LEGISLATIVE COUNCIL

Thursday 12 October 2000

The PRESIDENT (Hon. J.C. Irwin) took the chair at 11 a.m. and read prayers.

STANDING ORDERS SUSPENSION

The Hon. K.T. GRIFFIN (Attorney-General): I move:

That standing orders be so far suspended as to enable petitions, tabling of papers, question time, and notices of motion: government business to be taken into consideration at 2.15 p.m.

Motion carried.

PROSTITUTION (REGULATION) BILL

Adjourned debate on second reading.
(Continued from 10 October. Page 93.)

The Hon. CARMEL ZOLLO: This issue is one of conscience, of course. I find I am unable to vote for the legislation. I do not agree with it for both moral and ethical reasons. Along with many other members, or all members in this chamber, I have received hundreds of letters and emails asking me to vote against the bill. I have received only two asking me to vote for the legislation. I do not believe that prostitution can be viewed in isolation from its social context. By its nature it does have an effect on society as a whole.

A colleague in another place rightly pointed out that prostitution is not victimless: not for people engaging in it, not for us as a community or families. Amongst the many comments written in letters I have received, one in particular stood out, as follows:

Parliament is supposed to secure the protection of its citizens by establishing appropriate legislative frameworks to restrain harm being done to them, not supporting their subjection and exploitation.

The bill before us does not seek to contain the practice of prostitution. I would like to think that the majority of people would like to see the incidence of prostitution reduced. Hopefully, such a premise is based on the notion that women's bodies should not be a tradeable commodity, hence any legislation should be aimed towards the need to reduce prostitution. If we go ahead with the legislation, we send a clear message to women exploited that we have given up on both containing and reducing prostitution.

Like several other members of this chamber, I took the opportunity to listen to Linda Waston recently, a former Perth madam, who runs Linda's House of Hope, a prostitute crisis centre. One often hears people who want to see prostitution legalised say that not all women are on drugs. I was interested to hear her say that, in her experience in working in the industry, 87 per cent of women were on drugs and most start off to earn extra money. She confirmed that in the end the psychological and physical damage is horrendous.

The approach taken by this bill has been described as seeking to legalise the prostitution industry, thus making all prostitution lawful if conducted by an adult person who has not been convicted of a prescribed offence and has not been banned from the industry by a court order. The bill promotes the form of regulation known as negative licensing. I am aware that many who would support this legislation see prostitution as a business and believe that the current laws as they stand deny prostitutes the fundamental rights and protections that other members of our society enjoy. As such, the bill also amends or provides for legislation which has the effect of recognising the legitimacy of the business of prostitution. Some also see the current law as making the industry particularly unsafe for prostitutes. Linda Watson in her briefing made the point that prostitution can never be safe: generally, intimate time is spent between two people and regrettably some men will act out their frustrations. I agree that prostitutes are denied fundamental rights and their work is particularly unsafe. I disagree that the way to achieve dignity in people's lives is to sanction the sale of their bodies for sex.

Apart from receiving correspondence from people totally opposed to legalising prostitution, the other concern most expressed is in relation to the planning approval processes for a brothel. As the bill stands at present, local government bodies clearly are not pleased with not being able to determine the approval of businesses in their own areas. The bill provides for approval for a brothel application to go to the Development Assessment Commission. There is also a provision for a distance of 200 metres for places of worship and schools. It also makes transitional provision for existing brothels, which are of great concern to the Local Government Association, as well. Several members of the chamber attended a briefing with the association yesterday, and they rightly made the point that we may see a huge flurry of new businesses starting up just before these transitional arrangements come into place. However, I note that amendments have been filed by Minister Laidlaw in relation to planning approval, and I also understand that other amendments may be filed by other honourable members.

Experience in the eastern states shows that decriminalisation has not worked. The criminal element is still present, and I am told that there has been a rise in the incidence of child prostitution. I recognise that changes to the present law are considered necessary because, amongst other things, the current legislation does not address police concerns about the difficulty of enforcing the law against an illicit industry. It is discriminatory in penalising only one participant in the prostitution transaction—the prostitute and not the client. Without the client, there would not be an act of prostitution. It does not differentiate in penalty between the person managing and taking the profits from a prostitution business and the worker, and it does not always reach the people who really control the business. Prostitution is not a victimless crime, and legalising prostitution gives the message that it is okay to engage in the business and gives it a mantle of respectability. Even more people than those who work in the industry now would end up being damaged.

I noticed at the time of the 1995 Brindal bill in the other place one of my colleagues mentioned that it has been the Labor Party's tradition to oppose exploitation of labour even if some workers agree to exploitative contracts. The same colleague also described people who tell opinion polls that they are in favour of legalised prostitution as being in favour of it only in the abstract. He commented that it would indeed be interesting to then hear how many would be in favour of legalised prostitution if a brothel opened in their street or next door, or across the road from them.

The Hon. R.R. Roberts: Or their wife or husband went there.

The Hon. CARMEL ZOLLO: Yes. Perhaps we should hear from all those people besides brothel proprietors who want to see prostitution regulated or legalised whether they have objections to a business starting up next door to them.

I noticed the comments of the *Adelaide Review* in its September 2000 issue, as follows:

> The moral intuitions of ordinary people are rightly outraged by the idea of young women, men and teenagers selling their bodies for money. No parents want their child to be a prostitute—very often trapped in gross servitude to unscrupulous profiteers and paid in hard drugs for their services.

I do not make any judgment, nor is it my place to do so, about those people who provide or use the services of prostitutes. Whilst I understand that street prostitution is not widely practised in South Australia, an overview as at 1995 by South Australia Police, presented to the Social Development Committee, reported that contemporary prostitution in South Australia revealed a lucrative cash industry, with an estimated 500 or 600 sex workers generating approximately $17.5 million annually. Peter Alexander, President of the South Australia Police Association, is quoted as saying:

> . . . legal brothels now exist in Victoria, but illegal brothels continue to appear across the suburbs of Melbourne and are still controlled in many instances by organised crime figures.

Those involved in the industry in South Australia have been reported as saying that a vice squad would still be needed to uphold any new laws and stop drugs and underage children being used. Victoria's decriminalised industry has not been successful in stamping out illegal practices, and I do not believe a regulated industry in South Australia would either.

The report prepared by South Australia Police in 1995, which I looked at at the time of the last proposed private member's legislation in this chamber, put as one of the four options that we as a society could look at:

> Amend existing legislation so that policing can be more effective, and the obligations placed on other members of the community are strengthened.

In its submission to the Social Development Committee our police force argued that illegal prostitution will continue to operate regardless of what laws are in place, and consequently appropriate legislation would still be necessary to detect and police unlicensed prostitution.

Commercial sex involves ethical questions and community standards and is indicative of the type of society we are and, more importantly, our attitudes towards half our population, our women. Morally and ethically I am unable to vote for the bill before the Legislative Council.

There being a disturbance in the gallery:

The PRESIDENT: Order! I warn the gallery if there is any more demonstration I will have to remove the people from the gallery.

The Hon. T. CROTHERS: I was not going to speak but having heard the last speaker and witnessing the people in the gallery I decided that I had better go on record, too. I shall be opposing this bill in its present form. However, I understand that there are some amendments either on file or about to be put on file which may well lend themselves to me being supportive of the bill. I want to take some issue with the last speaker over some comments she made. Prostitution is as old as time itself. Down through the ages, from ancient Egypt to Babylon, Persia, the Roman Empire or the Grecian city states, many people in governments have tried to stamp out prostitution. None have succeeded.

I have three daughters, and I would like to think that I have raised them to be of sufficient moral character that I would be very confident that they would never enter a brothel as a working prostitute. Anyone who uses that argument is saying, in my view, that they have not been able to sufficiently influence the moral attitude of the children they have brought up, so as to convince those children that it would not be in their best interests or in their welfare to enter the profession of prostitution.

But prostitution will never be stamped out, no matter how hard any government tries. History records that over the past 5 000 or 6 000 years, and it is wrong of anyone to suggest that in the present state of prostitution and brothels a blind eye is turned by the police with the view, no doubt, of some of the Judaeo-Christians in our midst that out of sight is out of mind. I do not accept that, and for a number of reasons. The last speaker said that prostitution was not a victimless crime, and that is correct because at the moment it is a crime for someone, whether male or female, to prostitute themselves for money.

The Hon. R.D. Lawson interjecting:

The Hon. T. CROTHERS: It is fineable: they can control it.

The Hon. R.D. Lawson interjecting:

The Hon. T. CROTHERS: Soliciting—okay. I would have thought that if you went into a brothel, whether it was the prostitute who was soliciting or the person visiting the brothel who was soliciting, a crime is being committed. However, not being a QC—

The Hon. R.I. Lucas: Thankfully?

The Hon. T. CROTHERS: Yes, thankfully. I do not speak for as long as most them, for instance—present company not excepted. It is not a victimless crime, and the honourable member is right. But what happens with prostitution at this current stage, hanging like Mahomet's coffin, somewhat suspended between heaven and earth, everyone knowing what is happening but everyone wanting to let it happen? I will tell you what happens.

The pimps and the madams and the unscrupulous police make small fortunes out of brothels, the way they operate now in a quasi-legal sense. We can look at France, where prostitution and brothels have been legal ever since the Code Napoleon. If one looks at sexually transmitted diseases in that country, whilst they are still there they are kept under much better control.

Today, AIDS is running rampant and, even at this stage of development of combative drugs for AIDS, once HIV turns into fullblown AIDS it is a death sentence. Syphilis, if not caught in its early stage, is a death sentence. Our troops in Vietnam and serving overseas in other parts of Asia have brought back other equally bad and ultimately mortal infectious diseases that were not known before. Penicillin, eromycin and many other drugs had been used to combat infectious diseases.

For instance, in the early days of penicillin it was three shots of penicillin to cure gonorrhoea and five shots to cure syphilis. Those drugs, those diseases, those gonococci viruses are now proving to be very combative indeed to even the latest of the antibiotic drugs. As they go untreated, as AIDS goes untreated, so it is more widespread across our communities. One has only to look at Africa where AIDS, in a country such as South Africa, is rampant.

Given that that is the most developed nation on the African continent, there is no excuse for that. But the present President, who succeeded Nelson Mandela, has gone on record as saying that AIDS is not fatal and you do not catch it by having sexual intercourse; it is not proved. He even had to be contradicted by Nelson Mandela, the retired President. With that sort of attitude running rampant in the higher echelons of our government authorities and nations, it is no

small wonder that South Africa has an appalling level of AIDS.

Consider that against the backdrop of Uganda which, because it had a very enlightened President, has the lowest rate of AIDS infection on the African continent. Mind you, it is still increasing—and that is what worries me. There is no monitoring device currently to protect not only prostitutes but their clients, which they will have anyway, whatever this parliament does about it. We cannot protect them because they are not subject to medical testing as the French do on a regular basis.

Those are some of the matters that exercise my mind. An orchestrated campaign has been run by the Christian churches. I have had hundreds of letters all written in the same vein to me, but I will bet you and I will be prepared to put it to the test that, if a poll were taken of the people in this state—a properly conducted poll, with the right questions being asked and the right information given—it would carry the day.

The bulk of people understand that what is at risk here for us is the same as what occurred when the Volstead Act was brought in to bar alcohol in the United States. And what did it do? It entrenched organised crime to the extent where now the Mafia and organised crime is the largest industry in America.

That was largely brought about by the support of the Bible belt in the United States of America. I have nothing whatsoever against Christianity: I was brought up in a Christian home. But I saw what organised religion did in my native heath of Ireland where both Catholic and Protestant clergy—not all of them, but many of them—where urging people to get even and to kill native Irish citizens. I see the extreme Moslems doing the same thing.

In my view, organised religion has a long way to go before it fulfils the deeds of the Bible. Let me finish what I am saying by quoting from the Bible: when Jesus watched an adulteress about to be stoned to death outside one of the walls of the one of the holy cities, he stood between her and the ones who would stone her and said, 'Let he that is without sin cast the first stone.'

Some people might not want to address the issue of quasi legal prostitution. As I said, I do not support the bill in its present form, and I understand that there are some amendments which might make it hard for me to support it. So be it: I will accept the will of the parliament. But let me make my points over and over again: to do that is to be an ostrich; it is to put one's head in the sand and hide from reality; and it is to allow within the existing quasi legal brothels sexually transmitted diseases, including AIDS, to go unchecked and to allow them to become more rampant than is currently the case.

Australia has a fairly good record regarding those diseases. In my view, anyone who opposes this measure in its amended form has a very narrow point of view. I have always endeavoured to be a true liberal—not in the sense of those who sit in the government benches but in the sense of my thinking relative to things that are the bete noire of many people in our society.

I will await to see what amendments emerge before finally determining my position, but if they are as I understand they are then I will support the legislation. I do not believe the numbers are here to get it up, but I tell you, when we get to committee, as I have made some of my views known at this stage, I will make more of my views known at that stage.

The Hon. SANDRA KANCK secured the adjournment of the debate.

ASSOCIATIONS INCORPORATION (OPPRESSIVE OR UNREASONABLE ACTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 October. Page 142.)

The Hon. K.T. GRIFFIN (Attorney-General): The speakers on this bill have all indicated their support for it—the Opposition, the Australian Democrats and SA First, the Hon. Mr Cameron. I thank them for their indications of support. Whilst it is a relatively short bill, it is, nevertheless, an important change in the law that relates to oppressive or unreasonable acts within incorporated associations, and I am pleased that it is being supported.

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

LAND AGENTS (REGISTRATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 October. Page 55.)

The Hon. IAN GILFILLAN: The Democrats support the second reading of this bill. The only comments that I seek to make will echo those which I intend to make when we debate the Conveyancers (Registration) Amendment Bill. For the sake of convenience and to save the time of the Council, I will leave those comments until we deal with that bill because they are more specifically directed towards that legislation. In summary, we accept the arguments for amending the definition of 'legal practitioner' and distinguishing between those convicted of summary offences and indictable offences of dishonesty. With those observations, I indicate our support for the second reading.

Debate adjourned.

CONVEYANCERS (REGISTRATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 October. Page 57.)

The Hon. IAN GILFILLAN: I indicate that the Democrats will seek an amendment to the bill as well as further clarification from the minister on a particular issue. To begin with, we do not have any objection to the first four clauses: that is, we accept the arguments for amending the definition of 'legal practitioner', as I indicated earlier in respect of the land agents bill, and distinguishing between those convicted of summary offences and indictable offences of dishonesty.

We also accept the principle that the restrictions on competition contained in sections 7(3), 10, 11 and 12 of the existing act need to be removed in the interests of consumers. As I understand the current situation, only registered conveyancers are able to own conveyance firms. We accept the arguments put forward by the Minister for Consumer Affairs that those sections 'serve to inhibit the development of multi-disciplinary partnerships in this industry, which may offer economies of scale and flexibility of service provision for South Australian consumers.' The Attorney knows exactly whom I am quoting.

Under the proposed amendments, anyone would be able to own a conveyancing company provided that the firm is managed by a registered conveyancer. We find this proposition acceptable. However, in so doing we note the objection that has been raised by the Australian Institute of Conveyancers. In a letter dated 14 September, the institute's Mr Robert Sidford raised the suggestion that these changes may lead to conflicts of interest which occurred (as he says) when land agents were previously allowed to employ conveyancers.

Mr Sidford believes that if lawyers form conveyancing companies, as they will be entitled to do under this bill, and the conveyancing companies act for both parties to a transaction, a conflict of interest would arise. The same argument applies to financial institutions owning conveyancing companies. He attaches to his correspondence a copy of the judgment in Sharkey v. Combined Property Settlement Agency Pty Ltd, which is a case about the type of conflict of interest just mentioned.

It is possible at present, as I understand it, for a conveyancer to act for both parties to a transaction. Therefore, it seems to me that a conflict of interest could potentially be an issue for a conveyancer or a conveyancing company, regardless of who owns the company. I invite the minister in his reply to outline what consumer protections exist in respect of a conflict of interest for conveyancers acting for both parties. Is it the Attorney's understanding that they can act for both parties?

The Hon. K.T. Griffin: No, they can't.

The Hon. IAN GILFILLAN: The Attorney is reflecting that this may not be the case. If that is so, his reply will be informative on this matter. I also ask the minister whether he shares the concerns of the Institute of Conveyancers about whether this problem will be exacerbated by having conveyancing firms owned by the likes of lawyers or financial institutions.

It remains for me to outline the amendment which I propose to move to this bill and its companion bill, the Land Agents Registration (Amendment) Bill. With these two bills as well as the Hairdressers Bill, recent regulations under the Plumbers and Gasfitters Act, and possibly other acts as well, a consistent approach has been adopted by the government towards accredited qualifications.

There is a formula in each bill or act which states that qualifications for the respective trade must be those specified in the regulations. However, subject to the regulations, the commissioner may recognise someone as qualified even though that person does not have the qualifications specified in the regulations.

I signal that the Democrats will be moving in relation to each of the acts and bills I have mentioned (and whatever others are relevant) to remove this discretionary power of the commissioner. It is not that we do not trust the commissioner: we merely believe that it is preferable that there be objective standards for qualifications placed in regulations so that everyone can be aware of the qualifications which are necessary and which can be subject to disallowance by the parliament itself, if necessary. We do not believe that the important issue of qualifications for each and every trade should be a topic for which there is no opportunity for the parliament to express an opinion. I support the second reading of the bill.

The Hon. T.G. CAMERON: I support the second reading of the bill but indicate that there are a number of areas that I have concerns about and, unless those concerns are addressed (I will deal with them in more detail in committee), SA First will not be supporting this legislation. In 1995 the Council of Australian Governments (COAG) entered into a competition principles agreement. A review panel was formed consisting of staff of the Office of Consumer and Business Affairs and an independent member, who made suggestions for reducing unwarranted regulation and promoting competition.

This bill has similar provisions to the Land Agents Registration (Amendment) Bill. Currently, any person convicted of an offence of dishonesty is incapable of registering as a conveyancer. This bill proposes that, if convicted of an indictable offence of dishonesty, a person will continue to be disqualified from registering. However, if convicted of a summary offence, a person will be disqualified for 10 years. I do not have a problem with that.

The bill also provides that, if the director of a company is convicted of a summary or indictable offence, that company will be prohibited from obtaining or holding registration for 10 years for a summary offence or permanently for an indictable offence. It also prescribes stipulations that must be contained in the memorandum and articles of an association incorporated and who can own or operate as an incorporated conveyancer. It also provides that a company's business as a conveyancer must be properly managed by an individual conveyancer and it amends the clause for disciplinary action provisions to allow for this. It defines a legal practitioner to include 'an interstate practitioner who practises in South Australia or a company with a practising certificate.'

I have taken the opportunity to discuss briefly my concerns with the Attorney-General in relation to this bill. He has offered to give me a briefing in order to correct, if you like, some of the views that I have about this bill. Well, that may be so. I will attend the briefing and the Attorney-General can attempt to convince me.

I have received correspondence and petitions from individuals in the real estate industry who are concerned about the implications of this bill. I must say, it surprises me that the government is hell bent on introducing national competition policy for agents and lawyers when one could point to a dozen other areas in need of more urgent attention. I do not accept the view put to me that this is merely the Attorney-General hell bent 'on yet doing another favour for his legal mates'. I am more inclined to think that someone has got this wrong.

I understand that a review panel was set up to prepare a report for the Office of Business and Consumer Affairs. I note that the review panel included legal practitioners but, to the best of my knowledge, it did not include land agents. Will the Attorney-General put forward the government's reasons for that? One would have thought that, if one was being fair and consulting properly with the industry on this matter, there is no way that a review panel could be set up without at least a land agent on it.

I do not know whether the Attorney-General is aware of what is going on in the real estate industry but land agents have been doing it tough for quite some time. I suspect their golden days were over when competition was introduced for land agents' fees and they all started competing with each other. I hope that the Attorney-General is aware that for most conveyancers it has meant a decline in their income. It got to the point at one stage where one could shop around and get quotes. If you told them that you had been quoted $500 to do your property settlement, it would quickly prompt a quote of $450.

So, I do have concerns about that. I also have concerns about why the government is treating this particular area as a priority for national competition policy when it has left so many other areas alone—taxis and the gas industry are two that come to mind. I want to explore the government's thinking in relation to the national competition policy. It states that its aims are as follows:

> The review and reform of all laws that restrict competition unless the benefits of the restriction to the community as a whole outweigh the costs and the restrictions are needed to attain the benefits.

The national competition policy defines competition as follows:

> In its simplest form 'competition' in a market place is about choice and exists when a number of businesses strive against each other to attract customers and sell their goods and services. Competition generally will foster production efficiency and innovation and thus generate lower prices, greater choice and better levels of service for consumers.

What has been put to me is that the Attorney-General's proposal was flawed right from the beginning. First, there were no land agents on the review panel. Let me say that the Attorney has browned off just about every land agent and conveyancer in the state. I would not be looking for too many votes from that area if this proposal goes ahead in its current form.

It has also been put to me that the questions asked by the review panel were leading questions and did not properly address the practical application of the potential implementation of the recommendations of the review panel and its affect on the consumers of South Australia. The Real Estate Institute believes that the answers they provided were taken out of context. The institute was under the impression that they were intended to be used.

The review of the Land Agents Act, and the potential implementation of the panel's findings, favours the legal profession by providing to solicitors yet one more income stream at the expense of Real Estate Institute members' livelihood: they have only one income source.

Surely the government is not serious when it suggests that by treating this area as a priority in relation to national competition policy and giving solicitors the right to do conveyancing it will increase competition and achieve the national competition policy's aim of lowering prices. I do not think we have seen prices fall in any jurisdiction anywhere in this country where solicitors have been introduced into that area. What I suspect you will do, Mr Attorney, is drive land conveyancers out of the industry in the first instance.

Solicitors will be competitive. They will offer lower rates and compete to attract the work and, when they have driven the land conveyancers out of the industry because they do not have a big enough pool of work to gain a reasonable income, watch and see what these greedy lawyers do then. They will ramp up the rates like they have done in other jurisdictions. Rather than achieve your desired objective of lowering the costs of handling property transactions, in the medium to long term I submit that you will actually increase them.

The Hon. R.D. Lawson interjecting:

The Hon. T.G. CAMERON: The Hon. Robert Lawson interjects and says what an outrage. Well, what a bloody cheek he's got—a $3 000 a day QC.

The Hon. R.R. Roberts: That's on a bad day!

The Hon. T.G. CAMERON: Yes. Goodness gracious me, you have to sit here at times and listen to greedy lawyers tell you that they cannot run a legal office when they are charging $250 an hour, and you have the hide to sit there and say that my comments about lawyers are unfounded. The minister is a QC; does he honestly believe that, if this bill is passed, in the medium to longer term rates for settling property transactions will fall below their current levels? If you believe that you believe in the tooth fairy. That is not going to happen and what this government will do with this legislation is usher in a regime in the medium to longer term—and I can see a few members on the other side shaking their heads in agreement. They must have gone down when cabinet locked in and rolled them on this one. Listen to what your backbench say on this, Mr Attorney.

They are aware of some of the political implications of this legislation. You will be hitting small business people, land agents and conveyancers, right in the neck with this legislation, and five years down the track all these big, highly priced legal firms that the QC used to get briefs from in the past (I am not sure he has the time to act on too many briefs at the moment) will be doing this work. That is who will be doing all the work. The big real estate companies will form links with big law firms. A small business which is currently working well you are going to destroy. Just who is supporting you on this legislation? You do not have the Real Estate Institute and you have not got conveyancers. I do not have any correspondence in my file from the Law Society, which appears to be in full agreement with what you are proposing.

Quite frankly, Mr Attorney, you have the task ahead of you to convince me on this but, as you know, I keep an open mind on these issues and I am sure you will turn over any rock to try to convince me. I have correspondence here from people, and I just want to quote from a letter sent by a real estate salesman who has been in the industry for some 20 years. I hope he does not mind me quoting his correspondence.

The Hon. R.R. Roberts: As long as you don't quote his name.

The Hon. T.G. CAMERON: I should quote his name, but I will not. He writes to me and says:

> The proposed policy change has the potential to devastate my industry and take away my income and, therefore, severely affect my livelihood as it endorses the systematic sale of real estate by solicitors once they have become registered land agents. I was under the impression that the state government's aim is to support and encourage the viability and growth of every business in South Australia, especially the small to medium enterprises.

He continues:

> The South Australian real estate industry is comprised of small to medium business which contribute millions of dollars to the state government by way of tax revenue. Why is the government assisting the multi-income generating legal profession in gaining yet one more income source to the detriment of the single income generating real estate industry?

Whilst the Attorney-General has the task ahead of him to convince me—I have said that before and he has ended up convincing me—the real task ahead of him is to convince the real estate industry that this proposed legislation will not be detrimental to their industry and land conveyancers and that he is not just looking after his mates in the legal profession.

The Hon. CARMEL ZOLLO secured the adjournment of the debate.

ADELAIDE FESTIVAL CENTRE TRUST (COMPOSITION OF TRUST) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 October. Page 57.)

The Hon. T.G. CAMERON: As I understand it the Adelaide Festival Board no longer exists, and there has not been a representative of the board on the Festival Trust for some time. As I understand this legislation, it removes the required representation of a member of the Adelaide Festival Corporation from the Festival Trust whilst retaining the number of trustees at eight. Seven are to be appointed by the Governor on the nomination of the minister, and one is to be appointed by the Governor on the recommendation of the Adelaide City Council. It also makes amendments as to common meeting proceedings such as quorums, passages of resolution, chairing of meetings and minutes procedures. SA First will be supporting this bill. It makes minor but uncontroversial amendments to update the act.

I have one question, and I suppose I could go back through the bill and find the answer to it but, as always, the minister will have the answer at her fingertips. I note that one member is to be appointed by the Governor on the recommendation of the Adelaide City Council. Does that mean that Adelaide City Council puts forward a nomination and it has to be accepted, or does it put forward a panel of nominations of whom the government accepts one? I indicate my preference for the latter course of action.

The Hon. CARMEL ZOLLO secured the adjournment of the debate.

SOUTH AUSTRALIAN COUNTRY ARTS TRUST (APPOINTMENT TO TRUST AND BOARDS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 October. Page 58.)

The Hon. T.G. CAMERON: SA First supports this legislation. It makes minor but uncontroversial amendments to enable experienced board and trust members to take up senior positions with the boards and the trust. We make a mistake when we insert clauses into legislation which mean that after what I consider to be a relatively short period—two terms, or six years—presiding trustees and the presiding members of the board cannot be reappointed. It brings to mind the awful situation in which the Philippines found itself when it emerged from the autocratic and corrupt rule of Ferdinand Marcos and embraced proper representative democracy, with Cory Aquino being elected as President for a five year term. Cory Aquino was followed by Ferdinand Ramos. I thought Cory Aquino was a fairly ordinary President of the Philippines, but I had a high regard for Ferdinan Ramos. He was a good president. He ran the economy well, and he was widely respected by everybody as being straight, decent, honest and genuinely trying to do the right thing.

My point relates to the constitution of the Philippines. Their experience with Ferdinand Marcos was such that, when they embraced their new constitution, they incorporated a clause which provided that the President could be elected for only one term. Despite the fact that Ferdinand Ramos would have been returned with a resounding majority and that he had broad support from all sections of the community, he was unable to run again for President. The Philippines, unfortunately, has been a sad loser because of that rule. It is analogous with the situation we have before us. SA First gladly supports this legislation. In the interest of experience, the government is proposing that the trustee and presiding members of the board can be reappointed for more than the constraint which currently exists, that is, six years. I support the legislation.

The Hon. CARMEL ZOLLO secured the adjournment of the debate.

NUCLEAR WASTE STORAGE FACILITY (PROHIBITION NO. 2) BILL

Adjourned debate on second reading.

(Continued from 10 October. Page 94.)

The Hon. SANDRA KANCK: This is a welcome bill, and the fact that we have it before us is proof of the power of public lobbying. Some 12 months ago, the Democrats were the only parliamentary political party that had publicly come out against the proposed dump, and here we are now with all parties in this parliament agreeing that South Australia should not be the site for a national medium level nuclear waste dump. During the process of convincing politicians that this ought to be their position, environment groups have been very active, and I pay tribute to them.

The Australian Conservation Foundation has maintained a high profile on the issue, and last November it held a meeting at the Adelaide Town Hall with Peter Garrett as the key speaker, and the Adelaide Town Hall was filled to near capacity on that evening. The nuclear issues coalition from the Conservation Council of South Australia has kept us up-to-date with a regular newsletter about the nuclear industry and how all aspects of that industry link into the waste issue that we are considering in this bill.

A group called ENUFF (Everyone for a Nuclear Free Future) has at least on two occasions to my recollection—it may be more—had a banner slung across the front of Parliament House reminding the premier of his stated opposition to the dumps. Earlier this year, in March, a group of dedicated citizens from the township of Nairne led by one person, Greg Were, convened a two day conference at the University of Adelaide with people coming from all around Australia to discuss the issue. All these groups have played a vital role in putting pressure on the government.

Last year I introduced a private member's bill on high level internationally sourced nuclear waste and the opposition also introduced a bill in the House of Assembly regarding Lucas Heights waste. I believe both of these have played a part in convincing the government to introduce its own legislation.

The Liberal government at the federal level via Senator Nick Minchin—'Nuclear Nick', as we know him—has been aggressively pushing for this dump. However, I want to look at the Labor Party record, because it bears a great deal of responsibility for our now having to debate this issue.

In April 1988, the federal government granted $100 000 to the Northern Territory government for a nuclear waste feasibility study, which was undertaken by ANSTO (the Australian Nuclear Science and Technology Organisation) but in May 1991 the Northern Territory government announced that it was no longer interested in locating a dump in that territory.

In 1991 in a letter to the federal primary industries and resource minister, Simon Crean, South Australia's deputy premier, Don Hopgood—he might have been environment minister at the time—acknowledged the need for a national centralised repository for low and intermediate level radioactive waste—and I stress that the two were linked at the time.

The current site selection process was initiated in October 1992 by Simon Crean, who was then the resources minister in the Keating Labor government. The Keating government was responsible for moving 2 000 cubic metres of low level waste from Sydney to Woomera in 1994 with no public consultation whatsoever. Towards the end of 1998 Martyn Evans, the Labor Party's federal shadow resources minister and also the member for the South Australian seat of Bonython, came out in support of the dump being located in South Australia. His view was that, if the site met appropriate geological requirements and people were consulted—it does not matter if they did not want it just as long as they were consulted—South Australia should accept the dump here.

In the middle of this year, the federal Leader of the Opposition, Kim Beazley, was speaking on an Adelaide radio talk-back program and he would not rule out South Australia as a possible site for a national nuclear waste dump. He bluffed his way through the questioning by saying that we had to have such a dump and that it had to be clear that we had the right site.

I go back now to the role of the Liberal Party in this matter. On 28 February 1995, the then premier of this state, Dean Brown, wrote a most interesting letter to Prime Minister Keating about the transfer and storage of radioactive waste from St Marys in Sydney to Woomera in South Australia. He said:

> My government does not accept the commonwealth's decision to store the waste at Woomera rangehead—

and this is really important—

> until certain assurances are given and uncertainties clarified.

That to me indicates that, once those assurances were given and the uncertainties clarified, the Liberal government here in South Australia in February 1995 was saying it would ultimately be okay to remove that waste—or it had been removed but ultimately the state government would agree and not kick up any fuss about it. The next thing in that letter which is of great interest (and I am quoting again from Dean Brown) is as follows:

> Finally, the South Australian Government believes a prerequisite to establishing radioactive waste storage sites or repositories in the Woomera region is that the adjacent Lake Eyre region should not be considered for World Heritage Listing. It therefore seeks an agreement from the Commonwealth that it will not proceed with World Heritage Listing of the Lake Eyre region on the grounds that such listing is inconsistent with the location of storage sites for radioactive waste on the edge of that region.

In other words, this state government brought in an entirely unrelated issue—that is, the listing of Lake Eyre as a World Heritage region—as a bargaining tool. Implicit in this was an understanding that ultimately this Liberal government would agree to a nuclear waste repository being located in South Australia. It is quite astounding. I am surprised that Dean Brown did not throw in six steak knives as well as part of the deal.

The Hon. T.G. Roberts: Or maybe some beans.

The Hon. SANDRA KANCK: Yes; it would be in keeping with the sort of dealing that was being done at that time. This trade-off set the pace for what has happened since then. We now know that a new nuclear reactor is to be built at Lucas Heights. Part of the licensing for that facility to go ahead includes a requirement for satisfactory solutions for waste disposal. The waste we are talking about is low and medium level waste at the present time. However, it will ultimately include high level waste, because such waste has been sent from Lucas Heights to Dounreay in Scotland for reprocessing. We will be getting the residue from that back in 17 years' time. So, it is very clear that we in Australia will have to deal not only with low and medium level waste but with high level waste.

That material from Lucas Heights was sent to Scotland last year. It will be come back at the same level of high radioactivity but it will have increased in volume by 85 times. The question is: where will it be put? If the proposed dump in the Billa-Kalina region of South Australia goes ahead, you can bet London to a brick that this is where they will want to put that waste. So the pressure is on to get a decision made so that the dump can be built. Senator Nick Minchin put out a media release on 18 May this year. In part it states:

> All states and territories benefit from the use of radioactivity in medicine, industry and research. All states and territories should continue to cooperate in the search for a store for the resulting intermediate level waste. It is simply irresponsible to want all the benefits of radioisotopes but then to walk away from dealing with the waste.

That is a very flawed argument. The people who benefit from nuclear medicine come from all over Australia but, in particular, as the bulk of Australians live on the east coast, the bulk of the benefit accrues to those living on the east coast. Where is the logic in saying that South Australians should shoulder the burden for all Australians on this?

When the member for Bonython, Martyn Evans, came out in favour of the dump being located in South Australia, he accused the majority of South Australians of suffering from the NIMBY (Not In My Back Yard) syndrome. That accusation should be more legitimately aimed at the majority of Australians who live on the east coast of Australia.

South Australia has already historically borne more than its fair share of nuclear activities, some of them leaving us with an unfortunate legacy. The British nuclear weapons tests at Maralinga left large tracts of radioactive land in this state, and despite the so-called clean-up which has occurred parts of it remain uninhabitable and will do so for thousands for years.

As noted before, we already have waste from Sydney now located at Woomera; a uranium mine at Myponga was never rehabilitated; some of the waste from the Radium Hill uranium mine was used as ballast around railway lines in this state; and a waste dump at Port Pirie is still unsafe. The Olympic Dam mine at Roxby Downs has already produced millions of tonnes of waste, and we saw the problem of the leaking tailings dam a few years ago.

The Beverley uranium mine is pumping 40 megalitres of highly acidic and radioactive water back into the ground each day, and that mine and the Honeymoon mine are getting closer to full production as each day goes by. I suggest to members that South Australia has taken the brunt of nuclear activities in this country for quite some time. For Martyn Evans and, for that matter, 'Nuclear Nick' to dismiss the concerns of South Australians in terms of the NIMBY syndrome is being less than fair to the people of this state and shows a lack of historical knowledge.

When the site selection study in this current process, phase 3, was published, it drew attention to concerns about the poor storage of nuclear waste at Lucas Heights, hospitals and research institutions. There is no doubt about it: that stuff is not being looked after properly. What is the solution to not looking after it properly? Put it here in South Australia: out of sight, out of mind. And that is a dangerous course of action.

The Democrats acknowledge that the nuclear genie was let out of the bottle a century ago and we cannot put it back, but we also recognise that, just as in accounting there are profit and loss accounts, there is a downside for every technological gain. Our job as members of parliament is to find the most benign solution. Nuclear technology has provided some positive benefits in terms of medicine: the downside is the waste.

We must always be aware of it, and the continued visible presence of that waste in drums is a valuable reminder to us all that there is that downside. Another argument in support of having the waste left where it is made is that most of the scientists who have the knowledge and expertise to deal with nuclear incidents live on the east coast of Australia. The safest place for the waste is near to the people who know how to deal with any incidents that might arise with it. Burying the material is nowhere near as good an idea as keeping it visible.

It might be uncomfortable for people to see it every day but, as long as it can be seen, it means that the conditions of storage are able to be monitored without any need for high technology. If a drum starts to rust, it will be seen before anything dramatic happens. The biggest risks are in the handling and transport of this material. Keeping it as close as possible to where the waste is produced, even on site, is the safest method of storage.

Similarly, any South Australian-produced waste should stay here, even if a site for a national repository is determined to be located in another state. I was interviewed on radio about the position I hold on this, and someone said, 'We can't accuse you of arguing the NIMBY argument: you're actually saying, "Let's keep it, and let's keep it on the front verandah".'

With the knowledge that the commonwealth is commencing formal land acquisition proceedings for the low level dump, there is an urgency about the passage of this bill. If and when we have this bill passed, the commonwealth could be forced into a position of having to override our legislation. It can do this under section 109 of the Constitution, which says that, where a state law is inconsistent with a commonwealth one, the state law is invalid, but first it has to have the commonwealth law that provides the basis for that comparison. Only then can section 109 be invoked.

The question then arises: when the federal government puts legislation to the federal parliament to validate its position, will the MPs in that parliament who represent South Australian electorates (such as the Labor member for Bonython, for instance, and any of the Liberal members of the House of Representatives and senators from South Australia) support it? Will they be prepared to stand up for the South Australians they are there to represent, or will those MPs be willing to put their political futures on the line ahead of party loyalty?

The answer to such questions is unknown, but the fact that it is unknown and unpredictable ought to cause the federal government to think twice about pursuing this approach, so it would act in South Australia's favour. Of course, I acknowledge that the federal government has other avenues open to it but, in taking the action of passing this legislation, we close off one of them. Therefore, I think it is important that we do so.

The other option that the federal government has is to locate the dump using powers under existing legislation. That could possibly be done by using the Defence Act, should the location chosen be on defence land, but I believe that that could be challenged in a court of law as it would be arguable, at least, that locating a dump for low to medium-level nuclear waste is not a defence activity. Should it reach that point, I would hope that state governments could be relied upon to take the necessary legal action.

One thing that the South Australian government can do is declare the land that is under consideration by the federal government to be a public park. That would force the federal government to bring the matter before the federal parliament where, with the combined vote of the opposition and the Democrats in the Senate, it could be defeated.

I have made three requests for access to the government's legal opinion, which the Premier used earlier this year as a basis for claiming that there was nothing South Australia could do to stop the dump. I tried by a simple request in a letter to the Premier, and it was denied. I tried through the Freedom of Information Act and was told that the FOI Act allows refusal to be given. So, when the government altered its position and said that it was introducing this legislation, I wrote again with the same request. The answer was, 'We don't have to provide it, so we won't.' I knew that the government did not have to provide it, and actually pointed that out in a letter that I wrote to the Premier. The fact that they responded with that sort of answer is just stupid, childish and churlish. It is a great pity, because we are all in this together. A legal opinion is a legal opinion, that is all it is, and legal opinions differ. That is why we have courts—because there are differing opinions.

Access to the state government's legal opinion might have assisted this parliament in improving this legislation. We could have looked at those opinions, tested them for their strength and validity, and it would have allowed us to check possible flaws in any of our arguments, including mine. But the government's refusal to let anyone look at that opinion is acting against what we are all trying to achieve. It is, to put it mildly, petty.

I will be placing on file amendments to have this bill encompass a low-level national waste repository, and I indicate my concern that the state government is rolling over to the federal government in this regard. I previously noted the meeting that the Australian Conservation Foundation held last year in the Adelaide Town Hall, which was addressed by Peter Garrett. In an article in the *Advertiser* of 19 November last year, Peter Garrett was quoted as follows:

> There will be low-level waste at one area and later on there will be long-term to high-level radioactive waste nearby. . . It's not fully appreciated by South Australians the flow-on this precedent could set.

Then the *Advertiser*, paraphrasing him, said that the only way for South Australia to ensure that it did not become a radioactive waste dump was for parliament to legislate against it. Unfortunately, the out of sight, out of mind attitude of the federal government almost guarantees that a low-level dump will lead to a high-level dump. Sadly, the state government is unwilling to address this issue.

The Democrats support the bill, but it will be on the Liberal Party's head at the next election if it does not deal with the issue of a national low level nuclear waste repository in South Australia. Among my proposed amendments is a proposal to hold a referendum on this issue at the next state election. We must pursue every course that is open to us—political, social and legal—to ensure that South Australia does not become Australia's and, by stealth, the world's nuclear dumping ground.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

ADELAIDE CEMETERIES AUTHORITY BILL

Adjourned debate on second reading.

(Continued from 5 October. Page 66.)

The Hon. T.G. ROBERTS: The opposition will be facilitating the progress of this hybrid bill to a select committee. I understand that we will be taking evidence from those who will be affected by it. I do not think it will be a long, drawn out affair, although when you say that about select committees something always tends to go wrong—

The Hon. Diana Laidlaw: Is that the only reason you got Bob Sneath to participate?

The Hon. T.G. ROBERTS: That's dead right. We've been dying to do this, haven't we? We will facilitate the second reading to progress it to the select committee and, hopefully, it will be able to report back to parliament within the time frame that the minister has designated.

The Hon. M.J. ELLIOTT: I support the establishment of a select committee for the consideration of this bill, which at this stage I have examined only briefly. I have been involved in the issue of managing cemeteries in Adelaide and have asked a few questions about them in this place over the years, particularly about the West Terrace Cemetery which arguably is the most important historic cemetery in Australia. No other capital city cemetery of this age is as intact as that one, and historians place a great deal of importance upon it. The maintenance of that history is an issue that I think needs to be addressed, and the current legislation, as I read it, is totally silent on that matter.

The Hon. Diana Laidlaw: The current legislation or the bill?

The Hon. M.J. ELLIOTT: The bill. Another concern I have, about which the bill does not offer any great hope, is that there has been increasing monopolisation of the whole funeral business in Australia. In fact, South Australia is probably the best of the states in this regard, but vertically integrated companies are involved in ordinary burials, cremations, the running of cemeteries, etc., and it is a nice little earner for those companies. These companies are coming out of the United States and Great Britain where they have built up enormous power. Funerals are a bit like weddings and births. In fact, there are three times when people really get nailed to the wall and they do not like to buck about the prices: no-one wants to skimp on their wedding; no-one wants to skimp on the birth of their child; and no-one wants to skimp on a relative's funeral. It is a place where, I think, improper business practice can flourish if we are not careful.

In Adelaide, because of the high level of competition, I do not think we have had a problem like that in the past, but I would be deeply concerned if, as a consequence of all this, we facilitated an effective outsourcing of cemeteries and ended up with a near private monopoly of cemetery operations. I think that that would be a retrograde step, and nothing in this legislation really gives us any protection from that happening later. They are two matters that I will be looking at very closely in relation to this legislation whilst it is under consideration by the select committee.

The Hon. J.F. STEFANI: I rise to make a few comments about the legislation. There has been a great deal of discussion and debate about cemeteries. As members would be aware, I was a member of the Statutory Authorities Review Committee that worked on some of the recommendations that were put to the minister, and I am glad to say that the minister has taken on board many of the committee's recommendations. Some concerns were expressed at the time about the process and the management of the West Terrace Cemetery, which was vested in the Enfield General Cemetery Trust.

I think the authority that is now being considered is appropriate so that there is wider scope for that authority to develop the West Terrace Cemetery with a great deal of sensitivity and appropriate consideration to the heritage factor that is so important to South Australia. I have made a number of visits to that cemetery when relatives and family friends have been buried and also when the committee visited the historical part of the cemetery.

I know that with the appropriate structure we can enhance and further develop West Terrace Cemetery and restore some of the burial sites that are so important to South Australia and the history of South Australia. I am sure the minister will respond to the concern of my colleague, the Hon. Mike Elliott. I view the measure as an appropriate step to take in the process of retaining, developing and restoring a very valuable heritage site.

The Hon. CARMEL ZOLLO: As a former member of the Statutory Authorities Review Committee, I place on record that I am pleased to see this legislation. The West Terrace Cemetery is a very unique piece of heritage for South Australia. It is important that its character and its heritage be maintained and that we also see approved planning processes for the other cemeteries. I am pleased to see this piece of legislation.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I spoke earlier to the Hon. Terry Cameron, who supports the second reading to facilitate the establishment of a select committee to which this bill will be referred. The select committee process will enable community consultation to be undertaken: it will also enable the issues that honourable members have raised with me personally and on the floor of the Council to be addressed thoroughly.

I have to acknowledge that I was not aware, until introducing this bill, that a select committee approach would be required because the bill would be regarded as a hybrid bill. It has just been confirmed to me that the Hon. Terry Cameron supports the approach that we are taking and does not wish to speak on the bill at this stage.

It had been the government's intention in introducing this bill at this time that there would be some six weeks of community consultation, particularly with relevant stakeholders. I have written widely to groups including the LGA, the Adelaide City Council, the Port Adelaide Enfield Council, funeral directors and all the religious denominations, providing them with a copy of the bill and indicating a six week consultation period to 9 November. However, having received advice that this is a hybrid bill, which requires the establishment of a select committee, I thank all honourable members for their prompt attention to this bill to enable the establishment of the select committee.

I have an open mind about what might arise from the select committee. I am certainly open to all ideas from the

community and from members in this place that would help the proposed authority to undertake its very important community and social responsibilities and its financial responsibilities.

In terms of the general comments made by the Hon. Mike Elliott, I highlight that the bill specifically provides, under clause 6(1)(d), that the authority's primary functions are activities associated with the heritage and historical significance of an authority cemetery. The authority's cemeteries include the West Terrace Cemetery. The bill also provides that the future composition of the authority would specifically include a person with historical and heritage experience. So, I am very conscious of the heritage issues related to the West Terrace Cemetery and, increasingly, to the other cemeteries at Cheltenham and Enfield.

The bill provides for a plan of management and a strategic plan to be prepared, and I envisage that in both plans very strong emphasis would be given to heritage issues and to cultural diversity issues related to burials—to our community service obligations in relation to death, dying and burials in general. The subject of death and burial is a sensitive issue, and the government has approached the drawing up of this bill and our future plans for the authority with sensitivity.

I thank all honourable members for their support and consideration in establishing the select committee, and I indicate strongly the government's goodwill in its intention to work with all parties to ensure that we achieve an excellent structure from both the community and the financial perspectives in the management of the three metropolitan cemeteries in the metropolitan area that are owned by the public.

Bill read a second time.

The PRESIDENT: As this is a hybrid bill, it must be referred to a select committee pursuant to standing order 268.

Bill referred to a select committee consisting of the Hons L.H. Davis, M.J. Elliott, Diana Laidlaw, T.G. Roberts and R.K. Sneath.

Motion carried.

The Hon. L.H. DAVIS: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. DIANA LAIDLAW: I move:

That standing order 389 be so far suspended as to enable the chairperson of the select committee to have a deliberative vote only.

Motion carried.

The Hon. DIANA LAIDLAW: I move:

That this Council permits the select committee to authorise the disclosure or publication as it sees fit of any evidence presented to the committee prior to such evidence being reported to the Council.

Motion carried.

The Hon. DIANA LAIDLAW: I move:

That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses, unless the committee otherwise resolves, and that they should be excluded when the committee is deliberating.

Motion carried.

The Hon. DIANA LAIDLAW: I move:

That the select committee have power to send for persons, papers and records; to adjourn from place to place; and to report on 29 November 2000.

Motion carried.

ADELAIDE FESTIVAL CENTRE TRUST (COMPOSITION OF TRUST) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 October. Page 57.)

The Hon. P. HOLLOWAY: The Opposition supports the second reading of the bill. The bill is a straightforward technical measure. It makes changes to the make-up of the Adelaide Festival Centre Trust. As I understand it, the trust is currently made up of eight trustees, one of whom is required under the current legislation to be a representative of the Adelaide Festival Board. However, that board has not existed since 1998 when the Adelaide Festival Corporation was created.

Since the board was abolished, there has been no representative on the trust. Because the current act makes it a requirement for one of the eight trustees to be a representative of the Adelaide Festival Board, it is necessary to amend the legislation to remove this requirement. As we understand it, it is proposed that the total number of trustees will remain at eight with the additional trustee to be appointed by the minister. We have no problems with this straightforward matter and are happy to support the bill.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

[Sitting suspended from 12.50 to 2.15 p.m.]

PROSTITUTION

Petitions signed by 1 164 residents of South Australia concerning prostitution and praying that this Council will strengthen the present law and ban all prostitution-related advertising, to enable police to suppress the prostitution trade more effectively, were presented by the Hons Paul Holloway, R.D. Lawson, R.I. Lucas, T.G. Roberts, Caroline Schaefer and Carmel Zollo.

Petitions received.

GENETICALLY MODIFIED FOOD

A petition signed by 136 residents of South Australia concerning labelling genetically modified food sold in South Australia and praying that this Council will:

1. Legislate to require labelling all foods with any genetically modified component.

2. Legislate to require adequate segregation of genetically modified crops.

3. Urge the commonwealth to prevent the introduction of any further genetically modified foods into Australia until and unless the commonwealth establishes an independent monitoring and testing regime, was presented by the Hon. Ian Gilfillan.

Petition received.

QUESTION TIME

SUCH, Hon. R.B.

The Hon. P. HOLLOWAY: My question is directed to the Treasurer. Was the member for Fisher (Hon. R.B. Such) telling the truth earlier today when, in a news conference announcing his resignation from the Liberal Party, he said that the government was arrogant, out of touch and uncaring; that it had not been open and, in fact, had been secretive with the public, the parliament and even with Liberal members of

parliament; that it made decisions on the run; that it had forgotten the needs of the people; that it had not given enough priority to the important areas of health, education and public safety; and that it had an ideologically-based obsession with privatisation and was 'hell bent on selling everything that is left'?

The Hon. R.I. LUCAS (Treasurer): No.

ABORIGINES, AGED CARE

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for the Ageing a question about aged care services for Aboriginal elders in northern South Australia.

Leave granted.

The Hon. T.G. ROBERTS: Yesterday I asked a question in relation to aged care services generally and today I ask another question in relation to aged care services specifically. The government has met with service providers in the Coober Pedy region—I have asked this question previously in the Council. There were attempts to assess the problem for elderly Aboriginal people, who at that time were camping outside Coober Pedy in a makeshift camp and were afraid, in some cases, to go into town to use the services that could have been provided, on the basis that they were unfamiliar (that is probably the best term I can use) with the ways in which elderly people in the community could be looked after. I understand that a lot of work has been done to make them familiar with some of the services that could be provided for them if they did leave their camps in isolated areas and moved into Coober Pedy. Attempts were made to accommodate some of the problems faced by Aboriginal elders who themselves were unable to hunt, gather or utilise any of the traditional skills that enabled them to maintain a fit and active life.

My understanding is that the services are now deemed to be inadequate in that, once you provide a service, you are probably able to test the market and at least find out what is the service provision in a particular area. My understanding is that, although there are beds or places made available in the hospital, those places are now inadequate.

Will the minister inquire into the needs for services generally for Aboriginal elders in the Coober Pedy area, given that Port Augusta is the next area for service for elderly Aboriginal people, and will he report back to parliament as to the program that the government seeks to provide to take into account the increasing number of elderly Aboriginal people in the isolated area of Coober Pedy?

The Hon. R.D. LAWSON (Minister for Disability Services): I will certainly make further inquiries into the issues raised by the honourable member in relation to the situation at Coober Pedy. The government and I are aware of the need to provide appropriate support for older Aboriginal people. Whether that is in the form of residential aged care or support in the community, it is vital that we make appropriate provisions. It is a matter of great regret that in the past the longevity of Aboriginal people has been such that, in many cases, they have not had much occasion to use aged care facilities. Fortunately, issues about Aboriginal health are improving, albeit slowly, and the issues of providing appropriate care have been to the forefront of the Department of Human Services, which has made the provision of those services a high priority.

In relation to Coober Pedy, a jointly funded aged care facility and service between the commonwealth and the department has been under investigation for some time. Garry Coff Consulting Services was commissioned by the commonwealth and state departments to explore the feasibility of co-locating the Aboriginal care service on the site of the Coober Pedy hospital, in addition to providing accommodation for state funded, non-residential aged care services, and I will come to those in a moment.

The feasibility study that resulted from that commission did recommend the collocation of the Umoona aged care accommodation facility on the site of the Coober Pedy hospital, and the Umoona aged care accommodation service did support that collocation option and, on the last briefing I had received, the department was still examining that issue. The honourable member notes that the services have commenced and, to use his words, have been 'deemed inadequate' because an insufficient number of places are provided. I was not aware of that fact. However, as I said, I will make further inquiries to ascertain the latest position. This government has, through the Home and Community Care program and other programs, devoted considerable resources to programs for older Aboriginal people. For example, through the HACC program, substantial funding—about $200 000—was allocated in the last financial year to the Nganampa Health Council in the Pitjantjatjara lands. The Umoona aged care facility has had $61 000 allocated to it in the past financial year. The Aboriginal Elders Council of South Australia was established to harness the goodwill, respect, knowledge and wisdom of Aboriginal elders in the provision of appropriate services, mainly community services.

Grants have been made through the Port Lincoln Aboriginal Aged Disabled and Carers Committee, through the Southern Fleurieu Health Service and the Adelaide Central Mission Take Five program. I have previously mentioned that the state government made available a site at Thevenard for the establishment of a Thevenard aged care facility being developed by the Ceduna-Koonibba Health Service. That 15 bed facility has been established. I inspected it on my last visit to Thevenard, and the Governor more recently opened it. It is a purpose-built facility, designed with the specific needs of the Aboriginal community in mind, and it includes certain independent living units. So whilst I will make further inquiries and bring back more detailed responses to the honourable member's specific question, I want to assure the Council that we take very seriously our responsibilities to ensure that appropriate aged care is provided for our Aboriginal citizens.

ARMITAGE, Hon. M.H.

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Attorney-General a question about ministerial conflict of interest.

Leave granted.

The Hon. P. HOLLOWAY: Today's *Australian* carries a report stating that the information services minister, Dr Armitage, negotiated the $18 million Optus deal while he owned shares in that telecommunications company. The article states that Dr Armitage sought and received cabinet approval to negotiate the deal in spite of his private interest in the company. It is reported that on the day of the deal the Optus share price rose from $5.04 to close at $5.15. It has also been reported that the Minister for Information Economy and his family hold shares in at least 13 information technology companies purchased since Dr Armitage became

information economy minister in late 1997. The cabinet handbook rules state:

> Ministers must divest themselves of shareholdings in any company in respect of which a conflict of interest exists as a result of their portfolio responsibilities or could reasonably be expected to exist.

The cabinet handbook, on the issue of cabinet deliberations, also says:

> The minister will not participate in any deliberations on the matter in respect of which an interest is required to be and has been declared and will withdraw from the cabinet room during those deliberations.

It also states:

> A minister will seek to avoid all situations in which his or her private interests, whether pecuniary or otherwise, conflict or have the potential to conflict with his or her public duty.

My questions are as follows:

1. Does the Attorney believe that the Minister for Information Economy was not faced with a conflict of interest and, if so, can he explain exactly how the minister avoided a conflict of interest?

2. Why did cabinet fail to enforce its own guidelines for ministerial conduct by allowing the Minister for Information Economy to negotiate an $18 million contract between the government and Optus for the supply of mobile phones when the minister is a shareholder in the Optus company?

3. What action does the Attorney intend to take in relation to the Minister for Information Economy whose family has purchased shares in at least 30 information technology companies since the minister became responsible for information technology?

The Hon. L.H. Davis interjecting:

The Hon. P. HOLLOWAY: I am not a minister of the crown, and I am not making decisions on these things.

The PRESIDENT: Order! The honourable member will ask his question.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order, the Hon. Mr Davis!

The Hon. P. HOLLOWAY: The government is certainly very touchy on this one, as well it might be. My final question is:

4. Can the minister assure the Council that, during the period the minister was negotiating with Optus, he or his immediate family did not conduct any trade in Optus shares or those of associated companies?

The Hon. K.T. GRIFFIN: If the honourable member has superannuation outside his parliamentary superannuation or has life insurance policies it might equally be said that he has a conflict because I would be confident that superannuation trustees or life insurance companies would be investing in a whole range of companies that might be dealing with the government—

The Hon. P. Holloway interjecting:

The Hon. K.T. GRIFFIN: I am not insulting your intelligence. Just read the guidelines and you will find out where you are wrong. There was no conflict of interest.

The Hon. P. Holloway: No conflict of interest! He was a minister who held shares—

The Hon. K.T. GRIFFIN: There was no conflict of interest. You read the ministerial code of conduct—

The Hon. P. Holloway interjecting:

The PRESIDENT: Order, the Hon. Paul Holloway!

The Hon. K.T. GRIFFIN: He holds an interest in common with thousands of other South Australians—

An honourable member interjecting:

The Hon. K.T. GRIFFIN: There is not a conflict of interest. If you look at the law relating to conflicts of interest, there is no conflict of interest. He holds an interest in common with thousands of other South Australians and Australians.

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: I have no idea. Whatever shares he has, I presume they are all disclosed in the members of parliament register of interest declaration. It is a position where, in the general law relating to conflict of interest—and if you look particularly at the ministerial code of conduct—he does not benefit in a way which is disproportionate (if he receives any benefit at all) to that interest received and managed by thousands of other Australians. That is the judgment.

The Hon. P. Holloway: I would like to know what you think a conflict of interest is.

The Hon. K.T. GRIFFIN: You ought to go and look at the law books on what is a conflict of interest. They will tell you quite clearly—

The Hon. P. Holloway interjecting:

The Hon. K.T. GRIFFIN: I will tell you. I will bring you back the law so that you can better understand it.

The Hon. R.R. Roberts: You can bring back the ministerial handbook, but all these other people are not ministers of the crown.

The Hon. K.T. GRIFFIN: We are talking about conflicts of interest. You are proposing that we take it to a ludicrous extent whereby the Minister for Primary Industries, for example, would not be able to own a farm. That is rubbish. If the Minister for Primary Industries owned a farming property, you would complain. Traditionally in this state Labor and Liberal ministers for agriculture and primary industries have owned farming land and carried on those businesses. You cannot tell me that that is any different—

Members interjecting:

The Hon. K.T. GRIFFIN: I have a practising certificate. I am a member of the legal profession. What should I be doing? I have disclosed that I am a legal practitioner by profession—

Members interjecting:

The PRESIDENT: Order! This is not a debate. The Attorney-General has the floor to answer a question.

The Hon. K.T. GRIFFIN: There are lots of hypothetical cases where you could identify a conflict, and an example is the old railway bills which became acts of parliament. Under the private standing orders of this parliament, if you had a controlling interest in a railway company you were not entitled to participate in the vote.

If we look at the standing orders for the Legislative Council—and I have not looked at those for the House of Assembly lately—we see that they make quite clear that it relates to a pecuniary interest and you have to declare it. In some instances, you are not permitted to participate in the vote. When the old railways acts went through the parliament (more so in the United Kingdom than in Australia but also in Australia), there were special rules applying in relation to conflict if you happened to be one of those who had a significant interest.

There have been plenty of cases where conflict of interest issues have been raised, for instance, in relation to I think the Victorian Solicitor-General arguing a case in the High Court when he held a significant number of BHP shares. But that was not held to be a conflict of interest, because he could not in any way influence the way in which the company con-

ducted its business. If someone had a controlling interest, which might be as small as 20 per cent in a public company, for example, that is another matter. It is a question of degree. If you have a mere handful of shares listed on a public register in a publicly listed company, then—

The Hon. T.G. Cameron: How big is this handful of shares you've got?

The Hon. K.T. GRIFFIN: I don't know: a handful of shares—

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: Figuratively speaking. Even if it was a bucketful, if it gave no capacity to influence the operation of the corporation—

Members interjecting:

The Hon. K.T. GRIFFIN: The honourable member referred in his explanation to some fluctuation in the share price. If he looks at share prices and share trading not just every day but every minute of the day, he will see that shares go up and share prices go down. All day they are fluctuating. Just as the dollar is. Do you mean to say that, if you have money in your pocket—

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: It depends on the sort of poll you are talking about.

Members interjecting:

The Hon. K.T. GRIFFIN: That is another issue, is it not?

The PRESIDENT: Order! I suggest that the Attorney return to answering the question.

The Hon. A.J. Redford: Why? There wouldn't be any entertainment.

The PRESIDENT: Because I have asked him to return to the substance.

The Hon. K.T. GRIFFIN: I will bring the matter to a close. I do not believe that the Minister for Information Economy was faced with any conflict of interest. In relation to the second question, the Cabinet did not fail to enforce its own guidelines; and in relation to the third question, what action do I propose to take regarding the Minister for Information Economy—none.

LABOR PARTY POLICY

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Leader of the Government and the Treasurer a question about Labor Party policy.

Leave granted.

The Hon. L.H. DAVIS: In the *Advertiser* of 10 October there was a report by a state political reporter under the heading 'Labor's fair tax.'

The Hon. P. Holloway: As a result of Rob Lucas's press release.

The PRESIDENT: Order, the Hon. Paul Holloway!

The Hon. P. Holloway interjecting:

The PRESIDENT: Order, the Hon. Paul Holloway!

The Hon. P. Holloway interjecting:

The PRESIDENT: Order! I will give a warning to the Hon. Paul Holloway.

The Hon. L.H. DAVIS: I will not be deterred by the inappropriate interjection.

In relation to the document which Greg Kelton cites he says:

> In a draft document due to be debated at the party's platform convention this weekend—

that is, the Labor Party's convention this weekend—

> Labor says it will aim for a tax system that is 'progressive and fair'. . . In an introduction to the document, opposition Leader Mike Rann, says the specific and costed policies—

that is, of the Labor Party—

> will be announced in the lead-up to the elections. . .

The Hon. R.R. Roberts: You do know the difference?

The PRESIDENT: Order!

The Hon. L.H. DAVIS: In a later interview with the shadow Treasurer, Mr Foley, with Neil Wiese—

The Hon. R.R. Roberts interjecting:

The Hon. L.H. DAVIS: I'm sorry, Ron, I don't need to practice. I don't have—

The PRESIDENT: Order! This is question time and not a debate. I will sit the Hon. Mr Davis down if he does not return to his question.

Members interjecting:

The PRESIDENT: Order! The honourable member has had leave to explain his question, and he is not explaining it.

The Hon. L.H. DAVIS: The radio interviewer, Neil Wiese, asked Foley a question about this document and says that there is no reference to the costing of it, and in response Foley says:

> No. What we are debating this week, Neil, is that it's a platform. It is not a policy document. It is not a prescriptive document. The policies of the Labor Party, both financial, social. . . will be formulated and announced in the lead-up to the next state election.

My question to the Treasurer is: has he seen this draft document; has he seen the statements relating to this document; and how do the statements in the document line up with earlier statements made by the Leader of the Opposition, Mr Mike Rann?

The Hon. R.I. LUCAS (Treasurer): At the outset, in responding to this question I have to apologise to the Council because—

The Hon. T.G. Cameron: You have not had a briefing?

The Hon. R.I. LUCAS: No, I have to apologise because I have made a serious error, and that is that I have made the mistake of actually believing one of the statements that Mike Rann made in April this year.

The Hon. K.T. Griffin: That's a cardinal sin!

The Hon. R.I. LUCAS: I know it's a cardinal sin, it's a mortal sin. I did actually believe something that Mike Rann said in April this year in relation to this committee.

Members interjecting:

The PRESIDENT: Order!

The Hon. Sandra Kanck: Shame, shame!

The Hon. R.I. LUCAS: Shame, shame, yes, I know. I am suitably contrite. I wanted to come out in the open and confess my inadequacies—that I did actually believe that one statement from Mike Rann.

The Hon. T.G. Cameron: I never did. I know him better.

The Hon. R.I. LUCAS: Yes, I should have listened to your sage advice on these issues. But what did Mike Rann, the Leader of the Opposition, say about this document earlier this year when there was some public debate? The opposition had been criticising the government, whingeing and whining as it always does about taxes being too high, not spending enough money, and all those sorts of things that Mike Rann and Kevin Foley do.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: So what did Mike Rann actually say in relation to his policies and costings? Let me quote what he said in April.

Members interjecting:

The Hon. R.I. LUCAS: Mike Rann, your Leader, said: 'I want to have all our policies signed and sealed and costed for the public to scrutinise'—*Sunday Mail* of 2 April 2000. I apologise: I believed Mike Rann.

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: I know, but on the weekend we received this document, which on the front says: 'Mike Rann, Australian Labor Party. Platform for government to be considered for the Labor Party's convention in October of this year'. I automatically went back to see what Mike Rann had said publicly and whether he had promised that this would just be general principles, general directions—'Of course we are not going to cost them at this stage; we will do that close to the election.' If he had been saying that, we could have at least factored that into our consideration of this platform for government. But Mike Rann gave a specific, unequivocal commitment on behalf of his party.

An honourable member: It is unusual.

The Hon. R.I. LUCAS: It is unusual. But there he is, and it is a direct quote—

The Hon. L.H. Davis: It's a gold medal for platform diving.

The Hon. R.I. LUCAS: A triple somersault with pike. But it is a specific, direct quote from Mike Rann that this document was going to be specific policies signed, sealed, costed and released to the public for scrutiny.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order, the Hon. Mr Redford!

The Hon. R.I. LUCAS: I am not surprised that Mike Rann and Kevin Foley, and now the Hon. Mr Holloway, are running at a thousand miles an hour away from this document, because we were able to release it publicly before—

Members interjecting:

The PRESIDENT: Order, the Hon. Paul Holloway! I have already warned you once.

Members interjecting:

The PRESIDENT: Order! If only the people of South Australia—

An honourable member interjecting:

The PRESIDENT: Order! If only the people of South Australia could hear members as I hear them. If members are called to order they should come to order.

The Hon. R.I. LUCAS: Thank you, Mr President, for your protection from the squeals of the Opposition. But I will not be diverted, because it is important that people know the policies of what purports to be the alternative government in South Australia. As I highlighted on Monday—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —the key commitment given by Mike Rann and Kevin Foley at the last election in terms of economic policy was for no new taxes and no increases in taxation above the inflation rate. Even if this is a broad directional statement, it is contrary to what Mr Rann said it would be in April this year. If one does not believe Mr Rann's statements—all of them and not just that particular statement—and, obviously, the Hon. Mr Holloway also has to be in that category—

The Hon. P. Holloway interjecting:

The PRESIDENT: Order, the Hon. Mr Holloway!

The Hon. R.I. LUCAS: The safest thing is not to believe anything that Mike Rann says—I think that is the theory. So, I will join the Hon. Mr Holloway and the Hon. Mr Cameron in that. But, even if one takes this as a broad directional statement, one would be interested to see the broad directions in the economic and financial policies that Mike Rann is taking to his convention—his platform for government.

I looked assiduously for any semblance of this policy promise about no new taxes or no increase in taxes above the inflation rate, or perhaps something that said that there would be no increase in the real rate of taxation revenue in the state, or something along those lines. And, lo and behold, there is not one mention of that in this platform for government that Mike Rann and Kevin Foley have indicated.

For the past 18 months we have heard members opposite—Mike Rann and Kevin Foley—attack the emergency services levy. So, I thought that there had to be something in here from the Labor Party saying that it will get rid of that terrible emergency services levy, that it will make sure that the emergency services levy is removed from the face of taxation in South Australia or, at the very least, some major changes to the emergency services levy.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: There is no reference to any change in direction at all in terms of the emergency services levy, other than perhaps, as the *Advertiser* picked up—

An honourable member interjecting:

The Hon. R.I. LUCAS: Not to me in my press release—the one clear commitment that the Labor Party will ensure a progressive and fair tax system. As the *Advertiser* implies in its story, that indicates the direction that the Labor Party may well be taking in relation to state taxation. As the *Advertiser* has speculated, I am sure that we will have some extended debate over the next 15 or 17 months to March 2002. We will be able to enter into a detailed debate with the Labor Party about its plans for progressivity in state taxation bases, and we will look at all the state taxes to see how the Labor Party might introduce this new progressive rate of taxation in relation to some of the existing state taxes, duties and charges.

There are many other aspects of the platform for government that it will be important that we debate over the coming weeks, whether it be during question time or the number of opportunities that we might have in this chamber. It is important that the people of South Australia have revealed to them the paucity of policy thought that pervades the State Labor Opposition in South Australia.

AQUACULTURE

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Primary Industries and Resources, a question about sustainable aquaculture.

Leave granted.

The Hon. IAN GILFILLAN: As I mentioned in a question yesterday, last week the Environment, Resources and Development Court finally settled a case which had been running for more than a year between the Conservation Council of SA and the Tuna Boat Owners Association. The case concerned whether or not tuna feedlots could be licensed in such a way as to be ecologically sustainable. After three hearings in 12 months, including a Supreme Court appeal, the final judgment was that under current legislation they could not.

The minister was interviewed in the media about this and, as I alluded briefly yesterday, he attacked the conservation council, including (not specifically by name but because of unavoidable implication) its principal aquaculture researcher, Mr Peter Marchant, whom the minister, himself, appointed to a community reference group to examine proposals for a new aquaculture act. Mr Marchant has attended five meetings this year as a member of the community reference group. Each of these occasions required him to take a day off work without pay and drive long distances from his residence in Loxton. He believes that he has 'been an active and useful member of the group' particularly in his 'knowledge of the legal issues involved'.

However, according to the minister, the conservation council (and by inference, of course, Mr Marchant through his involvement with the court cases) had taken advantage of outdated legislation and technicalities, and should not be happy with their win in court. The minister said that Mr Marchant had a 'complete disdain for rural jobs' and operated with double standards. Mr Marchant responded in the media by pointing out that the definition of 'ecologically sustainable development', which the courts are using, was, in fact, provided by the South Australian government itself.

The precautionary principle applied by the courts is accepted (even by this government) as part of the definition of 'ecologically sustainable development'. The precautionary principle means that, if you do not know the consequences of what you are doing to the environment, you should not do it. However, at the urging of the conservation council the courts have taken it to mean something more modest and even restrained. It was applied to mean, in effect, that, if we do not know the environmental consequences of tuna feedlotting (and we do not), then you must licence tuna feedlotting in only a monitored adaptive way, that is, in such a way that the licences can be amended from time to time to take into account emerging scientific information.

South Australian laws, which the minister himself has presided over and which have been unchanged in this respect for the past five years or more, do not permit these monitored adaptive type of licences to be issued for marine aquaculture. The government has directly and specifically excluded marine aquaculture from being subject to monitored adaptive licences. The ERD court has twice stated that, if aquaculture had been subject to monitored adaptive management, the court case would have been decided differently.

Since the conservation council's original win in the courts in December 1999, the minister has become a convert to the cause of monitored adaptive management. However, this did not stop him from making what can only be construed as a personal attack on someone who has been campaigning honestly, diligently and at a personal cost to have precisely this sort of management regime introduced to Australia. Mr Marchant sent an email to the minister in which he says, in part:

> In May you wrote to me to invite me to be part of a community reference group to provide independent advice to you on legislative options and policy for aquaculture. I assume that you made this invitation in full knowledge, and perhaps because, I had been involved in providing critical analysis of the government's policies and actions for the introduction of marine aquaculture to the Conservation Council and had been a major participant in the court cases against tuna farms in Louth Bay.
>
> . . . .Last Wednesday, in an interview with the ABC's Fiona Sewell, you accused me of merely picking up on technical points, having a complete distain for rural jobs and of operating with double standards.
>
> I find those comments unwarranted and hurtful.

Will the minister apologise for his appalling attack on the Conservation Council's principal aquaculture researcher, Mr Peter Marchant? Given that Mr Marchant is part of the minister's own community reference group on aquaculture, does he retain the minister's confidence in representing conservation interests on that group?

The Hon. K.T. GRIFFIN (Attorney-General): I will refer the honourable member's question to my colleague in another place and bring back a reply.

COURTS ADMINISTRATION AUTHORITY

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief statement before asking the Attorney-General a question about the Courts Administration Authority web site.

Leave granted.

The Hon. CAROLINE SCHAEFER: I understand that the Courts Administration Authority web site 'Ask the judge' recently received international recognition at the Australian Institute of Judicial Administration Web Site Awards. Can the Attorney-General give the Council details of this web site and the recognition it has received?

The Hon. K.T. GRIFFIN (Attorney-General): I think that most members, if not all, know that the Courts Administration Authority did establish a new web site called 'Ask the judge'. That was set up under the management of the Chief Magistrate's office and it links into schools where students are offered the opportunity to ask, through the web site, questions about the judiciary, and the judges and magistrates provide answers.

The web site has been entered into an inaugural Australian Institute Judicial Administration web site competition and in the past few days it was announced that this web site was singled out for a special commendation by the judges as a significant development in communication with the public through the use of information technology. Regardless of the prize, it is the recognition that counts.

Apparently 50 entries were received and the competition was open to organisations in Australia and New Zealand, and South-East Asian and South-West Pacific countries. Since its inception in June this year, I am told this site has received more than 1 100 questions asked by children in 51 schools across the state. There are a variety of questions that are asked about the way in which the judicial system operates.

The courts web site address is www.courts.sa.gov.au. The Department of Education, Training and Employment has expressed its intention to place a hyperlink from its web site to the 'Ask the judge' site and DETE is to promote the page through its various publications. It is also on display at the four-day Wired-Up 2000 Expo at Wayville Showgrounds which begins today. It is important to recognise that we are at the forefront of providing information about the judicial system through this site, and its excellence has been appropriately rewarded, for which I congratulate the Courts Administration Authority.

MOTOR VEHICLES WINDOW TINTING

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport questions regarding illegal motor vehicle window tinting.

Leave granted.

The Hon. T.G. CAMERON: I have recently been made aware of illegal practices by some Adelaide motor vehicle

window tinting companies. Section 44 of the Road Traffic Act provides:

(5) Glazing behind the rear of the driver's seat may be coated to achieve a luminous transmittance of not less than 35 per cent.

(6) Glazing a side window forward of the rear of the driver's seat may be coated to achieve a luminous transmittance of not less than 70 per cent.

I am led to believe that many window tinting companies are ignoring this legislation and encouraging motorists to break the law. These companies are offering to remove window tinting to meet inspection requirements as they have the technology to do so, and this is an excellent service for those requiring it. However, some companies are telling their clients that once they have had their inspection to come back and they will put the illegal darker tinting back. As I understand it, this practice is occurring. My questions are:

1. Is the minister aware of the practice of companies offering the removal of window tinting to meet inspection requirements and then telling—

An honourable member interjecting:

The Hon. T.G. CAMERON: No, I do not use that—clients to come back to put on the darker tinting once they have had their inspection?

2. How many cars have been found to have illegal window tinting in the past 12 months?

3. Will the government takes steps to ensure that this illegal practice is stamped out?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I have no knowledge of the matters that the honourable member raises in terms of alleged illegal practices, but I would certainly welcome any information he has to hand that I could forward to Transport SA and or the police for follow up action. The honourable member also asked how many inspections may have been undertaken in the past year—

The Hon. T.G. Cameron: How many cars have been found to have illegal window tinting?

The Hon. DIANA LAIDLAW: Yes, following the inspections, how many have been found to have illegal window tinting. I have been dealing with one or two, mainly based on the fact that in New South Wales they have different standards for window tinting compared with what we have in South Australia, and some of the vehicles that have come across from interstate have—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: No, it is more difficult than that. South Australia is the only one that has a different standard to every other state, but it is supported, generally, by international practice as the safest standard. Because of the confusion between states, it is a matter that is being looked at right now by the Registrar of Motor Vehicles, as well as inspectors with Transport SA.

While we may sit tightly, thinking that we have the best standards, if there is this confusion across the nation and we are the only one out of kilter with all the rest, it is right that we look at some sort of national standard. I do know that a number have been found to have illegal luminacy and reflection qualities, but they have come from New South Wales and I can understand the difficulties. In terms of the inspection requirements, I will obtain a prompt reply for the honourable member. I appreciate his offer to provide the information he has so that I can follow up any illegal activity.

INDUSTRIAL RELATIONS COMMISSION

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Minister for Workplace Relations a question about the Industrial Relations Commission.

Leave granted.

The Hon. A.J. REDFORD: On 31 July this year the Minister for Workplace Relations announced the appointment of John Lesses, Adrian Dangerfield and Karen Bartels as commissioners to the state's Industrial Relations Commission. Indeed, the Minister ought to be congratulated for appointing the first woman to the commission. One might have thought that the appointments would be warmly welcomed. Pursuant to section 34(2) of the Industrial and Employee Relations Act the Minister must consult confidentially—and I emphasise confidentially—with a panel comprising a representative of the UTLC, the South Australian Employers Chamber, the House of Assembly, the Legislative Council and the Commissioner of Public Employment and inform the panel of the short-listed applicants or people being considered for the appointment. I had the privilege of representing the Legislative Council on that very important consultative panel.

The minister—and he deserves to be congratulated for this—advertised seeking expressions of interest, and I understand a substantial number of expressions were lodged at the minister's office. I also understand that a press release was issued indicating that some 44 expressions of interest were lodged for those three positions that were generally considered to be vacant by those who saw the advertisement. Indeed, I was surprised when I saw an article in the *Advertiser* on 1 August in which the UTLC state secretary and Mr Chris White—an interesting gentleman whom I met during this process—indicated that the minister should resign over the choice of the three new officials to head the Industrial Relations Commission. The article went on to say that Mr White would not name who he thought should have been appointed. It also stated:

Mr White would not name the unsuccessful UTLC preference but it was understood that it was the ALP Bolkus left faction member and United Firefighters Union state secretary Mick Doyle.

Recently I received a leaked document including a letter from the UTLC to the Premier in which the UTLC suggested to the Premier that he should obtain the resignation of the Minister for Workplace Relations. He went on to say—and, I must say, in breach of the intent of section 34(2), which requires some degree of confidentiality in relation to this process:

He failed to adopt the decision of appointments panel for the industrial relations commissioner set up by parliament. He went against the unanimously expressed wishes and judgment of those on the panel.

I must say that I have a pretty clear recollection of my view on that panel, and it certainly was not in accord with that of Mr White or, indeed, the representative from the House of Assembly. It seems that either Mr White has a very selective or poor memory or he mischievously sought to misrepresent what took place within the consultative committee. In any event, he went on to say:

No minister in any past appointments has failed to adopt the panel's decision.

Again, it is my understanding that this is the first time the panel had ever met, so I do not see how that can be supported. In any event, notwithstanding his earlier reticence to express who was the nominee of the UTLC, in a document entitled

'Workplace express' Mr White revealed the recommendation made by the UTLC. Further, in an industrial relations newsletter entitled 'Work force two', he repeated—

The PRESIDENT: Order! Is the honourable member getting close to his question?

The Hon. A.J. REDFORD: Yes.

The PRESIDENT: The honourable member has been in excess of 4½ minutes. I am asking him to get towards asking your question.

The Hon. A.J. REDFORD: I'm sorry, Mr President.

The PRESIDENT: I have issued that warning to a number of members.

The Hon. A.J. REDFORD: In any event, in the newsletter, he again repeated the suggestion that there were recommendations of a bipartisan selection panel and inferred that they were unanimous. In the light of all that, my questions are:

1. Does the minister agree that no recommendations were made by the panel but that there was just a series of consultations?

2. Does the minister support and endorse the appointments that he made on 31 July this year of those people who ultimately did take their places on the Industrial Commission, and do they enjoy his support in relation to their duties on the commission?

The Hon. R.D. LAWSON: I thank the honourable member for his question and I also thank him for his participation in the consultative panel appointed pursuant to the Industrial Employee Relations Act for the purpose of being consulted upon the recent appointments to the commission. The new commissioners certainly have the support of the government and of the community and particularly the industrial relations community. I was delighted when the three new commissioners presented their commissions to the Industrial Relations Commission, and it was obvious from the large number of supporters from all sides of the industrial relations fence that there was substantial agreement that the three commissioners appointed were eminently qualified and will discharge the important duties of commissioners impartially and with distinction. I have every confidence that the new commissioners will perform their duties entirely appropriately, and I have been heartened by the expressions of support throughout the community for their appointment.

The honourable member noted that the consultative process is confidential, and I do not intend breaking that confidentiality. Therefore it was disappointing that the secretary of the UTLC should have been quoted in a number of publications suggesting that the panel had made certain unanimous recommendations. I am certainly prepared here in this parliament to indicate that that is simply not the case. It is not the function of the consultative panel to make recommendations at all. It is a panel which is required to receive a short list of those who have been considered for appointment, and the short list comprised some half dozen people who had expressed interest in appointment. Their names were laid before the consultative panel and there was a consultative discussion. There were no recommendations nor resolutions, and there was certainly no unanimity of view. So, it was quite wrong of Mr White to claim that there had been a unanimous recommendation. I think it is regrettable that the appointments of these very highly qualified people should have been sullied by any suggestion from the UTLC that the government had broken with any tradition at all.

I think it is worth recording that, as the act requires a balance of appointments to be maintained, on this occasion this government, in compliance with not only the letter but the spirit of the legislation, appointed two commissioners who have previously had interests associated with those of employees and one from employers. So, this government was not at all partisan in the way in which it went about appointing these people. I think it is deplorable that (a) Mr White sought to break the confidentiality of the process and, (b), doubly so, sought to misrepresent what occurred.

PERRY ENGINEERING

The Hon. R.K. SNEATH: I seek leave to make an explanation before asking the Minister for Industry and Trade a question about the pending job losses at Perry Engineering at Mile End.

Leave granted.

The Hon. R.K. SNEATH: The deadline for a deal to be struck between the parties involved in the sale of the Boral Ltd owned heavy engineering complex is 15 October. More than 61 heavy engineering jobs are at stake, as is the projected expansion of employment opportunities, which are expected to grow by 50 to 100 per cent over the next two years. Last year the AWU approached the Hon. Iain Evans to contact Email as a matter of urgency to attract further expansion by bringing some of Email's New South Wales operations to Adelaide. To the credit of the Premier and the minister, they went to New South Wales and were successful.

I understand that the Secretary of the Australian Workers Union, Wayne Hansen, has contacted the Hon. Rob Lucas regarding the jobs and the plight of Perry Engineering. In light of the $8 million generous support that the South Australian government has provided for the relocation of the historic South Australian brewer and the extravagant $30 million funding made available for the rebuilding of the Hindmarsh Soccer Stadium to accommodate a few Olympic football fixtures, my questions are:

1. What steps has the minister taken to encourage investment in the South Australian heavy engineering industry?

2. Have the minister and his government considered the options of a favourable, repayable loan to facilitate the acquisition of the Mile End complex, securing South Australian jobs and providing for future employment expansion in South Australia's heavy engineering industry?

The Hon. R.I. LUCAS (Treasurer): Over the past months the state and federal governments have been working pretty hard with the appointed receiver to try to ensure that Perry Engineering could continue operation in one form or another. Those discussions continue as we speak. I met with the receiver late last evening, and the receiver has spoken with the federal minister in the past 24 hours.

As I said, the state and federal governments are doing what they can to try to assist the ongoing operation of Perry Engineering. It is a difficult task. As the honourable member would know, not all the issues are within the control of the state government. We have already given some indication of assistance to the receiver in trying to ensure that he has the capacity to continue to try to negotiate the continued operation of Perry Engineering, and the receiver has acknowledged the state and federal governments' assistance in that.

I took a call from Mr Hansen, I think late Friday afternoon of last week, and gave him my assurance that the state government was doing all that it could to try to assist the continued operation of Perry Engineering. As was announced last week, I think it was, there is at least one interested party

but, nevertheless, serious negotiations are continuing about the detail of the potential continued operation of the company. The government will continue to do all it can, as will the federal government.

Whilst both the state and federal governments have a general objective to try to see the continued operation of heavy engineering companies in South Australia, the contracts that Perry Engineering has are strategically important to both the state and federal governments, to the state economy, to the company itself and, obviously, to the workers (and their families) involved with the company. We understand that the past few weeks have been a trying period for the workers and their families, and we hope that it can come to a successful conclusion.

The honourable member has identified a crunch date of 15 October, the date that was advised to me yesterday. It would be wrong for me to be overly optimistic publicly. Some significant issues still have to be resolved in the last four days prior to that deadline, but I can assure the honourable member that I on behalf of the government and the federal minister on behalf of the federal government are doing all we can in concert with the receiver to try to ensure some continued operation of Perry Engineering.

SHOP THEFT (ALTERNATIVE ENFORCEMENT) BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a bill for an act to provide for certain persons accused of minor shop theft to be subject to a non-curial enforcement process with their consent as an alternative to prosecution; and for other purposes. Read a first time.

The Hon. K.T. GRIFFIN: I move:

That this bill be now read a second time.

'Shoplifting' is 'shop-stealing'. 'Shop-stealing' is straightforwardly larceny or theft. It is a potentially serious offence. The correct charge is simple larceny under section 131 of the Criminal Law Consolidation Act:

> Simple larceny
>
> 131. Any person convicted of simple larceny, or of any offence by this act made punishable like simple larceny, shall (except in the cases hereinafter otherwise provided for) be liable to be imprisoned for a term not exceeding five years.

Allegations of shop-stealing must now be prosecuted in the normal way. The matter is reported to the police, who attend and make the decision whether to report, arrest, or take no action based on the evidence presented to them.

The person, if charged, is brought before a court and given a chance to plead guilty or not guilty. If the plea is guilty, the process of sentencing will take place. If the plea is not guilty, a trial will be necessary and then, if found guilty, sentence. While a maximum penalty of imprisonment for five years may seem quite serious, the offence covers stealing $1 to stealing $1 million (or more) and so it can readily be seen that stealing goods worth, for example, $5 to $10 from a shop is very low on the scale indeed.

An analysis of crime statistics from 1991 to 1998 shows that most people who end up in front of a court plead guilty and either receive no penalty at all or are fined a small amount. This suggests, although it is not known for certain, that most people are prosecuted for small amounts and/or very minor offences, plead guilty at once and are first offenders. It is not known, however, how many never come before a court at all. Anecdotal evidence suggests that this category constitutes a majority of cases.

This state of affairs—the traditional state of affairs—is unsatisfactory from any point of view. Everyone acknowledges that shop theft is under-reported. Many retailers do not think it worth their while to go to the trouble of reporting minor shop theft to the police and following through with the prosecution. There are good reasons for this opinion. The shop owner may have to attend court. If he or she is a small business, this can be an expensive and inconvenient thing to do. The police must take custody of the goods alleged to have been stolen as evidence against the accused. So the shop owner cannot sell them (and they may be perishable).

Worse, even if these hurdles are surmounted, in many cases, the person is a first offender and the value of the goods involved is relatively small. If guilt is proven, the usual result is either the imposition of no penalty, a small fine or a good behaviour bond. In other cases, the need to prove that the accused intended to steal the goods concerned may result in a dismissal of charges or a failure to prosecute in the first place. From the point of view of the criminal justice system, these facts also make such prosecutions very frustrating for all concerned. For many first time offenders, it is argued, the simple fact of having been caught by the police is sufficient to deter them from re-offending and the subsequent court appearance badly utilises court time and resources.

In particular, it is argued by those who think that the current system requires change that a high proportion of minor first offence shop stealers are elderly people, women and/or people of non-English speaking background, or are, in general, from disadvantaged backgrounds and, further, that their rate of re-offending is low after the first apprehension. It is said that many such 'thefts' are committed by people suffering from stress, dementia, neurosis, illness and absent-mindedness. It is argued that two-thirds of offenders appearing before courts of summary jurisdiction are first offenders and that this shows that most people apprehended for shop theft do not offend again. It is argued that the full impact of the criminal justice system in such cases is an unwarrantedly heavy hammer with which to crack a very small nut at the cost of unduly great personal embarrassment, humiliation and/or trauma as well as great financial cost to the criminal justice system and the victim. The inhumanity of going through the whole process for such thefts as $2.67 for two felt pens and $4.51 for food items have been cited by proponents of change.

Put more specifically, there are four fundamental arguments for change.

- The first is the argument of 'wrong classification'. The essence of the argument is that a large percentage of the people who are being processed through the court system for shop stealing do not belong there. They are the forgetful, the elderly and the confused. Worse, these accused are unlikely to be legally represented—legal aid is available only if there is a real chance of imprisonment and the statistics show that such cases are few. The result is the real possibility of wrongful conviction on plea of guilty or (as below) the need to allocate court resources to make up for the lack of legal representation.
- The second argument for change is based on deterrence. The court process is providing minimal deterrent effect in the sense that a large number of those who face the courts are not acquitted but receive no penalty at all. If there is

a deterrent effect (and that may be so if the hypothesis about the number of first offenders is correct), it appears to derive from police intervention in the first place rather than court penalties. This accords with deterrence research which suggests that apprehension and immediate action is more likely to deter than a possible court appearance some considerable time in the future.

- The third argument for change is based on police resources. The prosecution of a large number of minor shoplifting offences even by the most cost-effective mechanism of the court of summary jurisdiction, is said to be a poor use of scarce court resources. Given the statistics on court outcomes for all offenders—not just first offenders—this is said to represent a gross misallocation of funds. In addition, police patrols are said to average 61 minutes per attendance at these reports, plus unquantified but substantial police time and resources devoted to the actual prosecution of these offences for the kinds of result achieved. Police would then have more resources to devote to the detection and prosecution of more serious crime.
- The fourth argument is based on benefit to the victim. If court processes were removed from the system of dealing with minor shop stealers, victims would benefit in the following ways:
  - there would be minimal disruption and accrual of time savings for the retailer because victims would not have to attend court and spend time in court processes;
  - the property concerned would not have to be held by police pending the court hearing; and
  - as a result of both of the above, victims should be more willing to report these matters to police rather than deal with the matters themselves, thus enhancing respect for the law which is supposed to protect them.

These are powerful arguments. It will therefore come as no surprise that there have been a number of proposals for change to the legal method for dealing with minor instances of shop stealing from a variety of sources in the past. But it is more important to turn to the history of this particular proposal.

In 1995, the Government established the Retail Industry Crime Prevention Committee to develop and implement strategies to reduce the incidence of crime against the retail industry in South Australia.

The committee brought together representatives of the retail industry and relevant government agencies and was chaired initially by Mr David Shetliffe, Executive Director, Retail Traders Association of South Australia Inc. The committee identified minor shop theft as a priority issue to be addressed and, following extensive consideration, put forward a proposal for a formal police cautioning system, similar to that currently operating for juveniles in South Australia, as an alternative to court processes for selected adults apprehended by police for shop theft.

Although this proposal was not adopted by the government at this early stage, it was decided to circulate the proposal widely with a view to determining community attitudes generally and also the opinions of those more directly affected by the proposal. The proposal was circulated in the period May-June 1997. Responses were collated and considered by the committee. These responses were largely supportive, although a number of submissions made suggestions about the detail of such a scheme or how it might operate in practice. Although none were directly opposed to the proposal, a number of submissions were concerned with the extent to which such a scheme could be seen to be a soft option. By late 1997, the committee had taken the results of the consultation into account and in March 1998 it presented its revised recommendations to me as Attorney-General. The revised proposal has been under consideration since then, but the lapse in time is largely due to the overriding urgency of other issues.

On 19 November 1999, the Executive Director of what is now the South Australian Branch of the Australian Retailers Association notified the Director of the Crime Prevention Unit that the scheme described below had been endorsed at its last council meeting and ended by congratulating the government, and the Attorney-General's Department in particular, on the proposed program. That resolution was a result of acceptance of the proposal by the Retail Industry Crime Prevention Advisory Committee, which currently consists of representatives of David Jones Ltd, the Motor Trade Association of South Australia Inc., Coles Myer Ltd, Woolworths, Knight Frank, SAPOL, the Insurance Council of Australia and the Chief Executive of the Department of Education, Training and Employment. In June 2000, as Attorney-General I released a draft bill and a discussion paper to a selected group of leaders of the retail industry immediately prior to a general release to the public. The results of the consultation process are reported later.

The essence of the scheme is the provision of an alternative legal system, based on police discretion, for dealing with minor shop-stealing with the consent of the victim, the police and the accused. It is based on the successful model employed in dealing with minor juvenile offences under the Young Offenders Act 1993. The procedure depends on the value of the goods stolen, the value being set on the retail price of the goods at the time. The procedure to be followed depends on whether the goods are valued at or below $30 or at or below $150. In each case, with the consent of the victim and the accused, the police officer may issue a shop theft infringement notice.

With the $30 or less situation, there are two possible courses of action. In the first, if the accused apologises to the victim in the presence of a police officer (unless the victim does not want an apology), returns the goods or, if they are damaged, pays the value of them, admits to the offence and undertakes to submit to a formal police caution, the matter can be dealt with on the spot. Alternatively, if the accused so desires, he or she may take the notice away for 48 hours, perhaps to consider his or her position, take the advice of friends or family or a lawyer, and then may attend personally at the police station specified in the notice and admit the commission of the offence, pay for any goods that are damaged, submit to a formal police caution, and undertake to apologise to the victim (unless the victim does not want an apology) in the presence of a police officer at a time and place fixed in the notice.

Where the case involves goods valued at more than $30 but at or below $150, the scheme is slightly different. In this situation, the matter is not dealt with on the spot, but the police officer, again with the consent of the victim and the accused, may issue a shop theft infringement notice which obliges the accused to attend a specified police station within 48 hours. When the accused attends, the requirements are similar—admit the commission of the offence, pay for any goods that are damaged, submit to a formal police caution, and undertake to apologise to the victim (unless the victim does not want an apology) in the presence of a police officer at a time and place fixed in the notice—but, in this case, the

accused is liable to serve a period of community service calculated at one hour for every $5 value of the goods the subject of the notice.

That means that the minimum amount of community service that can be imposed is seven hours and the maximum is 30 hours.

That is a brief outline of the scheme proposed. There is, of course, more detail to be absorbed. In general terms, however, the proposed system has the following advantages for the police:

- The time consuming tasks and major decisions (such as that about community service) are done at the station level rather than the patrol level.
- There is an option in simple cases to dispose of the matter on the spot.
- It will be very much easier for the community service scheme to be made available and administered at the station level rather than the patrol level.
- There is also likely to be much more consistency in decision making.
- The caution in more serious cases is more 'official' because it is more deliberate, formal and administered at a higher level.
- If police are of the opinion that the patrol erred in issuing the infringement notice (either because there is no case or, at the other extreme, because the offence is serious because the person concerned gave incorrect information to the patrol) then the notice can be withdrawn and the appropriate action, if any, taken.

The proposed system has the following advantages for the victim:

- The victim has a controlling voice on the question whether the proposed scheme will operate in any given case or not.
- There is an option in simple cases to dispose of the matter at the time.
- Simplification of the procedure in minor cases will encourage victims to report offences to police and have them dealt with by operation of law, thus exposing offenders to official notice.
- Victims will not have to participate in formal court processes.
- Victims are likely to have their goods returned on the spot or, at least, within 48 hours of the offence having been committed.
- Offenders will be likely to receive more effective, timely and consistent punishment for the offence than they do now.
- Victims are to be kept informed of the progress of the matter whenever they wish.

The proposed system has the following advantages for the offender or alleged offender:

- There is an option in simple cases to dispose of the matter at the time.
- There is the option for the alleged offender to obtain legal advice and have the matter dealt with in court if he or she so wishes.
- The resolution of minor cases is less formal, traumatic and delayed than the traditional court system.
- The consequences of minor shop stealing are now such as to warn the offender, or alleged offender, of the legal consequences of possibly impulsive or ill thought through behaviour.

It must be emphasised that the proposed system is not and is not intended to be 'soft on crime'. Rather, it is seen by almost all of those who have responded to it in any way as a simply more appropriate, just and effective way of dealing with a particular kind of crime. It should be noted that:

- The proposal was formulated for and has the approval of the Retail Industry Crime Prevention Advisory Committee, which currently consists of representatives of the South Australian Branch of the Australian Retailers Association, David Jones Ltd, the Motor Trade Association of SA Inc., Coles Myer Ltd, Woolworths, Knight Frank, SAPOL, the Insurance Council of Australia and the Chief Executive of the Department of Education, Training and Employment. The media has also reported the support of the Victims of Crime Service. None of these organisations are 'soft on crime', let alone shop theft.
- The proposal is based on existing schemes which are not 'soft on crime'. The general idea behind such schemes is what is called 'restorative justice', which emphasises the role of the victim, speedy informal resolution of minor matters and swift confrontation of the offender with the effects of his or her crime. The general scheme is the basis of the current legislation dealing with minor offences by young offenders and current and proposed methods of dealing with minor drug offences.
- The proposal itself is confined to cases in which the retail price of the article(s) in question is less than $150.00 and cases in which the victim agrees that the system should be used. Use of the system will minimise the time for which the victim will lose possession of the goods in question for evidentiary purposes and will eliminate the costs to victims incurred through having to appear in court. These advantages are significant, especially to small retailers.
- Analysis of court figures shows that the proposed system, far from being 'soft on crime', actually delivers more certain and direct punishment. About 40 per cent of cases in which the defendant was found guilty of larceny from a shop receive no penalty at all. By targeting the very minor cases of shop stealing, it is almost certain that the scheme will be dealing with those 40 per cent of cases in which no penalty will be imposed in any event. The scheme is not being 'soft' in those cases—it is actually doing something about them.

In response to consultation on the Discussion Paper and the draft Bill, Coles Myer, the Victim Support Service and the Australian Retailers Association wrote letters of general support. The Australian Retailers Association wrote to 'offer its full support for the proposed changes in legislation. These changes have been favourably received by our members in the hope that the scheme will encourage greater reporting of shop theft, especially by small retailers'. The Hardware Association also supported but added:

> The implementation and the consequential publicity must be handled so that the public gets the message that the government is getting tougher on shop stealing by providing an act that can be administered and deals with the offending person.

The Victim Support Service said:

> We are encouraged that this minor shop theft diversion scheme is a small step toward greater implementation of restorative justice processes with less reliance upon the adversarial processes of the traditional criminal justice system.

As the Victim Support Service notes, an essential principle underlying this scheme is the notion of restorative justice. In general terms, restorative justice attempts to reintegrate offenders, victims, their respective supporters and the community instead of using an adversarial system to isolate offenders.

The idea is, of course, far more complex than that, and it is not one that can be used indiscriminately. But if it is used carefully and correctly it offers viable alternative enforcement methods where the traditional criminal justice system has, for any number of reasons, failed to cope adequately. I commend the bill to the Council and I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause defines certain terms used in the measure. In particular 'minor shop theft' is defined as a larceny of goods valued at or below the prescribed upper limit from a shop. The prescribed upper limit is initially set at $150, but provision is made for future CPI adjustment of that figure by regulation.

Clause 4: Issue of shop theft infringement notice

This clause deals with the issue of a shop theft infringement notice. A police officer may issue a notice, rather than charge an alleged offender with larceny, if satisfied that—

- the allegation constitutes an allegation of minor shop theft; and
- the alleged offender is 18 or over and is not an employee of the victim; and
- the victim has consented to the alleged offender's being dealt with under the measure; and
- there is no reason to suspect that the alleged larceny is part of a pattern of behaviour on the part of the alleged offender or an organised scheme involving the alleged offender; and
- there is sufficient evidence on which a court could reasonably find the alleged offender guilty of the larceny.

There are, then, two different types of notice—one dealing with larceny of goods valued at or below the prescribed amount and one dealing with larceny of goods valued at more than the prescribed amount. The prescribed amount is initially set at $30, but provision is made (in clause 3) for future CPI adjustment of that figure by regulation.

When a police officer issues a notice to an alleged offender, the police officer must read to the alleged offender the information contained in Part B of the notice.

Clause 5: Consent to being dealt with under Act—goods valued at or below the prescribed amount

An alleged offender who has been issued with a notice relating to goods valued at or below the prescribed amount may effectively consent to being dealt with under the measure either immediately following the issue of the notice or within 48 hours of the issue of the notice.

If consent is given immediately following the issue of the notice, the alleged offender—

- must apologise to the victim (unless the victim doesn't want an apology); and
- if it will not be possible to return the goods to the victim in saleable condition (because they have been consumed, destroyed or damaged by the alleged offender)—must pay the victim the value of the goods; and
- must complete and sign the statement in Part C of the notice admitting the commission of the offence and undertaking to submit to a caution against further offending.

If consent is to be given within 48 hours of the issue of the notice, the alleged offender must attend at a specified police station and—

- if the goods have been consumed, destroyed or damaged—must pay the police, on behalf of the victim, the value of the goods; and
- must complete and sign the statement in Part C of the notice admitting the commission of the offence and undertaking to submit to a caution against further offending and to apologise to the victim (if required).

In addition, in both cases, a police officer must confirm that it is appropriate that the alleged offender be dealt with under the measure by completing and signing Part D of the notice.

Clause 6: Consent to being dealt with under Act—goods valued at more than the prescribed amount

Where an alleged offender has been issued with a notice relating to goods valued at more than the prescribed amount, effective consent cannot be given straight away but must be given at a police station within 48 hours after the issue of the notice. On attending at the police station the alleged offender must—

- if the goods have been consumed, destroyed or damaged—pay the police, on behalf of the victim, the value of the goods; and
- complete and sign the statement in Part C of the notice admitting the commission of the offence and undertaking to submit to a caution against further offending, to apologise to the victim (if required), to complete a specified number of hours of community service and, for the purpose of completing that community service, to report to a community corrections officer and obey the lawful directions of the community corrections officer to whom he or she is assigned.

Again, a police officer must confirm that it is appropriate that the alleged offender be dealt with under the measure by completing and signing Part D of the notice.

Clause 7: Failure to effectively consent

If an alleged offender issued with a notice does not effectively consent to being dealt with under the measure, the alleged offender may be charged with larceny in relation to the allegation the subject of the notice.

Clause 8: Withdrawal of consent

An alleged offender who effectively consents to being dealt with under the measure immediately following the issue of a notice may withdraw that consent at any time within 48 hours of the issue of the notice. If consent is withdrawn, the alleged offender will be treated as if he or she had never effectively consented to being dealt with under the measure and may, therefore be charged with the alleged larceny. Consent cannot, however, be withdrawn if an alleged offender has paid the victim the value of the goods.

Clause 9: Alleged offender to be provided with copy of notice and caution

An alleged offender who has effectively consented to being dealt with under the measure must be given a copy of the duly completed and signed shop theft infringement notice and a notice setting out the words of the caution administered.

Clause 10: Information to be provided to victim

When a police officer issues a shop theft infringement notice, the officer must ask the victim whether he or she wishes to be provided with information in relation to the manner in which the alleged offence has been dealt with and, if so, must ensure that the victim is provided with it.

Clause 11: Community service

This clause provides for the application of the provisions set out in Schedule 3 to the performance of community service under the measure.

Clause 12: Breach of undertaking specified in notice

This clause makes it an offence for a person who has effectively consented to being dealt with under the measure to breach, without reasonable excuse (proof of which lies on the person), an undertaking specified in the notice. The maximum penalty for this offence is a fine of $1 250.

Clause 13: No prosecution if effective consent given

This clause specifies that a person who has effectively consented to being dealt with under the measure is not liable to prosecution for an offence of larceny in relation to the allegation the subject of the notice.

Clause 14: Failure to issue notice or allow effective consent not to be raised in proceedings

This clause provides that no argument may be put in larceny proceedings that a shop theft infringement notice should have been issued to the defendant, or that the defendant should have been allowed to effectively consent to being dealt with under the measure.

Clause 15: Inadmissibility of evidence of consent, etc.

This clause provides that the fact that a person admits committing the offence the subject of a notice by, or for the purposes of, effectively consenting to being dealt with under the measure may not be adduced in evidence or cited or referred to in any proceedings other than by or with the consent of the person.

However, that provision does not apply in relation to proceedings for breach of an undertaking or disciplinary proceedings against a police officer relating to conduct in connection with the notice or the issue of the notice.

Clause 16: Commissioner to keep records

The Commissioner of Police is required to keep certain records relating to the measure.

Clause 17: Confidentiality

This clause provides for confidentiality of information relating to shop theft infringement notices.

Clause 18: Commissioner's annual report to contain information relating to notices

An annual report on the operation and administration of the measure must be incorporated in the annual report of the Commissioner of Police required under the *Police Act 1998*.

SCHEDULE 1

Shop Theft Infringement Notice—goods valued at or below the prescribed amount

This Schedule sets out the form of the notice to be issued in relation to goods valued at or below the prescribed amount.

SCHEDULE 2

Shop Theft Infringement Notice—goods valued at more than the prescribed amount

This Schedule sets out the form of the notice to be issued in relation to goods valued at more than the prescribed amount.

SCHEDULE 3

Provisions Relating to Community Service

This Schedule sets out the provisions applicable to community service performed pursuant to a shop theft infringement notice.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (PENALTIES) AMENDMENT BILL

The Hon. R.D. LAWSON (Minister for Disability Services) obtained leave and introduced a bill for an act to amend the Occupational Health, Safety and Welfare Act 1986. Read a first time.

The Hon. R.D. LAWSON: I move:

That this bill be now read a second time.

This bill is the same bill, under the same name, as was introduced and debated in the last session of the parliament. Accordingly, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Introduction

In 1998, around 2 900 Australians died at work and 650 000 were injured. In South Australia, during 1997-98, there were 24 workplace fatalities and it is estimated that there are 50 000 work related injuries or illnesses reported each year. The annual cost of workplace related injuries to the South Australian community is considered to be more than $2 billion.

The South Australian government established its policy in relation to worker safety in 1997 with its pre-election policy document 'Focus on the Workplace'. Linking health, safety and economic development is an integral theme of the government's policy. In order to achieve this, the government is committed to reviewing the existing occupational health, safety and welfare system and to continue the reduction of the incidence of workplace injury or disease.

In the Ministerial Statement of 26 March 1999 on Workplace Safety, a number of integrated initiatives of the government were outlined to provide the framework to allow South Australia to be a truly safe, productive and competitive State. These initiatives may be summarised as follows:

- The promotion of the vision of South Australia as a State of safe and productive workplaces.
- The abolition of a number of outmoded and unnecessarily complex regulations under the *Occupational Health, Safety and Welfare Act*.
- The trialing by Workplace Services (DAIS) and WorkCover Corporation of industry specific approaches to occupational health and safety.
- Two information initiatives designed to improve everybody's understanding of their obligations:

(1) WorkCover's 'Work to Live' campaign, which promotes increased awareness of safety in South Australia by drawing attention to the social and economic cost of injuries, illness and death in our workplaces, has already attracted considerable attention.

(2) Workplace Services will also be commencing a revitalised industry liaison and awareness strategy aimed at better linkage of inspectors with industry and better dissemination of information on key safety risks to the community.

- The development by Workplace Services of a comprehensive prosecution policy for breaches of the Occupational Health, Safety and Welfare legislation.
- Finally, the Occupational Health, Safety and Welfare Advisory Committee was requested to provide advice to the government in relation to the adequacy of maximum penalties provided in the *Occupational Health, Safety and Welfare Act.* At the time the government foreshadowed its intention to increase penalties significantly, if it was supported by that advice.

In November 1998, the Advisory Committee formed a tripartite working party to carry out the task. In preparing its report, the Working Party consulted with its respective constituencies. The Advisory Committee made minor refinements to the recommendations of the Working Party and this bill implements that advice.

Rationale for increased penalties

Maximum penalties under the *Occupational Health, Safety and Welfare Act* have remained unchanged since the inception of the Act. Since then, there has been considerable erosion of the real impact of the fines. In the intervening period, the general level of prices, as measured by the CPI All Groups Index (weighted average of the eight capitals) has risen by 52.7%.

A comparison of interstate penalty structures reveals that the level of penalties in South Australia is now towards the lower end of the scale in relation to other States. The government considers that maximum penalties under the Act must be maintained as an appropriate deterrent and to act as an inducement to bring about behavioural change in the workplace. Significant penalties and the threat of prosecution do elicit a response in the workplace. The increases in maximum penalties contained in this bill will convey a message to the community at large as to the importance of occupational health and safety in the workplace and that all offenders, be they corporate or otherwise, who commit these offences will face substantial penalties.

Discussion of proposed penalties

Generally speaking, the bill will double the existing maximum level of penalties in the *Occupational Health, Safety and Welfare Act*. However, the bill will increase a number of maximum penalties even further, to rectify perceived anomalies, whilst a few will be retained at their existing level, principally because the offences are viewed as administrative in nature.

Conclusion

This bill demonstrates that the South Australian government continues to view the improvement of occupational health and safety in the workforce as a top priority.

The government looks forward to the passage of this bill, which will send a clear message to all parties in the workplace in the promotion of workplace health and safety.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 4—Interpretation

The amendment to section 4 proposes to substitute new amounts for the divisional fines set for the purposes of the principal Act as follows:

- a Division 1 fine means a fine not exceeding $200 000 (increased from $100 000);
- a Division 2 fine means a fine not exceeding $100 000 (increased from $50 000);
- a Division 3 fine means a fine not exceeding $40 000 (increased from $20 000);
- a Division 4 fine means a fine not exceeding $30 000 (increased from $15 000);
- a Division 5 fine means a fine not exceeding $20 000 (increased from $10 000);
- a Division 6 fine means a fine not exceeding $10 000 (increased from $5 000);
- a Division 7 fine means a fine not exceeding $5 000 (increased from $1 000).

Clause 4: Amendment of s. 21—Duties of workers

Currently, subsection (1) of this section imposes a duty on an employee to protect his or her own health and safety at work and to avoid adversely effecting the health or safety of any other person through an act or omission at work. The penalty imposed for breach of this subsection is a fine of $1 000.

The amendment is not very different, substantively, from current subsection (1) but proposes to split that subsection into a number of different subsections to enable different penalties to be imposed for different elements of the offence.

New subsection (1) provides that an employee must take reasonable care to protect his or her own health and safety at work with the penalty for a breach is a fine to be $5 000.

New subsection (1a) provides that an employee must take reasonable care to avoid adversely affecting the health or safety of any other person through an act or omission at work with the penalty for a breach to be a fine of $10 000.

New subsection (1b) provides that an employee must so far as is reasonable (but without derogating from new subsection (1) or (1a) or from any common law right)—

- use equipment provided for health or safety purposes; and
- obey reasonable instruction that the employer may give in relation to health or safety at work; and
- comply with any policy that applies at the workplace published or approved by the Minister after seeking the advice of the Advisory Committee; and
- ensure that the employee is not, by the consumption of alcohol or a drug, in such a state as to endanger the employee's own safety at work or the safety of any other person at work.

The penalty for a breach of this subsection will be a fine of $5 000.

Clause 5: Substitution of s. 22

Currently, section 22 imposes a duty of care on employers and self-employed persons in respect of their own safety at work and in respect of other persons who are not employees or engaged by the employer or self-employed person. The current penalty for a breach is a fine of $5 000.

New section 22 will separate the duty owed by employers and self-employed persons to themselves from the duty they owe to others, with different penalties being imposed for breaches of the separate duties.

22. Duties of employers and self-employed persons

New subsection (1) provides that an employer or a self-employed person must take reasonable care to protect his or her own health and safety at work with the penalty for a breach being a fine of $10 000.

New subsection (2) provides that an employer or a self-employed person must take reasonable care to avoid adversely affecting the health or safety of any other person (not being an employee employed or engaged by the employer or the self-employed person) through an act or omission at work. The penalty for a first offence is a fine of $100 000 and, for a subsequent offence, a fine of $200 000.

Clause 6: Amendment of s. 58—Offences

This amendment proposes to strike out subsection (7) and insert a new subsection (7) that provides that proceedings for a summary offence against the principal Act must be commenced—

- in the case of an expiable offence—within the time limits prescribed for expiable offences by the *Summary Procedure Act 1953*;
- in any other case—within 2 years of the date on which the offence is alleged to have been committed.

Clause 7: Further amendment of principal Act

The schedule of the bill contains amendments to the principal Act in respect of penalties for breaches of the Act.

Where the amendment does not change the divisional penalty, the monetary penalty will, in fact, have increased because of the operation of new section 4(5) (*see clause 3*).

Some of the amendments insert differential penalties for first and subsequent offences.

Other amendments insert penalties where previously no specific penalty was provided.

The general penalty under section 58 will now be $20 000 through the operation of new section 4(5) (*see clause 3*).

The Hon. P. HOLLOWAY secured the adjournment of the debate.

FIRST HOME OWNER GRANT (NEW ZEALAND CITIZENS) AMENDMENT BILL

The Hon. K.T. GRIFFIN, for the Hon. R.I LUCAS (Treasurer), obtained leave and introduced a bill for an act to amend the First Home Owner Grant Act 2000. Read a first time.

The Hon. K.T. GRIFFIN: I move:

That this bill be now read a second time.

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

Leave granted.

The *Inter-governmental Agreement on the Reform of Commonwealth-State Financial Relations* (the 'IGA') provides that, to offset the impact of the Good and Services Tax, the States and Territories will assist first home buyers through the funding and administration of a new, uniform First Home Owners Scheme.

The IGA provides that the States and Territories make legislative provision for a First Home Owner Grant (the 'grant') consistent with the principles as set out in Appendix D of the IGA. One such principle states that eligible applicants must be natural persons who are Australian citizens or permanent residents who are buying or building their first home in Australia.

The *First Home Owner Grant Act 2000* ('the Act') was assented to on 29 June 2000, and came into operation on 1 July 2000. Consistent with the principles set down in the IGA, the Act provides that only persons who are Australian citizens pursuant to the *Australian Citizenship Act 1948* (Cwth) or permanent residents pursuant to the *Migration Act 1958* (Cwth) can receive the grant.

After enquiries were made by New Zealand citizens permanently living in Australia as to their eligibility, it became apparent that such persons are not permanent residents for the purposes of the *Migration Act*, as they hold special category visas which allow them to remain in Australia permanently whilst not having the technical status of a permanent resident. Therefore, in order to be able to receive the grant, New Zealand citizens must become Australian citizens, which necessitates a residency period in Australia of two years.

This issue was subsequently raised with the Commonwealth Government.

In a letter dated 7 July 2000, the Assistant Treasurer, Senator the Honourable Rod Kemp, advised that the Commonwealth Government supported the extension of the grant to include New Zealand citizens who reside permanently in Australia under a special category temporary visa.

The Commonwealth will meet the cost of amending the eligibility criteria in this manner under the guarantee arrangements.

Queensland and the Northern Territory have already passed amendments to remove this anomaly and the remaining jurisdictions have advised that their respective Governments will be moving amendments to their relevant legislation.

It is proposed that the Bill will operate retrospectively from 1 July 2000 so as not to disadvantage New Zealand Citizens permanently residing in Australia vis a vis other permanent residents.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides that the commencement date for the measure is 1 July 2000, the date on which the principal Act came into operation.

Clause 3: Amendment of s. 3—Definitions

Clause 3 amends the definition section of the principal Act. Clause 3*(a)* clarifies the meaning of 'Australian citizen'. Clause 3*(b)* adds to the definition of 'permanent resident' any New Zealand citizen who holds a special category visa within the meaning of s. 32 of the *Migration Act 1958* of the Commonwealth, with the effect of enabling such citizens to satisfy the second eligibility criterion in respect of an application for a first home owner grant under the principal Act.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 11 October. Page 142.)

The Hon. T.G. ROBERTS: I rise to support the motion and indicate that I, too, would like to pass on my sympathies to the families of Sir Mark Oliphant and Dr Tonkin. Sir Mark died during the break, and Dr Tonkin died only recently. Others have noted, in their contributions on Sir Mark's death, that he was a scientist of great note, and they recognised the work that he did with international teams of scientists to perfect the splitting of the atom which consequently led to the invention of nuclear weapons and the nuclear fuel cycle.

It was certainly brilliant scientific work, played out through many countries and through many laboratories, culminating in the dropping of the two bombs on Hiroshima and Nagasaki in Japan. I note that during his life Sir Mark regretted the application of the splitting of the atom being used for such purposes. However, he was still a great advocate of nuclear science being used for the peaceful purposes of nuclear power. I have been an opponent of the nuclear fuel cycle in both its forms in—

An honourable member interjecting:

The Hon. T.G. ROBERTS: Almost since the dawn of the atom. I was born in 1946. I must say that that was not too long after the two bombs were dropped, and the Cold War raged certainly through the period in which I spent most of my educative time, and as an adult educating myself about the dangers of the nuclear fuel cycle as opposed to the benefits. I have a basic trade background, and it appeared to me that it was a complicated way of boiling water. The amount of fuel nuclear stations took to make electricity did not make economic sense, and that was shown by a number of other scientists who were also opponents of the express use of the nuclear fuel cycle for the generation of electricity. They said that it was a very expensive way of generating domestic electricity.

If you look behind the explanations given by the opponents of the nuclear fuel cycle for the generation of electricity, you see that the only way that countries could recoup the cost infrastructure that went with the nuclear fuel cycle was to own and test nuclear weapons. It was only the advanced nations in the period between 1946 and the end of the Cold War just recently that participated in the generation of the nuclear fuel cycle and the testing of nuclear weapons.

After the first test on or near their own land falls, countries generally moved their tests into other countries. Britain was able to move its tests into Australia. Of course, it would not have been able to test its weapons in its own country because of the size and the dangers of nuclear drift. However, because we were a complying country at that time, it was able to test its weapons mostly in South Australia—although a number of weapons were tested in Western Australia. To this day we are still counting the cost of those tests. It was not until the mid 1960s, when Britain worked out that it was no longer an international player in the Cold War at a nuclear weapons level, that those tests stopped. The cost of the clean up was never calculated or built into the general cost of those test programs.

France tested its weapons not on the French mainland but in its provinces, its satellite nations, over which it held sway, and the French were able to set up their testing facilities in Tahiti. This was the case until recently, when the Tahitians decided enough was enough and that they would no longer accommodate the underground testing of nuclear weapons in Tahiti. The French have since decided to stop their testing on the atolls in Tahiti. The Americans were a little more gung-ho. They tested their weapons on their own homeland. Consequently, they rendered totally useless large tracts of land in their dryland areas and rangelands, and they also infected with nuclear sickness many of their troops whom they used as human guineapigs. So the Americans were not very clever in the early stages but then they, too, decided to shift their testing away from their homelands and they started to test in the Pacific Ocean.

The cost of nuclear weapons testing for the planet and for powerless nations was very high and, in fact, the planet is now still feeling the effects. The form of waste that emanates from the use of the nuclear fuel cycle to generate electricity is, in most cases, not built into the cost of the generation for domestic sale. Therefore, when you read figures on the unit cost for the production of electricity through the nuclear fuel cycle, for France and Japan in particular, and where you get the figures for potential storage and clean up for the waste from the spent nuclear fuel, that factor is not recognised or calculated. It gives a misleading figure as to any of the benefits that may come from that very complicated form of electricity generation.

Australia has been on the fringes of nuclear testing, which was stopped when Britain dismantled its nuclear testing program. We have also been on the fringe of the nuclear fuel cycle in electricity generation. There were plans in the late 1950s and early 1960s, fostered by Sir Robert Menzies, to build at least two nuclear fuel electricity generators in Australia. Sites were chosen. One, I understand, was near the ship base in central New South Wales, south of Sydney, and the other site was near Portland in Victoria.

The decision not to go ahead with the nuclear fuel cycle in Australia was not broadly debated by the community and, in general terms, it was not known that the matter was being debated among senior bureaucrats. Most Australians did not participate in that debate but bureaucrats and politicians at that stage decided that, with the acceleration of the cold war, given the amount of scientific information that would have had to be passed to Australia to set up a nuclear fuel plant generating electricity (which then produces spent uranium used in the production of nuclear fuel and nuclear weapons), it was considered too much of a danger. That was the view of the nuclear powers. It was decided that Australia would not be able to join the club.

That is no longer the case. The security reasons for the cold war have now eroded and nuclear fuel and the generation of nuclear power is on the agenda for undeveloped countries. In some cases, medium developed countries that in many cases cannot afford the technology or the advance into the nuclear fuel cycle or the nuclear generation cycle have placed themselves to become the new owners of the technology to create electricity—and therefore to create weapons.

We have a more dangerous period before us in controlling nuclear testing and nuclear weaponry between other nations than perhaps during the cold war, when the stand-off and the confrontation of the superpowers with the balance of terror, neither power being able to gain the ascendancy to a point where those weapons were tested in an act of war, actually worked.

It is the view of many analysts who have considered the question that, in countries such as India, Pakistan, Iran, Iraq and in the middle East, particularly, in these disturbing times, that balance of terror may be overlooked and the arms of some of the players may be tested. Be that as it may, the problem associated with the cost of the cleanup of the cold war is being calculated around the world by the developed nations in trying to come to terms with the problems that have

emanated from the dismantling of the old Soviet Union's fleet, in particular.

That has put pressure on countries such as Australia to accept the many submarines, ships and useless pieces of cold war machinery which were used during that period and which are highly contaminated to a point where those countries no longer have the will nor the currency to dispose of those contaminated weapons of war properly. Many of the developed nations are looking longingly at Australia as a region that could accept these highly contaminated items that have broken down and potentially could be disposed of in old layers of rock in Australia whereby we would be the custodians of these items for many hundreds of years.

The debate going on at the moment in relation to low-level waste and its disposal in South Australia is only the tip of the iceberg in relation to the real picture. Most fair and reasonable people would not expect there to be too much outcry by the citizens of South Australia in accepting their responsibility in disposing of low-level nuclear waste that is part of the nuclear medicine cycle. Most South Australians would probably welcome a responsible plan that saw the disposal of those wastes in our isolated areas away from the potential contamination of underground water, and most South Australians would welcome a plan that involved commonwealth support for that.

But from the way in which the program is being put together by degree in trying to get South Australians to accept that they will be the repository of low-level waste and that there will be a possibility of a medium-level waste program being put together in the near future, we will be like the frog who is slowly boiled in the beaker over the bunsen burner, as opposed to the frog that is dropped into hot water. If you drop a frog into hot water it will jump out, but if you slowly bring it to the boil it will stay there feeling comfortable until at some particular point its own demise is not recognised by it. That is probably where this state will end up if there is no intervention by those people who have a high disregard for the history of nuclear waste disposal worldwide and who will now be told that they will need to accept the responsibility of medium-level waste.

It is then only a step away from accepting international high-level waste from countries such as the old Soviet Union, France and Japan, and perhaps even the United States might get sick of burying its own waste and look at Australia as a potential site. The use of other countries by the developed nations for disposal of contaminants such as weedicides, pesticides and the dreaded Agent Orange has been well documented. Advanced countries such as the United States are using small Pacific island nations whose economies are pretty poor and whose levels of education are very low to be talked into accepting toxic waste for disposal as a matter of course from the international producers of such products.

Internationally, the same tactics that drove the splitting of the atom and the contamination that nuclear weaponry caused are being used in duping third world nations and other countries into taking the waste from the developed nations so that their standard of living does not suffer but the countries that become the receivers of these toxins end up poisoning their own countries. I thought I had better say a few words on that subject as a mark of respect for Sir Mark Oliphant. I understand that he separated war from the peaceful use of the atom, but I am afraid that I was not one of the advocates of the peaceful use of the atom because I could not see that there is a differentiation between the peaceful use of power generation and the use of waste for the generation of fuel for the war machine.

The developed countries that were able to afford the experimentation and subsequently the general use of nuclear power for electricity generation were intimately linked to the potentially non-peaceful use of the generation of war weaponry. One of the dangerous uses of spent uranium at the moment is in new weaponry. The Americans, in particular, have been using spent uranium as a method of heating up their missiles and, in some cases, their large calibre bullets. That is one way of getting rid of your nuclear waste: to be involved in all the skirmishes all over the world, become the world policeman, then you can throw your nuclear waste into the anti-armoury weaponry and get rid of it that way.

Unless there is an international forum where these issues can be debated and where participating countries can make decisions on behalf of their own nations without having decisions forced upon them or, in the case of what Australians can expect, decisions made for them by commercial interests and other governments, then we will end up, without intervention and without the debate that is required by all Australians and particularly South Australians, with a nuclear dump that will contain not only medium but high-level waste.

The Hon. Legh Davis was rubbing his hands yesterday over the way in which the South Australian economy had fitted into the national economy. I have been a strong critic of the way in which spin-offs from the growth of the national GDP have impacted on South Australia. If we measure the impact of growth over the past nine years, in particular over the past 12 quarters in which, as the Hon. Mr Davis said, we have had growth of some 4 per cent, then it appears that not everyone has been participating in the benefits of that growth.

The productivity lifts that have been the cause for celebration amongst stock exchanges, particularly those in Australia, in the main have resulted from increased investment in electronic computerised plant and equipment that has brought about increased job losses and restructuring in the manufacturing sector in particular. The restructuring changes that have been brought about through changes to work practices have been the main reason for the rise in productivity.

The benefits are supposed to have gone in a more broader way to those people who have taken part in enterprise bargaining arrangements. Those people who have been displaced from work have received no benefit, but those people who have remained in work and who have had their jobs changed and restructured and, with training, have had their pay rates either maintained or lifted have not benefited as markedly as has the sharp end of town. Executive salaries and charges have raced ahead of wages and salaries.

In most cases the enterprise bargaining programs have included salary and condition sacrifices while the benefits have been passed on to shareholders and executives. I am receiving information daily about the conditions of employment that are now changing to a point where members on both sides of the Council are starting to notice it, where security of employment no longer exists. The Hon. Bob Sneath made some reference to it in his maiden speech. No more sacrifices can be made, yet employers still require sacrifices for the CPI increases or the latest round of enterprise bargaining before granting increases of between 3 per cent and 5 per cent. However, the sacrifices that have to be made in relation to the conditions and security of employment no longer match the benefits that are gained relative to an hourly rate.

The growth of part-time and casual employment in the place of permanent employment is rife. The security of employment that Australians could have expected up to a half decade ago no longer exists. The loyalty that used to exist between employer and employee is going out the window. The lack of security in employment is bringing about an anxiety that I do not think has been measured in terms of the health effects that impact particularly on young people. I have outlined in this Council on other occasions that young women particularly have to work for at least two, if not three, employers in one week under a casual rate or without award to make up 35 or 40 hours.

Young male employees who have little or no training paid for by their employers have to be immediate starters, and from the time they start they have to make returns for their employer, whereas previously employers would participate in training programs that would enable skill levels to be developed and remuneration would be paid in relation to skills, and loyalty would be returned by the employee and would result in increased efficiency and productivity. That is no longer the case.

The Hon. R.K. Sneath interjecting:

The Hon. T.G. ROBERTS: That is the other point. The honourable member indicates that older Australians now have to do the same thing, that they no longer are part of the permanent employed work force and that their jobs are broken down into part-time and casual work. The other element of the breaking down of permanent and secure employment—other than not being able to get a loan or to plan your budget or to budget properly—is that if you do not have permanent employment the loyalty that you would share with work colleagues is no longer there. The workplace becomes a competitive field amongst employees trying to maintain that employment. Where once you had cooperation amongst employees at a workplace, it is now very competitive, and that competitiveness generally leads not to cooperation and higher productivity but to the direct opposite. Where competitiveness is structured into the industrial relations policies of companies, labour turnover becomes a real problem and the anxiety and stress (which I said earlier is not being measured) becomes a major issue.

I know that the Hon. Mr Davis is a great advocate of everything American in relation to the economy and industrial relations. In a lot of cases in America this is related to violence in the work force—where employees are given the sack, their general security has been challenged, and the competitiveness of those workplaces is such that it does not take much for people to go over the edge—and it is manifesting itself in terrible ways related to automatic weapons, with people taking out their frustrations on work colleagues and on the community generally.

I hope that Australia does not go down that track. I hope a line is drawn in the sand in relation to workplace changes and restructuring and that with enterprise bargaining employers realise that there is nothing more to give back—that public holidays and appropriate work breaks should remain sacrosanct, that 12-hour shifts should be outlawed if not done in agreement with the length of cycle they are worked, that the move away from the 8-hour working day should not be pursued in the name of greater productivity, and that many other practices that are starting to be introduced should be looked at. One of the other problems we have in this state is the loss of young people to the eastern states. It is not surprising—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: It is not surprising that young people are looking at the eastern states when—

The Hon. A.J. Redford: Many are coming back, too.

The Hon. T.G. ROBERTS: They are coming back only for a holiday or to visit their relatives, then they go back. A lot of young people are having to move interstate to find job security and employment in their chosen field. As the Premier said, South Australia's job participation rate is high, and the unemployment rate appears to be coming down.

The Hon. T.G. Cameron: But it is coming down all across Australia.

The Hon. T.G. ROBERTS: Yes. It was revealed today that it was down to 7.5 per cent of the total work force, but I think we have to look at how that has been achieved. In some cases, it has been achieved through changes to social security (which is a trick that New Zealand used), where you change the school leaving age (which is being proposed here) and you keep young people at school for longer—and I am not saying that that prepares them any better for work. You put them into job training programs that lead nowhere, you have them working for the dole—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: What is that?

Members interjecting:

The Hon. T.G. ROBERTS: Job training programs that lead nowhere?

The Hon. A.J. Redford: Yes.

The Hon. T.G. ROBERTS: That is a major criticism that young people have today.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: I am not being selective about who is to blame: what I am saying is that there is a real problem out there. Many young people have been trained and retrained three or four times and have not been able to find permanent employment. In fact, much of the training that they receive is totally inappropriate and is not what employers require in today's work force. The training programs are not measured against what is available: they are generally measured by people who are totally incompetent in planning work training programs because, in part, the privatisation that took place at a commonwealth level involved handing over the responsibility for training to organisations that really had no experience in planning training programs.

I do not have an axe to grind against churches per se, but I am not quite sure how they were able to figure in a developed nation's planning for a clever society. I would have thought that that would be left to people who are well versed in the requirements of the education and training programs in Australia.

The other ways in which the figures have been manipulated are through tighter restrictions on dole entitlements and tighter restrictions on the entitlement for pensions. I have mentioned the breakdown of full-time, part-time and casual work: you cannot fit round pegs into square holes. So, because of the ways in which the figures have been masked, I suspect that, at the first sniff of a downturn (which we are having now), certainly, those people who are at the casual/part-time end of the work force will be the first to feel the cold winds of change when the economy starts to slow. I predict that, after the next quarter, with the slowdown from the overheating of the period of GST spending, there will be an acceleration in the rate of people who will find themselves out of work and who have to go on the dole. I hope that that does not happen, but I think that the economic indicators are such that there does not appear to be great strength, particu-

larly in the South Australian economy, to be able to hold out against it.

The Hon. Mr Davis mentioned four major projects of which South Australia should be proud and which we should not ridicule. One such project is Holdfast Shores. The reason why the opposition does not support, and has not supported, Holdfast Shores outright is the environmental problems it is causing. However, I suppose there will be some increased employment opportunities there, particularly for those people involved in the dredging of the sand in the gulf.

The wine centre is a large investment in an area that the private sector, I am sure, could have managed. The wine industry is going gang busters, yet the government has to come up with a large chunk of funding to build a wine centre. With respect to Memorial Drive, again, the private sector is being assisted by unnecessary public sector money.

There are some dark clouds on the horizon, and it would do the government well to start talking to the commonwealth about how to loosen the purse strings with respect to the Darwin to Alice rail link to try to get that off the ground as soon as possible. South Australia does need to have some large infrastructure projects running. We certainly need a lot of our highways fixed, and we need a lot of commonwealth funding brought into play to keep the pressure off the state coffers.

In closing, I must make a comment about South Australia leading the nation with respect to miracles. Yankalilla has a Father Nutter—

The Hon. R.I. Lucas: He has changed his name now; it's Notere.

The Hon. T.G. ROBERTS: Notere—he has taken the French form of 'nutter', has he? Father Nutter certainly put Yankalilla on the map with his belief that we have a miracle occurring there with the image of the Virgin Mary and the—

The Hon. Diana Laidlaw: Have you been to see it?

The Hon. T.G. ROBERTS: No, I haven't been to see it. We now have at Port Germein an image of Christ that is being thrown from an itchy powder tree onto a galvanised fence. Call me a cynic but, if I was going to create a miracle anywhere, I do not think it would be on a galvanised iron fence at Port Germein. I am not quite sure how South Australia will be seen in other parts of Australia or internationally but, if we do not stop having these miracles and apparitions, we will get a very bad name in relation to trying to build our economy around some of these issues.

I conclude by saying that, if we do not get the barnstormers, as occurred in the United States and other places in the 1930s, associated with this, it all smells like we are heading into a deep depression. I just hope that these are not the early indicators of those economic cycles.

Debate adjourned.

HARBORS AND NAVIGATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 October. Page 91.)

The Hon. T.G. CAMERON: This bill seeks to amend the Harbors and Navigation Act 1993 to improve arrangements for jet ski expiation fees, penalties for non-compliance with safety equipment requirements, the composition of the State Crewing Committee, and to clarify the state's extraterritorial powers in relation to trading vessels. The amendment to section 12 provides that council officers or employees may be appointed as authorised persons to collect expiation fees all with the limitation of powers as the appointer sees fit.

Although the councils will collect the whole of the fees they issue, it is intended that, in the first instance, councils will be limited to enforcing the provisions applicable to jet skis. It also provides that it is an offence not to have an emergency position-indicating radio beacon operating in a vessel which, by regulation, is required to carry one (punishable by a $400 fine). Incidentally, that is more than the price of a beacon. The bill also amends expiation fees for not carrying the required safety equipment.

It also amends the membership requirements of the State Crewing Committee, which oversees the crewing requirements for intrastate trading vessels. So, one position rather than two must be held by a master mariner and one by a person who has a master's certificate of competency. It also requires that one member must be a man and one a woman. It also provides that the Harbors and Navigation Act applies extraterritorially to the extent possible. This is so that any changes to commonwealth jurisdictional arrangements will flow through to state law. It also converts divisional penalties to money amounts.

This bill will give councils limited power automatically to enforce jet ski regulations by issuing expiation notices. It provides for breaches of safety requirements to be punished by fines. It makes the State Crewing Committee more accessible for women and broadens the experience of the committee. It makes it clear that this act applies, as far as possible, under the offshore constitutional agreement between the commonwealth and the states. SA First supports the second reading of the bill.

The Hon. T. CROTHERS secured the adjournment of the debate.

ADDRESS IN REPLY

Adjourned debate on motion for adoption resumed.

The Hon. P. HOLLOWAY: In speaking to the Address in Reply, I, firstly, would like to thank the Governor for his speech opening parliament. I again compliment Sir Eric and Lady Neal on the outstanding manner in which they perform their duties. I also at this stage record my regret at the passing of two eminent South Australians: Sir Mark Oliphant and former Premier David Tonkin. I also welcome my new colleague Bob Sneath to this place, and I congratulate him for his maiden speech.

Today marks the beginning of the fourth and last year of the term of the Olsen government following its election on 11 October 1997. The end of this government will not come soon enough for a significant majority of South Australians. That is a view of this government that is shared by not only a significant majority of South Australians but at least two members of the former ranks of this government. At the start of this speech I would like to record some comments that were made today by Dr Bob Such, the former member for Fisher. He gives his assessment of this government, and I think it is a rather more accurate reflection of this government than that contained in the speech opening parliament. Dr Such said:

> I have been concerned for a considerable period of time about the policies, practices and priorities of the Olsen government.

As, indeed, have many of us. He continues:

I have raised my concerns within the party room over an extended period of time but there has been no real attempt to address those concerns. I first joined the Liberal Party over 30 years ago and it saddens me to see what has happened to a Liberal government in this state—a government which is not in keeping with the traditions established by Sir Robert Menzies and Sir Thomas Playford and others.

The government has become obsessed with money, forgetting that the needs of people should be the number one priority with money matters and economic policy as a means to an end, that is, improving and enhancing the quality of life for all South Australians.

He than says—and I think this is relevant in the Council where the Treasurer resides:

Ironically, despite the government's obsession with money matters its recent performance in relation to economic management leaves a lot to be desired—

The Hon. L.H. Davis interjecting:

The Hon. P. HOLLOWAY: This is your colleague, Bob Such.

The Hon. R.I. Lucas: Former colleague.

The Hon. P. HOLLOWAY: Yes, now former colleague along with former colleague Peter Lewis and a whole lot of other former colleagues. In fact, the list of ex-Liberal members in the lower house is growing by the day and will soon number more than the party itself the way things are going.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Dr Such says:

Ironically, despite the government's obsession with money matters its recent performance in relation to economic management leaves a lot to be desired, for example, the Hindmarsh Soccer Stadium, the National Wine Centre, the Holdfast Shores development (dredging) and the emergency services levy.

Of concern, too, is the fact that the government has not been as open and as frank with the people of South Australia as it should have been, arising first of all from a broken promise not to sell ETSA compounded by a lack of information and openness about the costings of major projects.

Members on this side of the chamber have long been complaining about lack of information, so it seems that we are not the only mushrooms around this place who are being kept in the dark and fed manure. It appears as though the members of the government backbench are also in that category.

The Hon. R.R. Roberts interjecting:

The Hon. P. HOLLOWAY: That's right. Dr Such goes on to say:

In addition, multimillion dollar assistance packages have been given to large companies without adequate justification or opportunity for public scrutiny. As a result there is no way of knowing whether benefits in terms of jobs created (or retained) or a boost in exports have or will be realised, let alone being able to judge whether the assistance money has been spent in the best possible way.

Then this former member of the Olsen government goes on with his assessment, as follows:

The Olsen government has not given a high enough priority to the important areas of education (state schools need tens of millions of extra dollars spent on buildings and resources), health (waiting lists are too high and growing, especially for elective surgery and dental treatment), the environment (inadequate protection of biodiversity, especially retention of native vegetation) and public safety.

Again, I remind the Council that these are the views of someone who until midday today was a member of this government. He continues:

Some types of crime, for example, knife attacks, vehicle theft, large-scale drug misuse have been allowed to escalate without appropriate strategies to deal with what is perceived to be a growing threat to people's safety. Further, the courts have been continually issuing light penalties for serious drug offences, theft of vehicles and assault on people without a proper and firm response from the government. However, on the other hand, they have engaged in draconian penalties against people who mildly offend against speeding laws and students who do not have in their possession their concession card even though they have the correct ticket.

The Hon. R.I. Lucas: What is a mild offence against a speeding law?

The Hon. P. HOLLOWAY: Well, they are probably doing 61 km/h on a straight road on a dry day without any cars going past. I think we all know what Dr Such is talking about. If it is in relation to vehicle theft, large-scale drug misuse and so on there is not much activity from this government. He further said:

The Olsen government has an ideologically-based obsession with privatisation . . .

That is not a Labor Party member making that claim, although I certainly agree with it. It comes from a former Liberal government minister. He continues:

. . . and now wishes to sell off the few remaining income earning assets including the lotteries.

He continues:

The parliament has sat for approximately 45 days this year, which means inadequate public accountability and scrutiny of the government. We have question time but we have no answer time.

Anyone who sits in this place each day and listens to the performance of the Treasurer could only agree. I will say a bit more about that in a moment and give examples of some of the answers that this government has given in question time. The member for Fisher further says:

The government has failed to bring in any meaningful reforms of the parliament or of government structures and processes. Even after the sale/lease of a significant number of assets and outsourcing of government operations we have almost as many ministers as Victoria yet Victoria has four times the population and nearly twice as many as when the Playford Liberal government ran nearly everything in South Australia.

The member for Fisher continues:

The government has not acted to facilitate the operation of freedom of information legislation, nor has it been generally been open or inclusive in regard to its own parliamentary members.

As I have said, this former Liberal member says that the government is keeping its members in the dark.

The Hon. L.H. Davis: It wasn't four times, it was three times.

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: I am happy for that interjection to be placed on record. I think it is a matter that can be decided between one Liberal member and his former colleague. I think it is important to put these things on the record because it reinforces many of the things that members on this side of the chamber have been saying for some time. The member for Fisher continues:

Amongst other things, we need in this state—

I think this is a constructive suggestion and it is something I will refer to later—

to significantly expand the commercialisation of biotechnology, to develop applications of nanotechnology, and to expand the development and use of computer-laser technologies. We need to dramatically increase investment in all levels and areas of education and training as well as implement a properly coordinated and strategically directed government industry assistance program based on long-term economic principles of sustainability. We need to further expand existing and new knowledge-based industries, including greater support for the commercialisation of intellectual property which is generated in our education and research institutes. We need

to be a 'brain' driven state developing the latest IT and other technologies as well as maintaining and enhancing our traditional industries including mining, manufacturing and primary production with an emphasis on value adding at every stage.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Holloway has the call—no-one else.

The Hon. P. HOLLOWAY: It is nice to know that there is so much accord between members of the Liberal Party. He goes on:

It is essential that we encourage research and development as well as promote the highest level of technical sophistication in all sectors of industry.

They are the comments made by the member for Fisher when he resigned from the Liberal Party today, and that is his assessment of the government—somewhat different but somewhat more accurate, I would suggest, than the outline given for the opening of parliament.

Unfortunately, what we have seen in the past few days is a level of sleaze amongst the Olsen government that I think can only accelerate the demise of this government. The first thing we had yesterday was an officer in the Premier's Department who is playing funny tricks. This morning the Premier said, 'He has gone out and registered a domain name on the internet in the name of Michael Rann, the Leader of the Opposition, just for a bit of fun.' So he has paid money and done it, we are told, just for a bit of fun. I do not think that is the sort of joke that the people of South Australia will share. I do not think that most South Australians will be laughing at that. I believe they know enough about this government and its low ethical standards to make a proper judgment of that matter. What we saw today was an even worse example of sleaze.

It is one thing for someone in the Premier's Department to be playing dirty tricks; it is quite another for a minister of the Crown to be involved in decisions of cabinet on a matter when he is a company shareholder. In fact, he may well be a significant shareholder—we do not know because we are not told. Under the sleazy standards of the Olsen government, we have a situation where a minister of the Crown owns and buys shares and increases his holding in areas that clearly come within his portfolio area and can make decisions which will increase the share price. It can be argued as to whether or not it is incidental but, nonetheless, they are the facts.

An honourable member interjecting:

The Hon. P. HOLLOWAY: It is not outrageous; it is a fact.

The Hon. L.H. Davis: Will you say that outside? Do you have the guts to say that outside?

The PRESIDENT: Order! Interjections are out of order, and continuously interjecting is out of order.

The Hon. P. HOLLOWAY: I am quite happy to make the statement anywhere: it was published in the *Australian* today. According to the newspaper this morning, the share price rose from $5.04 to close at $5.15. It is reported that on the day of the deal the Optus share price rose. It can be said inside the house, outside the house or anywhere but, under the sleazy rules of this government, a minister can own shares that are quite relevant to the portfolio that he holds and he can do deals with companies for which he is a shareholder. On the day of that deal the share price rose by about 9¢. That is a fact, and it is ethical under the rules of this government.

The Hon. L.H. Davis: Was it announced that day?

The Hon. P. HOLLOWAY: Quite frankly, I do not care when it was announced. I recall the Hon. Anne Levy telling me that when she became Minister for Consumer Affairs she sold all the shares that she held in companies that could possibly relate to her portfolio. That is the rule under the federal government. We have already had this sleaze with the federal government where a series of ministers have had to stand down. In the end, so many had to stand down that the Prime Minister gave up and now he has the same grubby rules that this government has. It was incredible today when I asked the Attorney-General about the guidelines that this government has in relation to this matter. What is the purpose of cabinet guidelines that state—

The Hon. R.R. Roberts: Little Johnny wouldn't have put up with him. He would have sacked him.

The Hon. P. HOLLOWAY: Well, he sacked the first few but in the end he was running out of members. In the end he had to give up and he has adopted the same slack standards that everyone else has. What is so hard about having ministers disposing of shares that have the potential to bring them into conflict with the decisions that they make. It is not a particularly hard thing to do, I would have thought. Even though the Attorney-General, the Hon. Legh Davis and the Hon. Caroline Schaefer might have difficulty understanding that, I do not think that the public of South Australia will have any difficulty whatsoever in understanding that point.

The Hon. Caroline Schaefer talks about farms. There is a big difference between holding shares—and it could be a significant shareholder for all we know. We do not know how many shares are involved. According to the *Australian* this morning, Dr Armitage refused to disclose how many shares he had. That alone makes it difficult to determine just how significant the conflict of interest was. Perhaps if he had 100 shares and he made 9¢, or it might have been 90¢, that might not be significant. But who knows what it is? How do we know?

An honourable member: You don't know anything.

The Hon. P. HOLLOWAY: Well, I certainly know that the standards of this government are about as low as you could possibly get. The rules in the cabinet handbook state:

Ministers must divest themselves of shareholdings in any company in respect of which a conflict of interest exists as a result of their portfolio responsibilities or could reasonably be expected to exist.

If you have a minister for information technology and he is dealing with Optus, and he owns shares in Optus, is that not a case where you might reasonably expect a conflict of interest to exist?

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: But not only that, according to the reports, he has bought 13 more shares. I would have thought that, if you wanted to be a minister responsible for this area, one of the sacrifices you might make would be that you would not hold shares in companies that are in that sector of industry. Is it really that much to ask? Is it really that difficult; is it really that awkward? Another cabinet guideline states:

Ministers will not participate in any deliberations on the matter in respect of which an interest is required to be and has been declared, and will withdraw from the cabinet room during those deliberations.

It certainly has not been denied in the report in this morning's paper that, in fact, the minister did participate in those deliberations. Apparently cabinet said, 'That is okay, you can take part.' But what is the point of having cabinet guidelines that say 'ministers will not participate in deliberations on a matter in respect of which an interest is required to be and has

been declared and will withdraw from the cabinet room during those deliberations' if it is ignored or if it is ineffective? What is the purpose of having that? I ask the Attorney why we bother to have ministerial guidelines. Does it mean that under this government any minister can own as many shares in any sector, or be involved in any discussions, regardless of what pecuniary interest they might have; and do it with impunity? That really appears to be the new rule that this government has set, and I think it is a new low, an absolutely bottom point, in public standards within this country.

I asked the Treasurer on Tuesday a question about the government's information technology vision. I am afraid to say that the Treasurer's answer did not reveal anything about his vision at all. During that question, I—

The Hon. L.H. Davis: He referred to his earlier release. Have you read that?

The Hon. P. HOLLOWAY: Yes, I want to say something about that in a moment. That is this report here. It is about Information Economy 2002. This is what—

The Hon. R.I. Lucas: You've found it?

The Hon. P. HOLLOWAY: I have had it all along. This is the government's vision on IT. This is what this government is hanging its hat on in relation to information technology. I remind the council that when I asked the question I pointed out how this state was described in a commonwealth report as 'mildly lagging' the rest of the country in terms of the take-up of the internet by business.

The Hon. L.H. Davis: You didn't quote us all the figures.

The Hon. P. HOLLOWAY: I quoted what was available. You can have a look at the table if you like. We were at 30 per cent, the lowest of the states. This report is what this government is holding up as its blueprint for us to get into information technology. Of course, the highlight of it is the virtual electorate. We have this amazing proposal made by Dr Armitage. Even though this state might be lagging in terms of its IT performance, certainly it would appear that Dr Armitage is not lagging in his own involvement in the industry.

He came up with this great idea about a virtual electorate. That has gone down like a cup of cold sick amongst the people of South Australia, and of course it has vanished without a trace. I must say that when I first had a look at this document it reminded me of some of the things we were told at the time of the MFP. The use of jargon and the incomprehensibility of this document reminds me very much—

The Hon. L.H. Davis: That was the Labor Party!

The Hon. P. HOLLOWAY: Yes it was. Whoever was working under the government must have stayed on and perhaps they have produced this—

The Hon. L.H. Davis: Are you attacking anyone in the Labor Party, Paul?

The Hon. P. HOLLOWAY: I always thought it was a rather fancy sort of real estate proposal.

The Hon. L.H. Davis: Did you do something about it?

The Hon. P. HOLLOWAY: I certainly made my comments known on it. I certainly made my comments known about the way it was developed under this government and, of course, it had its—

The Hon. L.H. Davis interjecting:

The Hon. P. HOLLOWAY: One of these days when the Hon. Legh Davis is about to leave this place he might care to put forward a list of his achievements in the Legislative Council over the past 20 years—it might be one of the shortest books ever tabled in this parliament.

The Hon. L.H. Davis: It is an original thought, Paul. You are just dropping things all over the place—highlighters, pens and pieces of paper. Are we going to hear any more about the MFP and what you did about it?

The Hon. P. HOLLOWAY: No, because that is not the subject before us now. The subject before us at this moment is the Address in Reply and the failure of the Olsen government in so many areas. I will not refer again to the comments made by the Hon. Bob Such, but they really are a very good summary of the failures of this particular government. I mentioned earlier that one of the great problems that we have in this country—and I note that the Hon. Bob Such mentioned it, too—has been the dramatic fall in research and development under this government, particularly since the current federal government, the Howard Liberal government, came to office some four years ago, and it is quite a disastrous situation.

Today I was at a function where a new building was opened at the University of Adelaide, an important new building relating to the molecular biology functions of that university. A magnificent new building has been opened at the university. That opening was performed by one of our most eminent scientists, Sir Gustav Nossal. He gave a very interesting address. Unfortunately, I did not have a chance to get a copy, but, hopefully, it will be published in one of the university papers, and I would advise any member who is interested in this subject to read it. The point he made was that, if we continue to neglect our research and development, the Australian dollar instead of remaining at its new lows of 52¢ or 53¢ (which is where it is at the moment), it could very easily drop to as low as 30¢. He made the message loud and clear today that, unless this country does something urgently about promoting research and development, we really run the risk of slipping behind other countries. It is a tragedy that this country has performed so badly in this area, particularly under the Howard federal government.

I also note that Sir Gustav mentioned today that apparently, in terms of our performance in the IT sector, Ireland, India and Israel had all outperformed Australia in relation to their performance in IT, particularly software development. What does that say about this country when all those countries are quite significantly outperforming Australia? It really shows how we need a vision in information technology. We need a minister who is interested in coming up with some real proposals about how we might advance in this area—not someone who is interested in advancing his own interest but in advancing the interests of the state. Certainly we will have to do a lot better than this particular report that we have received today that is high on rhetoric but very light on suggestions.

In the time available I wish to cover a couple of issues briefly. The other day I asked the Treasurer a question about the Auditor-General's Report, and in particular I asked about the cogeneration contract that was entered into by this government about five or six years ago. One of the questions I asked the Treasurer in relation to this contract was: who made or approved the original decision to enter into the cogeneration contract?

Of course, I did not get an answer from the Treasurer. I will answer it. It was John Olsen when he was the minister for industry. He made or approved the original decision to enter this cogeneration contract which was with power generators at Osborne. As a result of that, the Electricity Trust of South Australia had to write-off a liability of over $100 million. It turned out that the final cost to taxpayers of this state was $121 million. That has been written off as a

result of this contract being entered into. In other words, if this contract had not been made, the taxpayers of this state would be some $121 million better off. How can we say this? We know from the Auditor-General's Report, which has just recently come out, that the announced disposal value of Flinders Power was $465 million. Of course, Flinders Power is the electricity generator in the north of this state. However, it also includes the contract to supply gas to the utilities at Osborne. So that is basically what Flinders Power was worth overall. What did the taxpayers of this state get for their asset? They got $313 million and $31 million to meet the superannuation liabilities; in other words, $344 million. That left a shortfall of $121 million. This was the takeover of this contract—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: This company had liabilities. If the State Bank had liabilities, at the end of the day the taxpayer had to meet those liabilities. If a utility has been taken over by a private company, a contract is entered into which results in a loss to taxpayers and the taxpayers of this state no longer have the benefit of that money, that is a loss to taxpayers of this state. That matter needs to be pointed out. It has been pointed out in the *Financial Review*, but it has not been taken up and expanded on in relation to this matter I guess due to the work of the spin doctors working for the government in this state. This contract was entered into and, as a result of losses of $121 million, they had been taken over by the company. As I said, it is all in the Auditor-General's Report. If the Hon. Angus Redford does not understand it properly, I suggest he look at the figures on page 82 of his Audit Overview. I also suggest he note that, in every year the Auditor-General has issued reports since 1997, he has commented on this liability. Indeed, in those years he has made a statement of exception. That needs to be put out.

I deserved a better answer when I asked that question the other day from the Treasurer than the accusations I received that I was attacking the companies involved in this deal. Nothing could be further from the truth. I asked this government what checks it had made at the time it entered into this gas contract to ascertain what due diligence checks it had made. Instead, all I got was abuse from the Treasurer, accusing me that I was attacking the companies. That is simply not the case. I was simply pointing out how this government, because of the contract it has entered into, has cost the taxpayers of this state a considerable amount of money, that is, $121 million.

As time is moving on and I know that other speakers wish to contribute to this debate, I will not continue. I will conclude by again pointing out that we are entering into the last year of the Olsen government. I am sure that for many South Australians that will be one year too many. I support the motion that we note the speech by the Governor, and I look forward to debating some of the issues in this session.

The Hon. A.J. REDFORD: I thank His Excellency, the Governor, for his speech. His Excellency does an excellent job and we are extremely lucky to have a man of his energy, vision, commitment and dignity holding this very important office. Indeed, he is a tireless worker on behalf of this state and, indeed, a man blessed with an outstanding sense of good humour and good grace in the discharge of his duties. My condolences are extended to the family, friends and acquaintances of Sir Mark Oliphant and our former Premier David Tonkin and, in respect of the latter, I made some comments during the condolence motion.

The most significant aspect of the Governor's speech to us was the very brief snapshot that he provided in relation to the current economic position that South Australia enjoys as we approach the second year of this millennium. In his speech the Governor alluded to a number of important and significant matters, and I will highlight them, although not necessarily in any particular order. First, the Governor noted that we are on the verge of celebrating the Centenary of Federation—a very significant time in the life and history of this nation.

The Governor also referred to the fact that employment prospects in manufacturing and, in particular, defence were optimistic and that there were substantial prospects and confidence in relation to those areas. The Governor pointed out that the total public sector net debt will be halved by the end of next year and alluded to the fact that, as a government, we have continued to maintain balanced budgets. He noted, quite correctly, that the exposure of this government to rising interest rates has been significantly reduced as a consequence of that. If one looks at some of the uncertainties prevailing in the world economy and, in particular, the fortunes of the Australian dollar over the past few months, it would not be beyond expectation that there may well be interest rate rises in the not too distant future.

Again, that is an issue that needs to be factored in when one looks at the achievements of this government. We have also enjoyed a reduction in WorkCover premiums and, indeed, the elimination of WorkCover debt. We have an industrial record that is second to none. It is pleasing to note that we have enjoyed the strongest growth in Australia over the past 12 months in terms of our economy. The Governor noted the improvement in our education system and, from my own personal experience (having three children in the public education system), I must say that my children enjoy an excellent standard of education provided by outstanding school teachers who are committed to outcomes and getting on with the job. It is pleasing to note—

The Hon. Sandra Kanck: What schools?

The Hon. A.J. REDFORD: Brighton High and Gilles Street Primary School, which are both outstanding schools. I am pleased to note that we will be enjoying the services of extra police. What is really important in so far as the state is concerned, and in particular the economy, is the improved general confidence not only of our business community but of our population at large. From time to time I am lucky to come into contact with numbers of young people between the ages of 20 and 30, and I am heartened by the confidence with which they approach their future and, in particular, their future in this state.

The economic condition we currently enjoy should be contrasted with that which we faced back in 1992-93 after over a decade of Labor government. We should remember that in those days we had unemployment of 11 per cent and youth unemployment of 40 per cent. A cursory glance at various newspaper publications appearing at that time would indicate that there was a general lack of confidence in South Australia about its then conditions and its ability to cope with the extraordinary difficulties, both external and self-created, that the state faced at that time.

I will highlight just a few points. At that time we had the Arthur D. Little report, which indicated that South Australia could lose as many as 130 000 jobs by the year 2000 unless significant changes were made. The report indicated that the best case scenario unemployment rate would remain around its present level (that is, 11 per cent), and that South Aus-

tralia's way of life would be under serious threat unless immediate action were taken.

In another article, in April 1993, the then Premier conceded that there was little he could do about the 11 per cent unemployment rate other than to indicate that he was going to prepare an economic statement and would reveal it over the next couple of weeks. At that stage the opposition was estimating that state debt was about $12 billion dollars, a figure that was not challenged by any serious commentator.

Economic commentators such as Professor Cliff Walsh repeatedly warned that South Australia faced further public spending cuts and job losses, irrespective of which party won government after the next election. The Labor Party, to its minor credit, had commenced a process of reducing the public sector significantly as a consequence of its failure to properly manage the state's finances, and there is no doubt that that process would have continued if the Labor Party had won that election, because it had simply no option.

The only report I could see in relation to our declining credit rating back in those days was a suggestion on the part of the state government that it would plan a major economic statement to 'stave off a drop in the state's credit rating'. The only economic strategy that I could see coming forth from the then state government was to go cap in hand to Canberra and look for increased funding and increased support, which is always a process fraught with risk.

Indeed, an economic survey in May 1993 by the *Financial Review*, entitled 'Rays of hope amid the gloom', is quite enlightening about the then prevailing situation under a decade of Labor government. The article states:

> A State Bank debacle, a shaky government and a depressed economy appear to be all the ingredients for a downhill run where a superhuman task is required to halt the slide.

It is pleasing to see that this government has halted that slide, improved the economy of this state and restored confidence in ordinary South Australians about their general wellbeing and their ability to confront the future. To quote the *Financial Review*, albeit in retrospect, that has been a superhuman effort. Indeed, that same article noted the following set of conditions that prevailed in South Australia following a decade of Labor government, as follows:

> The state's problems are not hard to pinpoint: the highest level of unemployment of the mainland states; retail sales turnover below the national average; a population drain; a net debt of $8.1 billion or 27 per cent of state gross product; and a manufacturing industry straining under tariff cuts.

That was the position that the former government left us in. In April 1993, the South Australian Centre for Economic Studies, the state's peak economic study group, issued a report indicating that South Australia had become a fiscal basket case after a decade without a realistic economic policy. That is to be contrasted with the position as it is now. The Australian Labor Party, or this opposition, is still without a realistic economic policy. It has none.

The Hon. P. Holloway: Not at all: just call the election—bring it on.

The Hon. A.J. REDFORD: The honourable member says, 'Not at all.' Where is it? It issued a policy, or it got leaked, and those things happen. We on this side of the chamber understand such leaks because we get the odd leak ourselves. Members opposite distance themselves. It is no longer a policy document; it is something else. It is a statement of broad principles, or whatever. At the end of the day they might want to sit over there and play their little politics but, as a party, with a number of common people, no less than the Hon. Paul Holloway, members opposite are presiding over an economy that has exactly the same indicators as the Bannon Government: that is, it is a body of people without a realistic economic policy.

In 1993 the Centre for Economic Studies reminded South Australians that we were then paying 45¢ in every tax dollar on interest on the debt that opposition members created and that, if we made no change to the budgets, that was likely to increase to 55¢ in the dollar. It was absolutely vital for this government to make some pretty tough decisions. Where was the honourable member when these important figures were there?

The Hon. P. Holloway: Tell us what these tough decisions were.

The Hon. A.J. REDFORD: The cuts in the public sector. I did not hear one member from the opposition stand up at any stage and say, 'This is a continuation of our policy. We understand that the government has got some problems and we understand that, in order to bring this economy back into line, these hard decisions have to be made.' That never happened. They sit there and pontificate about our economic record and our economic performance and get upset about what I would indicate are matters of process and, in the whole scheme of things, some relatively minor matters, and at the same time continue to ignore their own economic record and then hope that we have a set of journalists and editors in this state who will be so inexperienced that they will fail to remember their economic performance and, at the same time, allow them to go to an election without any realistic economic policy.

It is interesting to note that Rex Jory, in July 1992, reported, 'The underlying business climate in South Australia is not conducive to profitability or growth.' That is to be contrasted with the economic conditions that prevail in South Australia today. Indeed, the *Advertiser* in its article on the Arthur D. Little report stated—and this was the legacy that the Australian Labor Party left to this government—the following:

> A debt burden incurred in refinancing the embattled State Bank had restricted the government's ability to offset the impact of the recession. The payroll tax had become South Australia's most important state-based revenue generator. South Australia had the highest land tax in mainland Australia for middle to upper range property values.

This is from an opposition that has run a very dishonest campaign about the emergency services levy and what it would do if it was in government. It is important that I remind members of what the predecessors of members opposite did with this state: they maintained the highest stamp duty for property transfers up to $100 000. Their very own constituency was paying the highest rates of taxes in this country.

It went on and reported that electricity costs were the second highest in Australia behind Western Australia. The Hon. Ron Roberts keeps going back to ETSA: since the sale of ETSA I have not had one telephone call or one complaint. People really did not care all that much. Rather, people were concerned to ensure that their electricity costs were commensurate with those of their fellow Australians in the eastern states. No-one is ringing and complaining, apart from a small circle of friends of members opposite who, at the end of the day, in their own way, are ideologically driven, irrespective of what might or might not be required for the good of this state's economy.

This article further states that there was a lack of aggressive marketing interstate and overseas in relation to South

Australia, and that was another reason for South Australia's economic malaise. That is one thing this Premier has done better than anyone I have seen in my lifetime, that is, go interstate and overseas and sell this state to the business community there. We are now reaping some of the benefits of that with an improved investment climate.

The Hon. P. Holloway interjecting:

The Hon. A.J. REDFORD: This is how ignorant the Hon. Paul Holloway is, and he disappoints me constantly because I always thought he would be better than that. The net position in relation to South Australia with its debt and its assets back in 1993 was that there were a few assets and a bank manager sitting on its left shoulder saying, 'I want 45 per cent of every tax dollar that you collect to pay the interest without paying anything off the debt.' That is what the honourable member's economic policies will lead to; that is precisely where the honourable member is coming from.

Indeed, there was a series of articles, including the headline, 'Stop, Bannon, you are going the wrong way'. Certainly, the Hon. Paul Holloway, when he was a member in another place, was not saying anything, in any public sense at least, to suggest that John Bannon was going the wrong way.

An honourable member interjecting:

The Hon. A.J. REDFORD: Bob Such can stand and fall by what he says, but I can say that, from my recollection (and I am a regular attendee at party meetings), some of the sentiments expressed in that letter, which he faithfully delivered to members of the opposition, were never expressed in the party room, to me or to other members. A lot of it is pretty new to us. If Bob found that he could not speak—

The Hon. P. Holloway interjecting:

The Hon. A.J. REDFORD: That is simply not true. The honourable member well knows that—

The Hon. P. Holloway: How long did you have?

The Hon. A.J. REDFORD: We had an extensive discussion where it was laid out before us. We agreed in principle. We had a series of subsequent discussions in the party room, and the Hon. Bob Such was silent; he was conspicuous by his silence. He asked no questions; he made no comment in the party room. I think, with the greatest of respect to the honourable member, that his memory about what occurred during that period of time is a little different from the memory enjoyed by the rest of us. But that is a matter for him and his conscience.

If one looks at an article in the *Advertiser* in June 1992, one will see that the Arthur D. Little report—a report that was endorsed by the then Labor government—recommended a number of things, as follows:

> Notable among them is the suggestion that government services should be realigned to serve economic development in the state, with other areas possibly being 'hived off to private enterprise'.

This was a report that was adopted in government by the Australian Labor Party. But since the Labor Party has been in opposition its members have pandered to a small constituency by saying, 'We now oppose any action that might relate to hiving off or the outsourcing of any government services.' Indeed, they have been quite mischievous as an opposition.

It is interesting to see John Bannon's budget of August 1991, where it was indicated that, at that stage, the Premier had no intention of selling the State Bank. Indeed, it was reported in the *Advertiser* (and it was a very pertinent report by the then political editor of the *Advertiser*) as follows:

> South Australia's financial future was mortgaged by the Premier, Mr Bannon, yesterday to pay for the enormous $2.2 billion blow-out in the State Bank debt.

Indeed, Mr Bannon's response in dealing with this issue was to reduce capital expenditure, to reduce capital outlays. Any idiot will know that, once you start reducing your capital outlays, your capacity to improve your growth and your productivity is severely diminished.

The Hon. P. Holloway: Just look at the forward projections in your budget.

The Hon. A.J. REDFORD: I would swap the forward projections that we are now considering compared to the ones that Mr Bannon was putting out in those days. Was the honourable member asking any questions? No, he was not. Was he being honest with Mr Bannon? No, he was not.

The Hon. R.R. Roberts interjecting:

The Hon. A.J. REDFORD: The honourable member interjects, and this is precisely the point that I am making. Eight years ago, his lot absolutely shattered this state. They had economic policies and a management ability that nearly ruined this state and potentially cost the future of my children. Now, as an opposition, they expect an election to be called and they expect a policy to be thrown out on the table. Mike Rann, as leader, and the Hon. Paul Holloway, as their senior financial spokesman, both sat in the caucus in the early 1990s, when John Bannon was leading us down this path, and did not do anything; they did not stop anything.

The Hon. P. Holloway interjecting:

The Hon. A.J. REDFORD: The honourable member is now distancing himself. He certainly did not do so publicly. He was conspicuous—

An honourable member interjecting:

The Hon. A.J. REDFORD: I have looked to see what he said, because I thought that he might have a few more brains than some members opposite. But the longer he is there, the worse he gets. Indeed, it was reported in 1993 by the then Leader of the Opposition that it was his view that it would take a decade before we restored South Australia's confidence and financial position. Indeed, the Treasurer and former Treasurer are to be congratulated in achieving that outcome in only seven short years. That is to their great credit.

I will digress on one issue. That is the sort of Premier that Mike Rann might make. Mike Rann's performance as a minister at that time, presiding over an unemployment rate that ranged from about 11 per cent to 13 per cent, was a string and sealing wax approach. He came up with all sorts of imaginative ideas that would capture the media's attention for 24 hours; then he would come up with another one a week later and after 12 months he re-released all the old ones. One of the best of them was when he was running around appointing ambassadors. I think that at one stage he appointed the former New Zealand Prime Minister as a tourism ambassador for South Australia. One can only assume David Lange was wandering around the world saying, 'Don't go to New Zealand: go to South Australia.' That is how naive the Hon. Mike Rann is.

One might wonder where he will go. Perhaps we will have Mike Moore as a senior officer in the Department of the Premier and Cabinet, in the unlikely event that a Rann government is elected. We will see all these people pop out of the woodwork, and we will have an interesting time watching the undoubted public relations skills of Mike Rann. I acknowledge that he is very good at that, but he is without substance, and he has not demonstrated at any stage since he

assumed the position of Leader of the Opposition any understanding or any substance on anything he does.

I read with some degree of interest the contribution made by Patrick Conlon which was mentioned in the paper today and in which he talked about the performance of various ministers in the government in some sort of Olympic terms. I would have to say—

The Hon. R.R. Roberts: Did you get a mention?

The Hon. A.J. REDFORD: I will come to that in a minute. If you want to put it in Olympic terms, the ALP is the Marie Jose Perec of the political Olympics. Every time there is a discussion on policy, members opposite run away; they are not here. They sit there and snipe from the other side and say, 'I could do that better,' but as soon as you want a fair dinkum, genuine debate on policy, perhaps to contrast it with our own, what do they do? They run away. They adopt two techniques: first they try not to let anything out and, secondly, if something does get out they then claim it is not their policy. That is the Marie Jose Perec performance in the political Olympics by the member for Elder yesterday.

He said in his speech that this is a government that is involved in shifty side deals; shoddy, secret arrangements; and brutal, bloody infighting. If that is his perception, I wonder who else to whom he believes those descriptions might best be applied. One thinks of stalwarts such as Terry Cameron and former state Presidents of the ALP such as Trevor Crothers, long standing and loyal members such as Murray De Laine, and hard working local members (he does have some faults, but this is not one of them) such as Ralph Clarke. When one looks at the performance involving poor old George prematurely retiring to make way for his son at Port Adelaide, one might think there was a shifty side deal, a shoddy secret arrangement and some brutal, bloody infighting. One only has to look at that insightful letter that appeared on page 2 of the *Advertiser* written by the Hon. R.R. Roberts in 1997.

If the member for Elder wants to get some real understanding of what shifty side deals and shoddy secret arrangements are, what brutal bloody in-fighting there might be, he need only look at the Hon Ron Roberts' eloquent letter which was published in the *Advertiser* only a few years ago. Nothing has changed. He said that he hears sordid things about people on my side of politics. I hear sordid things about members on the other side of politics, too, but you take these things in the argie-bargie of politics and you do not come in here and shoot off your mouth unless there is some substance in what you say. You check it out. You take into account that perhaps some people might say nasty things about, for example, the member for Elder. You might think, 'I won't rush into this place and splatter that around, because that would be demeaning and would diminish us as individuals in this place and in this parliament.

It is disappointing that the member for Elder might hear some comments about the appointment of an industrial commissioner and he might attribute to me certain things that might be said and, without checking with me or anyone else the veracity of what might have been said, he bowls into parliament and starts attributing to me something that is entirely unsourced. It would be a shame if the honourable member thought that this was an appropriate way in which to conduct a debate in this parliament.

If one adopts the standards of an ordinary journalist, which the honourable member would surely agree are perhaps not the lofty standards of a legal practitioner, he might have taken some trouble to check what my view was and perhaps, if one could trust him, because it was a confidential process and given his performance of late one might have a question mark about that, one might have been able to explain what one's view might have been and he could have had it from the horse's mouth.

I can understand why the member for Elder might not want to approach me. I will not go into the circumstances, but I have a written record of what the honourable member said outside parliament to a journalist about me. Both statements were untrue and highly defamatory. I suggest to the honourable member that when he is background briefing journalists he needs to take some care because he is exposing himself to all sorts of consequences that one might have visited upon one if one makes up stories, makes promises and alleges facts that are simply not true and affect adversely the reputation of his parliamentary colleagues. I give that advice to the member for Elder not lightly, but I suggest that he be a little cautious because on any analysis he is quite exposed—and I say that in a figurative sense.

On that note I conclude my remarks by saying that we ought to be grateful for some very difficult decisions that we made over the period of government. We enjoyed an improved economy and, whatever the result of the election—and no one should take the result of the next election for granted, least of all us—

The Hon. P. Holloway interjecting:

The Hon. A.J. REDFORD: The honourable member interjects. I must say that there is a growing band of ALP members who are picking out their white cars as we speak. That may be, with the greatest respect, a fraction premature. They will enjoy the fruits of our responsible financial management. My great fear is that they have no financial or economic policies. If they do have any, they are afraid to release them and expose them to a full and proper public debate.

The Opposition talks about openness in government and some of these lofty principles. When they are in government they fail to adopt them and when they apply those same standards to themselves in opposition again they fail to adopt them. I am not sure in this sophisticated electorate that they will get away with that simplistic attitude. I am confident that there are enough people in South Australia who will say, 'You've got a bad record. Tell us what you've got in mind and give us a chance to think about it, because if you want to play a fudgy game with us as a public, we won't trust you. You will have to earn that trust, particularly having regard to the way you lost that trust in the 1980s and early 1990s.'

The Hon. R.R. ROBERTS secured the adjournment of the debate.

HAIRDRESSERS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 October. Page 1523.)

The Hon. IAN GILFILLAN: In rising to speak on this bill I indicate that the Democrats will seek to amend the bill. However, substantially we support the second reading. To deal with the bill in two parts, first, clause 3A essentially removes two phrases from the definition of 'hairdresser', those being the washing of hair and the massaging of the scalp. This will make it legal for people other than qualified hairdressers to provide these services to consumers. As the

Attorney-General pointed out in his second reading explanation:

> . . . under the current definition of hairdressing, nurses and other health care professionals who have occasion to wash patients' hair in the course of their duties are potentially in breach of the act.

The changes the bill proposes in this regard are sensible and supported by the industry.

The second provision in the bill sets up an arrangement that currently exists in a number of other acts, including the Building Work Contractors Act, the Plumbers, Gasfitters and Electricians Act and also, I believe, the land agents and the conveyancers acts. This clause gives the Commissioner for Consumer Affairs the power to recognise a person whom the commissioner believes to be adequately qualified to be recognised under the act, even if that person does not have qualifications as set out by the regulations. As honourable members will be aware, this is the same area of concern I raised earlier in the land agents and land conveyancing bills before us. It is definitely an area with which we have some concern. We understand that cases may arise that require some leeway in the recognition of qualifications. However, our concern is that giving the commissioner the broad discretionary powers the bill seeks to do is not the best way to deal with these situations. In fact, it may create more problems than it solves.

It also seems unfair on those who have taken the trouble to meet the regulated standards if others can later be excused from complying with the same. We will introduce amendments that address this and I look forward to hearing the Attorney-General's observations in his conclusion of the debate. It is clear that we will support the second reading of the bill.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

ADJOURNMENT

At 5.44 p.m. the Council adjourned until Tuesday 24 October at 2.15 p.m.