave out 'or sales representative's' wherever occurring.

We have had the debate on this issue, and this amendment is consequential.

Amendment carried.

The Hon. S.J. BAKER: For the same reason, I move:

Page 6, lines 11 and 13—Leave out 'or sales representative's' wherever occurring.

Amendment carried.

The Hon. S.J. BAKER: I move:

Line 14—Leave out ', with the consent of the Commissioner,'.

Amendment carried; clause as amended passed.

Clause 12 passed.

New clause 12A—'Qualifications of sales representatives.'

The Hon. S.J. BAKER: I move:

Page 6, after line 22—Insert new clause as follows:

12A. (1) A person must not employ another person as a sales representative unless that other person—

(a) holds the qualifications required by regulation; or

(b) has been registered as a sales representative or manager, or licensed as an agent, under the repealed Land Agents, Brokers and Valuers Act 1973.

Penalty: Division 5 fine.

(2) A person must not—

(a) be or remain in the service of a person as a sales representative; or

(b) hold himself or herself out as a sales representative; or

(c) act as a sales representative,

unless he or she—

(d) holds the qualifications required by regulation; or

(e) has been registered as a sales representative or manager, or licensed as an agent, under the repealed Land Agents, Brokers and Valuers Act 1973.

Penalty: Division 7 fine.

This new clause, which deals with qualifications of sales representatives, answers, in part, the questions asked by the member for Spence. It makes it quite explicit that the qualifications must be adhered to.

Mr ATKINSON: The Deputy Premier says that the sales representative must have been licensed, and I understand that in relation to the old Act, but what does he mean when he says 'or registered'? The Deputy Premier has just been telling us at great length why sales representatives should not be registered, and now he is talking about their registration. Under what provision are they registered?

The Hon. S.J. BAKER: We were referring to the old Act, and now we are saying—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: I think it is quite plain; it says 'has been registered as a sales representative or manager, or licensed as an agent'—

Mr Atkinson: Is that under the old Act?

The Hon. S.J. BAKER: Yes; so they must conform to those requirements, or any new entrant into the industry must hold the qualifications.

Mr ATKINSON: I sometimes wonder whether the Deputy Premier can count to 14, and I raise that point because he is going to move to delete clause 13, but before he does that he is moving to insert clause 12A. Could I suggest to the Deputy Premier that he merely refer to this clause as clause 13 and not clause 12A?

The CHAIRMAN: The pagination and the numeration of clauses is really a matter for legal counsel to take up afterwards; it is not really the worry of the Committee. I appreciate the honourable member's concern. In any case, as I am just reminded by the Clerk, this is a Legislative Council Bill and we cannot renumber that Chamber's Bill. So, it is simply a question of considering the clauses, as numbered here, and leaving the technical matters to the clerks and counsel.

The Hon. S.J. BAKER: That is a very good description, Sir; I was going to say exactly the same thing.

New clause inserted.

Clause 13—'Requirements for professional indemnity insurance.'

The Hon. S.J. BAKER: This is an important clause, which needs to be debated; it was in fact another late insertion into the system by members in another place. The Government opposes this clause, which requires professional indemnity insurance on the part of land agents. The requirement for professional indemnity seems an unnecessary additional impost on the real estate industry, with no demonstrable benefit to either land agents or consumers.

The indemnity fund covers defalcation, misappropriation or misapplication of trust funds on the part of land agents which are items not normally covered by insurance. This is the insurance, if you like, for the industry. Fraudulent activity on the part of an agent is something which would most likely be dealt with by the criminal justice system as opposed to being covered by a policy of insurance. If there is criminal behaviour, it is my understanding that professional indemnity

insurance is somewhat restricted in relation to what might be paid if it involves a criminal act. I am sure the member for Spence can understand the difference.

The best parallel I can relate is that involving a person who has a life insurance policy that says that that person cannot suicide and the person suicides; the policy is then negated. With professional indemnity insurance, there are issues such as due care that do prevail under those circumstances which do not cover criminal acts. We are saying that criminal acts are treated according to the circumstances involved. There is nothing to stop a land agent from obtaining insurance on their own accord should they so wish.

In the case of the Real Estate Institute and the Institute of Valuers and Land Economists, there is currently a requirement that members hold professional indemnity insurance. Members of professional business organisations can therefore use this requirement to positively promote to the public the use of their members for professional work because of their insurance cover. It is a plus in terms of marketing from a global perspective. However, the Government is of the view that no good purpose is served in making professional indemnity insurance compulsory for land agents, as it would add another cost burden which would ultimately be passed on to the consumers. There is also the issue of how much is appropriate insurance. In the years I have been in this Parliament, public liability insurance—

Mr Atkinson: Isn't it 11 years?

The Hon. S.J. BAKER: We hit the 12 year mark on 6 November. In the 12 years I have been in the Parliament, it was quite satisfactory in my early years to have public liability coverage of about $200 000. Now, nobody would suggest that you should go into it without a $5 million cover for the same areas of insurance. So, the issues of quantum and what is adequate coverage raise particular questions as well.

The Government proposed to introduce professional indemnity insurance for conveyers and not for land agents and valuers because of the part that conveyancers play in the settlement process. Conveyancers handle significant funds on behalf of consumers to prepare the actual conveyance and mortgage documents. In this regard, they operate in competition with legal practitioners who are required to have professional indemnity insurance. So, there has been a delineation of where the law should provide a safety net. We do not believe it appropriate for the Government to regulate that process to the extent that it shall prescribe that you must have professional indemnity insurance and then go the further step of providing for the amount you should have. We believe it is up to the industry to work out how it can best structure its resources to ensure adequate coverage should something unfortunately go wrong.

We made the distinction, as all members would recognise, that those who are involved in conveyancing do handle very large sums of money, and some people to their horror have found out that their land titles have not been transferred as they thought they had, and that has led to some people experiencing grave difficulty having paid over large sums of money and not having property transferred. So there are some special requirements on the conveyancers, and a situation can arise by mistake, negligence or criminal act. We believe that conveyancers should have professional indemnity insurance. We do not think that land agents and valuers need to have that same level of responsibility, to which the member for Spence will no doubt agree.

Mr ATKINSON: The Opposition is in awe of the Deputy Premier's reasoning.

Clause negatived.

Clauses 14 to 20 passed.

Clause 21—'Term of appointment of administrator or temporary manager.'

The Hon. S.J. BAKER: I move:

Page 10, lines 12 and 13—Leave out 'tribunal' wherever occurring and insert, in each case, 'court'.

This amendment is consequential on the issues which we have canvassed previously and in relation to which the Government has prevailed upon the Committee to support.

Amendment carried; clause as amended passed.

Clause 22—'Appeal against appointment of administrator or temporary manager.'

The Hon. S.J. BAKER: I move:

Page 10, lines 17 and 18—Leave out 'tribunal' wherever occurring and insert, in each case, 'court'.

Amendment carried; clause as amended passed.

Clauses 23 to 30 passed.

Clause 31—'Indemnity fund.'

The Hon. S.J. BAKER: I move:

Page 14, line 22—Leave out 'prescribed'.

In moving this amendment, we believe that the word 'prescribed' is unnecessary and superfluous. There is no need to prescribe educational programs—

Mr Atkinson: It's not only superfluous but unnecessary as well.

The Hon. S.J. BAKER: Which means it is good for it to be left out. There is no need to prescribe educational programs by regulation before a Minister can approve the amount of funding available to them or for any other purpose specified by the Act. If we took it to the end point, it would require Cabinet approval each time an education program was required to be prescribed and it would have to be sent to Executive Council for promulgation. There is more than adequate accountability and opportunity for public scrutiny of money applied from the fund, for example the annual budget which is tabled in Parliament, without the need for the educational programs to be prescribed.

Amendment carried.

The Hon. S.J. BAKER: I move:

Page 14, line 23—Leave out ', sales representatives'.

Amendment carried; clause as amended passed.

Clause 32 passed.

Clause 33—'Limitation of claims.'

The Hon. S.J. BAKER: I move:

Page 15, line 15—Leave out 'tribunal' and insert 'court'.

Amendment carried; clause as amended passed.

Clauses 34 to 36 passed.

Clause 37—'Procedure for review of Commissioner's determination of claim.'

The Hon. S.J. BAKER: I move:

Page 16—Leave out the clause and insert the following new clause as follows:

Appeal against Commissioner's determination

37.(1) The claimant or the agent or former agent by whom the fiduciary default was committed or to whom the fiduciary default relates may, within three months after receiving notice of the Commissioner's determination, appeal to the court against the determination.

(2) Where an appeal is not instituted within the time allowed, the claimant's entitlement to compensation is finally determined for the purposes of this Division.

(3) On an appeal, the court may—

(a) affirm or quash the determination appealed against or substitute a determination that the court thinks appropriate; and

(b) make an order as to any other matter that the case requires (including an order for costs).

This is basically consequential to the amendments previously considered by this Committee and the Government's determination to remove the references to the Commercial Tribunal and to put in its stead, in most instances 'District Court'. The current provisions contained in the Bill result in another step in the appellate process in the form of the Supreme Court, which is unnecessary. So, we are reconstituting that section to give validity to the District Court being the appropriate body to which disputes of a particular nature are taken.

Existing clause struck out; new clause inserted.

Clauses 38 to 43 passed.

Clause 44—'Interpretation of Part 4.'

The Hon. S.J. BAKER: I move:

Page 19, lines 11 to 14—Leave out the definition of 'sales representative'.

Amendment carried; clause as amended passed.

Clause 45—'Cause for disciplinary action.'

The Hon. S.J. BAKER: I move:

Page 20, lines 1 to 9—Leave out subclause (2).

Mr ATKINSON: This deletion is representative of the Government's intention as a whole. The part to be deleted reads:

There is proper cause for disciplinary action against a sales representative if—

(b) the sales representative has acted unlawfully, or improperly, negligently or unfairly, in the course of acting as a sales representative;

The Liberal Government of this State wants to take that out: well, that sums it all up.

The Hon. S.J. BAKER: I think that is a fairly gratuitous remark. I explained it to the member for Spence and sometimes it takes a while for ideas to filter through. There is adequate provision for disciplinary action. I think if the honourable member actually reads the clause he will understand that it cannot stand because of the registration aspects that prevail. So, subclause (2) is incompetent in terms of the changes that have already been made. I simply make the point that there is adequate opportunity. It is only subclause (2) that is being removed. There is adequate opportunity to bring action against sales representatives, as there is against principals, in relation to breaches of the Act.

Amendment carried; clause as amended passed.

Clause 46—'Complaints.'

The Hon. S.J. BAKER: I move:

Page 20, line 17—Leave out 'tribunal' and insert 'court'.

Amendment carried; clause as amended passed.

Clause 47—'Hearing by tribunal.'

The Hon. S.J. BAKER: I move:

Page 20, lines 20, 23 and 28—Leave out 'tribunal' wherever occurring and insert, in each case, 'court'.

Amendment carried; clause as amended passed.

Clause 48—'Disciplinary action.'

The Hon. S.J. BAKER: I move:

Page 20, line 30 and page 21, line 12—Leave out 'tribunal' wherever occurring and insert, in each case, 'court'.

Amendment carried.

The Hon. S.J. BAKER: I move:

Page 20, line 35—Leave out 'or sales representative'.

Amendment carried.

The Hon. S.J. BAKER: I move:

Page 21, lines 7 and 8—Leave out 'or from being registered as an agent under this Act'.

Mr ATKINSON: I ask the Deputy Premier to elucidate the reason for this deletion so that it is on the record.

The Hon. S.J. BAKER: We have already talked about registration and licensing and we have removed that condition.

Amendment carried; clause as amended passed.

Clause 49—'Contravention of orders.'

The Hon. S.J. BAKER: I move:

Page 21, line 29 and page 22, line 4—Leave out 'tribunal' wherever occurring and insert, in each case, 'court'.

Amendment carried; clause as amended passed.

Clause 50—'Delegation.'

The Hon. S.J. BAKER: I move:

Page 23, lines 8 and 9—Leave out paragraph (c) and insert the following paragraph:

(c) with the Minister's consent, to any other person.

The amendment was designed to provide a vehicle for the delegation of the Commissioner's functions or powers, which power is not restricted to the context of the agreement entered into. It is intended, in accordance with proper Government responsibility, that the Commissioner should not be entitled to delegate functions and powers other than with the consent of the Minister, so that the Minister ultimately has the responsibility and is held accountable for the delegation which is made. Delegation is a sensitive matter and, for that reason, the Government felt that the delegation of third parties should not be left to the Commissioner but should be subject to the approval of the Minister.

That provision is quite consistent with good Government practice and enables appropriate delegations where the Minister has exercised his or her discretion and ministerial responsibility. Research has been undertaken to gain a flavour for delegations, that is, whether they were allowed in a limited fashion or more extensively and what the consequences of the delegations might be. I would like to mention two examples of delegations of which members may or may not be aware. The first example relates to the Environment Protection (Sea Dumping) Act, where section 29(1) provides:

The Minister may delegate to a person all or any of his powers under the Act.

There is nothing in the Act which requires the Minister to exercise only limited powers of delegation or, when the powers are exercised, for them to be the subject of any scrutiny at all.

That is where we delegate the power without restriction. The second example is the Fair Trading Act, where there is power, with the approval of the Minister, to delegate any of the commission's powers under the Act to any person. Also, other legislation such as the Historic Shipwrecks Act, the Petroleum (Submerged Lands) Act and the Petroleum Products Subsidy Act 1965 all provide for the Minister to delegate 'to any person'. Therefore, there is ample precedent for delegation to any person.

Mr ATKINSON: Despite those many examples which the Deputy Premier gave us and which, no doubt, he researched personally or remembered from his extensive knowledge of our statute law, the Opposition is a little wary of a delegation by the Minister to any other person. We would like the delegation to be more limited in the number of persons to whom it could be given. As I said earlier, the Opposition is wary of delegations about vocational registration and discipline to private associations, especially where members

of the vocation may not be members of the association. I put it to the Deputy Premier that, if the delegation in the Bill were, for instance, to the Electrical Trades Union to determine who shall be an electrician and to hear and determine allegations of disciplinary offences against electricians, the Liberal Government would look at this very differently.

I put it to the Minister that, if we were talking about a vocation covered by a trade union, the Government would not delegate these kinds of powers to a trade union. The Government would say that the livelihood of a trader, a tradesman or a professional should not be determined by a procedure wholly in the hands of a trade union. There are many cases of trade unions in the United Kingdom and in Australia having disputes with their members (or a member) and denying those members (or member) a livelihood by taking their trade union ticket from them. There was a case back in the 1980s of a meat worker in Melbourne who did not like the pro-Communist leadership of the Meat Workers Union, Victorian branch. Because that meat worker entered into a dispute with the leadership of the Meat Workers Union, his union ticket was taken from him.

The Hon. S.J. Baker interjecting:

Mr ATKINSON: The Deputy Premier says 'Disgraceful', which is exactly what he would say if the case arose again or if he had known about that case. But here he is putting a Bill before us that gives just those powers by delegation to the Real Estate Institute and to the Institute of Conveyancers. I put it to the Committee that, if the delegation in contemplation were by a Labor Government to the Electrical Trades Union or to the Ship Painters and Dockers Union, the Minister would be on his feet saying what an outrage the delegation was. He would say that it is against legal and constitutional principle for the Government to delegate to a private association the ability to adjudicate whether a tradesman or an employee will be able to continue in his or her vocation.

If the Minister looks at it in that light he will have second thoughts about this delegation. What is in the Bill, not in the Government's good intentions, to prevent the Real Estate Institute or the Institute of Conveyancers victimising a member, or more probably a non-member, by resolving disciplinary proceedings in a way that would deny that member or non-member the right to practice their vocation?

The Hon. S.J. BAKER: I thank the member for his passionate entreaty: the only trouble is that he has it all wrong. I read an excerpt from the Fair Trading Act: his own legislation. The Minister can do anything; he can even make the member for Spence responsible for certain aspects of the Fair Trading Act. I am not sure what the honourable member is arguing, but there are some issues that the honourable member has raised which are quite serious issues and should not be treated as a joke. Some of the Government's legislation gives the Minister that wide ranging power and this refers to the 'Commissioner upon the consent of the Minister'. The way the Bill is supposed to work and the way it will work is that, before any delegation takes place to the REI, there will be an agreed code of practice. There will have to be an agreement which gives proper protections in place before we move. It means that if they do not perform that power will be taken away. That provides a reasonable amount of protection for everybody concerned because they will have to operate diligently or suffer in the public arena because their powers will be taken away.

The honourable member can talk about the trade union movement because I know it is dear to his heart, and I know of the malpractices exercised there over a long period of time. I assure the honourable member that neither I nor the Attorney is about to delegate any power to the trade union movement in relation to these issues or any others. I understand the parallel that the honourable member is drawing. The delegation cannot take place, unlike under the Fair Trading Act, until such time as there are agreements on how that delegation is put into practice. For example, the REI has certain responsibilities (it may be in relation to the audit of trust accounts or a range of other issues placed within the REI's responsibility) and for the Government's protection and to ensure that the member for Spence does not stand up in the Parliament and say, 'Look, I warned you about this on 22 November 1994 and now it has come to pass' the Government intends to ensure that there are agreements put in place. Those agreements then mean that if they are breached the power is withdrawn. The honourable member should look through all the legislative delegations because he will be surprised at how much power Ministers have to delegate responsibility if they so wish. In the public interest it would obviously not be the intention of Ministries, either Labor or Liberal, to exercise them in the bizarre ways that we can possibly think of.

Mr ATKINSON: On 8 September the Attorney said he would meet the Chief Executive of the REI the next week with the clear expectation that the Chief Executive would tell the Government what delegations it would like from the Government under the Bills. That is more than two months ago. The Government should be in a position to tell the Committee what delegations it contemplates.

The Hon. S.J. BAKER: I thank the honourable member for his knowledge because I was not aware of the meeting. I assumed that before we entered into this debate there would be some understanding of what was appropriate to delegate or provide in relation to the various responsibilities imposed by the Act. I understand that the boundary lines in those discussions were set at what will not be delegated, and that has already been referred to in responses in another place and in the second reading explanation. The boundary lines of what will not be imparted were clearly set down. That does not describe the rest of the world. There are a whole range of other issues that will be canvassed in terms of where the Government believes the REI might have special competence, which will save the Government a lot of time and money but still keep the public interest to the fore. When this Bill goes there, the honourable member's colleague in another place will have the opportunity to find out exactly what stage those discussions are at. I have not been made aware of what areas the Attorney believes the REI can competently administer. That information can be obtained when the Bill returns to another place.

[Sitting suspended from 6.1 to 7.30 p.m.]

Mr ATKINSON: It is not good enough for the Deputy Premier to say that members can find out what delegations the Government will make to private associations if they get someone in another place to ask the Minister in another place what the answer to the question is. The House is constitutionally quite separate from the other place, so it is not good enough to refer us to the other place. Some would say that it is a constitutional outrage. Therefore, I accept the Deputy Premier's offer to get a report to this place about the delegations that might be made. The Government has had a pretty good idea from 9 September as to what delegations it will

make under this Bill, so it is remarkable that now, on 22 November, the Deputy Premier is unable to tell the Committee what those delegations might be. It seems to me that, if the Deputy Premier cannot tell the Committee what delegations will be made, the Bill ought not to be supported.

The Hon. S.J. BAKER: The last comment is rubbish. As I have said, there are delegations under other Acts which give wider ranging powers than we are imposing here. All I can say is that that is rubbish. I will ask the Attorney for a report, but I understand that he has been intent on making sure the delegations are restricted to specific areas in which the REI has sufficient expertise.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: The honourable member can have a report as soon as we transfer the message and the Attorney responds. My understanding of the means to date is that they have been on very gentle areas and have not got down to the specifics of the delegations. I assure the member for Spence that there will be no move on delegations until we are satisfied that the bodies that may receive delegations can carry out those delegations and agreements can be put in place. If the Attorney responds, I believe that he will respond in a similar fashion to the way that I have responded.

Amendment carried.

The Hon. S.J. BAKER: I move:

Page 23, line 10—Insert '(except the power to direct the Commissioner)' after 'Act'.

I am sure that the member for Spence will agree with the limitation of the Minister's powers.

Mr ATKINSON: Why did the Government not think of this obvious amendment earlier?

The Hon. S.J. BAKER: It came about as a result of the Bill being before various people for comment. This comment came after the Bill had been drafted. It seemed an appropriate amendment, and I am sure the member for Spence will support it.

Amendment carried; clause as amended passed.

Clause 51—'Agreement with professional organisation.'

The Hon. S.J. BAKER: I move:

Page 23, line 18—Leave out 'or sales representatives'.

Amendment carried.

The Hon. S.J. BAKER: I move:

Page 24, lines 1 to 7—Leave out subclause (4) and insert:

(4) The Minister must, within six sitting days after the making of the agreement, cause a copy of the agreement to be laid before both Houses of Parliament.

This amendment ensures a more workable provision.

Mr ATKINSON: The Opposition opposes the amendment. It is just not good enough to put one of these delegations before the House—just table it. It is not fair to the House. It is not accountable parliamentary government, which the Premier promised us before the last election. In its current form, the House has an opportunity to look at the delegation and, if it so desires, to debate the delegation and disallow it, but the amendment before the Committee takes away from the House that ability to require scrutiny of the Government that makes the delegation. This amendment is a derogation from accountability. The Opposition supports the clause in its current form and opposes the amendment. It is certainly a matter that we will be pursuing vigorously should the issue go to conference.

The Hon. S.J. BAKER: The honourable member is way out of court as usual. There have been only about three instances under this provision involving 14 days. It is quite unworkable to provide 14 sitting days, as the honourable member would clearly understand. The whole process is to have an agreement that can be acted upon. Under the current sitting arrangements, 14 sitting days represents a minimum of five sitting weeks: there are three weeks on and one week off in some circumstances, so we then extend to six weeks and, if we are at the end of a session, obviously we are talking about months. There are very few resolutions which require the 14 sitting days before the agreement comes into operation. The existing provision is quite bizarre.

Amendment carried; clause as amended passed.

Clause 52 passed.

Clause 53—'Register of agents.'

The Hon. S.J. BAKER: I move:

Page 24, lines 15 and 16—Leave out 'or sales representatives'.

Amendment carried; clause as amended passed.

Clause 54—'Commissioner and proceedings before tribunal.'

The Hon. S.J. BAKER: I move:

Page 24, line 24—Leave out 'tribunal' and insert 'court'.

Amendment carried; clause as amended passed.

Clauses 55 to 62 passed.

Clause 63—'Evidence.'

The Hon. S.J. BAKER: I move:

Page 26, line 10—Leave out 'or sales representative'.

Amendment carried; clause as amended passed.

Clause 64—'Service of documents.'

The Hon. S.J. BAKER: I move:

Page 26—

Lines 23, 25, 30 and 31—Leave out 'or sales representative' wherever occurring.

Line 32—Leave out 'or sales representative's'.

Amendments carried; clause as amended passed.

Clause 65 passed.

Clause 66—'Regulations.'

The Hon. S.J. BAKER: I move:

Page 27, line 13—Leave out 'or sales representative'.

Amendment carried; clause as amended passed.

Schedule.

The Hon. S.J. BAKER: I move:

Page 28, lines 12 to 14—Leave out subclause (3).

This amendment is consequential on the previous amendments.

Amendment carried.

The Hon. S.J. BAKER: I move:

Page 28, lines 16, 17 and 20—Leave out 'or sales representative' wherever occurring.

Amendment carried.

The Hon. S.J. BAKER: I move:

Page 28, after line 21—Insert subclause as follows:

(6) A reference in an Act or other instrument to a licensed agent under the Land Agents, Brokers and Valuers Act 1973 will be taken to be a reference to an agent registered under this Act.

This matter is consequential on the previous amendments and makes explicit reference to 'an Act or other instrument to a licensed agent under the Land Agents, Brokers and Valuers Act'. We take it to be a reference to an agent registered under this Act; it is formal recognition.

Amendment carried; schedule as amended passed.

Long title.

The Hon. S.J. BAKER: I move:

Page 1, line 6—Leave out 'and their sales representatives'.

Amendment carried; long title as amended passed.

The Hon. S.J. BAKER (Deputy Premier): I move:
That this Bill be now read a third time.

Mr ATKINSON (Spence): Earlier, I said that the purpose of the Opposition's participation in this debate would be to defend the jurisdiction of the Commercial Tribunal and to give Parliament the opportunity to scrutinise and reject delegations of power to private associations, particularly if they involve enforcement against citizens regarding their vocation. Another of our purposes was to prise from the Government more information about just what it intends to delegate to private associations and to underline our concern about the general retreat from State enforcement of consumer protection. In Committee, from the Opposition's viewpoint, the Bill got worse and worse. In its current form, it now lacks accountability of the Government to Parliament. There will be tabling of delegations without a procedure for scrutiny, and that, in the Opposition's view, was an unfortunate loss in Committee.

The Minister has no adequate explanation of the power that might be given private associations over vocational matters. His explanation of why sales representatives were exempted from regulation is not satisfactory to the Opposition; he was unable to tell the House what delegations are contemplated under the Bill. He outlined the stripping of the Commercial Tribunal's jurisdiction to the point where it will soon have to be wound up for lack of work, yet he was unable to explain how the District Court will cope with its increased jurisdiction. In those circumstances the Opposition must now oppose the Bill at the third reading.

Bill read a third time and passed.

CONVEYANCERS BILL

(Second reading debate adjourned on 18 October. Page 667.)

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

The Hon. S.J. BAKER: I am happy to proceed with the consequential amendments being recognised but not debated. I move:

Page 1, after line 20—Insert the following definition:
'court' means the District Court of South Australia;.
Page 2, lines 14 and 15—Leave out the definition of 'tribunal'.

Amendments carried; clause as amended passed.

Clauses 4 to 6 passed.

Clause 7—'Entitlement to be registered.'

The Hon. S.J. BAKER: I move:

Page 3, lines 21 and 22—Leave out this paragraph and insert the following paragraph:

(e) has not, during the period of five years preceding the application for registration, been a director of a body corporate wound up for the benefit of creditors—
(i) when the body was being so wound up; or
(ii) within the period of six months preceding the commencement of the winding up.

Page 4, lines 1 and 2—Leave out this subparagraph and insert the following subparagraph:

(iii) has, during the period of five years preceding the application for registration, been a director of a body corporate wound up for the benefit of creditors—
(A) when the body was being so wound up; or
(B) within the period of six months preceding the commencement of the winding up.

These amendments are of the same context as those considered in the Land Agents Bill.

Amendments carried; clause as amended passed.

Clause 8—'Duration of registration and annual fee and return.'

The Hon. S.J. BAKER: I move:

Page 5, line 19—Leave out ', with the consent of the Commissioner,'.

Mr ATKINSON: Why does the Government want to leave out the words 'with the consent of the Commissioner'?

The Hon. S.J. BAKER: This matter was in the Land Agents Bill but was not debated at the time.

Mr ATKINSON: It may not have been debated at the time; nevertheless, it would be nice if the Committee had an answer to my question.

The Hon. S.J. BAKER: This is a drafting amendment. The Commissioner's consent is not required before a registered conveyancer may surrender his or her registration. No obligations under the Act are avoided by the surrendering of registration, and disciplinary action may be taken against a conveyancer or a former conveyancer. So, the fact that someone hands in their registration would not restrict their liability should they have breached the law in their previous position.

Mr ATKINSON: Is the Deputy Premier saying that there is no need for clause 8 to allow the Commissioner to force a conveyancer to keep his registration for the purpose of prosecuting?

The Hon. S.J. BAKER: That is correct.

Amendment carried; clause as amended passed.

Clauses 9 to 20 passed.

Clause 21—'Term of appointment of administrator or temporary manager.'

The Hon. S.J. BAKER: I move:

Page 10, lines 12 and 13—Leave out 'tribunal' wherever occurring and insert, in each case, 'court'.

This amendment is consequential.

Amendment carried; clause as amended passed.

Clause 22—'Appeal against appointment of administrator or temporary manager.'

The Hon. S.J. BAKER: I move:

Page 10, lines 17 and 18—Leave out 'tribunal' wherever occurring and insert, in each case, 'court'.

This amendment is consequential.

Amendment carried; clause as amended passed.

Clauses 23 to 30 passed.

Clause 31—'Indemnity fund.'

The Hon. S.J. BAKER: I move:

Page 14, line 14—Leave out 'prescribed'.

Amendment carried; clause as amended passed.

Clause 32 passed.

Clause 33—'Limitation of claims.'

The Hon. S.J. BAKER: I move:

Page 15, line 6—leave out 'tribunal' and insert 'court'.

Amendment carried; clause as amended passed.

Clauses 34 to 36 passed.

Clause 37—'Procedure for review of Commissioner's determination of claim.'

The Hon. S.J. BAKER: I move:

Page 16—Leave out this clause and insert—

Appeal against Commissioner's determination

37. (1) The claimant or the conveyancer or former conveyancer by whom the fiduciary default was committed or to whom the fiduciary default relates may, within three months after receiving notice of the Commissioner's determination, appeal to the court against the determination.

(2) Where an appeal is not instituted within the time allowed, the claimant's entitlement to compensation is finally determined for the purposes of this Division.

(3) On an appeal, the court may—

(a) Affirm or quash the determination appealed against or substitute a determination that the court thinks appropriate; and

(b) Make an order as to any other matter that the case requires (including an order for costs).

Amendment carried; clause as amended passed.

Clauses 38 to 45 passed.

Clause 46—'Complaints.'

The Hon. S.J. BAKER: I move:

Page 20, line 2—Leave out 'tribunal' wherever occurring and insert, in each case, 'court'.

Amendment carried; clause as amended passed.

Clause 47—'Hearing by tribunal.'

The Hon. S.J. BAKER: I move:

Page 20, lines 5, 8 and 13—Leave out 'tribunal' wherever occurring and insert, in each case, 'court'.

Amendment carried; clause as amended passed.

Clause 48—'Disciplinary action.'

The Hon. S.J. BAKER: I move:

Page 20, lines 15 and 31—Leave out 'tribunal' wherever occurring and insert, in each case, 'court'.

Amendment carried; clause as amended passed.

Clause 49—'Contravention of orders.'

The Hon. S.J. BAKER: I move:

Page 21, lines 14 and 20—Leave out 'tribunal' wherever occurring and insert, in each case, 'court'.

Amendment carried; clause as amended passed.

Clause 50—'Delegations.'

The Hon. S.J. BAKER: I move:

Page 22, lines 8 and 9—Leave out paragraph (c) and insert—

(c) with the Minister's consent, to any other person.

Amendment carried.

The Hon. S.J. BAKER: I move:

Page 22, line 10—Insert '(except the power to direct the Commissioner)' after 'Act'.

Amendment carried; clause as amended passed.

Clause 51—'Agreement with professional organisation.'

The Hon. S.J. BAKER: I move:

Page 23, lines 1 to 7—Leave out subclause (4) and insert:

(4) The Minister must, within six sitting days after the making of the agreement, cause a copy of the agreement to be laid before both Houses of Parliament.

Amendment carried; clause as amended passed.

Clauses 52 and 53 passed.

Clause 54—'Commissioner and proceedings before tribunal.'

The Hon. S.J. BAKER: I move:

Page 23, line 24—Leave out 'tribunal' and insert 'court'.

Amendment carried; clause as amended passed.

Remaining clauses (55 to 66) passed.

Schedule.

The Hon. S.J. BAKER: I move:

Page 27, after line 12—Insert subclause as follows:

(4) A reference in an Act or other instrument to a licensed land broker will be taken to be a reference to a conveyancer registered under this Act.

This amendment has a similar impact to that of the previous Act.

Amendment carried; schedule as amended passed.

Title passed.

Bill read a third time and passed.

LAND VALUERS BILL

(Second reading debate adjourned on 18 October. Page 668.)

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

The Hon. S.J. BAKER: I move:

Page 1, after line 15—Insert definition as follows:

'court' means the District Court of South Australia;

Amendment carried.

The Hon. S.J. BAKER: I move:

Page 2, lines 4 and 5—Leave out the definition of 'tribunal'.

Amendment carried; clause as amended passed.

Clauses 4 to 7 passed.

Clause 8—'Complaints.'

The Hon. S.J. BAKER: I move:

Page 3, line 2—Leave out 'tribunal' and insert 'court'.

Amendment carried; clause as amended passed.

Clause 9—'Hearing by tribunal.'

The Hon. S.J. BAKER: I move:

Page 3, lines 5, 8 and 13—Leave out 'tribunal' wherever occurring and insert, in each case, 'court'.

Amendment carried; clause as amended passed.

Clause 10—'Disciplinary action.'

The Hon. S.J. BAKER: I move:

Page 3, lines 15 and 24—Leave out 'tribunal' wherever occurring and insert, in each case, 'court'.

Amendment carried; clause as amended passed.

Clause 11—'Contravention of prohibition order.'

The Hon. S.J. BAKER: I move:

Page 4, lines 8 and 13—Leave out 'tribunal' wherever occurring and insert, in each case, 'court'.

Amendment carried; clause as amended passed.

Clause 12 passed.

Clause 13—'Commissioner and proceedings before tribunal.'

The Hon. S.J. BAKER: I move:

Page 4, line 23—Leave out 'tribunal' and insert 'court'.

Amendment carried; clause as amended passed.

Clause 14 passed.

Clause 15—'Delegation by Commissioner.'

The Hon. S.J. BAKER: I move:

Page 5, lines 1 and 2—Leave out paragraph (c) and insert—

(c) with the Minister's consent, to any other person.

Amendment carried; clause as amended passed.

Clause 16—'Agreement with professional organisation.'

The Hon. S.J. BAKER: I move:

Page 5, lines 25 to 31—Leave out subclause (4) and insert:

(4) The Minister must, within six sitting days after the making of the agreement, cause a copy of the agreement to be laid before both Houses of Parliament.

Amendment carried; clause as amended passed.

Remaining clauses (17 to 23) passed.

Schedule.

The Hon. S.J. BAKER: I move:

Page 8, line 7—Leave out 'tribunal' and insert 'court'.

Amendment carried.

The Hon. S.J. BAKER: I move:

Page 8, after line 9—Insert subclause as follows:

(2) A reference in an Act or other instrument to a licensed land valuer will be taken to be a reference to a land valuer acting lawfully under this Act.

This amendment has similar consequences to previous amendments.

Amendment carried; schedule as amended passed.

Bill read a third time and passed.

LAND AND BUSINESS (SALE AND CONVEYANCING) BILL

(Second reading debate adjourned on 18 October. Page 671.)

Bill read a second time.

In Committee.

Clauses 1 to 29 passed.

Clause 30—'Conveyancer not to act for both parties except as authorised by regulation.'

The Hon. S.J. BAKER: I move:

Page 16, lines 14 and 15—Leave out all words in these lines and insert:

Except as authorised under the regulations, a conveyancer must not act for both the transferor and transferee, or the grantor and grantee, of property or rights under a transaction.

The amendment that was inserted in the Act is quite restrictive and in fact leaves out a number of areas that we would presume the Opposition would be interested in covering under this potential conflict of interest. In history, we have many examples of conflicts where people have acted on both sides of the fence, to the detriment of both parties in some cases and with a windfall to the person operating. As it stands, the clause provides:

A conveyancer must not act for both the vendor of land or a business and the purchaser of that land or business except as authorised by the regulations.

A lot of other items are subject to conveyancing that should be taken into account. As I said, at this stage it is a very limiting clause. We want it to be broadened to take in a number of other actions that can be undertaken by a conveyancer. The amendment broadens the scope of the dual representation matters which can be regulated. This is achieved in a technical way by using the general terms 'transferee' and 'transferor', and 'grantee' and 'grantor' rather than the narrow terms 'vendor' and 'purchaser'. There are a number of examples where the conveyancer can be involved in areas that are not under the general auspices of clause 30. We can have them acting in situations for a mortgagee or a mortgagor, a lessee or a lessor, or where one of the parties is an infant or is under some sort disability. Whilst clause 30 is important, it does limit the scope, and we would prefer to expand it and make it broader so that this conflict does not arise under such situations. This is a broader definition than the current one.

Mr ATKINSON: The Opposition supports the amendment and is pleased to be able to tell the member for Unley that it was the Australian Labor Party's idea. We are pleased that the Government has come to the party on this matter. The Labor Opposition believes that on the whole it is undesirable for a landbroker to act for both parties to a transaction. In our view it is undesirable for a landbroker to marry a transaction, as they say. The Opposition acknowledges that there are some transactions in remote country areas and transactions within families where it would be appropriate for the one landbroker to act for both parties. So we are pleased that the Government's amendment is prefaced by the words 'except as authorised under this regulation', because it will allow the Government by regulation to grant exemptions to landbrokers in country areas and in circumstances where a conflict of interest would not be likely to arise.

The Hon. G.M. GUNN: I am pleased with this provision. An unsuspecting and honest constituent of mine was placed in a most difficult situation when he went to purchase a business. It was suggested to him that he should use the good offices of the agent and the landbroker who were acting on behalf of the person selling the property. When he eventually came to me, he found out at that stage that he had been done in the eye completely. I am pleased to see this provision put into effect because, hopefully, it will prevent scurrilous preying on the good nature of unsuspecting members of the public.

Amendment carried; clause as amended passed.

Remaining clauses (31 to 41), schedule and title passed.

The Hon. S.J. BAKER (Deputy Premier): I move:

That this Bill be now read a third time.

I would like to thank the Chairman of Committees for his expert guidance through the Bills. It has been a treat to be in the Committee with the Chairman, who guided us through expeditiously without losing any of the context of the debate or the issues at hand. With that, I have pleasure in moving the third reading.

Bill read a third time and passed.

ADJOURNMENT DEBATE

The Hon. S.J. BAKER (Deputy Premier): I move:

That the House do now adjourn.

Ms STEVENS (Elizabeth): I would like to spend 10 minutes raising what I consider to be a very serious situation in the health area in relation to the policy of contestability and outsourcing. A few weeks ago the Minister for Health, in reply to a question of mine, said that I probably would not have ever read the Liberal Party's policy on health. In fact, I have read it; I have it in my filing cabinet. It is a very easy and quick read. One aspect of that policy is this concept of contestability. I will quote from the Minister's media release in which he explains this new deal for the health system, as follows:

Contestability will allow services within public hospitals and other areas of the health system to be either:

. provided by present employees while meeting agreed performance benchmarks.

. or offered for competitive tender.

First priority will be given to working with existing employees. . . Where competitive tendering is introduced, existing employees also will be given the opportunity to participate.

The document goes on further. The Opposition received a letter very recently from a person most concerned about this policy of contestability. That person said:

As both a consumer, a staff member and a student of the public health system, I, along with many of my colleagues, am concerned about the process of privatisation of health services being followed in South Australia.

In relation to the policy of contestability, the author further states:

> We feel the policy was well conceived and would appreciate an opportunity to comply with it. We have been unable to find a situation where the contestability policy has been followed, but there are many examples of simple tendering out to the private sector, where no opportunity has been offered to the current provider to improve their service.

I also quote from the most recent edition of *Focus on Hospitals & Health Services* published by the Hospitals and Health Services Association of South Australia. The lead article relates to concerns about contestability and how it operates in Western Australia.

Mr Brindal interjecting:

Ms STEVENS: It is important that the member for Unley listen to this, because there are direct parallels to our own health system. It states:

> The Western Australian Government policy of contestability has come under fire with claims that proper tendering processes have not been followed. Writing in the *Financial Review*, Nigel Wilson reported that claims have emerged as some private sector pathology companies complain that up to 80 per cent of the $130 million annual State public pathology bill would be placed with a high profile medical group Australian Medical Enterprises Limited without open tenders being called. In his article Wilson quotes the Minister for Health Peter Ross as saying, 'Given the large sums of money spent on pathology services, the Government has an obligation to ensure that the community obtains maximum returns on the dollars spent. We believe that this will be best achieved by requiring the performance of public sector pathology services to be contestable and by progressively opening up public sector pathology services to competitive tender.' The Opposition Health spokesperson, Dr Geoff Gallop speaking in Parliament, was quoted to have said, that despite the Government's supposed commitment to open tendering this did not appear to have been followed in the pathology services sector.

I would like to discuss what has recently occurred in South Australia, particularly in respect of the first outsourcing of pathology services at Modbury Hospital. As the Minister has explained on a number of occasions during Question Time, the IMVS (Institute of Medical and Veterinary Science), which has provided the pathology service for a number of years at Modbury Hospital, was beaten in a tender by Gribbles Pathology.

The Minister has been at great pains to point out that the tender from Gribbles was half that of the IMVS, and that should be fine. However, it is not quite as fine in reality as it appears on the surface. The first thing to understand—and it is really important that members listen—is that the Government's contestability policy requires competitive benchmarks: standards against which people can tender. What was conspicuously missing in the recent case at Modbury Hospital was any definite benchmarks.

The IMVS has said that it is not worried about competitive tendering as long as it is a level playing field. Let us make sure that all the parties compete on the same level. Where were the benchmarks? We know that there are no benchmarks yet established and that, in the case of this tender, people tendered for different things. Another major plank in the Government's policy of contestability is the statement that first priority will be given to working with existing employees. In other words, the theory is that we establish the benchmarks and then we give the public sector a chance to meet those benchmarks.

Mr Brindal interjecting:

Ms STEVENS: That is your policy. Perhaps the honourable member had better read his policy document.

Mr Brindal interjecting:

Ms STEVENS: I do know what I am talking about; unfortunately, the honourable member does not.

The SPEAKER: Order! The honourable member should ignore interjections, and I ask the member for Unley not to interject.

Ms STEVENS: I certainly will. He is not worth—

The SPEAKER: I suggest the honourable member not comment any further.

Ms STEVENS: The point I am making is that in this case no benchmarks were set and there was no time for the public sector actually to have a chance to meet these mythical tenders. What has happened is that the IMVS, highly regarded throughout the country, not just in South Australia, as a provider of pathology services and as a research institution, tenders against mythical benchmarks and, of course, is beaten by a private sector provider. What is the point of making out that we have a policy of contestability when, in fact, we have no intention whatever of following it? What we have instead is a Government intent on the quick fix; intent on quickly, in the short term, getting the cheapest possible option without really weighing up the cost to our health system and its future.

What the Government of members opposite has done is to say 'We have actually no time to wait for the public sector to be able to meet these benchmarks', which is what their policy actually said. 'We have no time for this: we have enormous faith in the private sector. We are sure that they will be all right, that everything will be okay.' So, with blind faith and blind adherence to political dogma, they move it over to the private sector. Like the Minister's comment on service agreements, it seems that the contestability policy is also a malleable policy. In other words, 'We have a policy in writing but really have no intention of following it. We have a policy that is a complete sham and is a trick on the health services, a trick on the community.'

Unfortunately, in situations where there is no policy and no process we leave ourselves wide open to corruption. We leave ourselves wide open to accusations of jobs for mates, which is what is happening now. What I am saying is that with the Government's attitude to the quick fix, its blind dogma, our health system is suffering.

The SPEAKER: Order! The honourable member's time has expired.

Mrs PENFOLD (Flinders): I wish to place on record my appreciation that the Minister for Primary Industries (Hon. Dale Baker) has called for a review into South Australia's fishing industry. Members of the House will be aware that the present Director of Fisheries (Mr David Hall) has been given leave from his post to undertake this most urgent review, the first review of the State's fishing industry in, I believe, 20 years. While I believe Mr Hall will find many sectors of the State's fishing industry well managed and using the State's resources in a competent and conservative manner, other sectors do not appear to have such a rosy future. I refer to the inshore waters scale fishery and, in particular, the King George whiting resource. This resource is presently poorly managed with stocks at record low levels and, I believe, near collapse.

In looking at this sector of the State's fishery, Mr Hall will find that the legitimate concerns of commercial hook fishermen are almost ignored by what appears to be a most undemocratic management regime. One claim put to me by a commercial hook fisherman is that about 30 per cent of the fishermen rule the industry. Warnings started nearly 30 years

ago that the King George whiting resource was under threat. Despite some well meaning attempts, these warnings have been virtually ignored. The marine scientist Dr Keith Jones has been quoted as saying that stocks are at 4 per cent of potential. Worldwide the figure of 20 per cent of original stock level is considered to be low enough to place the fish resource at risk.

I wish to use the taxation returns from a hook fisherman based at Venus Bay to emphasise my point. They show that, for this man, primary income from fishing has declined steadily from $13 736 in 1989 to only $4 078 in 1993. A recent meeting of Kangaroo Island professional line fishermen held on 5 July called for a ban on net fishing for King George whiting and expressed dissatisfaction with their representation. One basis for their concerns was research showing that the size of King George whiting captured in Kangaroo Island bays had decreased from 34 centimetres in 1979 to 31.8 centimetres in 1992. The first history of the spotted whiting in South Australia was written by Trevor Dennison Scott nearly 40 years ago. At the time Mr Scott said:

> Of particular concern for everyone is the overall present low level of whiting stocks. It appears that under present conditions the rate of replenishments by growth of large whiting is always lagging behind the rate at which whiting are being removed, so that catches of the larger sorts are tending downward.

Mr Scott also said that if overfishing did occur the numbers of large fish caught would decrease from year to year so that the average size of whiting caught would become progressively smaller. Many fishermen claim that there is a dubious imbalance in the Integrated Management Committee, the body set up to manage the scale fish resource. Against this background Mr David Hall has the unenviable task of virtually saving the King George whiting resource. For my part I was aware that the Farm Beach and Coffin Bay waterways were recognised nursery areas for King George whiting. For the benefit of members, scientists say that the King George whiting eggs are laid by fish exceeding 35 centimetres in length in deep water. The eggs or the larvae float on the surface of the sea and drift with the currents and wind into sheltered waterways where the tiny hatchings find shelter to grow into adult fish.

The West Coast waters are recognised as a traditional spawning ground for King George whiting. A quick look at a map will convince even the greatest sceptic that Farm Beach is a natural trap to gather King George whiting larvae into the sheltered waterways of Coffin Bay. It has concerned me that the commercial net fishing industry was allowed into the nursery areas to take these juvenile fish at 28 to 30 centimetres long before they had a chance to breed. Claims have been made that we are the only nation left in the world that allows fishing nets into our fish nursery areas. This has led to years of conflict between commercial hook fishermen, tourist operators, recreational anglers and the net fishermen themselves. Hundreds of responsible people have called for the banning of nets to preserve stocks of King George whiting. Government Ministers responsible for fish management from both sides of this House have promised members of the commercial hook sector, the tourism and the recreational sectors that they would take steps to limit the use of nets in our inshore waters. Yet for 20 years every attempt to limit the use of nets to protect the King George whiting resource has been overturned by a minority of fishermen. That was until the present Minister had enough courage to close Farm Beach to net fishing.

For the past 10 years the popularity of Coffin Bay as a tourist destination has declined in line with the decreasing levels of fish available for the tourists to catch. With the closure of Coffin Bay and the partial closure of Farm Beach there is a perceived view that more fish are available for the tourist to catch. The good news from the netting ban in Coffin Bay is that accommodation in Coffin Bay is already fully booked for this Christmas season. Professional hook fishermen from all sections of my electorate have written, phoned and called into my office seeking more democracy in their industry. They claim they have little or no representation in the management of their industry. They say that when the Government no longer collects the South Australian Fishing Industry Council fees as part of their fishing licence they will no longer pay these fees voluntarily. This is the explosive situation that Mr David Hall has now to deal with.

As I said earlier, some of the State's fisheries are presently well managed and are like a shining beacon on what can be achieved. Our southern blue fin tuna industry has at last turned the corner after being seriously overfished. Tough quotas were introduced and enforced to restrict the pressure on the resource. The latest hope I have is that quite soon the quota may be increased. This is particularly good news for Port Lincoln, the home of Australia's tuna fishing fleet. The prawn fishery in Spencer Gulf is also well managed. A careful watch is kept on stocks to ensure the fishery is sustainable.

Our abalone industry is also well controlled. That leaves us with the inshore fishery. Different strategies to reduce the pressure on this fishery have been looked at. We have an amalgamation scheme where, put simply, two licences have to be sold as one to allow a newcomer into the fishery. However, what fisherman will sell a licence now for between $17 000 and $20 000 when he paid anywhere between $35 000 and $40 000 in the first instance? Clearly, when my information is that 70 per cent of fishermen favoured a buy-out scheme for fishing licences, the present decision to have a points amalgamation scheme will probably fail.

I believe another failing of the IMC is its support for an increase in the size limits for King George whiting. Mr Scott, in his research, showed that the 11 inch or 28 centimetre size limit was not based on any research finding and had no relevance to preserving stocks of King George whiting. He identified two means of controlling the resource. One was the introduction of quotas and the other was the introduction of a size limit of 37.5 centimetres or 15 inches. This would give each female whiting the opportunity of spawning once, but it would also mean that much of our inshore fishery would be decimated.

I firmly believe that the number of fishing licences should be halved to achieve the necessary reduction in fishing effort. It is my belief that the IMC has not taken the steps necessary to remove half the fishing effort. Given the level of dissatisfaction with the Integrated Management Committee of the inshore fishery and its inability to take steps to reduce the pressure on the King George whiting resource, it may be that the make-up of this body should rightly be questioned by Mr Hall in his review of the industry. I believe there is an imbalance in the make-up of this body.

It is my view that, if the conservation movement has an input into the way that we administer our pastoral lands, it is time for the conservation movement to be represented in our fishing industry. However, it will take courage and a considerable amount of determination by the Minister for Primary Industries, Mr Dale Baker, before a more democratic

environment is forged in which all fishermen, both recreational and commercial, can share a fair return from this very valuable public resource.

Overriding all our fisheries, including the preservation of the King George whiting resource, is the threat of illegal activities. Clearly, the enforcement officers of the Fisheries Department cannot watch every area of the State's fishery. They need an increasingly aware public to assist them. It is only when the public have the utmost confidence in the management of the fish resource that they will throw their complete weight behind fully protecting that resource. I am thankful that the present Minister has shown considerable courage in taking steps so far to protect the King George whiting resource. I look forward to his taking further steps to protect our fishing resources following the review presently undertaken by Mr Hall. The importance of protecting the whiting resource cannot be overstated. In my electorate, the potential for employment in tourism, small business, recreation, and line and net fishing industries is essential to the survival of many of the small coastal towns.

The SPEAKER: Order! The honourable member's time has expired.

At 8.38 p.m. the House adjourned until Wednesday 23 November at 2 p.m.