LEGISLATIVE COUNCIL

Tuesday 7 November 2000

The PRESIDENT (Hon. J.C. Irwin) took the chair at 2.15 p.m. and read prayers.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions on notice be distributed and printed in *Hansard*: Nos 2, 17, 18, 22, 32, 33 and 49.

HOUSING TRUST, PROPERTIES

2. **The Hon. T. G. CAMERON:**

1. Can the Minister for Human Services provide a comprehensive description of what constitutes 'Low Demand Housing' for the purpose of Housing Trust premises?

2. How many 'Low Demand' Housing Trust premises are available for rental?

3. Can the Minister provide:

(a) lists of where all 'Low Demand' Housing exists; and

(b) the reasons why these have not previously been filled?

4. Will any people currently on the emergency housing waiting list be over-looked to house the refugees released from Woomera?

The Hon. DIANA LAIDLAW: The Minister for Human Services has provided the following information:

1. The Housing Trust considers 'low demand' housing to be any housing which is not in demand from eligible applicants for trust housing. Factors which would classify a property as being in low demand include either a demonstrated history of refused offers for the property, or a lack of applicants on the waiting list willing to consider the property.

2. The number of low demand properties constantly changes due to the fluidity of the Trust's waiting list. This number is estimated to be around 1 per cent of total trust stock.

3. (a) As referred to above, it is difficult to give precise details of low demand properties given these constantly change. As a broad indicator, however, the vast majority of low demand stock is in non-metropolitan areas, where there is an over supply of trust stock relative to demand from the waiting list.

There is a limited number of properties in the metropolitan area which are also considered to be low demand. These are mainly bed-sitter style properties.

3. (b) These properties are no longer in demand from eligible applicants due to their location, level of amenity or construction type. The trust utilises some low demand properties for short-term lettings to address particular housing needs in the community. Other properties have been earmarked for sale or redevelopment.

4. No. Temporary protection visa (TPV) holders can register on the trust's waiting list providing they meet normal eligibility criteria.

INSURANCE, THIRD PARTY

17. **The Hon. T. G. CAMERON:**

1. How many claims were recorded by the State Compulsory Third Party insurer for each quarter for the period July 1995 to March 1999, comparing metropolitan private passenger vehicles, metropolitan taxi-cabs, chauffeured vehicles and other commercial vehicle categories?

2. What percentage of each group do these numbers represent?

3. What was the average claim value per group for each quarter for the period July 1995 to March 1999?

4. How does the minister justify a rise in total registration and licensing costs from $601 per annum to $703 per annum for a six cylinder chauffeured vehicle since 1998, a rise of 16.8 per cent?

The Hon. DIANA LAIDLAW: The Treasurer has provided the following information:

1. The following table provides details of the number of claims (for CTP purposes in this table the term 'claims' represents the number of crashes, as distinct from the number of injured persons). It is possible that the number of claims shown in the table could increase as it is likely some people injured in motor vehicle crashes may not have lodged a claim yet.

	1995-96				1996-97			
Vehicle	Sept	Dec	March	June	Sept	Dec	March	June
Private	1122	1122	1103	1189	1143	1014	1059	1088
Taxi	21	26	20	23	18	20	21	27
Class 7	1	1	2	2	1	3	2	5
Other Commercial	154	150	145	153	135	148	149	150
	1997-98				1998-99			
Vehicle	Sept	Dec	March	June	Sept	Dec	March	
Private	1163	1154	1077	1121	1120	1118	1018	
Taxi	11	23	20	15	21	15	13	
Class 7	3	3	1	1	4	2	2	
Other Commercial	149	155	164	162	147	158	149	

Note: (1) Chauffeured vehicles form part of premium class 7
(2) The 'other commercial' category comprises of goods carrying vehicles

2. The measure of frequency of crashes for each class of vehicle is the number of crashes for every 1 000 vehicles within a class.

Therefore, the crash frequency for:

- Class 1 private and business passenger vehicles is 7.8 claims per annum per 1 000 vehicles.
- Taxis are averaging 90 claims per annum per 1 000 (11 times Class 1);
- Public Passenger vehicles, which includes chauffeured vehicles, average 14 claims per annum per 1 000 vehicles (1.8 times Class 1); and
- Other commercial (i.e., goods carrying) range up to 3 times a Class 1 vehicle.

3. This information is not available for release as:

1. For certain classes, the information may reveal the amount of compensation paid to individuals. Therefore, it would be a breach of their privacy to disclose the information.

2. Many claims for compensation, arising from crashes during this period, have not matured or settled. In other words, to provide an average claim value would be misleading, particularly as many of the 'larger' claims remain outstanding.

4. The components of government fees and charges incurred at the time of renewing motor vehicle registration are provided below:

	As at 1 January 1998	As at 30 June 1999	Increase	Current (effective from from 1 July 2000)
	$	$	$	$
CTP insurance premium	450	500	50	554
Registration fee	131	137	6	146
Stamp duty on renewal certificate	15	60	45	60
Administration fee	5	6	1	6

	As at 1 January 1998 $	As at 30 June 1999 $	Increase $	Current (effective from from 1 July 2000) $
Emergency services levy			24	
Total	601	703	102	790

The main components of the increase in fees for the 18 months to 30 June 1999 were CTP insurance premiums and the stamp duty fee on the renewal certificate for registration and CTP insurance.

Increases in CTP premiums have been as follows:

1 July 1998: Premiums rose by 8 per cent (from $450 to $486 for class 7 vehicles); (the actual increase was lower than the 12.9 per cent increase that had been approved by the Third Party Premiums Committee);

4 October 1998: Premiums increased by 3.1 per cent following Parliament's rejection of some legislative amendments put forward to control compensation expenses. This resulted in premiums for class 7 vehicles increasing to $500;

1 July 1999: Premiums rose by 2.6 per cent in line with CPI increases resulting in class 7 premiums increasing to $513; (the actual increase in premiums was lower than the 10.8 per cent increase that had been approved by the Third Party Premiums Committee);

28 November 1999: Premiums rose by 5 per cent to take account of the commonwealth government's national tax reform package on the size of compensation claims. This increase will ensure that the CTP scheme has the capacity to pay compensation to injured motorists that has regard to the impact of the GST and related tax changes; this increase resulted in class 7 premiums increasing to $540;

1 July 2000: Premiums rose by 2.8 per cent in line with CPI increases resulting in class 7 premiums increasing to $554.

To assist the government fund new strategic priorities and meet wage pressures on the outlays side of the budget, without undermining its fiscal and budgetary objectives or further cutting services, it was necessary to introduce a number of revenue-raising measures in the 1998-99 budget. Stamp duty payable on the renewal certificate for registration/CTP insurance increased from $15 to $60 per annum as one of these measures. The proceeds from this stamp duty are paid into the hospitals fund.

Registration fees are included in the annual adjustment of government fees and charges.

On 1 July 1999, in addition to the CTP premium increase referred to above, registration fees increased by $5 as part of the annual fee adjustment process. The mobile component of the Emergency Services Levy ($32 per vehicle) also took effect from that date.

In September 1999, the government established a reference panel to examine unintended impacts on taxpayers resulting from the introduction of the ESL. In response to the finding of the reference panel, the government announced, as part of the 2000-2001 Budget, a reduction in the mobile component of the ESL from $32 to $24 effective from 1 July 2000.

TRANSPORT, PUBLIC

18. The **Hon. T.G. CAMERON:** What is the estimated fall in passenger numbers for trains, buses and trams if public transport fares rise by 3 per cent following the introduction of the Goods and Services Tax?

The Hon. DIANA LAIDLAW: The honourable member may be aware that the response to this question, which was asked last session (Question No. 101), was printed in *Hansard* on 4 July 2000.

BUSES, PRIVATISATION

22. **The Hon. T.G. CAMERON:**

1. What guarantees will be in place to ensure that communication is possible between the different operators of the new bus services?

2. (a) How will issues of reliability (e.g. breakdown procedure) be addressed; and

(b) What safeguards for customers will be implemented?

3. If a scheduled bus breaks down, what happens to those customers dependent on the service to meet timelines?

4. How are customers informed?

5. What alternatives will be provided for customers?

6. What types of changes can be made to existing routes/services?

7. What is the procedure for altering existing routes and services?

8. How does the Passenger Transport Board monitor and assess whether services are adequate and meeting demand?

9. What process will be put into place to ensure that transfers will be available?

10. When events such as Festivals and motor racing disrupt regular services, how will customers be informed of what alternative procedures are to be put in place?

The Hon. DIANA LAIDLAW: The honourable member should be aware that the response to this question, which was asked last session (Question No. 112), was answered by letter on 13 August 2000. The advice provided is as follows—

1. Each radio dispatch or control point has been issued with a trunked portable radio that will have a common channel shared by all dispatch points. This enables direct radio communication between the radio control rooms of all the bus operators. Within three years it is planned that all public transport operators will have made the transition to the South Australian Government Radio Network.

2. (a) Information on services >15 minutes late is given to the Passenger Transport InfoCentre/InfoLine so that customers can be kept informed of service disruptions. Wherever possible, replacement services are provided in order to minimise the inconvenience to customers. Service providers are taking action to minimise the number of vehicle breakdowns that sometimes leads to missed or late services.

(b) Drivers are able to make direct contact with their depot if they or passengers require assistance. Mobile telephones are available on all bus services after 8 p.m. for the use of passengers to arrange to be met at the end of their journey.

3. If a bus breaks down, the operator will take action to ensure that customers can complete their journey with the minimum of delay. This will include dispatching another vehicle, having another service vehicle 'cut in' to collect passengers or provision of a staff car/s to take passengers to their destination.

4. Customers on our buses, railcars and trams are kept informed by the driver. Prospective passengers can also obtain service information from the Passenger Transport InfoLine or the service provider help desk.

5. See 3. above.

6-7. The Passenger Transport Board (PTB) has a procedure set out in the Contracts and in the 'Guidelines for Service Planning' describing in detail the method for changing services. Minor changes can be made by the contractor without PTB approval, however the PTB must be advised. Significant changes must go through a 'Service Improvement Process'—a staged process which involves the contractor and the PTB working together. Depending on the nature of service change, community consultation will be undertaken.

8. The contractors are required to monitor loadings regularly and report to the PTB. The PTB regularly monitors services through its audit process in which survey staff travel on vehicles. The PTB collects patronage information for each route through the ticketing system. The PTB receives direct public input through comments made to the Passenger Transport InfoLine, calls to other staff, through correspondence and ministerials. Information from all these inputs is used in discussing service improvements with the contractors. The PTB has service design guidelines which are used as a guide in determination of route spacing, service frequencies, access to centres, etc.

9. The new contracts require service providers to maintain connections and the PTB will continue to monitor service provider performance in this regard.

10. There are a range of additional services provided for special events. The PTB and service providers always cooperate to ensure that the services meet the anticipated demand. Customers receive advice of the provision of additional and regular services through the provision of special brochures, passenger bulletins, media advertising i.e. print, radio and television, and information is available through the Passenger Transport InfoLine and InfoCentre. These forms of communication include information about service detours. Information is also provided at key bus stops. Service operators also provide this information on their websites, as does the PTB.

BUSES, GO ZONES

32. **The Hon. T.G. CAMERON:**

1. Why do the timetables at stop 18 on bus route 210 show buses arriving as long as 24 minutes apart when a recent advertising campaign said, as part of the new Go Zones, passengers would only have to wait a maximum of 15 minutes?

2. Do buses in fact come every 15 minutes on the new Go Zones?

3. Could the Minister provide a list of any other Go Zone route stops where passengers may have to wait more than 15 minutes?

The Hon. DIANA LAIDLAW:

1. The average interval between 'all stops' buses along Goodwood Road (including bus stop 18) between 7.30 a.m. and 6.30 p.m. on weekdays is 13 minutes. In this period, in both directions, there are 104 services, with the 15 minute interval (when measured as arrival/departure times in the City) rarely exceeded.

Small variations from the 15 minutes occur for a number of reasons, including—

- Scheduled running times along the route vary to take account of expected traffic conditions—so buses scheduled to arrive in the City 15 minutes apart may depart Stop 18 in the suburbs, say, 17 minutes apart.
- In some instances the service intervals during an hour may follow a sequence like 13, 17, 13, 17 minutes—with the average being 15 minutes. This occurs due to the fact that different bus routes serve Stop 18 (in fact Stop 18 itself is served by bus Routes 210, 214, 216, 218 and T218).
- Service intervals exceeding the 15 minutes at the beginning or end of the designated period (the 7.30 a.m. to 6.30 p.m. is an approximated time band), or in the non-peak direction when few passengers are travelling.

2. & 3. Average frequencies of stopping services on all of the Go Zones are as follows—

- Goodwood Road: 13 minutes
- Torrens Road: 13 minutes
- Main North Road: 13 minutes
- O-Bahn: 5 minutes
- Payneham Road: 9 minutes
- The Parade: 13 minutes
- Unley Road: 12 minutes
- Henley Beach Road: 12 minutes
- Port Road: 13 minutes

Note that some stops are served also by express buses, and the frequency at those stops is much greater. On the O-Bahn, the frequency is given for 'all stops' services over the whole length—the frequency is much greater from Paradise Interchange.

Overall, the average frequency in the Go Zones during the period concerned is a stopping service every 10 minutes.

Patronage is increasing along 'Go Zones' generally—and the government, through the Passenger Transport Board and contractors, is investigating ways in which the frequency of services can be further improved across other parts of the network.

HALLIDAY REPORT

33. **The Hon. T.G. CAMERON:** What was the cost of preparing the Halliday Customer Survey Report?

The Hon. DIANA LAIDLAW: The Customer Survey of the Development Act was conducted by Bronwyn Halliday at a cost of $36 720. McGregor Marketing undertook the related market survey work at a cost of $17 500. The report was printed at a cost of $1 220.

The report was distributed widely to key industry, Local Government and State Government stakeholders. The review highlighted that the South Australian Planning and Development System is one of the best in Australia. However, work is required to improve the administration and operation of the System across Government agencies and the Local Government sector. This work is progressing through the System Improvement Program.

In particular, the Development (System Improvement Program) Amendment Bill 2000, currently before Parliament, features a range of measures to improve the administration and operation of the Development Act. In addition, the excellent response of elected Council Members to the joint Planning SA/Local Government Association workshops on the operation of the South Australian Planning and Development System has focussed Councils on their important role in planning and development.

PORT ADELAIDE WASTEWATER TREATMENT PLANT

49. **The Hon. T.G. CAMERON:**

1. In relation to the upgrade of the Port Adelaide Wastewater Treatment Plant, could the Minister for Government Enterprises please provide comprehensive information regarding any tests that have been done to determine the effects of relocating the outfall and diffuser to Outer Harbor at a 550:1 ratio of diluted treated wastewater?

2. Could the minister please provide any reports which have been done to document any evidence pertaining to Part I of the question?

3. When will the proposal for the Port Adelaide Wastewater Treatment Plant be decided, accepted and implemented?

The Hon. K.T. GRIFFIN: I am advised that a response was provided by letter dated 29 August 2000, to the Hon. T.G. Cameron's Question on Notice.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

Reports, 1999-2000—
- Adelaide Capital City Committee
- Arid Areas Catchment Water Management Board
- Clare Valley Water Resources Planning Committee
- Eyre Region Water Resources Planning Committee
- Mallee Water Resources Planning Committee
- Office for the Commissioner for Public Employment
- Operations of the Auditor-General's Department
- South Australian Multicultural and Ethnic Affairs Commission
- South East Catchment Water Management Board
- Water Well Drilling Committee

Arid Areas Water Resources Planning Committee—
- Report, 1 July 1999-26 May 2000

State Water Plan 1995, South Australia—Our Water, Out Future, September 2000

Regulations under the following Acts—
- Electricity Act 1996—Industry Regulators Powers—Variation
- Water Resources Act 1997—Tintinara Coonalpyn Prescribed Wells

Reports to the Legislative Council—
- Flinders Osborne Trading Pty. Ltd. Obligations under the Gas Sale Agreement
- Flinders Osborne Trading Pty. Ltd. Obligations under the Power Purchase Agreement
- Flinders Power Pty. Ltd. Obligations under the Gas Sale Agreement
- Flinders Power Pty. Ltd. Obligations under the Power Purchase Agreement

By the Attorney-General (Hon. K.T. Griffin)—

Reports, 1999-2000
- Dairy Authority of South Australia
- Land Management Corporation
- Lotteries Commission of South Australia
- Ports Corp South Australia
- Public Trustee
- The Industrial and Commercial Premises Corporation

Regulations under the following Acts—
- Construction Industry Long Service Leave Act 1987—Services
- State Records Act 1997—Exclusion from Application
- Workers Rehabilitation and Compensation Act 1986—Crown Agency

Rules of Court—Supreme Court—Supreme Court Act—Amendment No. 78—Service of Documents

Public Corporations Act 1993—Ministerial Direction

By the Minister for Justice (Hon. K.T. Griffin)—

Reports, 1999-2000
- Attorney-General's Department
- SA Ambulance Service

Regulation under the following Act—
- Firearms Act 1977—Checks, International Shooters

By the Minister for Consumer Affairs (Hon. K.T. Griffin)—

Regulation under the following Act—
Liquor Licensing Act 1997—Dry Areas—Mount Gambier

By the Minister for Transport and Urban Planning (Hon. Diana Laidlaw)—

Reports, 1999-2000
Chiropractors Board of South Australia
Martindale Hall Conservation Trust
Nurses Board South Australia
Occupational Therapists Registration Board of South Australia
South Australian Aboriginal Housing Authority
South Australian Community Housing Authority
Regulations under the following Acts—
Development Act 1993—Fire Authorities
Optometrists Act 1920—Fees
Rules—Local Government Act 1999—Superannuation Scheme Rules—Unpaid Contributions
By-laws—
Corporation—City of Salisbury—No. 10—Dogs
District Council—Yankalilla—No. 19—Protection of Dunes
Operation of the Motor Vehicles Act 1959 as amended by the Motor Vehicles (Miscellaneous) Amendment Act 1999—Review

By the Minister for the Arts (Hon. Diana Laidlaw)—

Reports, 1999-2000
Adelaide Festival Centre
Adelaide Festival Corporation
Art Gallery Board
Carrick Hill Trust
Community Information Strategies Australia
Country Arts SA
Disability Information and Resource Centre Inc
History Trust of South Australia
Jam Factory Contemporary Craft and Design Inc
South Australian Film Corporation
South Australian Museum Board
State Opera of South Australia
State Theatre Company of South Australia
Australian Dance Theatre—Report, 1999

By the Minister for Disability Services (Hon. R.D. Lawson)—

Reports, 1999-2000—
Guardianship Board of South Australia
Office of the Public Advocate
Supported Residential Facilities Advisory Committee.

MURRAY RIVER

The Hon. R.I. LUCAS (Treasurer): I seek leave to table a copy of a ministerial statement made in another place today by the Premier on the subject of the Murray River.

Leave granted.

LAND AGENTS

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to make a ministerial statement on the subject of Land Agents—National Competition Policy Review.

Leave granted.

The Hon. K.T. GRIFFIN: On 27 October 2000, I received from the Real Estate Institute of South Australia its supplementary submission. Members will recall that I answered a question in this chamber on 26 October with respect to the review of the Land Agents Act 1994 under National Competition Policy. In essence, the Real Estate Institute is concerned about one of the recommendations contained in the final report of the Land Agents Act National Competition Policy Review as it relates to recognition of educational qualifications for the purpose of registration as a land agent.

I say at the outset that I am disappointed that much of the comment of the Real Estate Institute of South Australia is plainly wrong and misrepresents both the government's position and the law. That, in turn, has unfortunately resulted in a number of land agents becoming uncharacteristically and unnecessarily perturbed by those statements. I say again that the recommendation in the report does not represent a change in the policy underlying the Land Agents Act 1994 and does not require a change to the act.

The Real Estate Institute of South Australia was recently invited to make that supplementary submission to which I have earlier referred on the recommendation as it related to educational qualifications. This was even though the Real Estate Institute had previously made submissions on an issues paper released in April 1999 and the draft report released in June 1999 which in neither case took the position that the Real Estate Institute of South Australia is now taking.

The major hurdle for the Real Estate Institute of South Australia is its own submission to the review which effectively supported the ultimate recommendation with respect to recognition of legal qualifications about which it now complains. The Real Estate Institute of South Australia's most recent submission (as I have indicated, received on 27 October 2000) is currently being considered, but already it is apparent that it has not addressed some of the fundamental issues required to be addressed under Competition Policy Principles.

I have today written to the Real Estate Institute of South Australia pointing out the deficiencies in its supplementary submission. Because of the way in which the Real Estate Institute of South Australia has represented the recommendation to its membership, the concern it has caused and the significant misrepresentations being made about the report of the Competition Policy Review, I have decided to revive the review panel to give it an opportunity to consider the views now expressed by the Real Estate Institute of South Australia contrary to the view that it expressed previously.

That panel comprises: Ms Margaret Cross, former Deputy Commissioner (Policy and Legal), Office of Consumer and Business Affairs; Mr Alan Sharman, Registrar General, Land Services Group, Department for Administrative and Information Services; Mr Adam Wilson, Senior Policy Officer (Competition Policy), Office of Consumer and Business Affairs; and Ms Kate Tretheway, Legal Officer, Policy and Legislation, Attorney-General's Department.

I have no reason to believe that the panel got it wrong in its final report, nor do I give any weight to the criticism by the Real Estate Institute of South Australia that the panel did not have a land agent on it. As a matter of principle, that is not required, and I regard it as offensive to suggest that they have not been unbiased. The process was open and there was extensive consultation with extensive opportunity for submissions to be made, and the Real Estate Institute of South Australia took those opportunities. However, in order to eliminate any possible criticism, even if unfounded, I have invited Mr Cliff Hawkins, a highly respected leader in the real estate industry, to join the panel, and he has accepted.

I understand that the Real Estate Institute of South Australia has circulated a copy of its recent supplementary submission to all members of parliament with a covering letter which identifies four major areas of concern: the lack of protection for consumers under the proposed new struc-

ture; the composition of a review panel set up to address the practical implication of the policy did not include representatives from the real estate industry; the role the Attorney-General played in the review; and the review panel did not properly address the Competition Principles Agreement.

I address each of these briefly. First, the lack of protection for consumers under the proposed new structure. The statement once again displays the lack of understanding of the Real Estate Institute of South Australia on this issue. The public benefit, which includes protection of consumers where necessary or appropriate, is an important part of the National Competition Policy.

The Real Estate Institute of South Australia persists in describing the acceptance of the panel's recommendation as a policy change, even though it has been explained that the commissioner already had the discretion to accept alternative sets of qualifications as sufficient for registration under the act. Applicants who have other qualifications still have to become registered and are then governed by the act's requirements.

The recommendation contained in the report as it relates to educational requirements does not require or represent a policy change. Interestingly, 219 land agents have registered in the last two years to 1 November. The Real Estate Institute of South Australia is not making any comment about this number, even though its submission draws attention to the impact on land agents caused by legal practitioners who practise as land agents.

Next, that the composition of a review panel set up to address the practical implication of the policy did not include representatives from the real estate industry. I have already addressed this but repeat my support for the review panel. It is not a requirement of National Competition Policy that the panel be representative in any way. In fact, it is not necessary even to have a panel.

The Hon. Diana Laidlaw interjecting:

The Hon. K.T. GRIFFIN: Absolutely. As my colleague the Hon. Diana Laidlaw indicates, the preference in the National Competition Policy is not to have someone from the particular industry or profession involved, as far as I recollect. The critical issue is not the composition of the panel but whether industry is consulted. The Real Estate Institute of South Australia was consulted when the issues paper was issued in April 1999, when the draft report was released in June 1999 and when the bill was introduced into Parliament.

As to the role the Attorney-General played in the review, the Real Estate Institute of South Australia has misunderstood the separate roles of the Attorney-General and the Minister for Consumer Affairs in the review process. As Attorney-General, I had no role in that process except that of a member of cabinet, which accepted the final report. As Minister for Consumer Affairs, I have the carriage of overseeing the implementation of the report, and that does not conflict with my duty towards consumers.

Consumers' interests were taken into account in the review process, and implementation of the recommendations will thus advance the interests of consumers. Whilst it is difficult to understand the Real Estate Institute of South Australia's attack on my role in this process, I may point out that my duties as a legal practitioner and as an ex officio member of the Law Society Council have not brought about any conflict of interest with my role as Minister of the Crown.

Throughout the process I have acted in accordance with the government's obligations under the Competition Principles Agreement and in the public interest. The Real Estate Institute of South Australia's statements in this regard are incorrect and inflammatory and, I suggest, reflect poorly on the Real Estate Institute of South Australia as an organisation.

Equally, I should say that I have also been critical of the Law Society in the provocative way it has sought to capitalise on the issue, even though what the society is now doing is something that it could have done under existing law years ago.

Finally, that the review panel did not properly address the Competition Principles Agreement. I have invited the Real Estate Institute of South Australia, once again, to provide a justification for its assertion that the review panel did not apply the criteria set out in the Competition Principles Agreement. I look forward to a constructive outcome in accordance with the competition principles, which the state government, like all other state and territory governments around Australia, is required to honour.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The Hon. J.S.L. DAWKINS: I lay upon the table the report of the committee 1999-2000.

QUESTION TIME

EMAIL LIMITED

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Minister for Industry and Trade a question concerning Email.

Leave granted.

The Hon. P. HOLLOWAY: On 31 October it was announced that the Email Whitegoods company would close its operations in Brunswick, Victoria and consolidate manufacturing at Dudley Park. The government has not given details of the South Australian taxpayer funded assistance to the company for this relocation. However, attention has been focused subsequently on negotiations between the implications for Email of a proposed alliance between Smorgon Steel and OneSteel, which have made a joint bid to acquire Email. These bids are conditional upon sale of Email's whitegood operations. The Swedish Electrolux Company has first right of refusal for the Email whitegood operation for between $460 million and $500 million. Electrolux has until the 21st of this month to sign a binding sale agreement but is reported to be backing away from purchase of the whitegoods manufacturer.

Email is under pressure to accept the joint bid by Smorgon and OneSteel, with one commentator saying, 'It's close to end game for Email.' Yesterday the share price for Email fell, while the prices of shares for OneSteel and Smorgon increased. This increases the likelihood that Email's whitegood manufacturing operations will be sold. My questions to the Treasurer are:

1. What assessment was undertaken by the government about the impact of any change in future ownership of Email's whitegood operations prior to the offering of assistance to the company and, if so, what did that assessment conclude?

2. Can the minister guarantee that the whitegoods operations currently owned by Email will still be consolidated

at Dudley Park as promised last week, with the addition of the 350 new jobs?

The Hon. R.I. LUCAS (Treasurer): I am advised that this was an issue that was considered by the government, in particular Industry and Trade officers, in the discussions leading up to the Email announcement. This issue of the future ownership of Email has been a public issue for the financial pages for many months. I will not put an exact number of months on it, but it has been a long period, so one would have to be walking around with one's eyes closed and ears shut not to be aware that the future ownership of Email was a particular issue that needed to be taken into account, to the degree that it could.

Certainly my advice has been that that is an issue that has been considered. The decision that was taken was that, from South Australia's viewpoint, we seek to highlight South Australia's significant competitive advantage over the significant problems that industry in Victoria has under a Labor Government since it was elected there. I guess there is a warning sign there for industry in terms of the significant problems that have occurred in Victoria.

One is not surprised that the Minister for Manufacturing Industry happens to be Mr Rob Hulls. If he is the best the Victorian government can trot out, it is not surprising that there are significant issues in relation to manufacturing industry policy development and retention in the state of Victoria.

The Hon. K.T. Griffin: Lead in the glove.

The Hon. R.I. LUCAS: The Attorney-General says 'Lead in the glove': the Attorney would have crossed gloves with him in other forums more often than I have. I have not had the pleasure of meeting Mr Hulls but his reputation precedes him and, I suspect, the reputation far exceeds the substance. In relation to—

The Hon. T.G. Cameron: He speaks highly of you.

The Hon. R.I. LUCAS: Yes—and of South Australia. I can put up with personal insults but, when Labor politicians in other states start insulting South Australia and South Australians, I hope that all members of this parliament support the state government and its representatives in taking on those infidels from across the border.

The Hon. A.J. Redford: Are there any left?

The Hon. R.I. LUCAS: There are a few there. The issue is not new and it was taken into account. The view taken was that it was important to get a commitment at board level at an early stage in relation to any of the circumstances that were likely to occur—that is, either Email continuing as it currently exists or ownership changing with Electrolux. I think the statement or quote from the honourable member about Electrolux does not fairly reflect what the financial press has been saying—that Electrolux is perhaps reluctant to purchase at $500 million and is trying to renegotiate a lower price. It is not saying that it will walk away. The financial press is speculating that Electrolux might be interested at $460 million rather than $500 million, if the shadow minister for finance had a closer look at the financial pages.

The issues in relation to Electrolux have been well known. One cannot just assume that the current named potential purchaser (Electrolux) was to be the only potential purchaser. In recent days that has obviously firmed in the betting (if I can use a racing expression)—and that reminds me that I should conclude this reply in the next couple of minutes. One cannot just assume that Electrolux was to be the only potential purchaser. I am aware that informal contact has been made already through representatives of the government with senior representatives of Electrolux should it be the successful purchaser of Email.

The answer to the honourable member's question is 'Yes.' The issues in relation to the future ownership of Email are well known and they have been factors in the department's consideration of the Email package and will continue to be. Obviously, we will need to monitor it. The Victorian minister has made quite clear that, should there be a change in ownership, it will offer all of Jeffrey Kennett's dowry to the prospective new owners. Clearly, the South Australian government is not interested in those sorts of unlimited bidding wars with the Victorian government. We believe that the reasons why Email has made the decisions are reasons of good sense in terms of consolidation, the better investment climate in South Australia, the better industrial relations climate in South Australia, the average level of state taxes and charges being lower in South Australia, the better quality of life in South Australia—and I will not go on. But there are—

The Hon. A.J. Redford: You forgot good government.

The Hon. R.I. LUCAS: Well, modesty prevents me from saying that. There are many reasons why boards of companies and senior management such as that of Email are now, for the first time in a decade or more, looking seriously at South Australia. We now have our debt substantially under control, as a result of difficult decisions that we have taken. Our budget is in balance as a result of difficult decisions that we have taken. And for those reasons, companies—

The Hon. Diana Laidlaw: A good work force.

The Hon. R.I. LUCAS: A good work force, skills and—

An honourable member interjecting:

The Hon. R.I. LUCAS: It's rolling now. For all those reasons companies like Email and others are making these decisions. Should there be any change of ownership, the government remains confident that any new owners would see the exceptional good sense of the decision to consolidate in South Australia rather than in Victoria.

[Sitting suspended from 2.50 to 3.00 p.m.]

CENTRAL LINEN SERVICE

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Treasurer a question about the Auditor-General's Report, in particular the sale of Central Linen.

Leave granted.

The Hon. P. HOLLOWAY: The Auditor-General's Report states that cabinet approved the sale of the Central Linen assets and the outsourcing of linen services to a private operator to avoid certain risks in owning the linen service despite—and I quote from page 21 of Part B Volume I—'an estimated cost to the government of $5.8 million in net present value terms over 10 years'. The audit report also states:

> A significant ongoing cost to government relates to redeployees previously working within the Central Linen business unit.

My questions are:

1. How does the Treasurer, as guardian of the state's finances, justify the sale of Central Linen at a loss to the taxpayer of nearly $6 million?

2. Will the Treasurer explain in detail what were the so-called risks associated with running a laundry service to hospitals that would justify the sale of the Central Linen

Service at a loss, and is this sale not simply proof that the one and only part of this government's policy is to sell everything regardless of public interest?

3. Are there any additional costs arising from the sale?

The Hon. R.I. LUCAS (Treasurer): I am happy to take advice from the minister or ministers more closely involved in relation to this particular sale, to have the matters raised by the Auditor-General's Report considered, and to bring back a reply.

DRUG COURT

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General a question about the drug court program.

Leave granted.

The Hon. T.G. ROBERTS: On 26 October I asked the Attorney-General a question about the commonwealth program of intervention. He pointed me, quite rightly, to the legislation that we had before us in providing some intervention programs that, hopefully, will benefit those people who are unfortunate enough to be caught in the trap of alcohol, drugs and mental health services delivery. As a result of the question I asked, I have been asked questions about the way in which the government's current programs are being administered and whether the government is well placed to administer the new programs once the legislation is passed.

The Burdekin report, which has been with us since 1993, indicates that there are a lot of deficiencies in drug and alcohol dependence services, and services relating to the dual problems of mental health and alcohol and drug abuse are sadly deficient in not only South Australia but throughout Australia. The Burdekin report made a recommendation that mental health services should not attempt to care for people with serious mental illnesses in the community until it can be demonstrated that appropriate accommodation and sufficient numbers of suitably trained community mental health staff are available to provide adequate care and support for them. That is only one of the findings.

The Burdekin report also identifies a number of other findings. The 1991 report into Aboriginal deaths in custody also identified deficiencies within the system in picking up people who have the dual problem of requiring mental health services and who are alcohol and drug dependent. It is very difficult to separate the two in many cases, particularly in inner metropolitan areas where people are not easily identified and do not have an identifiable health protection regime with their own personal doctor. It is not an easy field in which to work, and I understand that. My questions about the problems in relation to services are:

1. How many of the 170 people who were identified by the Attorney-General in his answer to me on 26 October are of either Aboriginal or Torres Strait Islander descent?

2. How many of the 170 identified sufferers have the dual problems of alcohol and drug abuse, in addition to mental health disabilities?

3. What in-house service training programs are being put together now in preparation for the introduction of the legislation that will cover not only the police but also human services departments?

The Hon. K.T. GRIFFIN (Attorney-General): I will endeavour to obtain some information for the honourable member about those issues. We all know that Aboriginal offenders are over-represented in the criminal justice system, and it is important to develop strategies that will address not only that issue but also the fundamental question of why they are there in the first place. We always had in mind that the drug court would be an important part of any process that was directed towards dealing more effectively with Aboriginal people in the criminal justice system.

Mental impairment is also a very live issue because for certain offenders in the criminal justice system that issue is dealt with in the mental impairment court in the Magistrates Court. Again, my information about the way in which that system is operating is that it has been quite successful, but we will not be able to measure the full success until the end of the relevant pilot projects. I will take the rest of the questions on notice and bring back a reply.

LAND AGENTS

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Attorney-General a question about lawyers registering as land agents.

Leave granted.

The Hon. J.S.L. DAWKINS: Leaders of the Real Estate Institute have made claims over recent days that the Attorney-General intended to push the Land Agents (Registration) Amendment Bill through the parliament under the cover of the running of the Melbourne Cup. Will the Attorney-General inform the Council as to the substance of these claims?

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN (Attorney-General): I suppose that we could have pushed it through—a few of us were still left in the chamber after the suspension while others—

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: I was probably out-numbered but we could have pushed something through. Regrettably, a lot of misinformation has been promoted about this issue. I was somewhat offended at the suggestion that I would try to rush things through under the cover of the running of the Melbourne Cup, and I still do not know who won the Melbourne Cup. The way in which the Council operates is that, generally speaking, at the end of a sitting day everything not dealt with is adjourned to the next sitting day; so, on the *Notice Paper* is the Land Agents (Registration) Amendment Bill which, I might say, has nothing to do with the particular issue about which the real estate industry is complaining. However, there is an amendment by the Hon. Mr Gilfillan which seeks to restrict the provisions that have been in the act at least since about 1994-95, and it enables the Commissioner for Consumer Affairs to recognise other qualifications besides those that go through the mainstream of the registration process. The fact is that we are not pushing the bill. From my point of view I do not care whether or not the bill goes through. There are aspects—

The Hon. T.G. Cameron: Then withdraw it.

The Hon. K.T. GRIFFIN: I will; but it will mean that, among other things, people who might have had a conviction for dishonesty as a minor will never be able to be real estate agents because they can never be admitted to registration.

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: No. The bill provides that it is 10 years for a summary conviction: it is life for an indictable offence of dishonesty. I do not mind if the bill does not go through because, with respect to those who might believe that it implements the recommendation of the Commissioner for Consumer Affairs that legal qualifications should form the basis of alternative recognition, it does not—

and anyone who looks at the bill will see that that is the fact. I cannot state it any more clearly than that.

In terms of rushing it through, the government does not have a majority in this Council. If anyone wanted to rush something through, they would have to get the concurrence of at least the Independents, most probably the Democrats, and also the Labor Party, because we tend to do these sorts of things by agreement in this Council and not by confrontation, although we will have an argument about some issues of policy and principle.

Unfortunately, a number of people were not present when I made the ministerial statement earlier this afternoon. I indicated that I have invited the Real Estate Institute to make a supplementary submission to me in respect of its complaint that the competition policy review was not adequately conducted. I have indicated that I am quite prepared to receive that submission. I have done that and in the ministerial statement I have given an overview of the response which I see as appropriate.

I have also suggested to the Real Estate Institute that it has to face up to the fact that, when the issues paper and the draft report were published in April and June, respectively, last year, it effectively agreed with the recommendation. It has to come back and indicate why it has now changed its mind.

There has been a criticism that there was no land agent on the panel. As the Hon. Diana Laidlaw said, the recommendation in terms of the competition policy review is, frequently, that you should not have on the panel people of the profession or group whose regulation and registration you are reviewing. Be that as it may, I have indicated in the ministerial statement today that the supplementary submission made by the Real Estate Institute will be referred to a reconstituted panel which, for this purpose—there are exceptional circumstances because of the allegations of inappropriate practice—will include Cliff Hawkins.

Cliff Hawkins, as a respected leader in the real estate industry and someone who is known for his independent mind, has agreed to participate as a member of the panel. Hopefully, that will put to rest the unfounded criticism which is being made about the way in which the panel has operated and I have dealt with this particular matter. There are a couple of other issues that I want to address whilst I have the opportunity—

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: You can leave it there until next year—it doesn't worry me.

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: Yes. But that is because they misunderstand what the bill seeks to do. I told you that. It does not address the issue about which they have a complaint.

The Hon. P. Holloway interjecting:

The Hon. K.T. GRIFFIN: Well, I have just indicated that I am, because I have reconstituted the review panel and—

The Hon. P. Holloway interjecting:

The Hon. K.T. GRIFFIN: I have no power to put it on hold.

The Hon. R.R. ROBERTS: I rise on a point of order, Mr President. The minister is clearly debating issues which are in the bill. Under standing orders, I understand that members are prevented from debating an issue or asking or answering questions which are the subject of a bill that is before the Council. I understand that the Attorney-General wants to answer this question, but he is using up question time, and I submit that that is in breach of the standing orders.

The PRESIDENT: The first part of the honourable member's point of order is correct: members should not reflect on legislation that is before the Council. That might have been the case earlier in the answer to the question. As I understand it, the Attorney-General is now reflecting on another matter, which is not part of the legislation. If the Attorney-General continues without referring to the legislation that is on the *Notice Paper*, then he is in order, but I take the point that he may not have been in order earlier in referring to the legislation.

The Hon. K.T. GRIFFIN: I was provoked by interjections, Sir.

The Hon. T.G. Cameron: You were just getting away with it!

The Hon. K.T. GRIFFIN: You were interjecting on me. As I have said, if the panel is reconstituted, the invitation is there for the Real Estate Institute to make its submission and further submissions to the panel, and the issue will be reviewed. However, I want to make two other points, because I think the campaign that is being conducted is quite unfounded. I know that there is a bit of concern about competition and I know that genuinely there is concern among a number of real estate agents.

I have a lot of friends and acquaintances who are real estate agents and they are concerned about the issue but, when it is explained to them, they understand the perspective from which this comes. However, I am particularly offended by the Chief Executive Officer of the Real Estate Institute, Ms Joyce Woody. I invited her and officers to meet with me and representatives of the Law Society to endeavour to conciliate the argument. I was told not to be patronising as I sought to explain what the issues were in respect of this matter.

The Hon. T.G. Cameron: You would never do that, would you?

The Hon. K.T. GRIFFIN: I would endeavour not to. I should say that she immediately slammed her book shut and walked out of the room. If she wants to talk, if the leaders of the Real Estate Institute want to talk—

The Hon. T.G. Cameron: 'She' is the cat's mother: who are we talking about?

The Hon. K.T. GRIFFIN: The Chief Executive Officer of the Real Estate Institute.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: In the recent edition of the *Real Estate* magazine there was a highly critical article, which I thought was fundamentally wrong. So, we made contact with those responsible for that magazine and said, 'We will give you a letter: would you mind publishing the response?' We were told, 'No, you can't. We can't have both sides of the story.' I took the view, therefore, that I would send something out to all real estate agents, which we have done.

Hopefully, that is the way in which they will get both sides of the story. I do not believe that the bill will be debated today and, if it were, the only issue would be the amendment by the Hon. Mr Gilfillan. As I say, that is for another day.

The Hon. IAN GILFILLAN: As a supplementary question, would the Attorney be satisfied if the REISA has an opportunity to make the submission to the panel and the panel determines afresh before this matter is debated again in this Council?

The Hon. K.T. GRIFFIN: Yes, that is fine; no problems.

The Hon. P. HOLLOWAY: I have a supplementary question. Given his announcement that he will reconstitute the review committee on this matter, will the Attorney place on hold the use by the Commissioner for Consumer Affairs of his discretionary powers to permit lawyers to become real estate agents if they pass an eight hour appraisal course provided by the Law Society?

The Hon. K.T. GRIFFIN: I have no authority to do that. That is a matter for the Commissioner for Consumer Affairs.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: I do not have power to instruct him over that issue. The point that has to be made is that, if the commissioner did not properly administer the law, he may well be faced with a writ to compel him to comply. It is six of one and half a dozen of the other. I will refer the honourable member's question to the commissioner.

QUEEN ELIZABETH HOSPITAL

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Transport, representing the Minister for Human Services, a question about statements by Professor Brendon Kearney about the Queen Elizabeth Hospital.

Leave granted.

The Hon. SANDRA KANCK: Professor Brendon Kearney is on leave from his position of CEO of Royal Adelaide Hospital and an acting CEO is in his place. When Professor Kearney's appointment to the position of Executive Director, Statewide Health Services expires he is expected to return to his position at the Royal Adelaide Hospital. Some have noted an obvious conflict of interest as he presides over the reduction of services at a number of other hospitals. Indeed, the term that has been used by a number of people to describe his actions to me has been empire building. Those same observers have suggested to me that this conflict of interest would not be tolerated in the private sector and ought not to be tolerated in the public sector.

In the three years during which Professor Kearney has presided over a public hospital system, with the exception of the Royal Adelaide Hospital, the CEOs of other publicly operated hospitals in the metropolitan area—Women's and Children's, Flinders, Lyell McEwin and the QEH—have all departed his or her posts, with all the attendant instability and reduction in morale. But in the case of the Queen Elizabeth Hospital there have been three departures in as many years. In addition to these debacles, Professor Kearney has overseen reduced services at that hospital. The recently publicised death of a patient after a lack of attention in the hospital is symbolic of the dysfunctionality that has emerged, as is the ambulance bypass that has become a regular feature of the lack of service.

During the time that Professor Kearney has overseen operations, the number of beds at QEH has been reduced by 40, from 395 to 355. For patients who are admitted to the wards from the Accident and Emergency Department the average time lapse from reporting to Accident and Emergency to being admitted to a ward has increased by two hours 40 minutes to 10 hours 15 minutes.

Dr Robert Dunne, the head of Accident and Emergency, resorted to turning away patients from that department with a note explaining why, and the *Advertiser* reported that he had written to the minister about his concerns. On Sunday 29 October Professor Kearney appeared on our television sets telling us that the problems at QEH were solved, because another 20 new beds had been made available. What he failed to tell the reporters was that these beds were nursing home type beds, with one staff member assigned to look after all 20. They were not medical beds that would reduce the gridlock in the Accident and Emergency Department. Further to this, Professor Kearney told reporters that Dr Dunne regretted the statements he had made when, in fact, Professor Kearney, and for that matter the minister, had not even met with Dr Dunne to discuss his statements. Before I ask my questions I want to put on record that there has been no communication between Dr Dunne and myself, just so there is not a witch-hunt. My questions are:

1. Why does the minister tolerate the conflict of interest that exists between Professor Kearney's role as the CEO on leave from RAH and his position of deliberation on the role and services of other public hospitals?

2. When Professor Kearney announced the provision of 20 extra beds at QEH why did he not reveal that only one staff member had been assigned to those beds, and explain to reporters and the public that these were not medical beds?

3. When did Professor Kearney meet with Dr Robert Dunne to discuss his statements about the waiting times in the Accident and Emergency Department at the QEH, and on what basis did Professor Kearney make his statement that Dr Dunne regretted the comments he had made?

4. On the basis of Professor Kearney's incomplete information in his statement to the media last week about extra beds, how can the public be sure that the extra beds announced by the minister yesterday are in fact medical beds?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I will refer the honourable member's series of questions to the minister and bring back a reply.

NURSING HOMES

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for the Ageing a question about nursing home closures.

Leave granted.

The Hon. J.F. STEFANI: Honourable members would be aware that last week allegations were raised about the pending closure of the Karingal Nursing Home and the Acacia Court Aged Care Complex, which also incorporates acute nursing care facilities. My family was very fortunate to have had the support of the Acacia Court facility to care for my late mother during her period of need in her later years. My questions are:

1. Will the minister provide the Council with an accurate assessment of the situation?

2. Has the minister investigated the veracity of the allegations?

3. Can he provide any additional information about the matter?

The Hon. R.D. LAWSON (Minister for Disability Services): The source of the rumours about the closure of the Acacia Court aged care complex was a news release issued on 30 October by the Hon. Sandra Kanck, Deputy Leader of the Australian Democrats. On radio that day, the honourable member repeated her allegation that the Acacia Court complex at Hendon would be closing its doors in the near future. This was a most regrettable and deplorably irresponsible statement.

The Acacia Court aged care complex accommodates 110 elderly people of whom 62 are high care residents and quite a number suffer from dementia and related disorders.

The number of families—especially in the western suburbs—with family members residing in Acacia Court is considerable. It is true that on the following day a prominent article in the *Advertiser* headed 'Aged care home claim "scandalous"' reported a denial by the owner of the home—the Charles Sturt council—that the facility was to be closed. Far from being closed, the Acacia Court aged care complex (which has been managed by Elder Care Incorporated) is to be sold to Elder Care. There has never been any suggestion that this facility would be closed. As I have said, it was irresponsible and deplorable to make these claims.

The Hon. T.G. Cameron: Are you going to read out the apology?

The Hon. R.D. LAWSON: Surprisingly—as the article pointed out—when the honourable member was confronted with the fact that her claim was quite false, far from apologising and seeking to reassure those people affected the honourable member remained steadfast, saying that she still had concerns about its future. She said:

> What happens six to 12 months down the track if the investment opportunity does not work?

The honourable member was trying to convey to the public that this aged care facility was being sold by the council to a private developer. Any inquiry would have revealed that the facility is to be sold to Elder Care Inc., and an announcement to that effect was made shortly thereafter, following discussions that had been ongoing for a number of months. Far from apologising, the honourable member sought to create further fear in the community. The honourable member's media release—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: In her media release, the honourable member says:

> The movement of aged people out of nursing homes and into temporary accommodation in major hospitals is a policy disaster that needs to be addressed by the federal [and state ministers].

The movement out of nursing homes and into hospitals is a policy disaster! That is an ignorant statement, because there has been no movement from nursing homes or aged care facilities into hospitals. The widely reported instance related to a number of elderly people in acute hospital beds seeking discharge but being unable to return to their homes because of their medical condition and who are now waiting to be placed in an aged care facility.

The honourable member is completely wrong in suggesting that there are people being admitted to hospitals from aged care facilities. Indeed, a couple of weeks ago the Hon. Dean Brown, the Minister for Human Services, announced that additional beds were being made available in public hospitals to allow those persons seeking discharge to move from the acute section of the hospital into beds specially opened to accommodate them as nursing home-type patients.

The honourable member also said in her news release that the federal government is presiding over the closure of nursing home beds. That is not the case. The current federal government has allocated an additional 13 000 beds nationally. They are out now for submissions. Over 1 300 of those additional beds are being placed in South Australia, in high care, low care or community aged care packages. Once again, it is quite wrong for the honourable member to be suggesting that this federal government is presiding over the closure of nursing home beds: in fact, it has allocated a record number of additional places which will relieve the undoubtedly tight situation with regard to nursing home places—something that is widely recognised. And it does the honourable member no credit to make wild allegations of this kind, creating concern, fear, uncertainty and unnecessary distress in the pursuit of political point scoring.

STATE DEBT

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Treasurer questions about state debt.

Leave granted.

The Hon. T.G. CAMERON: The government is currently attempting to sell the Lotteries, the TAB and Ports Corp. The government's recent advertising campaign showed that state debt has been reduced from $9.5 billion to $3.5 billion—

The Hon. M.J. Elliott interjecting:

The Hon. T.G. CAMERON: I did not say it was $9.5 billion: I said the advertising campaign showed that state debt has been reduced from $9.5 billion to $3.5 billion. The Premier has previously indicated that he would like South Australia to be debt free by the next election. Recently, the Treasurer indicated that current debt levels were satisfactory, yet the government is proceeding with these asset sales. Today the Treasurer told the Council that debt is substantially under control. My questions are:

1. What level of debt does the Treasurer consider acceptable?

2. Does the Treasurer consider state debt to be a compelling reason for the sales and, if not, what are the reasons for the sale of the assets to which I referred?

The Hon. R.I. LUCAS (Treasurer): I think it is fair to say that whatever the quantum—and the honourable member will appreciate, I guess, that the government does not wish to put in the public arena the possible valuations of the three assets to which he has referred—the honourable member would acknowledge, from the discussions he has had with the responsible minister, that the quantum that is involved is significantly less than the quanta that we were discussing in relation to the electricity assets in South Australia. One might be pleasantly surprised, I guess, if legislation passes and one goes through the process, but certainly all the expectations are that they are of a much smaller quantum than the quanta we discussed in relation to the electricity privatisations.

It is certainly my view—and I have said this publicly on a number of occasions in the past six months or so—that a debt of somewhere of the order of $2.5 billion to $3 billion (if it is a bit lower than that, that would be terrific) is at a level that is manageable for a state economy of the size of ours, particularly when a reasonable chunk of that is still commercial sector debt, that is, debt which would relate to commercial sector agencies such as SA Water and which is therefore being serviced by the commercial operations of the commercial businesses of the government. Certainly, my view has been that, whilst we are likely to see a relatively modest further reduction in the level of net debt, should the parliament agree to one, two or three of the proposed asset sales, it is certainly not going to be of a quantum to wipe out $3 billion worth of remaining net debt in South Australia. I am sure that the minister in his, I would hope, considerable discussions with the Hon Mr Cameron and others, explaining the reasons for the government position on TAB, Lotteries

and Ports Corp, will have indicated that the issues of debt are one matter but that they are not really the driving influences in relation to these sales, as in relation to the electricity businesses.

Again, that is a factor of the different quantums that are involved. The minister would have been putting a view to the Hon. Mr Cameron and others, I am sure, that there are other issues which relate to these assets and which we will need to debate if and when the legislation ever arrives in the Legislative Council.

There has been, also, some debate about the level of state debt that the state government has inherited. It is an interesting matter because, if one wants to do an apples with apples comparison with state debt, to take into account the way in which state debt is now measured, that is, how the $3 billion is now measured, and if one does what the Auditor-General does in his annual report, that is, look at it in terms of real term dollars, the actual debt level in June 1993 was $10.1 billion in year 2000 dollars, if one calculates the net debt in exactly the same way as the $3 billion is calculated. I think a few people in the parliament are seeking to downplay the significance of the reduction in the net debt and also seeking to downplay the significance of the size—

The Hon. Diana Laidlaw interjecting:

The Hon. R.I. LUCAS: I am not sure. There are people, believe it or not, who would not want to see the government credited with doing anything right.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: I am sure there is the odd member in this chamber, without wishing to name them, who is not prepared and who does not want to acknowledge the size and significance of the debt left to the state.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Holloway continues to stick out his chin in relation to this issue. He makes claims which he knows are not true. I have written letters to the Hon. Mr Holloway. I have answered questions in the Council in relation to these issues and, if the Hon. Mr Holloway chooses to ignore the facts that are provided to him, there is not much I can do about it. But, in response to that interjection, there are members in this chamber, and elsewhere, who do not want to acknowledge the size and significance of the net debt levels with which this state was left in June 1993 because of the disastrous economic and financial policies of the Labor government.

As I said, if one wants to do an apples with apples comparison with the $3 billion debt—as I am sure all members would want to do—I am advised that the appropriate figure is $10.1 billion down to a debt now of approximately $3 billion in our state. When one compares a figure of $10 billion with a figure of $3 billion, one can see clearly the significance of the difficult and courageous decisions made by a majority of members of this parliament in relation to the electricity assets.

I feel confident that between now and March 2002, at the time of the next election, we will never hear an answer from the Hon. Mr Holloway, Mr Foley and Mr Rann and nor will they ever provide an answer to this simple question: what was their alternative if our debt had stayed at the levels of $8 billion, $9 billion or $10 billion, depending on what measure one wants to use, and if interest rates had gone up 1.5 per cent then, as they have, how would the Labor government have paid the extra $150 million in interest costs, particularly when members opposite said that they would not increase taxes—

The Hon. P. Holloway interjecting:

The PRESIDENT: Order, the Hon. Paul Holloway!

The Hon. R.I. LUCAS: And particularly when they said—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order, the Hon. Angus Redford!

The Hon. R.I. LUCAS: —that they would not decrease services in the portfolio areas of education, health and police services? I feel very confident that the Hon. Mr Holloway, Mr Foley and Mr Rann will be speechless, silent, and sit on their hands for the next 18 months and that they will never respond—if they can get away with it—to that particular question.

PORTS CORP EMPLOYEES

In reply to **Hon. SANDRA KANCK** (11 October).

The Hon. K.T. GRIFFIN: The Minister for Government Enterprises has advised that:

1. Ports Corp did not spend an additional $900 000 on the remuneration of its highest paid employees during the 1999-2000 financial year.

The Auditor General's report discloses that in the 1999-2000 financial year Ports Corp had 21 employees with salary ranges greater than $100 000, compared with 13 recorded within this range in 1998-99.

A number of existing senior professional employees (including a number of marine pilots) passed through the threshold reporting level for the 1999-2000 financial year due to salary increases resulting from enterprise bargaining agreements.

Consequently, the increase in total salary as reported in 1999-2000 ($2.419 million), compared to $1.491 million in 1998-1999, is directly attributable to the increase in total number of employees included in this category.

It should be noted that Ports Corp's total remuneration level across the entire organisation increased by less than $500 000, or approximately 4.5 per cent during 1999-2000.

In addition, average salary levels within the reported salary bands greater than $100 000 increased from $114 600 in 1998-99 to $115 200 in 1999-2000.

The reduction in gross revenue as noted by the honourable member is attributed to the reduction in grain exports during the financial year, after a record export level during the previous financial year. Container throughput was also reduced due to the loss of a container service linking Adelaide directly with North Asia.

However, it is pleasing to note that Ports Corp has secured additional container services to other markets. This initiative has seen Ports Corp substantially recover this previous loss in trade. In fact, in the last three months Ports Corp's Port Adelaide facility has experienced two of the highest throughputs ever.

CREDIT CARDS

In reply to **Hon. NICK XENOPHON** (10 October).

The Hon. K.T. GRIFFIN: The Commissioner for Consumer Affairs has provided the following information:

Disclosure requirements for credit card transactions in South Australia are governed by the Consumer Credit Code, which is a schedule to the Consumer Credit (South Australia) Act 1995.

Under section 31 of the Code a credit provider is required to provide a debtor with a periodic statement of account and the maximum period for such a statement is 40 days.

Section 32 of the Act specifies what information is required to be contained in the statement of account. That information must include the dates on which the statement period begins and ends, the opening and closing balances of the account, particulars of each amount of credit provided by the credit provider and, in the case of a third party supplier, the identity of the supplier of credit for cash or goods and services. The statement should also supply the amount of interest charged to the debtor.

There are no requirements in the Code for a transaction slip or a statement of account to provide any specific details of what the transaction was for. The transaction slip, which is supplied by the third party provider, is only supplied as a receipt of the transaction and contains duplicate information that will appear on the debtor's statement of account for that period. The transaction slip can be used by the debtor to check against the statement of account for that

period the identification of the supplier, the date of the transaction and the amount of the transaction. The credit for the transaction is then honoured by the credit provider to the third party supplier of the cash or goods and services and charged to the debtor.

In the case where a transaction slip which is generated by the third party provider of cash or goods and services states that it is for goods and services, it is not required to specify exactly what those goods or services are. The provision of cash charged against a credit account could be described as the supply of goods or the provision of a service. It is, therefore, not 'misdescribed' because the term goods and services is a general description of what a business provides, be that business a supplier of specific goods and services or gambling facilities.

It is the consumer who requests the facilities offered by a business or trader and because there is no requirement for a business or trader to describe what the specific transaction was for, except for the issues previously described, the onus is on the debtor to check their own statement of account and to verify the transactions.

Should a consumer discover that there are transactions on his or her statement of account that have not been requested or supplied, the consumer can seek to have those transactions voided or reversed by the credit provider on request.

TUNA FEED LOTS

In reply to **Hon. T.G. ROBERTS** (30 March).

The Hon. K.T. GRIFFIN: The Deputy Premier, Minister for Primary Industries and Resources, and Minister for Regional Development has provided the following information:

The Deputy Premier has reviewed the recommendations of the Environment, Resources and Development Committee's 38th Report addressing tuna feedlots at Louth Bay and responded to the committee's recommendations accordingly.

With respect to the decision making process for aquaculture, the government completed a review of aquaculture legislation in March 1999. That review recommended the introduction of specific legislation to manage this rapidly growing sector. Consequently, in December 1999, Cabinet approved the drafting of an Aquaculture Act. This act will ensure the ecological sustainability of the industry and provide certainty, transparency and accountability for all stakeholders.

A Discussion Paper 'Towards an Aquaculture Act' has been prepared by the Department of Primary Industries and Resources (PIRSA) in consultation with an Inter-agency steering group and a community reference group. The discussion paper reviews existing legislation and examines regulatory options for South Australian aquaculture. The discussion paper has been released for community consultation. The community consultation phase ended on Friday 20 October.

SPEED CAMERAS

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Treasurer a question about speed camera revenue.

Leave granted.

The Hon. A.J. REDFORD: I have been provided recently with some figures concerning speed camera detection rates by the police. In 1998-99, for speeds up to 14 km/h over the speed limit, 177 390 offences were detected. In the year 1999-2000, that figure dropped to 105 411 offences, a decrease of some 71 979 offences in that category. On my rough calculations that is a reduction in revenue for the state of some $9.9 million in a total revenue receipt in the order of some $35 million over 12 months. I assume that the slowing down of cars has resulted in a reduced number of accidents and deaths and, therefore, an overall reduction in the costs to the community associated with accidents and road deaths. Obviously, there is an impact, one would assume, on health and other costs associated with that. In the light of that, my questions are:

1. What has been the impact on health and other budgets of the reduction in the number of accidents?

2. Can the Treasurer quantify the impact in dollar terms of the reduction in the number of accidents and deaths on the state budget?

3. Do the figures support the government assertion that speed cameras and improved detection are not revenue raising but, rather, are designed to reduce the number of accidents thereby freeing up health services for other important purposes?

The Hon. R.I. LUCAS (Treasurer): I am happy to take advice on that question. If we have seen a significant reduction in the number of speeding offences, all members of the government would be delighted that our road safety initiatives are being successful. We would welcome that and, indeed, if it had an impact on our budget, it would be an indication of the success of the government's road safety campaigns. I am sure all ministers and all members of the government would warmly welcome that result and would probably congratulate the Minister for Transport and the Minister for Police on their speed camera activities and, indeed, other activities—if that is the case. I am certainly happy to take advice on that from the appropriate ministers and bring back a reply.

In relation to the potential impact on the health system, I can understand the points the honourable member has raised. They are interesting points which I will take up with the Minister for Human Services to see whether we can quantify any potential savings as a result of reductions in the number of accidents that have occurred on our roads and potential savings, if any, on our health system.

RURAL TRANSACTION CENTRES

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Regional Development, a question about rural transaction centres for South Australia.

Leave granted.

The Hon. CARMEL ZOLLO: The RTC program has been promoted as the federal government's flagship regional services program, funded from the sale of Telstra 2 shares. The RTC is a five year program with an overall target of 500 RTCs Australia wide. I understand that, of the $8.1 million allocated to this program last year, only $2.96 million was spent on 11 of the 70 targeted RTCs for that year.

Whilst a further 10 had their funding announced last month, I am told that three of the 13 RTCs up and running today do not even offer banking services. In short, the program appears to be falling way behind schedule with endless delays. South Australia has only one RTC at the moment, although I understand another one was announced for funding last month or recently. With other further bank closures announced recently, the importance of RTCs to regional communities is obvious. Given the very low number of South Australian approvals, my questions are:

1. Is the minister aware how many of the 260 communities involved in an expression of interest are from South Australia?

2. Does he believe that South Australian communities are being fairly assessed?

3. In his capacity as Minister for Regional Development will he actively lobby his federal counterpart to ensure that South Australian regional communities receive their fair share of RTCs, and as quickly as possible?

The Hon. K.T. GRIFFIN (Attorney-General): I will refer those questions to my colleague in another place and bring back a reply.

STIRLING EAST PRIMARY SCHOOL

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Treasurer, representing the Minister for Education, a question about the Stirling East Primary School.

Leave granted.

The Hon. M.J. ELLIOTT: Parents of children at the Stirling East Primary School have contacted me and provided a number of details of matters that are causing them concern. They also brought to my attention an article that appeared in the Mount Barker *Courier*. That article, titled 'School upgrading knock back', voices the outrage of the parents and school council members of the Stirling East Primary School who have had their request for a major upgrade of school facilities refused yet again. In fact, I understand that the request has been refused over at least four years, if not longer. The refusal raises concern that the school's decision not to join Partnerships 21 might have had an impact on the minister's decision not to approve the upgrade.

A spokesperson for the minister is reported as saying that the school's failure to join Partnerships 21 had nothing to do with the decision, rather that other projects were identified as having a higher priority, yet the details of the situation cast serious doubt over this explanation. The Stirling East Primary School is the largest primary school in the district, with more than 400 students. For each of the last four consecutive years, the school council has requested $2 million to replace the dilapidated junior school buildings which house the five to seven year olds. The ceilings of these buildings are in such a poor state that, during stormy weather, water leaks into the building, often damaging school bags and personal belongings.

The situation is most dangerous in the computer room where, I am told, water often runs down electrical cabling, collecting in pools of water around the computer equipment. The department's response to this situation has been to provide $60 000 over the past two years for ceiling maintenance; however, the ceilings have continued to deteriorate as a result of water penetration to such a state that, despite being repaired many times, the problems recur. The state government espouses the benefits of greater parent participation through school management. I note that in this case the school, through the school council, is seeking assistance from the government.

At best, it is a failure of the minister to practise what he preaches and, at worst, it is a case of 'if you join Partnerships 21, you will secure the upgrade that you want'. My questions are:

1. Will the minister explain what projects are of higher priority than protecting the health, welfare and safety of the students of Stirling East Primary School by approving the repeated requests from parents for an upgrade of the building?

2. Will the minister confirm that several weeks ago the principal was advised by a departmental representative not to use minor grant moneys to repair ceilings as a stop-gap measure?

3. Is the minister aware of the outrage of the Stirling East Primary School community over the continued refusal for funding? I understand that the community is so angered that an invitation to the local member to open the recent open day at the school was withdrawn.

4. Will the minister explain how his riding roughshod over the wishes of the school community and refusing repeated requests for a major school upgrade is compatible with his support for local school management?

The Hon. R.I. LUCAS (Treasurer): I will refer those questions to my colleague in another place and bring back a reply.

OCCUPATIONAL HEALTH AND SAFETY

In reply to **Hon. A.J. REDFORD** (12 April).

The Hon. R.D. LAWSON: I am advised that compliance with the Standard 'AS/NZS4114—Spray Painting Booths' is not a legislatively mandated requirement. However, the standard is used by workplace inspectors as an appropriate performance standard against which employers can be judged in relation to their obligations under Section 19 of the Act.

I note the allegation that one of Monarch's competitors, Lowbake Australia, are maintaining that their products carry a certification which they do not in fact have. This would appear to be a direct (and flagrant) breach of the Trade Practices Act. You might consider encouraging your constituent to report this matter to the Australian Competition and Consumer Commission, 13 Grenfell Street, Adelaide, telephone 8205 4242.

I am most concerned by the allegation that the electrical wiring in some spray booths does not comply with wiring standards, compliance with which is mandatory by virtue of the Electricity Act 1996. The Office of Energy Policy has responsibilities in relation to the administration of this Act.

I have asked Workplace Services to work jointly with staff from the Office of Energy Policy to ensure that the suppliers of spray pointing booths adhere to the relevant electrical wiring standards.

GAMBLING PROBLEMS

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Attorney-General a question about consumer credit and gambling addiction.

Leave granted.

The Hon. NICK XENOPHON: An article in today's *Advertiser* headed 'The legacy of pokies profits' by political reporter Kim Wheatley reports:

> South Australian gambling addicts have an average debt of $13 500 and carry six or more credit cards in their wallets, an Adelaide Central Mission survey has found.

The article further states that the mission also says that gamblers committed fraud costing $2.2 million over the past year. The article also states:

> Gambling counsellor Vin Glenn says fraud and bankruptcy is rising and contributing to at least one gambling-related suicide a month.

The article further indicates that there has been defrauding of Centrelink and bank fraud and further states:

> Mr Glenn said defrauding of Centrelink and bank fraud were at disturbing levels as people attempted to feed poker machine addictions.

The article also refers to Helen Carrig of Relationships Australia, who said that a client committed suicide two weeks ago after being challenged about an $8 000 credit card debt. Ms Carrig said that this person had recently been offered an extension to his credit limit without applying for it. Mr Glenn suggested that a number of measures should be adopted, including financial institutions tightening their lending policies by establishing stronger guidelines in terms of people proving their identification when applying for loans, authenticating signatures on cheques/documents, stopping cash advances for problem gamblers and ensuring that credit

history is checked when loan limits are increased. My questions to the Attorney-General are:

1. Given the survey of the Adelaide Central Mission and the concerns expressed by gambling counsellors, particularly with respect to the reported link between gambling-related suicide, gambling addiction and credit extension, will the Attorney investigate the serious concerns raised, first, by obtaining further information from the councils and organisations referred to; secondly, by looking at the adequacy of current consumer credit laws with respect to such loans; and, thirdly, by investigating the link between gambling addiction and fraud, but especially with respect to consumer credit fraud?

2. Will the Attorney undertake to provide a comprehensive response to the matters of concern raised, including any potential law reforms that can be implemented?

The Hon. K.T. GRIFFIN (Attorney-General): I will refer those questions to my colleague in another place and bring back a reply.

BUSES, METROPOLITAN

In reply to **Hon. SANDRA KANCK** (10 October).

The Hon. DIANA LAIDLAW: The following information was provided to the honourable member by letter on 25 October 2000.

The matters raised by the honourable member were referred to Transport SA, the provider of registration permits, for investigation. Subsequently, I have been provided with the following advice:

All buses operating on Adelaide's metropolitan passenger transport system are registered vehicles. The older Volvo B59 buses previously operated by TransAdelaide prior to the April 2000 changeover of bus contractors, are government registered vehicles. These vehicles are not required to display a registration sticker as they have a continuous registration. These buses are identified with the number plate prefix of TA followed by a four-digit number. It is not a violation of government policy for a government vehicle to be driven by a non-government employee (the bus contractor). The government is currently replacing the older vehicles in the bus fleet with fully accessible air-conditioned compressed natural gas powered buses.

The Volvo B59 buses transferred to contractors in the first round of tendering in 1995, had the registration and number plates changed, as the remaining service life at that time made it economical to change. As a result, there are Volvo B59 buses with either a government number plate (TA prefix) or a private number plate. Due to the short period of time that the Volvo B59 buses are to remain in service, it was not deemed economical to change the registration to the standard 'black and white' number plate.

In relation to 'carrying the requisite prominent signwriting identifying the owner of the vehicle,' I am advised that the necessary compliance is currently a contractual requirement of service operators.

The Passenger Transport (General) Regulations 1994, Part 2, Condition 7 states:

(i) 'that a vehicle used for the purpose of the service displays the name of the accredited person, or of a business or trading name approved by the Board, and in a manner determined by the Board, unless:

(ii) the vehicle is used to provide a regular passenger service'.

Under the 'Road Traffic Act' no requirement is applicable.

The board approved the contractual requirement that Service Operators display their business name above the driver's window and the front door entry point of all vehicles used for provision of regular passenger services.

MURRAY RIVER, FERRY OPERATIONS

In reply to **Hon. R.K. SNEATH** (11 October).

The Hon. DIANA LAIDLAW:

1. There are 13 ferries, including 2 at Mannum. The Goolwa ferry will cease operation when the Hindmarsh Island bridge is opened to traffic. Of the remaining 12 ferries, Lyrup, Waikerie, Tailem Bend and Wellington are up for renewal in March 2001, Cadell, Narrung and Purnong in March 2002, Morgan in April 2002, and Swan Reach, Walker Flat and Mannum in January 2003.

2. All current ferry operations in South Australia are either managed by companies formed with at least one ex-Transport SA employee as a partner, or by companies which employ staff who operated the ferry previously for Transport SA on a casual or contract basis.

Transport SA has advised that all contractors have provided a professional service and fulfilled all requirements under the terms and conditions of the contracts.

AUDITOR-GENERAL'S REPORT

In reply to **Hon. CAROLYN PICKLES** 10 October).

The Hon. DIANA LAIDLAW: The probity auditor was from Ernst and Young, and the actual cost was $21 000.

TRANSPORT, EXPIATION NOTICES

In reply to **Hon. T.G. CAMERON** (10 October).

The Hon. DIANA LAIDLAW: I provide the following information in relation to an expiation notice issued to Ms Catherine Williams for failing to have a ticket when travelling on a train.

I am advised that Ms Williams wrote to the Passenger Transport Board on 31 August 2000 appealing the expiation notice. It was determined that the matter be withdrawn and Ms Williams has been advised accordingly.

The PRESIDENT: The time for questions has expired. I call on the business of the day.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 26 October. Page 269.)

The Hon. SANDRA KANCK: In the Governor's speech made on the occasion of the opening of parliament, I note the lack of undertakings by the South Australian government to deal with this state's obligations to reduce greenhouse gas emissions. Australia is slipping further behind the benchmarks for emissions that were established at the Kyoto conference. Unfortunately, they were never enforceable and one can only argue the moral case for keeping one's word—and politicians, of course, do not have a very good reputation for that.

In August this year I attended in Cairns the fifth international conference on greenhouse gas control technologies. In attendance were 350 people, mostly academics and scientists, principally from the developed world with some representation from industry and industry bodies, most predicably the coal industry, which was amongst the sponsors of the conference. The main focus of proceedings was carbon sequestration, principally in the oceans, used coal mines and aquifers. It was observed that this concept had not gained much recognition in Australia. The coal industry in Australia, however, is very bullish about the prospect. Nevertheless, a number of the presenters stressed that there is no silver bullet.

The observation made by one speaker was that the world needs an energy source that is affordable, clean and abundant and that there is not such a thing. Fossil fuels are abundant and relatively easy to access, so they will be used. That is the reality with which we are having to deal, I lament, in Australia. By its very nature, being a conference about greenhouse gas control technologies there was not a huge deal of interest in the ecologically sustainable energy sources that the Democrats promote. A number of workshops on these sources were held but the great majority of conference

attendees attended workshops that advocated the technological solutions that will allow the continued use of fossil fuels.

It was noted in one of the keynote speeches that some people hold concerns that the money that goes into CO_2 capture and storage will be at the expense of the budget for renewables. I echo that concern. I am always wary of technological solutions, as they often come at great cost with problems emerging that were not envisaged at the time of their introduction. Witness the problems of salinity in the Murray River following the diversion of water from the Snowy River. Witness the problems that we now face with the destruction of the ozone layer because of the ease of use of spray cans. Witness the damage caused by thalidomide.

So many of the so-called solutions which were proposed at the conference encourage a 'business as usual' approach, but it was extremely useful to hear the propositions and to know what measures will be proposed in a few years when the media, and later the politicians, become aware of them. A poster on display from ANSTO had this to say about the way this knowledge becomes mainstream:

> The passage of a scientific hypothesis from conception to public explanation through the media appears to take around eight years. This process cannot be rushed. We have only eight years from now until the start of the first Kyoto budget period in 2008. Scientists' current guesses are greenhouse policy reality.

For me, that is something of a worry, because some of the solutions I heard were mildly harebrained, some will have massive financial costs, and some could transfer environmental problems from one area to another. For instance, if we pump CO_2 to the bottom of the oceans in order to justify the continued burning of coal for energy production, what will be the effect on marine life of carbonating that part of the ocean?

That may sound like a theoretical question, but in fact this is about to take place off Hawaii early next year. A pipe, which will be sunk to a depth of 800 metres, will release large amounts of carbon dioxide, and a team of international scientists will be on hand to study the biological effects. Somehow, in this I am reminded of the mistakes of Maralinga. Who do you sue if fish stocks are killed as a consequence of carbon sequestration in our oceans? How long will it take before the impact is felt, and will it even be traceable to the site where it was released?

Sustainability was a hot topic at the conference with varying definitions. I could not help but note that the economic benefit to be gained from using non-renewable energy resources had a strong impact on those different definitions. A decade or so ago, industry appropriated the term 'sustainability' from the environment movement and replaced it with the catch-all term of 'sustainable development' and that even more incredible term 'sustainable growth' which is in the same category of believability as 'sustainable acceleration'.

Greg Boyce from Rio Tinto told the conference that 'sustainable development seeks to maximise goal attainment' and that 'continued extraction of non-renewable resources is a necessary part of sustainable development'. It is quite a contradiction in terms to use 'non-renewable resources' and call it 'sustainable development'. Stuart Dix of a Queensland based company, E3 International Pty Ltd, told the conference that sustainability is about growth. However, I think this was an observation about the way business views the matter rather than his personal view.

Phil Harrington of the Australian Greenhouse Office was much closer to the mark when he said that sustainability is about maximising human welfare within ecological limits and that it must involve environmental, economic and social dimensions. He observed that we do not know what the ecological limits are and that, therefore, we should adopt the precautionary principle. Dr John Wright of the CSIRO deferred to the Bruntland report's definition as 'development which meets the needs of the present without compromising the future'. Such a definition is in keeping with that adopted by a COAG meeting held on 7 December 1992. That meeting declared that sustainable development is 'development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends'.

For those people who addressed this conference, that there is a greenhouse effect is a given; that average global temperatures are rising is a given; and that there is a correlation between CO_2 emissions and temperature increase is a given. CO_2 contributes 81 per cent of global greenhouse gases. The conference was told that there are three ways of addressing the problem of CO_2 emissions: first, via the replacement of fossil fuel energy; secondly, reducing the carbon intensity of the emissions; or, thirdly, technological solutions to store the CO_2.

Speakers at the conference made the following observations about possible alternatives to fossil fuel based energy production. I do not present this information as a report on what they had to say rather than as the ultimate truth. Wind, hydro and thermal sources are not always available in all areas; biomass has problems associated with transport and land use; solar energy has issues of land use, capital cost and storage; nuclear power is expensive, politically taboo, and has the added problem of proliferation issues; and hydrogen does not contain a great deal of energy and faces cost problems.

I stress again that in relation to solar energy I do not necessarily uphold what was said, but I am reporting what the conference said. Much of the technology is both costly and unproven and industry believes that the capture and storage of greenhouse gases will in themselves be energy intensive—sure arguments, as I see it, for conservation rather than technological fixes. Fuel substitution may inevitably occur because of our society's unwillingness to switch to other methods of energy production, but at this stage methanol uses up to three times the amount of energy in production as it is able to deliver as a fuel. We were told that fuel replacement will certainly not happen in the short term because fossil fuels sustain 80 per cent of the world's energy and power stations will not be shut down overnight.

Reducing the carbon output intensity of fossil fuels was the second major method to reduce greenhouse gas emissions. Substituting gas for coal can make some contribution, but there is not enough natural gas to meet the demand. Reducing it by political action is a possibility, but petrol taxes (as we are seeing in Australia at present) are not popular anywhere. As I have already indicated, the third method of the 'business as usual' scenario but capturing and storing the CO_2 was the one that was the most attractive to these technocrats. Their blind faith in technology was extremely disturbing. One speaker observed that the next Microsoft will be an energy company, and I assume that each of them wants to be Bill Gates.

It seems to me that conservation is not on the agenda of these scientists because conservation does not need the invention of a new process, nor will it get a paper published in a scientific journal. Rita Bajura from the US Department of Energy began her presentation with the following quote:

'If you have a hammer, every problem looks like a nail.' I fear that with many of these scientists that is the case. By the time most politicians become aware of their proposals, the momentum of the research and that boundless faith will most likely convince decision-makers that this is the way to go.

Although it is still to be proven, the conference presenters postulated that technology will be able to reduce CO_2 emissions from fossil fuel sources by up to 50 per cent. We were told that in Denmark they have been able to produce coal based electricity at 47 per cent efficiency, which is extraordinarily high for a conventional power station.

One would hardly expect a scientific and technical conference to include presentations that prick one's conscience, but there was one. South Africa was one of the few countries from the third world that had any representation at the conference. Members may recall that, at the Kyoto conference, the Australian government took the approach of arguing for greater reductions to be made by the third world before we reduced ours. Njeri Wamukonya from the University of Cape Town informed us that only 68 per cent of South Africa has access to the electricity grid and that in rural areas that is down to less than 40 per cent.

Yet—and I stress that this is my observation and not hers—the Australian government wants countries such as South Africa to reduce their production of greenhouse gases. Most grid power in South Africa is generated using coal: what are the alternatives for them? How much will the first world provide to assist South Africa to change to a less greenhouse-intensive fuel? Is this a case of the pot calling the kettle black, given the amount of coal powered electricity that is produced in Australia?

For South Africans without access to the grid, paraffin is the principal source of fuel for cooking and lighting. What does the first world and the Australian government propose that they use instead? I felt embarrassed and ashamed to be an Australian as I listened to her presentation. It reminded me of the so-called consultation that the Department of Foreign Affairs initiated in the lead up to the Kyoto conference.

I attended one of those consultations, where I put my personal view about Australia's proposal for the third world to reduce their greenhouse gas outputs before we take action. I recounted the fact that the child I sponsor in Vietnam has a staple diet of rice and, in one meal out of three, her mother is able to supplement it with some vegetables. That family's only energy output comes from the boiling of rice, and I asked the Foreign Affairs boffins whether they wanted my foster family to stop boiling their rice and eat it raw, because that was the only way that they could reduce their greenhouse gas outputs.

They told me that I did not understand. Yes, I do understand, and I understand that governments in the developed world are lazy and not meeting their responsibilities. Which brings me to South Australia. We are not meeting our greenhouse gas targets here, and the inadequate response of the state government to this is very disturbing.

The Queensland Minister for Mines and Energy used the opportunity of formally opening the Greenhouse Gas Controls Technology Conference as a vehicle to tell the world about his state's green energy programs. He announced that their publicly owned electricity utility, Ergon Energy, has entered into a contract to buy electricity produced from mill waste of the Tully sugar mill, which will result in an annual greenhouse gas reduction of 120 000 tonnes.

He told the conference that his government, through its Office of Sustainable Energy, will be taking action on a number of fronts, ranging from the development of a wind farm on the Atherton Tablelands to changes to building codes, so that by the year 2010 Queensland will have achieved a greenhouse gas reduction of four billion tonnes. An Office of Sustainable Energy: I'd like to see that in South Australia.

I have twice introduced my Ecologically Sustainable Energy Authority Bill to this parliament, but the government would not support it. Two years ago, in the throes of selling our then publicly owned electricity utilities, I was pleased to see that the government introduced a Sustainable Energy Authority Bill almost identical to my own. But it was only a sweetener, it seems, introduced to try to win us all over to supporting the privatisation. The bill lapsed at the end of the parliamentary session and the government has declined to reintroduce it.

For nearly three years the state government's priorities in energy have been to sell our electricity utilities. In the process, it has opted out of any long-term energy planning for this state. I recently asked the Treasurer whether the contracts for sale of the electricity utilities included any provision for the production of green energy, and he was not able to answer the question. If the person in charge of the sale process cannot tell us, it is unlikely that anyone else will be able to.

South Australia is being left behind. Last week the Victorian government announced four new renewable energy projects resulting from the commonwealth's Renewable Energy Commercialisation Program, another of the positive outcomes from the Democrats' negotiations over the GST: 3 800 square metres of solar panels are to be installed at the Queen Victoria Markets in Melbourne; BP Solar is to develop a new long-life battery for use with renewable energy systems; a new grain storage facility using solar power to reduce spoilage is to be developed; and Pacific Hydro is working on producing hydro-electric power from an irrigation channel.

Where is South Australia in all this? Nowhere. Why does this government not have the vision to come up with similar projects with their capacity to produce jobs, the opportunity to produce exports (as with the batteries) and, most importantly, to reduce greenhouse gases? We ignore the scientific facts at our peril.

The Hon. Diana Laidlaw interjecting:

The Hon. SANDRA KANCK: I appreciate what the minister has said and I acknowledge the efforts that she is making with public transport to fuel our buses differently, but they are really only a token effort compared to the sorts of efforts the government ought to be putting in as a whole.

From 1880 to the present sea temperatures have increased from between 0.1° and 0.8°, while land temperatures have increased from between 6° and 8.6°. CO_2 concentrations have risen from 280 parts per million in 1800 to 370 parts per million at present. The natural uptake rate of greenhouse gases by the biosphere and oceans is three gigatonnes per annum, and we are now exceeding that. The Kyoto agreement ought to be only the first of a series of reductions of greenhouse gas emissions.

The International Panel on Climate Control has produced a range of global scenarios up to the year 2100, depending on which course of action we take—and we are talking of only 100 years from now. If we choose to take no action, average global temperatures will rise by up to 5° and sea levels will rise by somewhere between 10 and 90 centimetres. These are risks that we should not be taking.

Mr Kelly Thambimutu of the University of New South Wales told the Greenhouse Gas Controls Technology Conference that we are all accountable for the state of the world we hand on to our children and grandchildren. One of the speakers told the conference that the Kyoto protocols created a mandate for change, giving the courage for politicians to act. I wish!

Some of us know that the actions are required and have been pressuring the government to respond, but the message appears not to be heard. When the government does respond, I urge it not to be seduced by the 'business as usual' approach with its associated costly technological fixes. The Artistic Director of the 2002 Adelaide Festival of the Arts says that Adelaide can become the world centre for ecological sustainability. I hope that he is right. It is certainly what I aim for, but he will need to drag so many of our decision makers out of their current stupour for this to happen. I support the motion.

The Hon. M.J. ELLIOTT secured the adjournment of the debate.

CONVEYANCERS (REGISTRATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 October. Page 149.)

The Hon. P. HOLLOWAY: The opposition will not oppose the second reading of this bill. However, I foreshadow that we will be moving to delete a significant part of it during the committee stage. This bill has been introduced as a result of National Competition Policy, which has seen the review and amendment of a number of acts deemed to restrict competition. Before I deal with this bill, it is important to place on record the background to both this and the Land Agents (Registration) Amendment Bill, about which the Attorney-General made a ministerial statement earlier today.

The purpose of competition policy, put simply, is to make industry more competitive. According to the National Competition Council's statements, each law must be assessed against a number of criteria, including specific public interest considerations; whether there are other ways of achieving the objectives of the law without hindering business; and whether the benefits of the laws outweigh the costs.

Of course, competition policy has been applied to all legislation, including regulations, of all the states of Australia. It has also been applied to government businesses. The philosophical background to competition policy in relation to occupations, of course, goes back to what in my view is a very influential book put out by Milton Friedman in the 1980s called *Free to Choose*, where he argued against all occupational licensing in all professions. In fact, he was arguing that even medical practitioners should not have to be subject to licence, because he believed the market would provide adequate protection to consumers. Presumably, enough patients would die from a bad doctor whereby the market would run him out of business—bit of a pity for all those who died along the way. Nonetheless, that was one of the more extreme cases that Milton Friedman put in that book. There are obviously a lot of followers of Milton Friedman, and the influence that he had was in many ways behind the so-called economic rationalism and this move to end occupational licensing, or at least significantly reduce it, during the 1980s.

So that is how we came to this process of national competition policy reviews of occupation. I would say that the record of national competition policy review, as it has been applied over the past six or seven years, has been somewhat chequered, to say the least. In extreme cases it has been suggested that it should apply to shopping hours, the use of casinos, and so on. This bill, along with the Lands Agents (Registration) Amendment Bill, has come about as a result of the national competition policy review of the Land Agents Act of 1994. This review, while ostensibly considering restriction to competition, spent much of its report looking at the possibility of allowing legal practitioners and those in other occupations such as accountants to enter the real estate industry. It is a report of some 69 pages. The review panel in relation to looking at new entrants into the industry considered two options.

It considered whether we should exempt all legal practitioners from the Land Agents Act. The review panel did not consider such a blanket exemption was warranted. The second option was to prescribe the qualifications held by legal practitioners as sufficient for registration as a land agent. The second option was seen as preferable because it was considered that all land agents should be regulated under the one act and that legal practitioners, were they allowed to practise in the real estate industry, should not be exempt from compliance with the Land Agents Act. The final report of the national competition policy review concluded:

> The qualifications held by legal practitioners provide adequate protection for consumers in relation to the contractual and legal aspects of the transaction.

There was some concern about lack of understanding of appraisal and it was therefore recommended that legal practitioners, in order to be registered in the real estate industry, should demonstrate competence in appraisal. An eight hour training course in appraisal has been offered by the Law Society of South Australia, in conjunction with TAFE.

It is well known that this report met with strong resistance from the Real Estate Institute of South Australia. In a response to the final report, the Real Estate Institute has set out a series of concerns both about the make up of the review panel and the conclusions it arrived at. First, it expresses concern at the composition of the panel, commenting that, while the panel included at least two legal practitioners, it did not include any land agents. The Attorney referred to this argument in his statement today. He pointed out that under these competition policy reviews there is, of course, no requirement for any particular people to be on the panel.

That is perhaps one of the problems that has faced the national competition policy review in many areas. I know that in some of the rural areas there has been a great deal of concern about the application of competition policy, and in states such as New South Wales it is the practice to ensure that there is at least one industry practitioner on those review panels so that the needs or requirements of the particular industry can be given due consideration. I believe that that is a fairly sensible measure. When the Barley Marketing Bill came before parliament—and I think it is due to come before the parliament again—as a result of a competition policy review I commented then, several years ago, that I believe it is good practice when we have these sorts of reviews to have at least one representative of the industry that is being reviewed on there so that their views can be properly taken into consideration.

Let me say at this stage that I am pleased that the Attorney has in his statement today indicated that there will be a new

review, or at least a reconstitution, I suppose you would call it, of the committee that is looking at the Land Agents Act and that this new committee will involve a member of the real estate industry. I welcome that and I will have more to say about that in a moment.

But to return to the response of the Real Estate Institute to the final report of the competition policy review, the institute was concerned about the potential for conflict for the Attorney between his roles as Attorney and Minister for Consumer Affairs. The institute stated:

> REISA submits that in this instance the Attorney-General has an impossible conflict of interest between his roles as Attorney-General and as Minister for Consumer Affairs. On the one hand, the Attorney-General is responsible for directing the implementation of the recommendation of the review panel, yet, on the other, he is responsible for protecting the consumers of South Australia, the very people who will be adversely affected by the proposed policy change.

In conclusion, the Real Estate Institute stated:

> How does the state government justify that a person with only legal and appraisal qualifications will provide to the consumers competent real estate services without possessing skills in marketing, selling, auctioneering, advertising, property management and the other skills which the regulations of the act require a land agent to possess at present?

That is one of the issues that in my view is at the core of this current debate over who should be able to be licensed as a land agent.

It is interesting that the Attorney-General took the opportunity, by way of answer to a question—I am not referring to the one today—asked by the Hon. Caroline Schaefer on 26 October to make his first response to the concerns of the Real Estate Institute. But I was certainly surprised by the Attorney's declaration in that answer that some of the correspondence by the Real Estate Institute to members could be considered defamatory. I hope the Attorney will reconsider his comments, as it is my belief that the Real Estate Institute has simply been acting for its members throughout this process. I believe the whole competition review process has caused considerable consternation and distress in many industries that have been subject to review, and I will reiterate the comments that I made during the Nurses Bill debate, which was another outcome of competition policy review, where I stated:

> Many of us wait with great interest for the competition review of both legal and medical practitioners.

Strangely enough, neither review has taken place yet, but I am sure we will look with great—

The Hon. Diana Laidlaw interjecting:

The Hon. P. HOLLOWAY: Well, they are another group, but, shall we say, the easier ones, those that are considered to make less noise, are likely to be done first. But, as I say, given some of these precedents that have been set over the past seven or eight years with competition policy reviews, it will be interesting indeed to see what comes out of the reviews of legal and medical practitioners.

In relation to this current review, though, I also received correspondence from the President of the Law Society of South Australia, and he states:

> For quite sometime lawyers have been subject to increasing competition from accountants, trustee companies, conveyancers, taxation agents, union advocates, mediators, and the like.

The Law Society believes that any inroads that lawyers make into the real estate industry can only be beneficial for consumers of real estate services and that it should be left to the marketplace to decide who is best able to provide the service wanted by the public. That brings us to the crux of this issue before us.

The purpose of the Conveyancers (Registration) Amendment Bill is to remove certain restrictive elements from the Conveyancers Act 1994 as a result of the competition review which I described earlier. The amendments relate to barriers to entry into the real estate industry through offences of dishonesty. The current legislation bars any person from registering as a conveyancer if they have ever been convicted of an offence of dishonesty. A company is also barred from registering as a conveyancer if a director of that company has been convicted of an offence of dishonesty. Clause 4 replaces these sections with the amendment that a person cannot register as a conveyancer if they have been convicted of an indictable offence or convicted of a summary offence in the past 10 years.

Whereas the opposition does not have a problem with that amendment, we do intend to oppose clauses 5 and 6 of the bill. These clauses seek to replace sections 10 to 12 of the Conveyancing Act 1994, which were provisions that were originally drafted in the 1970s during the term of the Dunstan government. It is the replacement of section 12 that the opposition is most concerned about. This section of the current act provides:

> A company that is a registered conveyancer must not carry on business as a conveyancer in partnership with another person without the prior approval of the commissioner.

At this stage, I think it is important to express the concerns of the Australian Institute of Conveyancers dated 12 September this year which discussed this issue in more detail. This letter reads, in part:

> Section 5 of the amendment bill. . . would, in effect, allow anyone to own a conveyancing company. . . The institute has written to the Attorney-General seeking to have the decision to allow legal practitioners to register as land agents re-examined. . . The institute pointed out that there would be no prohibition on a land agent, or a legal practitioner who was a land agent, incorporating a conveyancing company and directing conveyancing work to that company. There would be no prohibition on the conveyancing company being located within the land agent's office. . .
>
> The Attorney-General responded that the Conveyancers (Registration) Amendment Bill contained a provision which would preclude directors of a conveyancing company giving improper directions to the registered conveyancer managing and supervising the conveyancing company. The Attorney-General asserted in his response that this measure would prevent any conflict of interest from arising.
>
> The situation which existed prior to 1973 [when the original clause was inserted in the act], when land agents could employ conveyancers, does not support the Attorney-General's assertion. It will not require a land agent to give improper directions to a conveyancer for the conveyancer to work in the best interests of the directors of his or her employee, to the detriment of the other party to the transaction, where the conveyancing company is working for both parties.

In order to address these very real concerns, the opposition intends to seek to remove these clauses of the bill. The Institute of Conveyancers also included in its correspondence documentation on a situation that had arisen in Western Australia. I will quote the summary of the court case from the Australian and New Zealand Conveyancing Report: it gives rise to the concern about this matter:

> Four general practitioner doctors intended to purchase properties located near to a hospital, at Cooloogup, in Western Australia, to build a medical centre. The doctors submitted an offer of $120 000 for two lots, subject to the following conditions:
>
> 4. Subject to confirmation of approval by Rockingham City Council for construction of a medical facility within seven days of acceptance.

5. Subject to a building contract with Summit Projects being signed within 30 days of acceptance.

The offer was accepted and contracts were signed on 5 May 1995. A rezoning application was submitted to the council and Summit Projects prepared plans for a medical centre, which included a pharmacy.

On 18 May the doctors accepted Summit's quote, but the documentation was only ready for signature on 26 June 1995. Combined Property Settlements was appointed the settlement agent to act for the vendors and the purchasers, under both contracts.

Perhaps I should have pointed out earlier that this concerns the situation in Western Australia, where there is no restriction, as with this state since 1973, preventing a link between land agents and the conveyancers. It continues:

The purchasers signed an appointment to act in which it was acknowledged that the settlement agent also acted for the vendor.

On 3 July 1995, solicitors acting for the vendors wrote to the purchasers as follows:

We act for the Prudential Assurance Company Limited, Rockingham Park Pty Ltd and Sumreal Nominees Pty Ltd, the registered proprietors of the above mentioned properties and vendors under contracts made by you as purchasers on 5 May 1995. We are instructed to advise you that each of the contracts entered into by you and our clients on 5 May 1995 have come to an end by virtue of the non-fulfilment of a condition precedent requiring a building contract to have been entered into by you with Summit Projects by no later than 4 June 1995.

We are advised by our clients that the building contract was not entered into by you with Summit Projects by 4 June 1995 and that no agreement has been made with our clients to extend the time within which that condition precedent of the contract was required to be fulfilled and satisfied.

We are now instructed by our client to advise Summit Reality Rockingham to immediately refund to you the deposit paid by you under each of the contracts.

On 6 July 1995 the settlement agent wrote to the purchasers:

We have received notice from the vendors' solicitors in the above matter advising that these contracts have come to an end, and have also enclosed a copy of the correspondence sent to you. As a result, we are unable to continue to act for you but offer our services should you purchase any other property in the future.

Subsequently the purchasers complained to the Settlement Agents Supervisory Board, regarding the settlement agent's conduct. It turned out that the settlement agent's directors were Wild, Wilson and Simpson—each of Simpson and Wilson were also directors of Summit Projects, and also one of the vendors Sumreal Nominees, and Simpson was a director of one of the other vendors, Rockingham Park Pty Ltd. Furthermore, Wilson wanted to terminate the contract because he had just learned that the purchasers wanted to have a pharmacy in the medical centre, which would have been in competition with the pharmacy which Wilson was developing in a nearby property in which Wilson had an interest.

The complaint was upheld on appeal, by the District Court of Western Australia.

There were quite lengthy reasons given by the judge, which I will not go through. However, I think it is worth noting the editorial comment in the article, which states:

Conflict of interest, for conveyancing professionals, when acting for different parties to a sale or mortgage transaction, continues to create problems, litigation and claims for professional negligence and breach of fiduciary duty.

I have summarised the case at some length to indicate that the opposition believes that problems could be created if we remove this requirement which has been in the law since 1973 and which provides that land agents should not be able to be directors of conveyancing companies.

In relation to the statement that the Attorney made today concerning land agents, I believe that the government does need to consider its approach to real estate agents. I welcome the Attorney's announcement today that he will reconstitute the review tribunal. However, I believe that we do need to hasten slowly on these matters. The question I would like the Attorney to address is: what will happen as a result of this new review coming about? In my view, the ideal situation would be if the current steps being made to make it easier for lawyers to become land agents by this fast track course were put on hold at least until this review committee brings down its report. One would expect the review will be completed quickly: perhaps the Attorney will comment on when he believes this matter could be wound up. It seems to be commonsense that, if there is to be a review to look at some of these issues, we should put on hold, in some way, the changes that have caused this problem in the first place.

From the information I had from the Real Estate Institute of South Australia I understood that in principle it certainly was not opposed to lawyers becoming land agents. I understand that the institute is not opposed to lawyers becoming land agents if they have the proper qualifications; and, in fact, a handful have become land agents under the existing practice. I think what is of concern to the institute, and to others I would suggest, is that, if we have a fast-track process where lawyers can be admitted into that profession fairly quickly, with a minimum of additional work, there are fears as to whether the public interest will be served by that.

I think one of the concerns that needs to be addressed is, if we do have the vertical integration that will come about as a result of these changes to the Conveyancing Act, whether that will not, in fact, give an unfair advantage to lawyers within this industry. After all, the whole purpose of the review is to try to increase genuine competition—and I stress the word genuine—rather than to tilt the playing field to provide advantages to others. That seems to me to be one of the key questions in this debate. We do need competition, but it has to be fair and genuine. When the Real Estate Institute was originally approached by this review panel, I understand that it had no objection to lawyers being admitted if they were properly qualified. However, rather than looking at the matter in full detail, the institute was virtually sent only a questionnaire-type survey from the review, asking questions such as, 'Do you have any objection to lawyers being admitted?'.

Now that the Attorney has re-established this committee, and I welcome his doing this, let us hope that some of these matters can be properly debated and, as a result of that, we can have some changes that will be in the best interests of the consumers of the state and the best interests of those employed within the industry, because, after all, that should be the objective of any reasonable competition policy review. With those comments, I indicate that we will not oppose the second reading of the Conveyancers (Registration) Amendment Bill, but we will be moving the amendments I indicated earlier.

The Hon. J.S.L. DAWKINS secured the adjournment of the debate.

ROAD TRAFFIC (ALCOHOL INTERLOCK SCHEME) AMENDMENT BILL

In committee.

Clause 1.

The Hon. DIANA LAIDLAW: When I summed up the second reading debate on the last day of sitting, I indicated that I would have to seek further information on questions asked by the Hons Terry Cameron and Nick Xenophon. I refer to the Hon Mr Cameron's question about what happens when a person completes the interlock requirement but then

reoffends and whether they are able to again participate in the interlock program.

I advise that an important component of the interlock program is to educate offenders and modify their behaviour so that they learn to separate their drinking from their driving. On this basis it is important that every opportunity is provided to reinforce the message. Consequently, it is not proposed to limit the number of occasions upon which an offender may enter the interlock program. This is consistent with all overseas programs.

The only exception to this practice would be offenders who are dealt with under section 47J of the Road Traffic Act. This section provides that a person convicted of certain drink driving offences within a three year period must before being sentenced attend an assessment clinic to determine whether they are alcohol dependent. If they are assessed as alcohol dependent, they are disqualified from holding a licence until further order. As there is no specific disqualification period against which the period of interlock participation could be assessed, they cannot enter the interlock program. If a person is assessed as not alcohol dependent, the court can impose a disqualification period appropriate to the offence for which they are convicted. The offender may then elect to enter the interlock program when they have completed the minimum disqualification period as detailed in the bill.

The Hon. Mr Cameron also asked whether there are figures from overseas regarding the incidence of persons, who are not the driver, attempting to bypass the interlock device. I advise that no statistics are available to my knowledge or that of the Office of Road Safety. However, information from both Canada and the United States suggests that instances of drivers using another person to start the car are very low. In addition, a rolling retest is required at random intervals while the vehicle's engine is running. If the driver returns a positive breath alcohol reading, this information is logged into the interlock's memory and will be available at the next service of the instrument. This would constitute a breach of the interlock licence conditions and could lead to the driver's being removed from the interlock program for the balance of the interlock period of six months, whichever is the greater. I understand that the Hon. Mr Xenophon has on file an amendment to that time period. When the licence is reinstated, it will again be an interlock licence and require the driver to complete the outstanding interlock period.

The Hon. Nick Xenophon asked a number of questions about penalties for attempting to circumvent the system and whether they are sufficient or should be increased. I know that the honourable member has two amendments on file relating to these penalty matters. Perhaps rather than addressing these issues separately now, I will address them when the Hon. Mr Xenophon moves his amendments.

Clause passed.

Clauses 2 to 6 passed.

Clause 7.

The Hon. NICK XENOPHON: I move:

Page 6, after line 24—Insert:

(2a) A court convicting a person of an offence against subsection (2) may order that the person be disqualified from holding or obtaining a driver's licence for a period not exceeding six months.

(2b) A disqualification under subsection (2a) operates to cancel the person's driver's licence as from the commencement of the period of disqualification.

This amendment seeks to alter the penalty foreshadowed in the bill in respect of a person who assists a person in breaching the conditions of the alcohol interlock scheme. Currently, clause 53(2) provides:

A person must not assist the holder of a driver's licence subject to the alcohol interlock scheme conditions to operate a motor vehicle, or interfere with an alcohol interlock, in contravention of any of the conditions.

The penalty is $1 250. The purpose of this amendment is to make clear that, if there is a breach, the court has a discretion to disqualify a person from holding or obtaining a driver's licence for a period not exceeding six months with the disqualification to operate to cancel the person's driver's licence as from the commencement of the period of disqualification.

I congratulate the minister and the government for introducing the interlock scheme which, I believe, ought to be given a fair go, given the rationale behind it, which may lead to a significant reduction in alcohol related accidents—and I hope that is the case. But, if a person is given a second chance through this scheme, and if that person is assisted by another person to breach the conditions, many in the community would find a monetary penalty insufficient. A penalty of licence disqualification would act as a significant deterrent to those who think they can treat this scheme with contempt, particularly someone who is clearly not under the influence of alcohol. That is the whole idea, I imagine, in terms of circumventing the alcohol interlock scheme. It would send a very strong message to those people that they should not interfere with the scheme and that by capricious means they should not to try to overcome the very reasons why the scheme is in place.

I ask members to support this increased penalty in order to give this clause real teeth and to ensure that this provision is not contravened and, if it is contravened, that there are real deterrents for those who seek to contravene it.

The Hon. DIANA LAIDLAW: The government has considered the amendment moved by the Hon. Mr Xenophon and is prepared to accept the amendment and the rationale provided. I am advised that the insertion of the new subclauses would enable the court to impose a licence disqualification period of up to six months on a person convicted of the offence of assisting someone to interfere with the interlock or otherwise breach an interlock condition. The imposition of a licence disqualification period by the court is not compulsory: that is, the court has the discretion. I agree with the sentiments expressed by the Hon. Mr Xenophon because, essentially, they are aiding and abetting drink driving—and actively doing so—notwithstanding the undertakings that the offender has given and their health problems by having this interlock installed in the first place.

I have to report, of course, that there is this rolling provision that after two or five minutes—it can be set on a random basis—the device can emit a loud noise to alert the driver that there is going to be a rolling retest which requires him to breathe into the device. In the United States and Canada that has been seen as an absolutely critical practice in terms of the integrity of these interlocks. Notwithstanding all the techniques that have been built into the interlock, I am happy to accept the amendment.

The Hon. R.R. ROBERTS: The opposition supports the amendment.

The Hon. T.G. CAMERON: SA First will support the amendment.

The Hon. SANDRA KANCK: I indicate that the Democrats will support this amendment.

Amendment carried; clause as amended passed.

Clause 8.

The Hon. NICK XENOPHON: I move:

Page 9, line 20—Leave out 'six months or' and insert:
12 months or twice

Paragraph (g) provides that, if a person, during the period of disqualification, breaches the alcohol interlock scheme conditions, 'the period of disqualification a person must be given notice of under subsection (2) is six months or the number of days remaining in the period of the person's disqualification for the relevant drink driving offence immediately before the issuing of the permit or licence, whichever is the longer period'.

For instance, if it is the case that a person has another nine months disqualification to go, my understanding is that, in addition to any fine, they will simply incur a period of disqualification equivalent to the number of days they have in excess of six months so that there is no additional period. If the period of disqualification has only another month or two to run, it will be for a period of six months. The amendment imposes a fairly powerful disincentive for those who seek to breach the conditions. It seeks to double the period to 12 months rather than six months and, if there is, for instance, a period of disqualification in excess of six months, the period of disqualification that has been set is doubled.

A fairly powerful message is sent to those participating in the scheme whereby if they offend they will not only lose their licence for the balance of the period initially contemplated but the period will be doubled in addition to any fine. The policy rationale is similar to the rationale for the earlier amendment. If someone participates in the alcohol interlock scheme, they are being given a second chance. If they breach the conditions, some would say that that is almost akin to contempt of court. They are treating this piece of legislation in a contemptuous fashion and there ought to be a very strong disincentive for any breaches of this condition.

There is not much more I can say in respect of that matter. I understand that some members have reservations, but I still urge members to support this amendment given the underlying intent of the scheme to give people a second chance. If there is a breach, there ought to be a very strong policy message to those who seek to treat this provision with contempt.

The Hon. DIANA LAIDLAW: The government opposes this amendment, but in doing so I must acknowledge that I have some sympathy for the grounds the Hon. Mr Xenophon has advanced in pursuing the amendment. If the amendment simply applied to an individual's contravening the legal requirements related to drink driving, I would probably strongly support what the honourable member proposes. However, the increase in the penalties proposed by the honourable member apply to all manner of breaches of the interlock conditions, and that includes not turning up for counselling, or not carrying a certificate as required under clause 51(1)(e).

The potential contraventions are broad, and some people in the community would regard them as not being as major as those which apply to drink driving—if you were drinking and sought to overcome the device and drive in contravention of the system. I believe that what the honourable member proposes is probably too draconian for most of the contraventions that we have highlighted as matters that would attract a penalty. The government has nevertheless provided for a penalty. It is a matter of trying to balance this new effort in Australia to address and target drink drivers. We do want people to participate, but at the same time it is a user-pays scheme.

I would like to think that the community can work with this without seeing it as a relaxation of effort in respect of drink driving. At the same time we are seeking to target the people who are the offenders and not apply the broad-brush approach that we have generally applied to road safety legislation, such as random breath testing laws. We are targeting the offenders here but, in doing so, we want the offenders to participate in the scheme because not only has it restrictions in terms of the offence but it is critical with respect to counselling in terms of drink driving. Linking counselling with the offence and the penalty is an issue that has never been properly pursued in this state or country.

The Hon. Nick Xenophon: It is overdue.

The Hon. DIANA LAIDLAW: It is overdue. We are the first state to champion this scheme. I do want people to participate. I understand the reservations expressed by the honourable member. I would oppose the more severe penalties that the Hon. Mr Xenophon has placed on file today, but I am not averse to looking at that again. As I say, there are provisions in this bill for review after two years of operation of the legislation. I believe that we will all look with interest, not only in this state but across Australia, at how this works as a measure. At that time, if there was considerable concern by police and the courts that there was defiance of the conditions of the interlock, I would strongly support the more severe penalties proposed by the honourable member. However, I would like to hold off at this stage, knowing that there is a penalty regime in place but one which is not necessarily as severe as the honourable member would wish.

The Hon. R.R. ROBERTS: The opposition opposes the Hon. Nick Xenophon's amendment. It is important to remember that this initiative does give some options to people who are suffering a penalty for drink driving. On a number of occasions it has been said in this place that some people do need some accommodations where their livelihood depends on their ability to drive. This clause is the most sensible aspect of this whole legislation. I take the Hon. Nick Xenophon's point about the penalty, but the penalty of six months is reasonable in the circumstances. I indicate that the opposition will be supporting the legislation in the manner that it has been presented and it will oppose this amendment.

The Hon. T.G. CAMERON: SA First supports the legislation for the reasons outlined by the minister. We can look at this question later. I doubt very much whether we will need to increase the penalty as a result of people circumventing the system. I think that it would be a real pity if, in any way, we limited the number of people participating in the scheme. The scheme is about getting people to participate because they may have a problem. I therefore oppose the amendment that has been moved by the Hon. Nick Xenophon.

The Hon. SANDRA KANCK: One reason this legislation is before us is that there are recidivists: they had their licence taken away and, even while their licence is taken away, they are out driving again and doing so with alcohol in their blood. This legislation is an attempt to deal with that. I appreciate what the Hon. Nick Xenophon is doing in this instance, but I am not sure that it would work because we are dealing with recidivists. I am not even sure whether this clause in the bill with which we are dealing will work.

I have some sympathy with the Hon. Nick Xenophon's view that this amounts to contempt of court by an offender.

I think that I would probably be more sympathetic if the recommendation were to put offenders in gaol for a month. I am not advocating this at the moment. I would prefer that the legislation operate for a period to see whether it is possible to use it to deal with the recidivists.

The bill does include a clause that obliges the minister to make a report after two years of its operation so that we can see whether it is working. If it is not working, I say that we should come back in two years and, if someone wants to suggest a month in the clink instead, you might find me looking sympathetically at such a suggestion, but at present I do not support the amendment.

The Hon. NICK XENOPHON: In the light of the minister's explanation and consideration of the clause, clearly my amendment will be lost, so I do not intend to call for a division. As clause 9 provides that there must be a report on the operation of this act after the second anniversary of its implementation, will the minister consider making an interim report after, say, 12 months so that we can get an interim view or a thumbnail sketch of how the scheme is operating given the degree of community interest in the scheme and that it is an innovative and novel scheme in the Australian context?

The Hon. DIANA LAIDLAW: I am prepared to provide to members a report after 12 months of operation. How much detail and depth we can provide, I am not sure. If there is an election in 12 months, as the Labor Party keeps on saying, it might be a little difficult to provide a report within 12 months. That was one of the considerations when moving for two years—to give the minister of the day an opportunity to assess the scheme in detail, taking into account the courts, the drug and alcohol people and the whole range of offenders and getting feedback from those who participated in the scheme, including the police. With those provisos, there will be an interim report. I assure the honourable member that I will be asking for reports on a monthly basis because I am so interested, so I will probably be able to provide updates at any time.

Amendment negatived; clause passed.

Clause 9 and title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (TRANSPORT PORTFOLIO) BILL

In committee.

Clauses 1 to 7 passed.

Clause 8.

The Hon. SANDRA KANCK: I oppose this clause. I will repeat part of what I said in my second reading speech. I believe that a provision such as this ought to be in a code that is developed outside the act. I think it is inappropriate to include an issue such as the use of offensive language by inspectors, particularly, when it might be quite a minor offence.

The Hon. T.G. Cameron: What words you can use and what words you can't.

The Hon. SANDRA KANCK: But this is not the sort of detail that we ought to have in legislation. Inspectors are normal human beings who, on occasion, might experience frustrations and say a word that might offend some, but what is offensive to one person may not be to another. Without a code I think this is open slather, so the Democrats oppose this clause.

The Hon. T.G. CAMERON: I asked a number of questions in relation to this clause, and I received correspondence from the minister in respect of those questions. I do not know whether she has anything further to add to that correspondence.

The Hon. Diana Laidlaw: Do you want me to add it to the record?

The Hon. T.G. CAMERON: No, there is no need to do that. Having read the correspondence and been satisfied that this provision is contained in a number of other acts of parliament which refer to inspectors, whilst I take the point that the Hon. Sandra Kanck has raised, I would have thought that in the event that there was any legal action in relation to this clause it would be the responsibility of the judge or the magistrate to work out whether or not the words were offensive. Whilst I take the honourable member's point, I am not sure how practical it would be to get a list of words which are a 'no-no' and words which are allowed to be used. I do not know how long this list might end up becoming.

The Hon. Sandra Kanck interjecting:

The Hon. T.G. CAMERON: Well, we could find that ethnic communities might want to add to it, because you might have to recognise that what is offensive to a certain ethnic group is not offensive to us, and vice versa. I would prefer the magistrates to work that out. I am satisfied with the response to the questions I have asked. It is normal practice in a whole range of other awards, so I support this clause.

The Hon. P. HOLLOWAY: The Opposition opposes the clause. I remember that this clause had its beginnings when we were in government. It was largely put in to address the whims of a member of another place. He or one of his constituents must have had a bad experience with someone many years ago.

The Hon. Sandra Kanck: Someone must have sworn at him.

The Hon. P. HOLLOWAY: Yes, someone must have sworn at him once and, as a result of that, this clause appears in a number of places in our legislation. However, the Opposition does not believe that it is a particularly good measure. It really is not appropriate to have this sort of provision within an act. We agree with the Hon. Sandra Kanck that it is really something that should be addressed in another way and not by being put in legislation. We do not believe that the whims of that member of another place should be indulged any further.

The Hon. R.R. ROBERTS: I have a question of the minister. Is there anything in legislation that makes it an offence for a constituent to address an inspector in offensive language and, without lawful authority, unreasonably hinder or obstruct the inspector, or use or threaten to use force to an inspector? Is that an offence under the act?

Progress reported; committee to sit again.

PROSTITUTION (REGULATION) BILL

Adjourned debate on second reading.

(Continued from 26 October. Page 251.)

The Hon. K.T. GRIFFIN (Attorney-General): As a member of the cabinet committee that developed the four alternative legislative models for reform to the prostitution laws, I propose to talk about the legal policy framework of the bill and a little of its background. I would also clarify the relationship between this bill and existing laws on sexual servitude.

In 1998 the government undertook to provide resources to develop workable alternative models of prostitution law. The undertaking was made in response to concerns that the existing laws were outdated and unworkable. Over recent years, several attempts have been made in South Australia to change the law with respect to the conduct of prostitution activities in order to place it within a regulated framework, rather than deal with it predominantly within a criminal law context. Each attempt has been controversial and, for those who supported some form of regulation, there were always significant deficiencies.

A cabinet committee was set up to consider issues arising from a report to the Police Commissioner in August 1998 and the report of this parliament's Social Development Committee dated August 1996, both of which were critical of the existing law. The committee was asked to consider models in place in other states and territories of Australia and to develop alternative models for legislative reform without indicating a preference for any model.

Underlying this was the wish that, if the parliament was minded to make any changes to the law, such changes should be coherent and workable, even though with each there were still likely to be significant differences of view, even among those who may support a particular model. The cabinet committee consisted of ministers whose portfolios were likely to be affected by prostitution law reform, namely, the Minister for Human Services, the Minister for the Status of Women (also Minister for Transport and Urban Planning), the Minister for Local Government, the Minister for Police, Correctional Services and Emergency Services, who chaired the committee, and me as Attorney-General and Minister for Justice.

The committee met over a period of 18 months. It considered reform models in place in other states and territories, consulting with the relevant interstate officers. It consulted with the Liquor and Gaming Commissioner, the Commissioner for Consumer Affairs, representatives of the Director of Public Prosecutions and South Australia Police Vice and Gaming Squad representatives, as well as taking into account the view of the therapeutic massage sector.

Most significantly, it was granted access to public submissions to the parliament's Social Development Committee inquiry into prostitution, which reported in August 1996. Ultimately, four alternative prostitution bills were introduced into the House of Assembly in October 1999. After a cognate debate on these and a fifth bill introduced by the shadow Attorney-General (Mr Michael Atkinson), members exercised a conscience vote, the majority choosing the Prostitution (Regulation) Bill now before us.

Significant amendments were made to the Prostitution (Regulation) Bill during its passage through the other place. Some were introduced by the minister who had carriage of the bill, some by government ministers and others by members. As a result, if the bill is to pass, some anomalies created in the House of Assembly need to be fixed. The Minister for the Status of Women and the Leader of the Opposition have both placed on file amendments to address these.

As well as the prostitution bills, the cabinet committee also developed new laws to prevent the exploitation of young people and vulnerable adults in the sex industry. These laws were enacted independently of proposals for prostitution law reform in July 2000. I will return to the relationship between these laws and the Prostitution (Regulation) Bill later. Whatever one's view on this bill may be, I consider it important for debate to proceed upon a clear understanding of its intended legal policy framework.

This bill was one of three that would decriminalise prostitution. It is based on a negative licensing model, under which it would be lawful for a person to be involved in a prostitution business if he or she is an adult who has not been convicted of a prescribed offence, has not been banned from the industry by a court order, and is not operating through a company. The bill covers organised prostitution (brothels and escort agencies) and sole operators.

A feature of this bill is that it requires little government involvement in regulating prostitution, on the basis that this would be an unwarranted application of taxpayer resources. Its approach is that, if prostitution business is lawful, it should be regulated (so far as possible) under legislation that applies to other types of lawful business. That is the consequence we all have to face up to. But if the criminal sanctions are to be removed and other restrictions are to be put in place, what then is the policy basis to so regulate prostitution as to effectively make most of it illegal?

This model acknowledges that, in legislation decriminalising any activity, other forms of criminal behaviour that have protected the existence of that activity—for example, protection rackets, official corruption and violence—must also be addressed and allowance made for continuing public aversion to or fear of that activity.

That is why, in the decriminalising models of prostitution law reform, there are special provisions protecting children and the public from unwanted exposure to prostitution, while in other respects treating prostitution as a lawful business like any other. Under this model, responsibility for compliance with standard and special legal requirements is placed on those who directly or indirectly control, influence or take the profits from prostitution.

As originally introduced into the House of Assembly and as proposed to be amended here, the bill includes the following special legal requirements:

- a prohibition on corporations operating or being involved in lawful prostitution businesses;
- a prohibition on people under the age of 18 operating or being involved in lawful prostitution businesses;
- provisions preventing franchising or multiple ownership of prostitution businesses;
- a prohibition on children under the age of 18 being allowed on premises used for prostitution;
- planning provisions as to the location and size of lawful prostitution businesses;
- a procedure to apply to ban people from carrying on or being involved in the sex business if they have committed certain offences or are associated with people who have committed these offences;
- provisions allowing health authorities to deal with sexually transmissible disease;
- provisions against offensive advertising;
- a prohibition on soliciting for prostitution in a public place;
- the same penalty for a person who asks for the sexual service as for the person who offers it.

That, I think, is a pretty important aspect of that.

In a negative licensing model, prostitution businesses receive no licence or registration from government. The only authority required is planning approval. Experience in other states has shown that if approval is by local councils most applications are refused, usually on moral rather than planning grounds, and that response can be easily understood.

Appeals are routine, the approval process is protracted and unpredictable, and only brothels with substantial financial backing are able to afford the approval process. The result has been that a significant proportion of brothels and escort agencies in those states have chosen to continue to operate outside the law.

The cabinet committee was of the view that it was important in the law which decriminalised prostitution, if it was to be the preferred model of the parliament, to encourage as many brothels and escort agencies as possible to apply for planning approval, and thus come within the law. To ensure that planning principles would be applied fairly and uniformly to all applications for brothel development, this model makes the Development Assessment Commission the relevant authority. To minimise the exposure of children, church goers and people in residential areas to prostitution and ensure that brothel development was not concentrated in red light zones it set some special criteria for brothel developments to meet, in addition to the standard criteria, in the Development Act and regulations. Members will be aware that there has been considerable debate about the proposed planning structure and the criteria, as a result of which comprehensive amendments are being placed on file by the Minister for the Status of Women.

In debate on this bill, members have spoken of the need for prostitution laws to deal with vulnerable people, such as young homeless people, drug addicts or illegal immigrants who are prey to pimps and others in the commercial sex industry. It should be understood that this bill is merely concerned with establishing a framework for lawful prostitution. It does not aim to address the problem of commercial sexual exploitation of young or vulnerable people. New laws about this already exist, having come into operation on 8 June 2000.

The Criminal Law Consolidation (Sexual Servitude) Amendment Act 2000 creates offences that protect people from being forced or deceived into providing or continuing to provide prostitution or sexual services. These offences also protect children under 18 years of age from being used for prostitution or sexual purposes. The sexual services to which these offences refer are services provided for payment involving the use or display of the body of the person who provides the services for the sexual gratification of another. They include activities such as stripping, being a subject for commercial pornographic film, video or photography, or working as a prostitute.

Some examples of the kinds of conduct used to attract or keep vulnerable people in sexual servitude that are prohibited by the new laws are: the use of force, the withholding of a person's passport, threatening a person with deportation, control of access to drugs of addiction, and taking advantage of a powerful position as a parent or relative. Offering another employment or engagement to provide personal services, knowing but not disclosing to the person that he or she will be asked to provide commercial sexual services as part of that employment or that his or her continuation in the job depends on providing commercial sexual services is also an offence.

The new offences concerning children under the age of 18 carry heavy maximum penalties, including life imprisonment. The new laws protect children from being employed, engaged or caused or permitted to provide or continue to provide commercial sexual services, from being asked to provide commercial sexual services, and from being exploited by providing sexual services from which someone else obtains the proceeds. In this way vulnerable people are already protected from commercial sexual exploitation under South Australian law. Additional protection is not needed in laws about prostitution, other than to protect children under 18 from exposure to it.

This is to be addressed in the present bill by clause 4—children to be excluded from carrying on or being involved in a sex business, and clause 18—children not to be in a brothel, and by planning provisions preventing the location of brothels near childcare centres or playgrounds or schools. Hence, the present bill deals only with the issue of adult prostitution, in respect of which the present legal restrictions would be removed if the bill should pass. That necessarily means that those who engage in legal prostitution activities will be eligible for WorkCover, covered by the occupational health and safety legislation, and the other laws which deal with, for example, employer/employee type relationships. Policing, likewise, should be restricted to compliance issues, although if the bill passes I am sure that will be the subject of further scrutiny in committee.

This issue is difficult and complex. I do not, however, support this bill, or any bill that would decriminalise and regulate prostitution. I accept that the present law is outmoded, particularly in penalising the prostitute and not the client without whose demand there would be no prostitution industry. I would support reform to enable the law to operate more effectively and equitably. However, I do not believe it is a legitimate function of government to make sex between adults a form of lawful commerce, and I do not believe that governments should sanction any form of employment in which a person is paid to place his or her personal safety and integrity at risk for the sexual gratification of another. I do not support the second reading.

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

NUCLEAR WASTE STORAGE FACILITY (PROHIBITION No. 2) BILL

Adjourned debate on second reading.

(Continued from 12 October. Page 153.)

The Hon. T.G. ROBERTS: I indicate that the opposition supports the bill. The opposition has an amendment, which I will table and circulate either today or tomorrow. It is not a complicated amendment; it is the same as the amendment circulated in the lower house. It is a descriptive amendment which is consistent with the Labor Party's policy as indicated by the bill introduced by the member for Kaurna, John Hill, in another place. The Labor Party has a history of struggle in its support for or opposition to the nuclear fuel cycle. Generally, support for the nuclear fuel cycle in any of its forms has fallen over the past two decades, but it has recognised and accepted the licensing of a number of uranium mines in a number of states.

The debate for the entry of Australia into a full nuclear fuel cycle, which includes the generation of power and the ownership and control of nuclear weapons, has been ongoing since Robert Menzies' day. Over a 40 year period, conservative governments have tended to move forward and then back in relation to that aim. My understanding of the debate in the late 1950s and the early 1960s is that there was a body of opinion in the Menzies government and subsequent conservative governments that Australia should be involved in the

nuclear fuel cycle through the uranium being mined in Australia and exported. I think the first proposed nuclear fuel plant was for Jervois Bay and the second was for the western district of Victoria north of Portland on granite ground.

Each time Australia has moved towards total involvement in the nuclear fuel cycle there has been a public backlash against any further steps being taken towards full participation in the nuclear fuel cycle and the production of weapons grade uranium because the stages of development were planned behind the scenes and did not involve full public participation. Each time it has been leaked to the community that Australia was to involve itself in the generation of this type of nuclear power or in the production of weapons there has been a public backlash. In most cases, the plans are postponed and it is hoped that over time the Australian public's attitude towards full participation in the nuclear club will move towards gradual acceptance. However, that has not happened over the years.

I have been involved in the anti-nuclear fuel cycle and the anti-nuclear debate for a considerable time, and each time a move towards full participation enters the public arena it generates the debate that Australia should not be involved and should not broaden its participation. The general view that prevails at community level encourages populist governments to withdraw from that position and to redefine the debate for another time.

We have hidden under the nuclear umbrella of the United States and, in the early stages, Britain. In relation to the weapons grade production of uranium, the general view is that there is no point in producing nuclear fuel without being a full member of the nuclear club and owning the weapons. So, the debate in relation to the storage and treatment of waste has generally revolved around low-grade waste created from tailings from the mining industry, which has had a history of total and complete incompetence and, in a lot of instances, ignorance regarding the way in which the tailings have been handled.

In nearly every instance where mine sites are situated there has been a poor history of the protection of the environment from the storage and spillage of contaminated waste, including water. The Northern Territory has been blessed, or bedevilled, by large quantities of high quality grade ore, and a lot of attention has been paid to the development of the uranium mining part of the nuclear fuel cycle in the Northern Territory, and to some extent in South Australia, and the deposits in Western Australia. Most of the debate as to where Australia goes from here revolves around these three states.

I have been to a number of national meetings to debate policy. Tasmanian delegates tend not to be involved too much; they are more involved with their preoccupation—the generation of hydro-electricity. Victoria does not have any proven ore reserves of uranium. New South Wales would possibly have some uranium stores but, as yet, I do not think it has been able to exploit a deposit. Queensland, the Northern Territory, Western Australia and South Australia tend to be those states where the debate has been probably the most active and the loudest, because of our participation in the mining of the ore bodies over the last 60 odd years.

Eventually, we would have to come to the position of waste storage and treatment of waste facilities. If you are part of the nuclear cycle—that is, the club of selling uranium into developed countries—those of us who were opposed to uranium mining in the first instance and expressed those opinions knew, in relation to the responsibility for the treatment and handling of waste, that there would be a call by the developed nations—the countries of Europe, Asia and Japan in particular—to handle the waste that they would be developing in their industries. Furthermore, we knew that, at some point in time, written into the contracts for sale, would be contracts for receiving the waste.

Fast breeder reactors were developed in the 1970s and the reliance on uranium for processing was supposed to diminish: the fast breeders were to develop their own fuel cycle, but that has not been the case. Those of us who were actively involved, attending meetings and keeping up with the technology that was being developed, were being told continually that the nuclear fuel cycle would become cleaner, that the waste program would become manageable and—'Don't you worry about that'—that, once the nuclear power and weapons grade uranium was produced, the technology would be available to safely dispose of the waste created by the industry.

Unfortunately, the research and development that has gone into the production of the nuclear fuel cycle to produce power and weapons has certainly gone ahead in leaps and bounds, to a point where testing of triggers no longer needs to be done as regularly—thank goodness—but the technology has not yet caught up with the transport and disposal of waste, and certainly the safe decommissioning of submarines with nuclear reactors. Regarding the amount of money being spent on research and development relating to the safe disposal and treatment of decommissioned agents that have been contaminated during the nuclear fuel cycle, whether in the production of fuel for generation of power or the production of weapons for mass destruction, there has not been the application of technology or the research and development that one would consider to be fair and equitable in relation to how the debate was to proceed.

What we have now is a planet where, particularly in the old eastern bloc, numerous nuclear submarines have just been tied up, with their reactors leaking dangerously. Generators have been decommissioned, particularly in the poorer of the Eastern countries—Bulgaria, the old East Germany, Romania and so on—and it is only a matter of time before there are more accidents within these facilities.

There is no doubt that Japan, France and Britain and, in many cases, the United States have put together power generators that are operating safely. They have the technological and research back-up and the finance to be able to run these reactors in a safe way. As I have said in another contribution, the generation of power by nuclear fuel cycle is the most complicated way known to man of boiling water. There are a number of other ways in which the generation of power or the needs of developing countries can be met by alternative fuel cycles.

I notice that Shell, one of the largest oil and petrol producers on the planet, is advertising that it will soon be involved in the production of clean, green power. That is the message inherent in its surrealist advertising at the moment. However, if one looks at the money being spent on research and development into alternative fuel cycles, and the reluctance of governments (including this state government) to become involved and to commit to clean renewable energy, it appears that we will be stuck with the problem of cleaning up after a very dirty industry has run its time and without the benefits of the technologies and the research and development that was promised at the height of the development of the industry in the 1960s, 1970s and 1980s.

In relation to nuclear waste storage facilities, or the prohibition of certain sections, in the minds of many people

we are looking at the thin end of the wedge where South Australia will be put in the position of accepting low grade waste from the eastern states and, in some cases, from industry and medical science in South Australia, which has brought benefits to our standard of living—there is no doubting that. The thin end of the wedge will be that, instead of taking a responsible position in relation to management and storage at the site of these radioactive sources, there will be an aggregated collection of the radioactive sources and that low level waste will be put into a storage facility that has already been identified, as I understand it, in the north of South Australia.

Again, the misinformation that was involved in the connection between the generation of power and the use of the waste from the power industry into the nuclear weapons programs (which was the way of covering the linkage between the two in the 1960s, 1970s and 1980s) is now being sold to the public in relation to the disposal of so-called inert, inactive or safe low level waste. Most people who have been involved in watching the industry use its propaganda in its gradualist approach of acceptance to get around the legislative processes, where governments involve themselves in being providers of deceit to convince their constituents that all is well. We now have a program that, I think, if not handled properly by and in agreement with the government, the opposition, the Independents and the minor parties to minimise the problems associated with the storage of low level waste could result in South Australia's becoming an acceptor of medium grade waste material and then an acceptor of high grade waste material.

Many people say it is an opportunity lost if we do not go down that path. However, we should now start to look at developing sophisticated ways of handling high level waste in South Australia because we have stable, old geographical areas within the state that could safely handle the disposal, but the arguments in the debate are still not—

The Hon. T.G. Cameron interjecting:

The Hon. T.G. ROBERTS: That's right. The argument in the debate on how to handle low level, medium level and high level waste continues. There is still not a consensus in the scientific world. You could take evidence from three different scientists within the industry and one would say that you should store it above ground; another would say that you need to store it below ground in drums or in sealed containers; and the third would say that you need to ensure that it is in salt or glass or other containers to ensure that it does not contaminate the underground water supply.

I think what has happened in South Australia is indicative of what has happened over the past 50 years. There has been a proposal for a worst possible position, that is, South Australia's being lulled into an acceptance of high level waste by degree after first accepting low level waste and medium level waste. It would then be simple to say that, because we have the technology, we can now start decommissioning weapons grade material and defunct reactors and, because it should all be placed together in the one area, South Australia is the best bet to do that.

I think the backlash that has been created by the debate that has occurred in this state has brought us back to a position where the bill before us is an accepted position by most of South Australia's constituents. I know there is a 'no nuclear waste' position out there, but I think that is a position held by only a few people. I would certainly like to have a 'no nuclear waste dump' position, but I am realistic enough to know that we have a lifestyle that includes low level waste in the medical industry and that it does benefit mankind. Certainly, in industry where radioactive sources are used mainly in measurement—

The Hon. T.G. Cameron interjecting:

The Hon. R.R. ROBERTS: I am getting concerned with the Hon. Mr Cameron: he remembers some of the debates we had in the Labor Party in the 1960s and 1970s—

The Hon. T.G. Cameron: And your contributions.

The Hon. T.G. ROBERTS: Yes, and my contributions. There must be a point at which we recognise that compromises must be made in relation to lifestyle and for medical reasons. I accept that, and so does the Labor Party. But, as far as providing a facilitating bill or a process to go further than that, lines will be drawn in the sand and the debate will have to go back to the public to get a mandate for that. We will be supporting the bill and the amendment that John Hill introduced in the lower house.

We will certainly be vigilant in relation to what future developments may bring in relation to pressures that will be brought to bear by international companies acting as agents for other countries and companies that have a serious problem with trying to decontaminate or to remove a lot of their stored material that is becoming a major problem for them because, after becoming involved in the nuclear fuel cycle, they do not know to get off it. Fortunately, Australia did not go that far but we do have a responsibility to clean up the mess that we have made. I would certainly like to see much more rehabilitation work carried out on the mines located in isolated areas in Australia. I support the bill.

The Hon. J.S.L. DAWKINS secured the adjournment of the debate.

STATUTES AMENDMENT (FEDERAL COURTS-STATE JURISDICTION) BILL

Adjourned debate on second reading.

(Continued from 24 October. Page 201.)

The Hon. P. HOLLOWAY: The opposition will support the proposed legislation. This is a very straightforward bill that represents the state government's second response of a legislative nature to the High Court's decision on the Wakim case. I note that all other states are proposing similar legislation, if they have not done so already. We are all familiar with the Wakim decision in which it was ruled that the commonwealth constitution prevented the exercise of state jurisdiction by federal courts. The implications of such a decision have had very serious ramifications across the entire nation, particularly given that the decision invalidated cross-vesting arrangements.

Therefore, this bill seeks to amend the following state legislation that was affected by the High Court's decision: the Agricultural and Veterinary Chemicals (South Australia) Act 1994; the Competition Policy Reform (South Australia) Act 1996; the Corporations (South Australia) Act 1990; and the Gas Pipelines Access (South Australia) Act 1997. The proposed legislation complements changes undertaken at a federal level and the opposition will support the bill.

The Hon. IAN GILFILLAN: This bill is like last year's Federal Courts (State Jurisdiction) Bill, which we are content to treat largely as a non-contentious technical legal response to last year's High Court decision re Wakim: Ex parte McNally. We are disappointed in that judgment. It has

certainly caused difficulties, extra delay and expense in the administration of justice, which is unfortunate. On that basis, the Democrats were willing to support last year's Federal Courts (State Jurisdiction) Bill even though we had doubts about its effectiveness on the basis that it was better than nothing and, frankly, we were not able to come up with any possible solutions short of a referendum to uphold the validity of a cross-vesting scheme.

Since last year the commonwealth has passed its own related legislation—the Jurisdiction of Courts Legislation Amendment Act, the so-called JOCLA Act. My colleague Australian Democrats Senator Brian Greig on 13 April spoke to that bill, as it then was, and pointed out:

> The technical issues involved are highly complex, cross a number of areas of public policy and, most importantly, entail intergovernmental negotiations, which can be notoriously difficult.

I note that, in debate on the JOCLA bill in the Senate, one issue that arose was the retrospective application of sections which restrict a defendant's ability to challenge pretrial decisions taken by commonwealth officials in the criminal justice process. The Attorney, in his second reading explanation to this bill, notes that similar amendments are proposed to the Corporations (South Australia) Act 1990. The Australian Democrats are generally unsupportive of changes to the law, especially the criminal law, which apply retrospectively. As Senator Greig says:

> . . . our starting position for these matters is to ensure that people who are apprised of the law should be subject to the law as the law stands.

I therefore ask the Attorney to clarify whether there is a retrospective element to any of these proposed amendments as they affect any criminal offences under the Corporations (South Australia) Act 1990. We have sent a copy of this bill to the Law Society. We are awaiting the society's considered opinion on the technical aspect of the bill. However, if any issues are raised by the Law Society, I believe that we should be able to address them in committee. With these comments, I indicate our support for the second reading.

The Hon. J.S.L. DAWKINS secured the adjournment of the debate.

CONSTRUCTION INDUSTRY TRAINING FUND (MISCELLANEOUS) AMENDMENT BILL

Received from the House of Assembly and read a first time.

ELECTRICAL PRODUCTS BILL

Received from the House of Assembly and read a first time.

The Hon. K.T. GRIFFIN (Attorney-General): 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 purpose of this Bill is to replace the *Electrical Products Act 1988* with a new, updated Act, that reforms requirements for the labelling of electrical products and makes necessary administrative changes.

The Bill enables Minimum Energy Performance Standards (MEPS) to be introduced for electrical products sold in South Australia. The introduction of MEPS has been agreed to by the Australian and New Zealand Minerals and Energy Council (ANZMEC), and is also needed in order for Australia to meet greenhouse gas emission targets set out in the Kyoto Protocol to which it is a signatory.

The Bill provides that a standard, or part of a standard, may, by proclamation, be declared to be a safety and performance standard or an energy performance standard. Once this has been done, a trader must not sell an electrical product to which a safety and performance standard applies unless it has been labelled so as to indicate compliance with that standard. Additionally, a trader must not sell certain electrical products unless they are labelled so as to indicate their energy efficiency. These requirements are largely equivalent to those found in the *Electrical Products Act 1988*.

The Bill introduces an obligation on a trader not to sell an electrical product to which an energy performance standard applies unless it has been registered so as to indicate compliance with that standard.

The Bill creates various offences concerning the attachment of labels to electrical products without proper authority, and the provision of information conflicting with that under the Act, or which is likely to mislead a purchaser or prospective purchaser.

The Bill enables the Technical Regulator to prohibit the sale or use, or both sale and use, of electrical products that are, or are likely to become, unsafe in use and to require traders to recall such products and render them safe or, if this is not practicable, to refund the purchase price on return of the product. Such a prohibition has the effect of temporarily exempting the electrical product from the operation of the *Mutual Recognition Act 1992* of the Commonwealth and the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth. The provisions of the Bill reflect certain regulations made under the South Australian mutual recognition legislation on 23 September 1999. They are included in the Bill as assistance to those affected by the Bill. By providing for this, the Bill aims to ensure that the best practicable procedures to deal with unsafe electrical products are in place while, at the same time, honouring obligations arising from mutual recognition legislation.

Another aim of the Bill is to achieve administrative efficiencies and bring the *Electrical Products Act* into closer alignment with the *Electricity Act 1996*. It is proposed to transfer various administrative powers from the Minister to the Technical Regulator established under the *Electricity Act 1996*. These powers were originally exercised by ETSA and transferred to the Minister in 1995, following changes in the functions and structure of ETSA. These powers include the authorisation of the labelling of electrical products, the prohibition of the sale or use of unsafe electrical products and arrangements for the testing of electrical products.

It is also proposed to update the Act by incorporating administrative, reporting, enforcement and evidentiary provisions typically found in comparable legislation. These include clarification of the powers of authorised persons appointed by the Technical Regulator to perform functions on behalf of the Technical Regulator and power for the Technical Regulator to delegate powers and exempt persons from the Act or specified provisions of the Act.

I commend the bill to the house.

Explanation of Clauses

PART 1: PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

Subclause (1) contains the definitions of words and phrases proposed for the purposes of the Bill. Included in the definitions is the definition of an electrical product. An electrical product is—

- an appliance operated by electricity; or
- a wire, cable, insulator or fitting designed for use in connection with the conveyance of electricity; or
- a meter or instrument for measuring the consumption of electricity, potential difference, or any other characteristic of an electrical circuit.

This definition is the same as the definition of an electrical product under the *Electrical Products Act 1988* (the repealed Act).

The following definitions are also carried over from the repealed Act:

corresponding law
label
public notice
to sell
trader.

Clause 4: Standards—availability to public

This clause provides that a copy of a standard referred to or incorporated in a proclamation or regulation must be kept available

for inspection by members of the public (without charge and during normal office hours) at the office of the Technical Regulator.

PART 2: SAFETY, PERFORMANCE AND ENERGY EFFICIENCY OF ELECTRICAL PRODUCTS

Clauses 6 to 8 contain the provisions that set out the regulatory scheme relating to electrical products.

Clause 5: Declarations for purposes of this Part

This clause provides that the Governor may, by proclamation, declare for the purposes of proposed Part 2—

- that a provision of clause applies to a class of electrical products;
- that a standard or part of a standard is (with or without modification) a safety and performance standard or an energy performance standard applicable to a class of electrical products (a safety and performance standard or an energy performance standard).

Clause 6: Trader must not sell declared electrical products unless labelled or registered

This clause provides for offences that a trader may commit in relation to the sale of declared electrical products not labelled or registered in accordance with the regulatory requirements. The maximum penalty that may be imposed for any such offence is a fine of $5 000.

It is an offence for a trader to sell an electrical product of a class to which subclause (1) applies unless it is labelled so as to indicate its compliance with applicable safety and performance standards—

- under the authority of the Technical Regulator in accordance with the regulations; or
- under an authority conferred by a corresponding law in accordance with that corresponding law.

It is an offence for a trader to sell an electrical product of a class to which subclause (2) applies unless it is registered so as to indicate its compliance with applicable energy performance standards—

- in accordance with the regulations; or
- in accordance with a corresponding law.

It is an offence for a trader to sell an electrical product of a class to which subclause (3) applies unless it is labelled so as to indicate its energy efficiency—

- under the authority of the Technical Regulator in accordance with the regulations; or
- under an authority conferred by a corresponding law in accordance with that corresponding law.

No offence is committed—

- under subclause (1), (2) or (3) if the sale takes place within six months after the making of the proclamation declaring the subclause to apply to the relevant class of electrical products;
- against subclause (1) or (3) if the sale takes place within six months after a change in the requirements as to the form or contents of the label occurs and the electrical product is labelled in accordance with the requirements formerly applicable to it.

Clause 6 does not apply to the sale of second-hand goods.

Clause 7: Offences relating to labels

This clause provides for offences that persons (including traders) may commit in relation to labels and electrical products.

It is an offence for a person to—

- affix, without proper authority, a label to which clause (1) or (3) applies (or which could reasonably be taken to be such a label) to an electrical product;
- sell an electrical product to which such a label has been affixed knowing that the label was affixed without proper authority.

The maximum penalty for such an offence is a fine of $10 000.

It is an offence for a trader to display on or near an electrical product that is being offered or exposed for sale by the trader a sign, label or notice that—

- contains information conflicting with the information contained in a label affixed to the electrical product for the purposes of this Bill or a corresponding law; or
- is likely to mislead a purchaser or prospective purchaser as to matters to which information contained in any such label relates.

The maximum penalty for such an offence is a fine of $5 000.

It is an offence for a person, while an electrical product is being offered or exposed for sale by a trader, to alter, interfere with or obscure from view a label affixed to the electrical product for the purposes of this Bill or a corresponding law. The maximum penalty for such an offence is a fine of $2 500, expiable on payment of a fee of $210.

It is an offence for a trader to offer or expose for sale an electrical product if a label affixed to the electrical product for the purposes of this Bill or a corresponding law is not readily legible by a purchaser or prospective purchaser. The maximum penalty for such an offence is a fine of $2 500, expiable on payment of a fee of $210.

This clause does not apply to the sale of second-hand goods.

Clause 8: Prohibition of sale or use of unsafe electrical products

If, in the opinion of the Technical Regulator, an electrical product of a particular class is or is likely to become unsafe in use, the Technical Regulator may—

- prohibit the sale or use (or both sale and use) of electrical products of that class; and
- require traders who have sold the product in the State to take specified action to recall the product from use and take specified action to render the product safe or refund the purchase price on return of the product.

A person who contravenes or fails to comply with any such prohibition or requirement is guilty of an offence (maximum penalty—$10 000).

Clause 9: Mutual recognition

The purpose of this clause is to prevent clause 8 from operating contrary to mutual recognition principles.

An electrical product, the sale of which is prohibited by public notice given at any time under clause on the ground that the product is or is likely to become unsafe in use, is declared—

- to be goods to which section 15 of the *Mutual Recognition Act 1992* of the Commonwealth applies ; and
- to be exempt from the operation of the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth.

The exemption from the *Mutual Recognition Act 1992* of the Commonwealth and the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth of an electrical product pursuant to this clause has effect for a period beginning on the day on which the public notice imposing the prohibition is published and ending 12 months later or on the revocation of the prohibition, whichever occurs first.

PART 3: ENFORCEMENT

Clause 10: Appointment of authorised persons

This clause provides for the appointment of authorised officers by the Technical Regulator for the purposes of the proposed Act.

Clause 11: General powers

This clause provides for general powers of authorised persons for the purposes of the proposed Act. A person is not required to give information or produce a document under this clause if the answer to the question or the contents of the document would tend to incriminate the person of an offence.

Clause 12: Power to seize electrical products

An authorised person who reasonably suspects that a trader has, on particular premises, stocks of an electrical product prohibited from sale under clause may enter and search the premises and seize and remove any stocks of the electrical product found on the premises. Entry to a place of residence for the purposes of this clause may only be made in pursuance of a warrant issued by a magistrate.

The Magistrates Court may, on application by the Technical Regulator, order that electrical products seized under this clause be forfeited to the Crown and disposed of as the Technical Regulator thinks fit.

Clause 13: Hindering or obstructing authorised person

It is an offence for a person to hinder or obstruct an authorised person or anyone else engaged in the administration of this proposed Act or the exercise of powers under this proposed Act (maximum penalty—$5 000).

PART 4: MISCELLANEOUS

Clause 14: Power of exemption

The Technical Regulator may exempt a person or class of persons from this proposed Act on terms and conditions the Technical Regulator considers appropriate. It is an offence for a person or class of persons in whose favour an exemption is given to fail to comply with the conditions of the exemption (maximum penalty—$5 000).

Clause 15: Statutory declarations

A person may be required by the Technical Regulator to verify information required to be furnished to the Technical Regulator by statutory declaration.

Clause 16: False or misleading information

It is an offence for a person to make a statement that is false or misleading in a material particular in information furnished under this proposed Act. There is a variable penalty for such an offence. If the person made the statement knowing that it was false or misleading, there is a maximum fine of $10 000 but, in any other case, the maximum fine is $5 000.

Clause 17: General defence

It is a defence to a charge of an offence against this proposed Act if the defendant proves that the offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence.

Clause 18: Offences by bodies corporate

If a body corporate is guilty of an offence against this proposed Act, each director (within the meaning of the *Corporations Law*) of the body corporate is, subject to the above general defence, guilty of an offence and liable to the same penalty as may be imposed for the principal offence.

Clause 19: Continuing offence

A person convicted of an offence against a provision of this proposed Act in respect of a continuing act or omission is liable to an additional penalty for each day during which the act or omission continued of not more than one-tenth of the maximum penalty prescribed for that offence. If the act or omission continues after the conviction, the person is guilty of a further offence against the provision and liable to a further additional penalty for each day during which the act or omission continued after the conviction of not more than one-tenth of the maximum penalty prescribed for the offence.

Clause 20: Evidence

In any legal proceedings, a certificate executed by the Technical Regulator certifying as to a matter relating to a delegation, the appointment of an authorised person or a notice given or published under this proposed Act constitutes proof, in the absence of proof to the contrary, of the matters so certified.

Evidence of the contents of a standard referred to or incorporated in a proclamation or regulation may be given in any legal proceedings by production of a document apparently certified by the Technical Regulator to be a true copy of the standard.

Clause 21: Service

This clause provides for the service of notices or other documents under this proposed Act.

Clause 22: Delegation

The Technical Regulator may delegate his or her powers under this proposed Act to a person or body of persons that is, in the Technical Regulator's opinion, competent to exercise the relevant powers.

Clause 23: Confidential information

It is an offence for a person to intentionally divulge, or use for the person's own gain, information of a commercially sensitive or private confidential nature obtained by the person in the course of administering or enforcing this proposed Act unless—

- the person is authorised or required to do so by law; or
- the person has the consent of the person from whom the information was obtained or to whom the information relates; or
- it is in connection with the administration or enforcement of this proposed Act or of a corresponding law.

The maximum penalty for such an offence is a fine of $5 000.

Clause 24: Immunity from personal liability for Technical Regulator, authorised person, etc.

No personal liability attaches to the Technical Regulator, a delegate of the Technical Regulator, an authorised person or any officer or employee of the Crown engaged in the administration or enforcement of this Act for an act or omission in good faith in the exercise or discharge, or purported exercise or discharge, of a power or function under this Act. A liability that would, but for this clause lie against a person, lies instead against the Crown.

Clause 25: Annual report

The Technical Regulator must, within three months after the end of each financial year, deliver to the Minister a report on the Technical Regulator's administration of this Act during that financial year. The Minister must cause a copy of the report to be laid before both Houses of Parliament within 12 sitting days after receipt of the report.

Clause 26: Regulations

The Governor may make such regulations as are contemplated by, or necessary or expedient for, the purposes of this proposed Act.

SCHEDULE: Repeal and Transitional Provisions

The *Electrical Products Act 1988* is repealed.

The Schedule also provides for transitional matters.

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

ADJOURNMENT

At 6.05 p.m. the Council adjourned until Wednesday 8 November at 2.15 p.m.