LEGISLATIVE COUNCIL

Tuesday 10 October 2000

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

PAPERS TABLED

The following papers were laid on the table:

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

Department for Water Resources—Report, 1999-2000
Regulation under the following Act—
Ground Water (Qualco-Sunlands) Control Act 2000—Principal
Animal and Plant Control Commission South Australia—Report 1999
Citrus Board of South Australia—Report for year ended 30 April 2000
Primary Industries and Resources South Australia—Report, 1999-2000
Response to the Environment Resources and Development Committee—Thirty-Ninth Report—Environment Protection in South Australia
Racing Act Rules 1976—Gaming Supervisory Authority—Principal.

LEGISLATIVE REVIEW COMMITTEE

The Hon. A.J. REDFORD: I bring up the first report of the committee in the fourth session of the Forty-Ninth Parliament and move:

That the report be read.

Motion carried.

The Hon. A.J. REDFORD: I bring up the second report of the committee 2000-01.

SHOP TRADING HOURS

The Hon. R.D. LAWSON (Minister for Workplace Relations): I seek leave to make a ministerial statement on the subject of tourism precincts under the Shop Trading Hours Act.

Leave granted.

The Hon. R.D. LAWSON: I am today releasing for public comment an issues paper in respect of whether the Shop Trading Hours Act 1977 should be amended to make specific provision for so-called 'tourism precincts'. In June 2000, the City of Holdfast Bay wrote to me as Minister for Workplace Relations proposing the establishment of a tourist precinct in Glenelg within which all shops could trade on Sundays to cater for the special needs of the area. As the Minister for Workplace Relations, I met with a delegation comprising the Mayor of Holdfast Bay, Mr Brian Nadilo, and other persons. The delegation argued strongly that the Glenelg shopping precinct required special treatment and that the provisions of the act did not allow all shops in Glenelg to meet the needs and legitimate expectations of shoppers.

Although the issue of tourist precincts under the act has been under discussion since at least 1994, it came to a head earlier this year when it was reported that three variety stores in Jetty Road, Glenelg were over the maximum permitted floor area for exempt status, that is, 200 square metres. These stores have traded on Sundays for between seven and 10 years and are located in the midst of exempt stores which also open on Sundays and which cater for a large number of shoppers. The issue was discussed at a meeting of the Retail Trade Advisory Committee in July where differing views were expressed. Following that meeting, a number of written submissions were received. My department was asked to investigate this issue and coordinate the compilation of a report. The issues paper released today is the result of that process.

The purpose of the issues paper is to provide information relating to the proposal, to outline the relevant issues under the act and to seek further comment from interested parties. The act applies within all shopping districts, namely the central shopping district in the City of Adelaide, the Adelaide metropolitan shopping district (essentially the suburbs) and proclaimed shopping districts which comprise most—although not all—non-metropolitan council areas in the state. The act does not contain special provisions for so-called 'tourist precincts' except to allow extended hours and Sunday trading in the central shopping district.

Although the term 'tourist precinct' has no defined meaning, for the purposes of the issues paper the expression has been taken to mean a discrete locality frequented by tourists which has substantial accommodation and other tourist facilities, restaurants and shops.

It is estimated that Glenelg has about 3 million visitors each year. Over 200 businesses operate on Sundays along Jetty Road and in the immediate vicinity. There are also many restaurants and food outlets. The beach, the jetty, the bay tram, Colley Reserve, the new Holdfast Shores development and the Patawalonga are all tourist attractions. There are about 1 500 accommodation rooms in the Glenelg-West Beach area.

The Jetty Road-Glenelg precinct is already a designated zone. Traders within this zone pay a separate council levy for promotion and development purposes. The precinct is a district centre zone for planning purposes. On the criteria adopted, the Jetty Road-Glenelg precinct is a tourist precinct. Moreover, based on the information presented, it is the only metropolitan area which could reasonably be considered as a tourist precinct. Some other areas and shopping centres would argue for such recognition but none have the unique combination of accommodation, retailing and other established tourist attractions as Glenelg.

The act recognises the special position of the central shopping district in Adelaide by providing extended hours and Sunday trading for all shops. It does not contain the same recognition of the situation in Glenelg.

The issues paper outlines the issues, arguments and facts which have emerged during consultation to date. The suggestions in the paper do not represent government policy. The purpose of the paper is to promote discussion as well as to elicit wider community responses. Interested persons and organisations are invited to communicate their views to the government by writing to the contact address in the issues paper.

If this matter is to be pursued, legislative amendment will be required. I do not intend to proceed unless there are sufficient prior indications of support for change. The most recent amendments to the act came into operation in June 1999, and the government does not intend to reopen the act for general revision at this juncture.

LITTER CONTROL

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to table a ministerial

statement on the subject of container deposit legislation given today by the Hon. Iain Evans, Minister for Environment and Heritage.

Leave granted.

QUESTION TIME

AUDITOR-GENERAL'S REPORT

The Hon. CAROLYN PICKLES (Leader of the Opposition): I seek leave to make a brief explanation before asking the Minister for Transport a question about the Auditor-General's Report.

Leave granted.

The Hon. CAROLYN PICKLES: I refer the minister to part B, Agency Audit Reports Volume II, page 776, concerning the competitive tendering and contracting process undertaken by the Passenger Transport Board. In his report, the Auditor reports that there are opportunities to improve future contracting processes in relation to the timeliness of reporting and the completeness of documentation maintained. My questions are:

1. Will the minister outline in more detail the nature of the complaints and concerns raised by the Auditor regarding the competitive tendering process, particularly in relation to the probity adviser?

2. Who did the Passenger Transport Board contract as its probity adviser and at what cost?

3. Given the very serious nature of the issues raised by the Auditor-General, will the minister assure the hundreds of TransAdelaide employees who lost their jobs that the process was fair to all tenderers?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): As the honourable member has previously been made well aware, both the probity auditor and the Auditor-General signed off on the process. The honourable member's reporting of the Auditor-General's reference was very selective. She failed to go on to say that the Auditor-General (page 776) said:

> In response, the board indicated that action had been taken to address the issues raised by Audit. A subsequent review by Audit confirmed that the board had implemented procedures to adequately monitor compliance with contract conditions.

My reading of that is that the Auditor-General was satisfied in terms of the audit arrangements overall, that that had been advised at the time of the announcement of the contracts, 23 April, and that this small further matter raised by the Auditor has since been clarified to Audit's satisfaction. The probity auditor, as I recall, was from Ernst & Young, but I will have that confirmed for the honourable member.

The honourable member may be interested to know that the whole cost of the process was some $100 000, because work was done in-house, essentially, by skilled people within the PTB. In terms of the actual cost of the probity auditor, I will also obtain that information for the honourable member.

TAXIS

The Hon. CAROLYN PICKLES (Leader of the Opposition): I seek leave to make a brief explanation before asking the Minister for Transport a question about taxis.

Leave granted.

The Hon. CAROLYN PICKLES: I refer the minister to her announcement over a year ago of the government's plan for all taxis to be fitted with video surveillance cameras by mid-2001. In her press release dated 21 July 1999, the minister stated:

> A 1 per cent levy for taxi safety and security improvements introduced in 1997 will allow taxi operators to fit surveillance cameras in their vehicles. Fitting of surveillance cameras will be required by 1 July 2001 as part of compulsory vehicle standards.

However, it has been reported to me by one industry source that very few taxis in the state have installed the video surveillance technology since the minister's announcement. My questions are:

1. Will the minister confirm how many taxis have installed the cameras?

2. Does this pose a problem for the minister's compulsory deadline of 1 July 2001?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I am not concerned at this time, because I understand that some regulations are required and that the PTB is working on those at the moment in consultation with the Taxi Industry Advisory Panel, which is part of the structured consultation process with the PTB. The taxi industry and the PTB are working through that, and we should see these regulations very shortly.

As the honourable member would be aware, the video surveillance initiative arose from a taxi industry safety committee, which comprised members elected from the taxi industry itself. Certainly, the initiative has the support of the industry. The industry, in the meantime, has been granted this 1 per cent levy on fees, and I have no doubt that, as they are all prudent, wise business people, they have been putting those funds aside for investment in this video surveillance system that will be required from 1 July.

ROADS, SOUTH-EAST

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport a question about road funding for the Lower South-East.

Leave granted.

The Hon. T.G. ROBERTS: While the great debate rages about the excise that the government may or may not be getting through windfall increases in petroleum, a number of local government regions in this state are nervous about the amount of road funding that is flowing back into their regional areas. The SE LGA had a meeting on Friday and made some public statements after that meeting that were shown on the local television channel. When at least two of the local mayors of those regional areas were interviewed, they criticised the level of funding that they were getting to maintain in good repair the roads for which they were responsible.

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. ROBERTS: Well, that is part of the problem. I think they are a bit frustrated about who they should be talking to to obtain the funding that they believe is required to fix their problem. I am not making any judgments as to the responsibilities of local, state and federal governments. However, I do know what constituents are saying, and I have found myself that the roads are deteriorating badly, that is, the major highways and some of the arterial feeders, due to their increased use and the activities of the timber industry and to some extent other industries, including the milk industry, that use large B-doubles and large tankers on roads that probably were not designed to carry the loads that they are expected to carry in the year 2000.

The main arterials have been down now for some 25 years, I would hazard a guess, and they are in a bad state of deterioration. On wet and wild nights and during the day you can see large puddles of water that hold in the tracks caused over the years by the B-doubles and the semitrailers as they travel along those roads. It becomes quite dangerous for all traffic concerned. Many of the highways are breaking up, and I think that the local government responsibility for repairs is now building to a point where it is unable to cope.

The Hon. Diana Laidlaw: But local government doesn't do highways.

The Hon. T.G. ROBERTS: Well, the roads that it does look after, the gravel roads, are now starting to be used very heavily for the existing requirements of the timber industry. With the oncoming growth of the blue gums and the extra plantations that are now being put into place, it feels that its responsibilities need to be shared with state and commonwealth governments to get the job done properly.

Members interjecting:

The Hon. T.G. ROBERTS: I am not making any judgments about that. I am just relaying to the Council and the government what is being said in that area.

Members interjecting:

The PRESIDENT: Order! This is not a debate.

The Hon. T.G. ROBERTS: There is a major problem within the South-East that needs to be dealt with. My questions are as follows:

1. Will the government as a matter of urgency meet with local government representatives to assess the state of the existing road system to gauge future funding requirements?

2. Will the minister work with local government representatives to gauge future needs for the area in respect of the road, rail and port investment programs to maximise the benefits for local, state and commonwealth revenues from the future productive resources of the green triangle area?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): This question could take some considerable time to answer. Regarding the honourable member's second question about the future needs of transport in the area, I highlight that he should be aware that the Local Government Association in the South-East (together with Transport SA and federal representation) has already looked at the demands on infrastructure arising from investment in the timber industry. Other councils have undertaken further studies in their own area about future demands. In addition, Transport SA has undertaken road audits, and the honourable member would also be aware of an overtaking lane strategy that the government has developed with the South-East being the first recipient of funds.

Further, in the budget for this financial year, for the first time, the state government announced state government investment in regional roads of economic importance in local council areas. I understand that no state government across Australia is investing, as is this government, in local government roads because of economic demand within regional South Australia. This funding for regional roads from state government sources arises from the increase in heavy vehicle charges as part of national registration increases which took effect from July this year. So, all the increases in registration charges from South Australian registered vehicles are going into regional roads. They are being diverted or dedicated back to regional roads because, as the honourable member has noted and as I accept, it is heavy vehicle transport that creates the greatest wear and tear on our roads.

Getting an understanding from the heavy vehicle industry (from livestock carriers to the South Australian Transport Association) that there should be a regular and moderate increase in charges is almost impossible. They have unanimously refused across Australia to entertain a CPI increase as light vehicle registrations are increased each year in accordance with the CPI. I have recently written to the National Road Transport Commission indicating South Australia's strong support for a less complicated and more frequent assessment of heavy vehicle costs that are incurred on an individual basis as well as the costs that the community incurs from their operation on our road system.

South Australia voted for a CPI increase on heavy vehicle registration charges, but in our zone, which comprises Queensland, the Northern Territory and South Australia, we were not successful in gaining a majority decision. Therefore, the CPI will not progress. However, I am keen to see a regular review of an implementation of registration charges so that the state can reinvest in the upgrade of regional roads that are owned by local government.

In, I think, May, I received a copy of a draft report from the South-East Local Government Association highlighting its anticipated road investment needs in the future. That report was prepared specifically for the federal government, because it is the federal government in a joint arrangement with local government that provides funding for the maintenance and upgrade of local roads other than the roads that I have indicated the state government will now consider investing in as part of its new regional roads program.

While the government is very keen to support local government through the new regional roads program and through lobbying the federal government for increased funding to support the local roads initiative across the state, in terms of granting development applications local councils should be taking into account the overall wear and tear and impact of development in their area, rather than approving development and coming to the government to pick up the pieces in terms of road use because they have not taken the bigger picture into account but have been happy to accept the rates.

This is a complex question. I understand that the honourable member is asking it out of a genuine concern for south-eastern development and is not just trying to stir up trouble or shaft the state government. Local government's focus must be with the federal government, as the focus from all states is to the federal government, in terms of investment in local roads, as has been its traditional responsibility. Also, the federal government is gaining the windfall through the fuel excise fees, the GST and resource taxes, and we should all be pressuring it to meet its responsibilities rather than leaving it to the state to pick up more and more that which local governments do not want to do and that which the federal government will not do.

WORKCOVER

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Attorney-General, in his own right, and also representing the Minister for Government Enterprises, a question about the WorkCover Scheme Critical system.

Leave granted.

The Hon. M.J. ELLIOTT: I have been approached by injured workers who have been affected by what is known as the Scheme Critical list of the workers' compensation system.

It is not a surprise that WorkCover would have a Scheme Critical list, but of bigger concern are the consequences for a person finding themselves on the list. If WorkCover does not get its way I understand that these are cases that it considers would open the way for other claims in these areas and, as such, it sets about fighting them very hard. That raises the first issue for many of these people, that they find themselves in very lengthy and very expensive litigation—

The Hon. T.G. Roberts: Test cases.

The Hon. M.J. ELLIOTT: —test cases—which, as individuals, they cannot afford to get involved in, and they are involved just because they happen to be in a case that has been deemed Scheme Critical. That is the first matter that has been raised in relation to it. The other one—and one that causes me equal concern—is the claim that the Scheme Critical list is distributed to both the tribunal and the Supreme Court, and is distributed not just in relation to a case but in fact the list is made available. Rather than the case being argued simply on its merits, the tribunal and justices are really beyond the case but are being told, 'Here is a list of Scheme Criticals, and you must take that into account.' There has been some concern about the pressure of something being deemed Scheme Critical rather than simply arguing a case on its merits. My questions are:

1. Does the Attorney-General acknowledge that there is some injustice for those people of limited resources—the injured workers—being involved in these lengthy and expensive Scheme Critical cases, and that they should also receive some level of financial support because it is a test case?

2. Is the Attorney-General aware that members of the tribunal, and I believe also justices, are being told outside of individual cases that there is a Scheme Critical list and who is on it? Will the Attorney comment on that?

The Hon. K.T. GRIFFIN (Attorney-General): I have not heard of the criticisms raised by the Hon. Michael Elliott. I think the best thing I can do is to undertake to make some inquiries and bring back replies. With respect to the second question in particular, I do not know what the level of circulation of information might be which could potentially compromise parties before the tribunal, but it is an issue that I undertake to follow up. I will bring back replies.

ADMINISTRATIVE AND INFORMATION SERVICES DEPARTMENT

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Administrative and Information Services a question about DAIS IT policy and standards framework.

Leave granted.

The Hon. CARMEL ZOLLO: In the Audit Report: Part A, the Audit states:

> ...the DAIS IT policy and standards framework in relation to some key matters has not provided specific guidance to government agencies to assist the management and review of IT initiatives including those with the private sector. In other areas where guidance has been promulgated it is outdated.

The Audit further states:

> ...example where specific guidance is required is the crucial matter of provision of access and audit clauses for agencies and the Auditor-General in some contracts with the private sector.

The Audit then gives this warning:

> Without such access agencies cannot ensure the security, integrity and control of government information and processes, and the ability of the Auditor-General to discharge statutory responsibilities may be inhibited.

My questions are as follows:

1. What specific measures are being undertaken to ensure that access and audit requirements are being met?

2. Is the minister pursuing the appropriate legislative arrangements recommended by the Audit to reduce risks associated with the changed Information Technology environment?

The Hon. R.D. LAWSON (Minister for Administrative and Information Services): I thank the honourable member for her question. The matter to which the Auditor-General refers on this occasion is a matter to which he has referred in the past. I am able to report that the government has now adopted a formal policy document in relation to the matters raised by the Auditor-General. The access and audit regimes referred to in the Auditor-General's comments are appropriately addressed in the policy document which has just been approved and is, as I understand it, in the process of being printed and circulated throughout the public sector. If there is any further information that arises out of the honourable member's question that I have not covered I will certainly provide her with additional information.

WINERIES, INTERNET

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Attorney-General a question about wineries being hijacked on the net.

Leave granted.

The Hon. CAROLINE SCHAEFER: Today's *Advertiser* reports that several of South Australia's leading wineries have had their trade names hijacked by 'cyber squatters' and there is the possibility that they will have to buy back their own names. Mr Will Taylor reports:

> These people are winemakers and grape growers; they are not hi-tech superstars.

The article goes on to say that Finlaysons lawyers will be taking legal action to reclaim those names on behalf of the wineries involved. However, Mr Taylor says that Australian lawmakers have failed to keep up with internet technology. This raises the possibility of not only wineries but all types of business falling victim to the same sort of technological robbery. My questions to the Attorney-General are:

1. Has South Australia been able to keep up with this type of crime?

2. What precautions do we have in place to ban this type of activity both within Australia and overseas?

The Hon. K.T. GRIFFIN (Attorney-General): I saw the story this morning; it was of some concern. Of course, it is not the first time that something like this has been reported. There have been other recent reports about the names of individuals being used on the internet by those who unscrupulously seek to register a site in the name of an individual who might be a prominent sporting person or who might have some other level of prominence for other reasons and then capitalise on that person's name. My understanding is that, first, there are issues which arise under the Trade Practices Act. Of course, the real difficulty is if this occurs from overseas, where the Australian courts may not have any jurisdiction. I do not think anybody around the world really has been able to come to grips with how you deal with it if the site is booked from outside your jurisdiction.

I do not think there is anything South Australia itself can do on this, because it goes beyond state and national borders.

It is more of a federal issue, as I said, most likely under the Trade Practices Act or, if within the jurisdiction, issues of passing off which are certainly relevant in determining the entitlement of persons to these names or descriptions.

So far as South Australia is concerned, we are endeavouring to keep up with internet technology, but right around Australia as in other parts of the world there are difficulties in anticipating where the internet will go next. We have had the issue raised in relation to internet gambling. Everybody knows how difficult it is to actually police that, particularly if it occurs from sites that come from overseas. We have had it with pornography, where it is, again, a particular difficulty, and also of interest to the community, and we have had it in the circumstances referred to by the Hon. Caroline Schaefer. It is an issue that needs to be addressed. However, it is an unfair criticism to suggest that governments have failed to keep up with internet technology. It is not just governments: it is many others, too.

The Hon. T.G. Roberts: Accountants, too.

The Hon. K.T. GRIFFIN: Yes, right around the world everybody is trying to come to grips with the legal issues involved with the internet, endeavouring to find ways by which we can at least set what most reasonable people would regard as sensible standards. In that same context, I should put right some of the criticisms made by the Hon. Ian Gilfillan in September. He called for the government to pass laws to combat computer based crime. He said:

> In comparison with other states, we are well behind in legislating against computer crime.

I think he hopped on a bandwagon. He saw an article reporting a statement made by the New South Wales Attorney-General in August that New South Wales was to introduce legislation based on the recommendations of the Model Criminal Code Officers Committee about issues that relate to computer damage—for example, accessing illegally, causing damage, causing harm, the 'I Love You' virus and that sort of thing.

The Hon. T. Crothers: I didn't think you cared!

The Hon. K.T. GRIFFIN: No, the virus; it's a virus.

Members interjecting:

The Hon. K.T. GRIFFIN: Well, you could equally use a virus 'I hate you,' I suppose. That is probably more the effect of this virus as it goes to work on your computer. The Hon. Mr Gilfillan appeared to misread, if not misrepresent, the position in Australia.

The Hon. T.G. Roberts: He's never missed a bandwagon yet!

The Hon. K.T. GRIFFIN: No, he hasn't missed a bandwagon; always on it. With respect to the Model Criminal Code Officers Committee, a discussion paper was released in about January this year, which has been the subject of ongoing consultation in that time. New South Wales has not introduced legislation, as the Hon. Mr Gilfillan seemed to believe, and no other jurisdiction in Australia has introduced such legislation, although there have been expressions of intent. In this state, we have already given instructions to Parliamentary Counsel to draft up state-based legislation that builds upon the recommendations of the Model Criminal Code Officers Committee about cyber crime. So, South Australia is not lagging behind any other jurisdiction. South Australia is not what the Hon. Mr Gilfillan described as 'a hacker's haven'. I think he was trying to be flamboyant to attract some publicity.

An honourable member: Never!

The Hon. K.T. GRIFFIN: It was successful, because he got the publicity. But he misrepresented the position in South Australia and undermined our state, and I take exception to that. I do not mind people being critical if it is based on fact and truth: if it is based on misrepresentation and fiction it is irresponsible.

To put that into another context, California (which is, I think, regarded as the international home of the computer industry) only recently has announced laws related to cyber crime, and no other jurisdiction has yet made that sort of advance, as far as I am aware. We are right up with it in South Australia and in Australia. We do have work being undertaken with a view to some legislation in the foreseeable future that will address the issue of computer damage and cyber crime.

TRANSPORT, EXPIATION NOTICES

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport questions about transport expiation notices.

Leave granted.

The Hon. T.G. CAMERON: While I commend the campaign by the government to ensure that people pay their fares when using public transport, an expiation notice recently has been brought to my attention that is very disturbing. On 24 August this year, a Ms Catherine Williams (who was eight months pregnant at the time) caught a train from the Salisbury station to Adelaide. Ms Williams arrived at the station as the train was pulling in, and she was forced to run to board the train without having bought a ticket. Ms Williams attempted to purchase a ticket on board but discovered that she did not have enough coins for the fare, and her smallest note was a $10 bill. Ms Williams believed that she would be able to purchase a ticket when she arrived at the Adelaide station.

On her arrival at Adelaide, Ms Williams proceeded directly to the table where security staff were stationed. She explained her situation and asked whether she could buy a ticket. To her horror, she was informed that it was not possible, and she was promptly issued an expiation notice for $167. Ms Williams attempted to explain the circumstances, but to no avail. Ms Williams has informed my office that she was treated in a very disrespectful and disparaging manner.

The Hon. T. Crothers interjecting:

The Hon. T.G. CAMERON: It has happened to your grandson, too. As I said before, while I support the government's campaign to ensure that passengers pay their fines, there seems to be no leeway for commonsense in cases such as this. Ms Williams had innocently caught a train in the belief that she had the money to buy a ticket and, when she realised that she did not have the correct change, believed that she would be able to buy a ticket on completing the journey, and honestly attempted to do. Quite clearly, this is a case where Ms Williams was not attempting to evade purchasing a ticket. For all her honesty, she was rewarded with a $167 fine.so.

The Hon. Sandra Kanck interjecting:

The Hon. T.G. CAMERON: I note that the Hon. Sandra Kanck interjects: I suggest that she forward them to the minister. My questions to the minister are:

1. Why is there no flexibility or discretion for transport police and staff to use commonsense and compassion and to issue a warning rather than a fine in cases such as this, where it is crystal clear that the passenger had attempted to do the

right thing but, through circumstances, had not been able to buy a ticket?

2. Will the minister investigate this matter to ensure that commonsense and fair play prevail in the future?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank the honourable member for bringing this case to my attention and for his support generally for the approach being taken to fare evasion. It is my understanding that every person issued with an expiation notice is alerted to the fact that, if they have cause that they want to bring to the attention of the PTB, they should write to the PTB and the case will be considered and may well be withdrawn.

This has been quite an interesting exercise in the past month or so as we have assessed the value of the scheme, and there have been several meetings between me and the PTB and, at my request, the PTB and the Passenger Service Attendants (PSAs). One of the real issues that is difficult for the PSAs is the power to grant exemptions and use discretion on the spot. As a practice, it is their preference to issue the expiation notice and inform the person about the avenues of appeal.

I have some concern about the public perception of such an approach, but it is the work force and the PSAs out on the train who have highlighted very strongly that they would wish not to be asked to exercise these discretions, particularly if they are observed or overheard offering one person an exemption and that cause is—

The Hon. T. Crothers interjecting:

The Hon. DIANA LAIDLAW: No. As I say, these issues are being talked through with the staff and the PTB at the present time. I am trying to talk this through with the PSAs, the work force that is on the spot, as well as taking into account the public perception and the approach of the PTB. Many reasons have been given in circumstances to appeal the expiation fee, and many have not been pursued because the grounds given have been accepted by the PTB. I hope that the honourable member's constituent has written to the PTB and followed the avenue of appeal that is available.

I will take up the matter with the PTB as it has been raised by the honourable member, and we will continue to talk with the PSAs and TransAdelaide to see how they wish to work through these issues. As I say, they are at the coalface, and I want to take into account the views of the work force as well as those of the passengers and, overall, do the right thing by the rail system.

ADELAIDE RAILWAY STATION

The Hon. A.J. REDFORD:I seek leave to make a brief explanation before asking the Minister for Transport a question on the topic of the Adelaide Railway Station.

Leave granted.

The Hon. A.J. REDFORD: Train commuters every day are reminded of the fact that this government is getting on with the job, particularly when they get into Adelaide and notice the construction of the expansion of the Convention Centre. This construction, in my observation, has had some effect. Commuters often comment to me in the mornings, when I travel in, that this government is causing all sorts of construction work and economic activity to take place. Some look for the Hon. Sandra Kanck, I must admit: I understand that she is subject to a rumour campaign that she actually uses public transport occasionally. But there is a small minority who have grumbled about this construction. In the light of those small grumbles, I would like the minister to answer two questions:

1. What has been the effect on public transport of the construction of the new Convention Centre?

2. When will TransAdelaide regain full access to all of the area that it used to occupy prior to the commencement of construction?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank the honourable member for his support for public transport and his use of the trains. Perhaps he is one of the reasons why patronage is increasing, and that is good news across the public transport system. In terms of the construction of the Convention Centre—which I suspect all members in this place wholeheartedly support—it has come with some trauma to TransAdelaide and the operation of the rail system. TransAdelaide has access to nine platforms at the Adelaide Railway Station. It has had to surrender two, therefore it has real problems in terms of fewer platforms and length of platform in terms of bringing in trains. Thus it has been difficult for many services to meet the printed timetable.

I am pleased to advise that by mid-December Trans-Adelaide will gain access to the full number—nine platforms. In the meantime, we have been doing a lot of work across the PTB and, with TransAdelaide, taking into account customers' views about on-time running of services. I can confirm that, from 17 December, all our rail lines will have adjustments made to improve service reliability. Essentially, these timetable adjustments coincide with the return of the additional platforms. This will enable TransAdelaide to guarantee on-time running of train services.

The Belair line, for instance, has been a horror, particularly in the morning periods, and I know that the Hon. Mr Elliott and other members—for instance, Bob Such, the member for Fisher—as well as my chief of staff and others in the office who use the Belair line have regularly commented on late arrival compared to the printed timetable.

The Hon. M.J. Elliott interjecting:

The Hon. DIANA LAIDLAW: Yes, that too, because this single line operation and passing loops has never worked as well as I was first told it would work. I can advise that from 17 December all peak time trains will be given priority on the Belair line, so during the morning peak all trains to Adelaide will be given priority at the passing loops while during the evening peak all trains from Adelaide will be granted priority. It may sound a simple task to adjust timetables by a couple of minutes. They appear to be minor matters but I can highlight that it is a complex task and, on the Noarlunga line alone, it has required changes to 124 bus connections. That also involves bus operators and drivers, and new rosters and printed timetables. But all that will come together for customer benefit on 17 December. I hope that those people who have made representations to the honourable member will be satisfied with the on-time running that I am told TransAdelaide will be able to guarantee on the rail system from mid-December.

BUSES, METROPOLITAN

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Transport and Urban Planning a question about the lack of registration stickers on numerous buses working the metropolitan route service during the past month or so.

Leave granted.

The Hon. Diana Laidlaw interjecting:

The Hon. SANDRA KANCK: You've answered it?

The PRESIDENT: Order! The Hon. Sandra Kanck has been granted leave to make an explanation.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. SANDRA KANCK: On Tuesday 22 August, I wrote to the Minister for Transport alerting her to the fact that certain buses operating on Adelaide's public transport routes failed to display a registration permit or carry the requisite prominent signage identifying the owner of the vehicle, as required under the Motor Transport Act. I identified the buses concerned as the older style blue plate TransAdelaide buses. My questions are:

1. Why were these buses permitted to operate without registration stickers or correct signage?

2. By what authority was permission granted for these buses to operate without displaying registration permits or correct signage?

3. If there was no authority, who gave permission for this to occur?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I am bewildered. The answers to these questions have already been provided to the honourable member. I am not sure whether the honourable member is just filling in question time or cannot remember that she has asked these questions before, but I know that the PTB has replied. I assure the honourable member that all is well. The buses are operating legally and the registration and other public coverage that we must have has all been complied with. As this question was answered some time ago, I do not remember the exact facts but, for the honourable member's benefit, I will provide all this information to her again and hope that that gives her further reassurance.

MOSQUITOES

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking the Minister representing the Minister for Human Services a question about mosquito control.

Leave granted.

The Hon. R.R. ROBERTS: For the past three or four years, there have been particular problems in South Australia, particularly—

The Hon. L.H. Davis interjecting:

The Hon. R.R. ROBERTS: Hello! Here's a larval moth, a grub. There have been problems with mosquitoes in several areas in South Australia, including Port Pirie and around Bolivar, and I am assured that in the Murray area there has been a particular problem. I was approached early this year by a group of concerned citizens in Port Pirie who call themselves the Mosquito Committee. They sought help from my office with a petition containing 10 000 signatures urging the state government to do something about the mosquito problem and associated health problems. They met with the Hon. Dean Brown during a cabinet meeting in Port Pirie some weeks ago after months of waiting for some indication from the government that it would make a serious effort to try to control the problem.

Last week, the Mosquito Committee was advised that there would be a $200 000 program for the whole of the state and that the Port Pirie City Council would receive $50 000 as the government's contribution to the problem. The Mosquito Committee wants an ongoing program of control which will target mosquitoes in their larval stage. The committee told me that, ideally, control should have started a month ago, that the root of the problem in Port Pirie lies in old engineering infrastructure, that mosquitoes breed in open drains and stormwater holding basins, that different types of mosquitoes colonise at different times, and that they are not all the mangrove mozzie as has been claimed. If they do come from the mangrove, it is interesting that the government has the responsibility to pick up the tab.

The mosquito committee does not want a spraying program as the only source of control and believes that it is a bit late for that, although obviously it will kill some mosquitoes; and most of the residents do not want to be sprayed with poisons, either. The ideal solution would be to put bacillus in the water. This occurs naturally in nature and inhibits the growth of the lava. This information is backed up by entomologists from all over Australia who believe that spraying is only a bandaid solution, and this is reinforced by the Health Department of Victoria which has pointed out that it will take only one migratory bird to land and spread an infectious disease.

Mosquito-borne diseases in South Australia include Murray Valley encephalitis, Ross River virus, Barmera Forest virus and dog heart worm, which apparently is on the increase in areas of South Australia. The committee has asked me to put these questions to the minister:

1. Considering the financial and social costs of mosquito-borne diseases in South Australia, which include Murray Valley encephalitis, Barmera Forest virus and Ross River virus, will the government further commit to a serious, integrated, long-term program to minimise mosquito breeding?

2. Will the government provide funds specifically to assist local councils to upgrade dated engineering infrastructure which is a haven for breeding mosquitoes?

3. What chemicals are being used in the spraying programs, and what is the effect on other life in the ecosystems and the effect on humans?

4. Can the minister guarantee that appropriate measures will be undertaken to inhibit the breeding of mosquitoes before they reach the adult stage next year to avoid costly spraying programs that will probably prove ineffective in the long term?

5. If the proposed spraying program is unsuccessful, will the minister undertake to investigate measures to overcome the immediate mosquito problems in and around Port Pirie?

The PRESIDENT: The explanations today have carried an awful lot of opinion, and opinion should not be part of the explanation to a question.

The Hon. R.R. Roberts interjecting:

The PRESIDENT: It is not only your question: there have been a number before you.

The Hon. R.R. Roberts: It's not my opinion, either.

The PRESIDENT: It is, nevertheless, opinion.

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

LOCAL GOVERNMENT ELECTIONS

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to table a ministerial statement given today by the Minister for Local Government in the other place.

Leave granted.

CREDIT CARDS

The Hon. NICK XENOPHON: My questions to the Attorney-General are as follows:

1. What state laws govern credit card transactions?

2. What sanctions at law exist against a credit card merchant misdescribing a credit card transaction with a consumer, for instance, at a gambling venue where cash advances are provided to a consumer by means of a credit card where the transaction is misdescribed as the purchase of goods and/or services?

3. What is the legal position with respect to a consumer in such a transaction referred to being able to void or reverse such a transaction?

4. Is the Attorney's department prepared to investigate and, if necessary, act on cases of credit card transactions being misdescribed?

The Hon. K.T. GRIFFIN (Attorney-General): In relation to the last question, it is not the Attorney-General's Office or department that investigates breaches of the criminal law. If there are breaches of the criminal law, they are investigated by the police or other law enforcement agencies, and if there is evidence of a breach of the criminal law then the information ought to be provided to police or other relevant law enforcement agencies.

With respect to the earlier questions, I will take them on notice. It sounded to me as though the honourable member wants me to do his research for him, but I am prepared to put a bit of information together to give him a few leads on where to look to find the answers. I will bring back replies in due course.

EQUAL OPPORTUNITY ACT

The Hon. CAROLYN PICKLES (Leader of the Opposition): I seek leave to make a brief explanation before asking the Attorney-General a question on the subject of amendments to the Equal Opportunity Act.

Leave granted.

The Hon. CAROLYN PICKLES: The minister has circulated to some agencies proposed amendments to the Equal Opportunity Act and I asked him last week whether he would give a copy to the opposition. However, we now have several copies from several agencies that are primarily concerned about the short space of time in which comments have to be in following the public consultation. My questions are:

1. Given that the paper was released in mid-September and comments must be in by 11 October—tomorrow—will the minister allow further time for comments?

2. What is the proposed timetable for dealing with this legislation?

The Hon. K.T. GRIFFIN (Attorney-General): It may be a relatively short period but it should be remembered that this has been a long time in coming. There has been a lot of consultation in the development of these proposals over the past three or four years and, although this is a relatively short period of time, I remind the honourable member, and those who might be complaining about the shortness of the period, that if legislation is introduced there will still be plenty of time for further submissions, consultations and so on with respect to such a bill.

The present level of consultation is really directed towards identifying whether there is anything which we seem to have got seriously wrong or whether there are any other issues that need to be addressed. I would hope that people might be able to address the issues fairly quickly. I would have thought that they are not at all that difficult to respond to.

However, if there are some who have concerns about the time-frame and have a genuine proposition to make to us, I suggest that they write. I would like to be able to get some legislation in before the end of this part of the session, before Christmas, so that people have an opportunity to consider it over the Christmas-New Year break. Some of our friends in the media might wonder what we do during breaks: what we do in our breaks, among other things, is to look at this legislation which the government introduces—

The Hon. T.G. Cameron: The breaks are getting longer.

The Hon. K.T. GRIFFIN: Well, the work is getting harder. I point out to the Hon. Mr Cameron that there is much more extensive work. I am quite happy to put more and more work on the table and help people to occupy their time over the long breaks.

The PRESIDENT: There being no further questions, the time set aside for questions has expired. I call on the business of the day.

RETAIL AND COMMERCIAL LEASES (GST) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a bill for an act to amend the Retail and Commercial Leases Act 1995. Read a first time.

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

That this bill be now read a second time.

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

Leave granted.

The proposed amendments to the *Retail and Commercial Leases Act 1995* will clarify the effect of the Commonwealth's GST legislation on commercial lease agreements. There are four separate amendments required to clarify the rights and obligations of landlords and tenants with respect to GST.

Confirming the validity of agreements entered into for GST to be passed on from landlords to tenants

The *Retail and Commercial Leases Act 1995* regulates agreements between landlords and tenants in commercial leasing arrangements. The GST legislation introduced by the Commonwealth Government is structured to allow the parties to a contract, such as a lease, to negotiate the effect of the GST on the contract price or rent. Usually this is done via a GST recovery clause which, in the context of commercial and retail leases, is a rental adjustment clause.

However, section 22 of the *Retail and Commercial Leases Act 1995* specifically prevents a landlord from adjusting the base rent under a commercial lease more often than once every 12 months, unless the change is by a specified amount or a specified percentage. Therefore, where GST recovery clauses have been inserted into existing lease agreements and commenced before 8 July 1999, or in some cases before 2 December 1998, they are arguably inoperative. A rent review to account for GST other than at the time of the annual rent review will infringe the prohibition against multiple reviews within 12 month periods. It also means that the lease will lose its GST-free status, even though not acted on. Accordingly, landlords will be unable to increase the rent to account for the imposition of the GST at least for some period and possibly for the duration of the lease.

This Bill amends the *Retail and Commercial Leases Act 1995* by adding section 30A which validates an agreement (including agreements already made) between a landlord and a tenant to provide for the recovery of GST payable in respect of the lease. Where a landlord and a tenant have already entered into an agreement for the landlord to pass on the GST to the tenant, the validity of that existing

agreement is clarified by the Bill. Where there is no agreement this Bill does not compel one to be entered into.

Clarification that GST is not an item to be included in the calculation of 'turnover'

Commercial rent is sometimes determined by reference to the turnover (or gross takings or receipts) of the business of the tenant. The Act currently provides that turnover does not include the net amount paid or payable by the lessee on account of taxes. This Bill amends this clause to clarify that turnover does not include an amount paid or payable by the tenant as GST. It simply adds GST to the list of items prohibited from inclusion when calculating turnover.

To include GST as part of the turnover of a business would infringe the principle that GST should not be incurred on GST. A change to consideration based on the tenants' turnover will not constitute a review opportunity and the lease will remain GST-free until 30 June 2005 under the transitional arrangements.

Clarification of definition of 'outgoings'

Under some commercial leases, the 'outgoings' clause may be wide enough to recover GST payable on the rent. The definition of 'outgoings' in section 3 will also be amended to ensure that the landlord's GST liabilities may be passed on to the tenant under such a clause. This reflects that the effects of the GST legislation are intended to be cost-neutral on business.

Outgoings may be specifically referable to a tenancy or may be generally referable to all tenants. Section 34 of the Act provides that, in relation to general outgoings, a lessee is only liable to contribute if the lessee enjoys a benefit from that outgoing. Section 34 will be amended to include GST as a specifically referable outgoing to avoid dispute as to whether GST can be argued to be an outgoing in relation to which the lessee 'enjoys a benefit'.

The Retail Shop Leases Advisory Committee has been consulted on the Bill and a detailed explanation of the clauses and their effect was given at that time.

There is no question of an inconsistency between the *Retail and Commercial Leases Act 1995* and the new Commonwealth taxation legislation because they do not both touch on the same question.

The proposed amendments will not impose on tenants anything other than what they have agreed to by way of an adjustment of their lease agreements to account for the introduction of the GST.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This measure will be brought into operation by proclamation.

Clause 3: Amendment of s. 3—Interpretation

This clause inserts definitions of 'GST', 'GST law' and 'GST liability'. The clause also amends the definition of 'outgoings' to include a lessor's GST liability.

Clause 4: Amendment of s. 24—Turnover rent

Where a retail shop lease provides that rent is to be calculated by reference to the turnover of the business, section 24 of the *Retail and Commercial Leases Act 1995* sets out the factors that are excluded from the determination of the shop's turnover. The amendment makes clear that the turnover of a business does not include any GST paid or payable by the lessee.

Clause 5: Insertion of s. 30A

Section 22 of the *Retail and Commercial Leases Act 1995* prevents the base rent payable under a lease increasing more than once in a 12 month period. The new clause provides that an agreement by the parties that the lessor may recover any GST payable in respect of a lease from the lessee is a valid agreement, despite the restriction placed on increases in rent by section 22. Such an agreement will be valid regardless of whether it was entered into before or after the commencement of the new clause. The agreement must also comply with Commonwealth law (including price exploitation measures).

Clause 6: Amendment of s. 34—Non-specific outgoings contributions limited by ratio of lettable area

Section 34 of the *Retail and Commercial Leases Act 1995* limits the liability of a lessee to contribute to non-specific outgoings under a lease to an amount proportionate to the lettable area of the shop. The effect of the amendment is that where GST is payable as an outgoing under a particular lease, it will be treated as being specifically referable to the relevant premises and not as a non-specific outgoing. Thus, a lessee's contribution in relation to GST may be calculated according to the value of the supply under the lease, rather than being limited to an amount calculated on the basis of the lettable area of the shop.

The clause also addresses an anomaly in relation to taxes, rates, levies, premiums and charges, so that these outgoings may be treated as being referable to premises regardless of whether the relevant premises enjoys a benefit resulting from the outgoing, as required by the current definition of 'referable'.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 5 October. Page 73.)

The PRESIDENT: I remind honourable members that this is the Hon. Mr Sneath's maiden speech, and I ask honourable members to extend the traditional courtesies to him as he makes his contribution.

The Hon. R.K. SNEATH: I rise to support the motion. First, I thank the Governor for his address to parliament and acknowledge his hard work on behalf of South Australians. On a number of occasions I have had the pleasure to attend Government House, and I found the Governor and Lady Neal to be wonderful hosts and people who are able to communicate with and make welcome all walks of life. I would also like to take this opportunity to mention the sad passing of Sir Mark Oliphant who also was a wonderful South Australian and Governor. I send my sympathy to Sir Mark's family. I also mention former Premier David Tonkin's sad passing. Although I did not know the former Premier personally, the last time I saw Mr Tonkin was at the late Jack Wright's funeral. I had heard Jack speak fondly of David Tonkin, and I had also been aware of the high regard that Des Corcoran held for David Tonkin. I send my sympathy to the Tonkin family.

I would also like to touch on two other lives, one being the late Don O'Dea, who held many positions within the trade union movement. He was a quiet achiever, a wonderful support to the younger union officials and to younger people in the community. Don unfortunately passed away without the opportunity to enjoy a long retirement with his wife Myra and family. Don was a great supporter of his church and the Port Adelaide Football Club. I also had the pleasure of meeting Mr Bob Ware while on a trip to the West Coast of South Australia. Bob was Regional Manager of ATSIC and a Wirangu elder. Bob was held in high regard by the West Coast and in particular by the Ceduna people, and he played a major role in promoting the Aboriginal cause. He will be sadly missed by the Ceduna and West Coast residents, his friends and the Aboriginal community.

I would like to take this opportunity to thank the members of the Australian Labor Party for selecting me to fill this casual vacancy, and I also thank George Weatherill for his contributions to the Labor Party, to parliament and to the people of South Australia. I can thoroughly agree with the Premier's words on Wednesday 4 October when he remarked that George was a man of his word. I take this opportunity to wish George and Joy a long and wonderful retirement. I would also like to thank my Labor Party colleagues for all their assistance and encouragement in the first week, and I look forward to a wonderful working relationship. I wish to congratulate all the Australian Labor Party preselected candidates for the upcoming federal and state elections, and I am pleased to say that the Australian Workers Union played a role in the preselection of some very fine candidates who

will be able to help the Labor Party to victory in the next federal and state elections.

I follow some truly remarkable AWU shearers into parliament. The state ones who come to mind include Keith Plunkett, who sold me my first ticket at a shed called Wombeena in the South-East. Keith went on to become an organiser with the AWU before being elected to parliament. Jim Dunford was a shearer, an organiser and AWU branch secretary before being elected to parliament. Jack Wright was a shearer, an organiser and branch secretary before being elected to parliament, and going on to become Deputy Premier. Jack was a wonderful help to me and a great friend, and Jack's family honoured me by asking me to speak at Jack's funeral service. Jack's wife Norma and son Michael and family remain very close friends.

Federally, we have had Mick Young, shearer and AWU organiser, whose political reputation is without question. He was an all round good guy. Then we had the Cameron brothers, both ex-shearers, both ex-AWU branch secretaries, whose father Robert was born in Kingston in the South-East quite a few years before I also was born in Kingston in the South-East. Don became a senator. Clyde became a federal minister and is still very active today in retirement and will freely pass on his knowledge if requested.

It is not hard to identify the role that the Australian Workers Union has played in Labor politics for over 100 years. Many politicians have had their careers started by the Australian Workers Union, and quite a few have had their careers terminated by the Australian Workers Union. The union movement in general must remain involved strongly with the Australian Labor Party to make sure that the underprivileged, the workers and the aged are better serviced.

The Australian Workers Union has been left in very capable hands. The new branch secretary, Wayne Hanson, has many years experience in the trade union movement and thoroughly deserves his opportunity at the helm of this wonderful organisation. Wayne's assistance and friendship was greatly appreciated during my time as secretary. Wayne will be capably assisted by Frank Mateos, Peter Lamps and a very fine team of officials and staff. Bill Ludwig, Queensland AWU secretary, a legend in Queensland politics, is to be congratulated on his continuous fight to achieve good, solid leadership in the Australian Workers Union at a federal level. I would like to thank Bill for all his support over the years. My good friend Don Hayes, the Tasmanian branch secretary who started with the AWU as a shop steward in the pastoral industry with me, became an organiser and a branch secretary like myself all around the same time. I understand that Don is seeking a career in Tasmanian politics, and I wish him all the best.

The trade union movement has risen above the restraints that have been put on workers and unions by the Howard government. I congratulate the MUA and the trade union movement through the ACTU on overcoming the maritime dispute and the underhanded way that the federal government went about the business of reforming the wharves. This should be a lesson never to be repeated.

The Australian Workers Union has certainly had its characters, some of whom I mentioned earlier, but others who come to mind are: Alan Begg, who I am grateful to for giving me the opportunity to become an organiser; Jim Doyle, who now well into his seventies is still active with pen and paper, and was an organiser who serviced the pastoral industry throughout the state with great gusto; Rocky Gehan, who held a number of positions and still takes an active interest in the Australian Workers Union; recent life members, shearers Harry Caldwell and Ted Cooper, legends in their own right and wonderful ambassadors for the AWU and the shearing industry; and Harry Sugars, one of the real AWU characters, was organiser and President of the South Australian branch, and he is a great friend and supporter of mine who worked hard to achieve my appointment as an AWU organiser.

I remember the first day on the job. The first morning I was summonsed to an important meeting at a council. When I arrived at 7.15 that morning, the member's complaint was that he had to go pot-holing. My response was, 'So what?' He informed me that he was a grader operator. Upon asking where the grader was, he informed me that it was in the shed because there was not enough rain and the roads were too dry to grade. I asked him whether he wanted to sit on it all day in the shed going 'vroom, vroom'. He informed me that I was not much of a union official and he wanted the old one back. I suggested to him that he go pot-holing and that, because he was on grader rates, level 6, and others working alongside him were on level 3, he put two shovelsful in the hole to their one. He was not impressed, and I indicated to him that, if the council tried to sell his grader and put it out to contract, then I could be of value to him. I also suggested to him that he was first a council worker.

This happened regularly in the late 1980s and still happens sometimes today. It is not a side of a union official that the general public sees, but the modern day official regularly gives a similar answer. Modernisation of union organisers, training and thinking has resulted in a decrease in industrial action. The unions have played a larger role than any other group, including governments, in having the wheels of industry continually rolling. I congratulate officials from all unions on their ability to come off the shop floor and go into the courtrooms and on to the negotiating tables with the professionalism and skills of people who have been trained and schooled for many years.

As I have mentioned, industrial action in South Australia has been kept to a minimum through the skills of trade unions and their officials. However, I think that enterprise bargaining has reached its use-by date and that trade unions, through the Industrial Relations Commission, should be seeking wage increases and conditions for workers without necessary trade-offs. Over the years of enterprise bargaining, productivity has been increased by employees to a limit where it is no longer possible to continue with productivity-based increases. Some significant changes should be made to the Workers Compensation Act that protect injured workers' average weekly earnings and workers who travel interstate through their employment. This is an area that I will bring to the attention of the relevant minister. It has greatly affected one particular widow and her family.

Mention has been made of the high number of road deaths. I agree that some of the deterrents put in place have lowered this figure, and it would be wonderful if it was lowered even further. But what about those who are dying in the workplace: what deterrents have been put in place and what amount of money has been spent to help reduce these deaths? It has been nothing in comparison with what has been spent on reducing the number of deaths on our roads.

Labour hire and casual employment have, unfortunately, become predominant in all industries. All political parties should be encouraging industries to employ people directly and, where possible, on a full-time basis. The ability of young people—married couples—to obtain home loans and other loans while employed by labour hire firms or as a casual is

near impossible. Job security is the biggest problem facing workers of all ages. Stricter guidelines should be set down for labour hire firms and there should be much steeper penalties for those who do not comply. Where enterprise agreements exist, workers employed by labour hire firms should, by law, be paid the rates of pay and conditions prescribed under the agreement.

I would like to touch on the bad publicity that continually runs in the press regarding politicians. I have been a defender of politicians for some time and, like all industries, there are performers and non-performers. While we have people who are not prepared to challenge those who ring talk-back radio and other forms of the media, for fear of getting off side, politicians' profiles and privacy will not be improved. I am sure that, compared to some in the media, politicians are not that well remunerated. A good example of remuneration in comparison with politicians comes in the form of metropolitan local government CEOs, whose salaries range from somewhere between $120 000 and $200 000 per annum. Perhaps it is time that we implemented a union war cry of 'United we stand, divided we fall.'

I am very proud to represent the people of South Australia, and I hope that I can make strong contributions in all areas that affect the aged, the young, the disadvantaged, the working class, the environment and industry. I am very concerned about the continuing privatisation of government enterprises. This results in high job losses to workers and high costs to consumers and a loss of income to taxpayers.

It was interesting to read that the government intends to raise the school leaving age to 16. Whilst this is fine, we have to create jobs and apprenticeships for young people when they leave school. The downturn in apprenticeships in the past 20 years has been a real disappointment. Any initiative to companies should include some sort of apprenticeship scheme that encourages employers to train people. Too often we hear about bringing tradesmen from other countries, when we have our own youth and middle-aged unemployed people wanting opportunities to learn.

I think that one of the things government must look at in education is to make money available to employ retired sports people to encourage and reintroduce competitive sports back into the public school system. This would relieve some pressure on teachers and parents. Since competitive sports have been removed from the curriculum of most public schools, both metropolitan and country sporting clubs have suffered and struggled to fill junior and senior teams. The crime rate amongst youth has risen, and young people are generally not as fit as they were 20 years ago.

I have some real concerns with respect to our ageing population. With the GST on most goods, the exorbitant price of petrol and the lack of public hospitals, the pension really needs to be substantially increased. The continual changes to superannuation laws and the expenses of investments must surely be allowed to remain constant to stop the continual confusion for those who are contemplating retirement.

I would like to take this opportunity to thank those people who have supported my appointment and my AWU career—the people in the South-East, the shop stewards and the members of the AWU throughout South Australia. I have received a number of faxes from people on all sides of politics. I was very pleased to receive a fax from Bruce Rodda, the son of former member Alan Rodda, who served in the South-East with great distinction, and also a fax with best wishes and congratulations from Alan Scott, whom I regard as one of the great success stories in Australian business, a man who started with one tray truck and grew his business in transport, the pastoral industry and the media to what it is today. He is still putting in longer working hours than people half his age. South Australia could well do with more Alan Scotts.

Another great Australian pioneer is Dr Philip Nitschke, who practically stood alone in his fight to meet the wishes of terminally ill people in great pain and discomfort. My good friend Janet Mills, who suffered terribly for many months, would be smiling on Dr Nitschke with great affection and gratitude.

I have been blessed with wonderful parents for 51 years. As I have mentioned, I was born in 1949 in Kingston in the South-East. Over that period, my father has been a farmer, a rabbit trapper and a shearer. He also ran shearing teams until he retired at the age of 72. He is now 86 and he is an avid fan of parliament on television, and he truly misses his favourite performer, Paul Keating. Apart from parliament, his other pastime is making anything out of wood for his children, grandchildren and great grandchildren. My mother is one of a kind: if anyone calls in unannounced at any time they will find food on the stove. It would not matter what political persuasion you came from or what side of town, you would be fed. Mum was well known in Naracoorte for looking after those who had trouble looking after themselves.

On the opening day of parliament, on Wednesday 4 October, whilst in the President's gallery before the arrival of the Governor, I pointed out the Hon. Legh Davis and said to mum, 'He referred to me as Attila the Hun in a speech he made in parliament.' Mum's response was, 'That's nice, dear. He looks like a nice man.' I said, 'But he's never met me,' and she said, 'Well, he shouldn't really be commenting on people who he hasn't met, should he, dear.' I am sure that mum got Attila the Hun mixed up with John the Baptist.

During my school years at Tantanoola Primary School and Millicent High School, my father worked as the manager of Lake Park Station, which was owned by the late Alan Hookings, MLC. I had many fine years growing up in a small community and I still have many friends in the Millicent and Tantanoola districts.

I thank all the affiliated trade unions for their support. I hope that they continue to support their colleagues to represent South Australian workers and their families in the houses of parliament.

Finally, I would like to thank my wife Pam for her ongoing support for 32 years. We have managed to make a real go of it since we went shearing on Nulla Station on our honeymoon, with the luxury sum of $20 in our pockets. Pam has been a wonderful mother to our four children, Jodie, Dwaine, Joshua and Sam, who have been a credit and a joy to raise. We have seen them reach adulthood without any major headaches along the way. Jodie and her husband Nick have blessed us with three grandchildren, Samantha, Matthew (who is deceased) and Hamish. Now it is up to the boys to add to our growing family.

The Hon. CARMEL ZOLLO: As a member of the Address in Reply committee, I rise to support the motion and congratulate the Governor for his contribution. Both he and Lady Neal are committed and hard working individuals. In particular, I was pleased to see them both several weeks ago at the Feast of our Lady of Montevergine, which is considered to be the largest religious feast in Australia. It is celebrated by our citizens who migrated here from the region

of Campania in Italy. It attracts over 10 000 people from South Australia and interstate.

I also want to take this opportunity again to wish our former colleague the Hon. George Weatherill well in his retirement and to welcome new colleague the Hon. Bob Sneath. Like the Hon. George Weatherill, the Hon. Bob Sneath is a former union official, who has always been committed to the betterment of conditions for workers in this state. I am pleased to see his presence amongst us and hope that his time in this chamber will be an enjoyable, interesting and constructive one.

At this time I also pay tribute to three distinguished South Australians who have passed away since the last session opening: former state Governor Dame Roma Mitchell (first amongst women and first amongst citizens of the state), former state Governor Sir Mark Oliphant (distinguished, world-respected scientist) and very respected former state Premier, the Hon. David Tonkin.

The last few weeks have been particularly glorious ones for all Australians, regardless of the cost and some of the heartaches and controversy on the way and, even, afterwards. We all know that they were the best Olympic Games ever. I am sure that all Australians enjoyed, as I did, both the opening and closing spectacles of the Sydney Olympics and the very many individual sporting feats that we were treated to during the two weeks Australia was on show to the rest of the world.

As a nation we did ourselves proud. In particular, all our athletes and our Olympic volunteers are the pride of this nation. I was thrilled to bump into one of the volunteers, my next door neighbour Mr Neil Walker, at the Town Hall reception last week.

South Australia, along with several other states, hosted Olympic football matches. The matches were exciting, with near capacity crowds for all games. We call them football matches because it is called football in most countries of the world, and it was the Olympics, but it was disappointing to see that, as soon as the Olympics were over, football meant only Aussie Rules and soccer is again relegated to minor sports status and virtually ignored by the media.

No doubt, many who attended would have been first-time soccer goers. Perhaps it is exactly what soccer needs to attract new fans, but it would help if it gained better media coverage. There is certainly plenty of room in Australia for all football codes. Some of the celebration of the event, I am certain, was detracted from by the controversy caused by the government's more than $30 million upgrade to the Hindmarsh soccer stadium and the manner in which the upgrade was handled, including the consultants' fees. We were always going to be one of the venues to host the qualifying matches for the Olympics. Nonetheless, that debate will wait for another time in this place.

The President of the Italian Chamber of Commerce, Mr Don Totino, and the Italian Consul, Dr Lorenzo Kluzer, hosted a wonderful evening for the young Italian Olympic football team. I was pleased to be invited, along with other colleagues, to listen in particular to Marco Tardelli, Italy's Olympic coach and former 1982 winning World Cup player.

We are constantly told that financial management is looming as the key element of this government's re-election strategy. On behalf of the government, in his address the Governor made mention of the wonderful economic conditions that this state is now starting to enjoy. The reality for many people would appear to be otherwise. The Premier is recently reported as making clear that the State Bank issue would be raised again and again by the Liberals during the election campaign, when he puts his economic credentials up against those of the Leader of the Opposition.

The Premier is a tad out of touch. Perhaps he should try some doorknocking to see what people think of his economic record. Even looking at an original debt level of some $7 billion, we continue to have a debt of $3 billion, despite asset sales of between $6.5 billion and $7.8 billion. I think that most people can easily work out just how inadequate the Liberals' economic credentials are. All this despite state taxes increasing by more than $800 million as at the beginning of this year, an increase of 46 per cent, and enormous funding cuts, particularly in education and health.

Some of the regeneration of country South Australia has, rightly, come from the federal arena and is welcomed by everyone. With the withdrawal of so many services in country South Australia, I was pleased to see the advent of rural transaction centres. However, I believe that we may still have only the one in South Australia, at Port Broughton. I noted that my federal Labor colleagues are calling for the fast tracking of the program because, as I understand it, it is falling further and further behind schedule.

The RTC program is the government's flagship regional services program. The 1999-2000 federal Department of Transport and Regional Services portfolio budget statement set a target of 70 rural transaction centres by June 2000 and up to 500 RTCs in the lifetime of the program. I am told that by June 2000 there were 11 RTCs up and running and, of the $8.1 million allocated to the program last financial year, only $2.96 million was spent.

The Labor Party is committed to RTCs, and I hope that this government is doing its fair share of lobbying to ensure that we get our share of RTCs as well as seeing them in place in the very near future. I hope that the state government will make its opinion felt in relation to both the number and the time frame of introducing RTCs, as well as fighting to stop the deregulation of Australia Post.

Several initiatives were announced in the opening speech in relation to rural South Australia. Regional development is certainly welcomed by the opposition. Following the successful country Labor conference, the Leader of the Opposition again reminded us all of our commitment to enterprise zones in Whyalla, Port Pirie and Port Augusta. As previously announced on several occasions, a Labor government would also insist on regional impact statements to accompany any government decision or change in policy that affects jobs and services in regional South Australia.

We are reminded that every region has distinctive strengths and weaknesses, which makes the blanket application of a state economic development plan inappropriate. Local people want to be involved and consulted in decisions that affect their lives, services and locality.

On several occasions previously, I have raised the importance of the Murray-Darling Basin to the state and, of course, the commitment to the River Murray continues to be significant for us. Like all South Australians, I am pleased to see the renewed focus on our most important resource. A future federal Labor government has committed itself to tackling salinity and River Murray issues as a priority and, more importantly, it will not be linked to the sale of Telstra. I agree with the Leader of the Opposition that the health of our most important asset should not be used to blackmail us into supporting privatisations that we believe are not in our best interests.

Today, I understand, the Prime Minister has launched a national action plan to save the Murray-Darling Basin. I am not certain of the details, but the federal Leader of the Opposition has made clear that there will be a planned, cooperative approach to solving the problems of the Murray under a federal Labor government.

For a number of reasons, not the least because a committee I was on looked at community housing, I keep an eye on news in relation to this area. For historical reasons, South Australia has always been unique in relation to public housing because of the very significant number of stock it carries, well above that of other states. Of course, there has been a significant shift in housing arrangements between the commonwealth and states in the past 10 years or so, as well as an ideological shift with this government in relation to need.

As part of that needs basis, we have seen significant funding shifts, in particular to community housing, which has been one of the growth areas in housing. Community housing covers associations catering for those people who are at risk, who are in poverty traps or who have a common need as a reason for them to be part of community housing.

I noted that the Governor mentioned the recent announcement of community housing being built on land owned by churches (including the Uniting, Catholic, Baptist, Anglican, Lutheran, Church of Christ) and the Salvation Army under an agreement between the state government and churches. I understand that the state government will pay for the homes to be built and will determine the rent and eligibility of tenants.

The agreement is in recognition of the churches' practical approach in combating poverty and their pastoral concern. For those at risk or in poverty traps, church groups have been playing a greater and more significant role in the delivery of housing, as is certainly the case in the eastern states, particularly as established in Victoria. Regardless of my ideology as to who should be responsible for public housing, I am nonetheless pleased to see the void and need being filled.

As a former member of the Statutory Authorities Review Committee, which is inquiring into animal and plant boards, and soil boards, I am pleased to see that the government intends to proceed with a draft Natural Resource Management Bill. I believe our resources do need a more holistic approach to ensure their sustainability. I note that the national discussion paper 'Managing Natural Resources in Rural Australia for a Sustainable Future' advocates the streamlining of existing administrative arrangements through the formation of regional bodies with responsibility for coordinating community input into natural resource management strategies. Whilst it is not my place to pre-empt the committee's deliberations, when I was a member of the committee a certain amount of evidence was presented to that effect.

The state of South Australia's health system continues to suffer. The Human Services Minister regularly tells us that our public hospital system is being placed under stress. Our aged, in particular, are faring badly in relation to their needs. A recent press article tells us that the public hospital system was near crisis level under the burden of having to care for 150 people who cannot find nursing home places. The federal government is apparently refusing to fund extra nursing home places for elderly patients. We were told a few weeks ago that up to 60 elective surgery cases a day had been cancelled in the past two weeks because all public hospitals are virtually full. Such comments by the Human Services Minister are quite disturbing, with the minister also telling us that the public system was receiving an unprecedented number of emergency patients who had been turned away by private hospitals.

Health is too critical an issue to be made a political battle between the Premier and the Human Services Minister, or for shifting the blame between the state and federal governments. I certainly look forward to the health agreement proposed by Opposition Leader Kim Beazley, and already signed by Labor leaders in all states which, hopefully, will take some pressure off the public system. The deal guarantees growth in funding for South Australian hospitals over the next 10 years if Labor is elected next year. A priority will be to inject extra funds into the system, to ease the pressure on emergency departments and to reduce waiting times for treatment and surgery.

I noted the comments on the information economy. We certainly do need to create networks of people and build a connected community in which everyone within the community benefits, rather than the select few. Regrettably, we already do have a digital divide. The information technology poor already exist in some of our urban and regional areas. South Australia needs to have its share of the production of IT software and research. Australia as a nation rates very low in the production of IT sector goods. For South Australia the information economy should be about more jobs for South Australians. Mr Acting President, again my congratulations to his Excellency the Governor for his address, and I hope that this session will be a productive one.

The Hon. J.F. STEFANI secured the adjournment of the debate.

ASSOCIATIONS INCORPORATION (OPPRESSIVE OR UNREASONABLE ACTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 October. Page 51.)

The Hon. IAN GILFILLAN: This bill contains provisions dealing with conduct by an association which is oppressive or unreasonable towards a member or members. Currently, an aggrieved or an expelled member may apply to the Supreme Court, which has a range of powers for dealing with oppressive or unreasonable conduct. In simple terms, the bill seeks to allow the Magistrates Court to be a possible first port of call for an aggrieved or former member. Serious issues can then be referred to the Supreme Court if that is deemed advisable. Certain powers relating to winding up or appointing a receiver for an organisation are reserved for the Supreme Court.

The Bill also allows not only aggrieved and expelled members to apply to the court but also those members who have resigned from the organisation or who have not renewed membership. The bill also indicates that an association is a non-profit charity or sporting type body rather than a company. The proposed provisions are similar to those which apply to registered companies under the commonwealth Corporations Law.

The Democrats support the second reading of the bill. Generally speaking, associations are non-profit bodies that are engaged, as I indicated, in charity, sporting or recreational activities of some kind. They are a vital part of our community. I, myself, belong to a number of associations. The Adelaide Parklands Preservation Association is a leading

example, as is, of course, the Australian Democrats, my own political party.

The provisions of the bill are similar to those which currently exist in regard to registered companies under the commonwealth Corporations Law. It is clearly a sensible move. I commend the Bill to the Council and indicate the Democrats' support for it.

Debate adjourned.

ELECTRONIC TRANSACTIONS BILL

Adjourned debate on second reading.

(Continued from 5 October. Page 52.)

The Hon. CARMEL ZOLLO: I indicate opposition support for this legislation. I also declare that my husband and I hold a very small parcel of shares in an ISP provider, Chariot, which of course would be involved in and also facilitate e-commerce. The need to provide a legal framework for electronic commerce is obvious. As would be expected, the information technology revolution has had an enormous and rapid impact on the world of commerce. I note the figures provided by the Attorney-General in relation to the amount of electronic commerce that is transacted both globally and in Australia, with Australia's component expected to reach 1.3 billion in 2001. With e-commerce being a global phenomenon, I also recognise the need to standardise the rules applicable as far as possible (both nationally and internationally), just as it has been pointed out that the rules for conventional international trade and commerce are regularised.

Last year, I attended an international conference in Hong Kong on the protection of personal data, information technology and global business in the next millennium, which discussed the issues of regularisation and what international agreements or protocols are being developed, particularly in relation to e-commerce and data protection. Those two areas obviously go hand-in-hand. I was pleased to hear today in response to a question without notice asked of the Attorney-General that South Australia is in the process of drafting legislation in relation to cyberspace crime.

From memory, I commenced my report on that trip with a comment that the major technological advancement of the past two decades has revolutionised the world in the development of personal computers and telecommunications. These developments have made possible the virtually unlimited and instantaneous collection, processing and sharing of data and information. It would be fair to say that these changes have been so rapid that we as legislators along with other community members have sometimes found it difficult to keep pace. As methods of communication become more comprehensive and intricate, so do risks in relation to areas such as the protection of privacy and fraud. We will need to continue to grapple with problems relating to unauthorised access and fraud, destructive computer viruses and material promoting all sorts of illegal and unethical activities.

E-commerce, of course, is part of a bigger picture, but in its detail it is also about micro-commerce. Confidence in the system is generally achieved by protection of data. There are various means of doing so, but, in particular, encryption and agreed standards are obviously important, with the EU standards and codes taken up by the majority. The issues of privacy protection and fraud protection are paramount in electronic commerce. The three different levels of protection discussed at the conference were: encryption, authentication, and different levels of pseudonyms. The industry itself, working in a global economy, has adopted encryption codes. I understand that the level of encryption in use at the moment is 128 bits.

Technology makes it possible for us to communicate and transact faster and faster. However, even the establishment of simple protocols can be interesting. For example, I see emails as being no different from the written form of mail communicated without the assistance of electronics. Emails can range from the urgent to the junk mail—and I certainly treat it as such. Some people, however, seem to be of the view that emails should somehow take priority over all forms of communication, even to the point of sitting and staring at a PC screen all day, waiting for the signal: 'You've got mail!'.

Of course, e-commerce is also about consumer protection and confidence. If we think from the point of view that even buying a book on the net is e-commerce, then we should also note that, in Australia, whilst 3.8 million homes have access to a computer (about half of total homes), only 2.3 million homes are connected to the internet (28 per cent of total homes).

We need to ask why nearly 1.6 million homes with access to a computer do not go online. The main reasons given are cost and indifference, yet Australia has the fifth lowest access cost in the world. My federal colleague, Senator Kate Lundy, has expressed concern over this digital divide and on many occasions raised the issues of access to and equity of information technology. Certainly, the statistics I have just mentioned give credence to that concern.

The issue of IT inequity has given us what has been described as an embryonic internet underclass. For example, adults with higher incomes (over $40 000) are more likely to have internet access than lower income earners (70 per cent to 40 per cent). Almost half of all metropolitan homes had access to the internet in February this year compared with 40 per cent in regional areas. People with jobs are more than twice as likely to be internet users than the unemployed. I also note that disadvantaged groups do not just live in regional South Australia and that poorer metropolitan areas have low access levels just as some prosperous regional areas have high access levels.

At one level, online shopping and banking is probably the type of e-commerce with which many people are now familiar outside the commercial world. We also have a select committee of this chamber, of which I am now a member, looking at interactive gambling. The rapid rise in e-commerce has led to internet gambling, and the committee is presently looking at various issues surrounding this type of e-commerce.

The legalities introduced in this legislation would appear to be reasonable. They are, namely, the two fundamental principles in the treatment of transactions: first, between paper and electronic transactions; and, secondly, between two types of electronic communications.

This Bill establishes a legal framework by establishing the basic rule that, under South Australian law, a transaction is not invalid merely because it took place by means of one or more electronic communications. Importantly, it also makes it clear that the use of electronic transactions will require prior consent and sets out the manner in which such consent can be given.

I am aware that the Law Society has sought to have certain types of documents excluded from the terms of this bill. I understand that examples of documents it believes should be considered for exclusion are those such as powers of attorney,

wills and property documents executed in registrable form. I appreciate the logic of such a suggestion and I seek the Attorney's assurance that such exclusions will form part of the regulations, and also ask him to provide the chamber with detailed information on this and other exemptions which he envisages will be provided.

In all commerce, time and place for dispatch and receipt of transactions is such an important factor, and is naturally even more so in e-commerce, so I am pleased to see the provision in the legislation of a number of default rules for such determination. This government is always claiming that our IT industry is booming, but this is not always the reality. The opposition has often expressed its concern about whether the government is doing enough about the amount of production of IT equipment in this state.

A recent International Monetary Fund finding, in its analysis of the global IT sector, found that IT spending as a share of gross domestic product is extremely high in Australia, but production of IT equipment is a small share of total output. Whilst Australia as a whole has a high consumption and usage rate for technology, in particular information technology, our production of IT goods and services remains disproportionately low. Research and development in this area is also far too low.

Whilst I will have some questions during the committee stage of the bill, probably more of a technical nature, as previously indicated the opposition welcomes the bill, which will provide a regulatory framework that recognises the importance of the information economy to the future economic and social prosperity of Australia; facilitates the use of electronic transactions and communications; promotes business and community confidence in the use of electronic transactions and communications; and enables business and the community to use electronic communications in their dealings with government.

The community needs to have confidence in these new and rapidly developing systems of transactions in that they are not only secure in terms of fraud but also privacy protected. Privacy protection in e-commerce was summed up at the Hong Kong conference as follows:

> Providing the right information to the right people at the right time and the right place.

E-commerce covers all sorts of transactions, and the privacy implications are substantial. I am aware of the Privacy Amendment (Private Sector) Bill 2000, which will be imperative in providing further confidence in this legislation as it supports and strengthens privacy protection in the private sector.

The federal legislation went to the House of Representatives' Standing Committee on Legal and Constitutional Affairs, and the subsequent report has suggested several improvements. It is important that we, as a community, decide how we apply new technology and how we allow it to be used.

Good governance is essential to economic growth. This legislation is timely and welcomed, other states having already legislated for it or being in the process of doing so: it will form part of a national framework for electronic commerce.

The Hon. T.G. CAMERON: As was just pointed out to me by the Hon. Trevor Crothers, I know that I am not on the list of speakers but I just want to make a brief contribution. My understanding is that the bill was introduced by the Attorney-General with a view to introducing another bill during the next session of parliament after there has been the opportunity for community consultation on the current bill. My contribution will not be as extensive as that of the Hon. Carmel Zollo: in fact, I agree with most of what she put forward.

I guess that the bill is in response to the growing e-economy and e-commerce that is expected to exceed $1 trillion worldwide within the next two years, and will by next year in Australia exceed $1.3 billion. The bill is about providing a legal framework for electric transactions. The commonwealth has enacted its own Electronic Transactions Act and each state and territory has developed and enacted, or is about to enact, its own Electronic Transactions Act. This legislation was developed in conjunction with national and international bodies. I will not go through what the bill covers: the Hon. Carmel Zollo has done that adequately. As I said initially, I do not think the intention is for the bill to go through the parliament this session.

The Hon. K.T. Griffin interjecting:

The Hon. T.G. CAMERON: It is?

The Hon. K.T. Griffin: It was introduced in the last session with a view to discussion over the break, and now—

The Hon. T.G. CAMERON: So it is the government's intention that the bill go through this session?

The Hon. K.T. Griffin: Yes.

The Hon. T.G. CAMERON: On that basis, I will have a further look at the bill and comment further during the committee stage.

The Hon. IAN GILFILLAN: The Australian Democrats support the bill. Our position was made clear by Senator Natasha Stott Despoja in a speech to the Senate on 25 November 1999 when the identical commonwealth bill was being debated. In view of the importance of electronic commerce, the importance of this bill, as she said, 'cannot be over-emphasised'. To say that is not to suggest that the bill 'covers the field' as far as electronic transactions are concerned: much more is required to be done in connection with e-commerce. To use Senator Stott Despoja's words:

> We [the Democrats] remain concerned that while the government are willing to address the legal issues surrounding electronic transactions they are still not willing to follow up with the necessary policy reforms in relation to encryption, authentication and privacy. While we are pleased that the government is acting to open up the field of electronic transactions between the government and citizens, we certainly have concerns that this legislation will not be backed by the necessary resources and policy changes. We particularly want the government to demonstrate that they understand the impediments to adoption of electronic commerce and the crucial equity issues being raised by the uneven use and availability of information technology.

In South Australia, the state government proclaims its vision with Information Economy 2000, yet its reality does not match the rhetoric. We are talking about an industry that has the advantage of doing business 'at the speed of thought', which was Bill Gates' phrase when he was in Australia recently. Yet, back on 5 April, more than six months ago, I alerted the government to the fact that it had no information online to assist South Australian businesses in this regard. The Attorney assured me on 27 June as follows:

> The successful Good Business Guide booklet is in the process of being updated to include a section covering e-commerce for business. A draft of the booklet is currently being circulated to business organisations for comment.

However, when I visited the SA Central web site on Monday 9 October (yesterday) and searched for 'Good Business

Guide' I found precisely zero. Obviously, this is not a high priority for the state government. Let me recapitulate what I told this chamber on 5 April. In my search for e-commerce assistance to South Australian businesses, back in April I said:

> I found a pitifully small two-page information sheet put out by the Department of Industry and Trade. This Bizfact sheet was out of date and contained a broken link, while it warned businesses to check their own web sites to ensure that links were not broken. And that was all.

Yesterday I went back to that same information sheet to see whether it had been improved. It was still there, and it had not be changed at all. Despite my helpful hint to the government six months ago, it had not been updated: the broken link was still there, still broken. It seems that the grand visions, the motherhood statements of the Premier and the posturing of other government ministers come to nought when those who are supposed to carry out the e-commerce are foolish enough to rely on the government.

South Australian government ministers used to have a web site (www.ministers.sa.gov.au). The site is still there, but it is broken, with the pictures taken down and the links to all the ministers' web pages, except minister Wayne Matthew's, broken. Those who try to follow the links get a message to keep trying the original page which sent them to the broken links. There is actually a new site for all the ministers, now part of the Premier's web site, but there is no way that visitors to the old site would know that. Those who have bookmarked the former site for any or all ministers are left to assume that the sites are simply down or temporarily out of action. There is no redirection in place, as there ought to be for a professionally-run web site.

I return to the bill. I note that the Law Society has expressed a desire that documents such as powers of attorney, wills and property documents should be excluded from the ambit of the bill: that is, the society insists that these documents must continue to be always limited to ink on paper rather than any electronic medium. I note in this regard that the bill provides for regulations to exclude specified laws or transactions from the legislation which I consider is sufficient to safeguard the Law Society's concerns, but no doubt the Attorney will make observations about that at some stage either in summing up the debate or in committee.

To sum up, the Australian Democrats support the Electronic Transactions Bill. It is a much needed useful step towards improving South Australia's capacity to capture a share of global trade and communications that is suitable for electronic execution—

The PRESIDENT: Order! There is far too much audible conversation in the chamber.

The Hon. IAN GILFILLAN: Thank you, Mr President. However, by itself, the bill is woefully insufficient for fulfilling South Australia's potential in this area.

The Hon. J.F. STEFANI secured the adjournment of the debate.

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

Adjourned debate on second reading.

(Continued from 5 October. Page 58.)

The Hon. SANDRA KANCK: The Democrats will be supporting this bill. I understand we have a situation at the present time where we have a South Australian holding the position of President, Regional Arts Australia, but because of our South Australian Country Arts Trust Act she is also a presiding trustee of Country Arts SA, and when her term expires in that organisation she will also have to step down as President of Regional Arts Australia. This is a curious anomaly and one that I do not believe is in South Australia's interests. Although this bill will assist only one person at the present time I believe it is reasonable that other people should gain or benefit from it in the longer term with its sensible application. It will extend the terms of trustees and members of the Country Arts Trust so that this current anomaly will be overridden. I wish the bill speedy passage.

The Hon. J.F. STEFANI secured the adjournment of the debate.

HARBORS AND NAVIGATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 October. Page 63.)

The Hon. SANDRA KANCK: The Democrats are more than happy to support the provisions of this bill—

The Hon. T.G. Roberts: I heard you were ecstatic.

The Hon. SANDRA KANCK: Well, we are pretty pleased about the first provision; I am not sure about 'ecstatic'. When the jet ski regulations were first put in place some 12 or 18 months ago we called for the fines that were imposed to be given back to local councils, because we held the view that, unless local councils were able, at the very least, to meet their expenses of doling out those fines, they were unlikely to take much interest in policing it. One of the things that this bill does is exactly that, and therefore we regard this as a win for the Democrats. At the time the minister did not seem to like the proposal that we came up with, but it does make a lot of sense. I am aware of one council in particular where it can now see the possibility of buying some sort of boat that will allow it to get out there and pull the jet skis up—

The Hon. T.G. Roberts: The dog catchers aren't happy about it!

The Hon. SANDRA KANCK: Well, I am sorry but I do not think the Minister for Transport can deal with dog catchers! In principle I think it is a good idea that we allow councils to make use of the money that they collect in fines. I have suggested that that should happen with, for instance, the sale of tobacco to minors. You could use local councils to get out there and collect the fines and police what is happening in the local shopping centres. They would probably do it if they knew that the money was coming back to them. As a general way of encouraging local government to get active I think this is a sensible way to go about it.

We also support the move that is here to increase the fines applicable for vessels failing to carry an emergency position-indicating radio beacon. It is prudent to require vessels to carry these devices, which are quite inexpensive. They have the capacity to save lives and reduce the cost to the public purse of rescue operations. We think the government should complement this legislative measure with a targeted publicity campaign to encourage compliance with the law. I would be interested in hearing some comment from the minister when

she sums up about the government's readiness to do that, because education is an important part of enforcement in matters like this. The bill will also result in a female being appointed to the State Crewing Committee, which is a positive step towards gender equality, and that has my and the Democrats' full support.

The Hon. Diana Laidlaw: It has taken seven years to get a woman!

The Hon. SANDRA KANCK: Yes. Equally, the move to bring intrastate and interstate trading vessels under a regulatory regime also makes a great deal of sense, and we would be supporting that. So, overall, this bill which deals with a number of different issues, is a sensible one and, again, it is a bill we wish good speed.

The Hon. J.F. STEFANI secured the adjournment of the debate.

PROSTITUTION (REGULATION) BILL

Second reading.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I move:

That this bill be now read a secod time.

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

This bill was introduced into the House of Assembly on 28 October 1999 as one of four alternative bills to reform the law of prostitution. The other bills were—

- the *Summary Offences (Prostitution) Amendment Bill 1999*;
- the *Prostitution (Licensing) Bill 1999*;
- the *Prostitution (Registration) Bill 1999*.

The Shadow Attorney General introduced a fifth bill—the *Statutes Amendment (Prostitution) Bill 2000*.

After a cognate debate on all five bills, Members exercised a conscience vote, the majority voting for the *Prostitution (Regulation) Bill*. In this place, Members will also exercise a conscience vote on the bill.

This bill, like the others, reflects the Government's undertaking to address the concerns expressed by many, including the Police Commissioner in a report prepared for him in August 1998, that the current law relating to prostitution is unworkable and is in need of reform one way or another.

This bill proposes what is known as a 'negative licensing' model, under which it would be lawful for a person to be involved in a sex 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 provides for minimal Government involvement. It takes the approach that if prostitution is lawful, then it should be regulated so far as is possible under legislation that applies to other types of lawful business. To achieve this, the bill repeals the prostitution-related offences in the *Summary Offences Act 1953* and the *Criminal Law Consolidation Act 1935* and creates some new offences relating to prostitution.

Special government regulation of the prostitution industry is unnecessarily resource intensive to the tax payer. However, the bill contains some restrictions on the operation of sex businesses that are specific to prostitution. These include a procedure for banning people from carrying on or being involved in a sex business, special planning provisions, nuisance provisions, and offences to prevent the exposure of people under the age of 18 years to prostitution.

Some reforms that prevent the exploitation of children and vulnerable people by those who provide commercial sexual services, including prostitution, were introduced earlier this year by the *Criminal Law Consolidation (Sexual Servitude) Amendment Act 2000*.

Significant amendments were made to the bill during its passage through the other place. In the process some anomalies were created. Accordingly, I foreshadow amendments to address both these anomalies, and other issues relating to planning and mandatory sentencing issues.

A series of planning amendments to clause 10 of the bill seek:

- to establish a mechanism for consultation with local councils;
- to provide for Statewide uniformity in planning decisions about brothel development;
- to introduce an 'early no' process by requiring applications to be rejected if they do not meet mandatory criteria (the premises must have a maximum size of no greater than 8 rooms available for the provision of sexual services and must not be within 200 metres of a school or other place used for the education, care or recreation of children, a church or other place of worship or a community centre);
- to provide the Development Assessment Commission some discretion in relation to the location of brothels (whether in or outside local council areas);
- to ensure that the local council is given a reasonable opportunity to report to the Development Assessment Commission in respect of a particular development proposal;
- to require an application for approval to be accompanied by documentation certifying eligibility of the proposed operator to carry on a sex business at the brothel;
- to extend the class of owners or occupiers of land who are to receive notification of a proposal for a brothel beyond that ordinarily applicable to a Category 2 development;
- to exclude certain small brothels from the application of the development process.

Further amendments will oppose the provisions added to the bill in the other place relating to mandatory sentences of imprisonment for offences of sexual servitude and the offence of buggery with animals.

It is recognised that amendments to the *Workers Rehabilitation and Compensation (Claims and Registration) Regulations* will be desirable to include within the concept of a contract of service (an employment contract) an arrangement under which a worker provides sexual services in the course of a lawful sex business.

I have outlined the amendments as an aid to Members during the Second Reading debate on the bill. I appreciate, however, that the amendments cannot be advanced unless the bill passes the Second Reading—but I trust this will be the case because we all know the current law relating to prostitution is unworkable, and it is our responsibility as legislators one way or another to fix this up.

I commend the bill and the amendments to all honourable members.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause contains definitions for the purposes of the measure.

A sex business is defined as a business of providing or arranging for the provision of sexual services for payment. Consequently, the term covers both brothels and escort agencies.

Prostitution is defined as the provision of sexual services for payment.

Sexual services is defined as an act involving physical contact (including indirect contact by means of an inanimate object) between 2 or more persons that is intended to provide sexual gratification for 1 or more of those persons. Provision is made for the regulations to exclude classes of acts from the definition.

A brothel is defined as premises used on a systematic or regular basis for prostitution.

PART 2

SEX BUSINESSES

DIVISION 1—EXCLUSIONS

Clause 4: Persons excluded from carrying on or being involved in sex business

The form of regulation in this measure is known as negative licensing.

This clause prohibits bodies corporate from carrying on or being involved in a sex business.

Natural persons are prohibited from carrying on or being involved in a sex business if they have been found guilty of a prescribed offence. Prescribed offence is defined in clause 3 to encompass offences of violence and intimidation, sexual offences involving children or child pornography, offences involving illegal drugs and money laundering, offences involving dealing with stolen goods, and offences involving illegal immigration.

A child is prohibited from carrying on or being involved in a sex business.

Clause 3(2) defines when a person is involved in a sex business for the purposes of the measure, namely, if the person is the manager of the business, a person who has a right to participate in, or a reasonable expectation of participating in, income or profits derived from the conduct of the business, or a person who is in a position to influence or control the conduct of the business.

DIVISION 2—BANNING ORDERS

Clause 5: Grounds for prohibiting person carrying on or being involved in sex business

This clause sets out the grounds on which a person can be banned from the sex industry as follows:

- if the person or any other person has acted unlawfully in the course of carrying on, or being involved in, a sex business; or
- the person is not in some other respect a suitable person to carry on, or to be involved in, a sex business.

For these purposes an employee or person engaged in any other capacity in a business is to be considered to be a person involved in the business.

In assessing the grounds, the character and reputation of the person and the person's known associates is to be considered, together with any other relevant matter other than summary offences relating to prostitution committed before the commencement of the measure.

Clause 6: Power to make banning order

The District Court may make a banning order on the application of the Attorney-General or the DPP or a person authorised by the Attorney-General or DPP. The order may be permanent, for a specified period, until the fulfilment of stipulated conditions or until further order.

Clause 7: Contravention of banning order

This clause makes it an offence to contravene a banning order. In the case of an order banning a person from being involved in a sex business, the clause also makes it an offence for the person who carries on the business if the order is contravened by the person to whom it is directed.

Clause 8: Register of banning orders

The Minister is to keep a register of banning orders available for public inspection.

DIVISION 3—PLANNING ISSUES

Clause 9: Application of Development Act subject to Division

This clause makes the application of the Development Act to developments involving the establishment of a brothel or use of premises as a brothel subject to this Division.

Clause 10: Developments involving brothels

This clause requires a development involving the establishment of a brothel or use of premises as a brothel to be approved by the Development Assessment Commission. The Commission is required to have regard to the Development Plan but is not bound by it.

Such a development is not to be approved if—

- the part of a local government area in which the premises are, or are to be, situated—
- is zoned or set apart under the Development Plan for residential use; or
- is a part of the local government area in which residential use is, according to the Development Plan, to be encouraged; or
- the premises are situated within 200 metres of a school or other place used for the education, care or recreation of children, a church or other place of worship or a community centre; or
- the premises would have more than 8 rooms available for the provision of sexual services; or
- in the opinion of the Development Assessment Commission the premises would, in conjunction with other brothels in the area, tend to establish a red light district, i.e. an inappropriately high concentration of brothels in the same area; or
- approval would not be consistent with criteria prescribed by the regulations.

The development is to be regarded as a Category 2 development which means that notice will be given to the owner or occupier of each piece of adjacent land and the application will be available for public inspection but there will be no third party appeals. The notification requirements are extended so that all owners or occupiers of land within 200 metres of the proposed brothel will be notified.

DIVISION 4—NUISANCE

Clause 11: Restraining order against operator of sex business for nuisance

An occupier of premises adjoining or in the vicinity of a brothel or other place at which a sex business is carried on or a police officer may apply to the Magistrates Court for a restraining order imposing restraints on, or requiring action to be taken by, the operator necessary or desirable to prevent or minimise the nuisance. Questions of fact are to be decided on the balance of probabilities.

PART 3

OFFENCES

Clause 12: Limitation on sex business

This clause limits an operator of a sex business to one place of business. A person will be taken to have a place of business if a sex business that the person carries on, or in which the person is involved, is carried on at or from that place.

Clause 13: Offences in a public place

This clause makes it an offence, in a public place, to offer to provide or to ask another to provide sexual services as a prostitute.

Clause 14: Advertising prostitution

This clause prohibits advertising prostitution.

Clause 15: Advertising for prostitutes

This clause prohibits advertising for prostitutes.

Clause 16: Enforcement of offences relating to advertising

This clause provides a police officer power to compel disclosure of the person on whose behalf an advertisement is published.

It also provides defences to the advertising prohibitions—

- that the defendant did not intend to publish the advertisement in SA;
- 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 17: Prohibition against identifying premises as brothel

This clause enables the regulations to impose restrictions and requirements on signs, symbols or other things that may be used to identify a brothel.

Clause 18: Children not to be in brothel etc.

This clause makes it an offence for any person, without reasonable excuse, to permit a child to enter or remain in a brothel.

PART 4

ENFORCEMENT

Clause 19: Powers of police officers

This clause authorises a police officer to enter and search premises (with the consent of the occupier or as authorised by warrant) if the officer has reasonable cause to suspect that—

- an offence related to prostitution (this includes the commercial sex offences under the Criminal Law Consolidation Act) is being or is about to be committed on the premises; or
- evidence of the commission of such an offence may be found on the premises; or
- evidence of proper grounds for a banning order may be found on the premises.

Clause 20: Search warrants

This clause sets out the procedure for issuing of a warrant by a magistrate to a police officer. An application may only be made by telephone if the applicant is investigating a suspected offence punishable by imprisonment and, in the applicant's opinion, the warrant is urgently required and there is insufficient time to make the application personally.

A warrant will not remain in force for more than 7 days. If the warrant is only to remain in force for 24 hours or less, it may be issued for two or more different premises.

Clause 21: Issue of warrant on telephone application

This clause deals with the procedure for the issue of a warrant where the application is made by telephone.

Clause 22: Carrying out search

This clause enables a police officer—

- to be accompanied by assistants;
- if acting under a warrant, to exercise reasonable force to gain entry to the premises or to open anything in the premises that may contain evidence of an offence (although only if attempts to obtain cooperation have failed);
- to seize and retain anything found in the course of a search that the officer believes affords evidence of an offence.

PART 5

MISCELLANEOUS

Clause 23: Prostitution Counselling and Welfare Fund

This clause establishes a fund for providing, or facilitating the provision of, assistance and advice to persons wishing to give up prostitution.

Clause 24: Offences by body corporate

This is a standard clause making directors, executive officers and secretaries criminally responsible in relation to offences committed by bodies corporate.

Clause 25: Prosecutions

This clause restricts prosecutions to the DPP, a member of the police force or a person authorised in writing by the DPP.

Clause 26: Regulations

This clause provides general regulation making power.

SCHEDULE 1

Transitional Provisions

Schedule 1 contains transitional provisions relating to development approvals. It requires applications for approval to be made in relation to existing brothels within 28 days after the commencement of the Schedule.

SCHEDULE 2

Related Amendments

Part 1—Amendment of Criminal Assets Confiscation Act 1996

These amendments ensure that the Act may be used in relation to relevant offences against this measure.

Part 2—Amendment of Criminal Law Consolidation Act 1935

These amendments abolish common law offences relating to prostitution.

A provision was inserted in the other House for mandatory imprisonment for offences related to commercial sexual services.

Part 3—Amendment of Industrial and Employee Relations Act 1994

These amendments ensure that prostitutes may be employees for the purposes of the industrial law.

Part 4—Amendment of Summary Offences Act 1953

These amendments remove the offences relating to prostitution.

The Hon. DIANA LAIDLAW: I would like to emphasise just one part of the second reading explanation and that is to note that today I have also placed on file a series of amendments. I recognise that these amendments may well help many members in considering the bill prior to the second reading vote, but only if that second reading vote gets through would we be dealing with these amendments in detail. There are a number of anomalies in the bill that I present, which arose from amendments introduced in the lower house. I have, however, introduced the bill as passed from the other place, not a new bill. So it is the same bill from the House of Assembly but must be read, please, with the amendments that I have placed on file today.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

NUCLEAR WASTE STORAGE FACILITY (PROHIBITION No. 2) BILL

Second reading.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): 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.

For some years now, various Commonwealth Governments have been working towards the establishment of a permanent national repository for low-level radioactive waste.

The repository is required to deal with some 3500 cubic metres of low-level waste currently stored at over 50 locations around Australia.

This material stems from the medical, research and industrial use of radioisotopes in Australia, and includes such items as lightly contaminated soil, paper, plastics, glassware, protective clothing, laboratory equipment, electron tubes, smoke detectors, luminescent signs, watch faces and compasses.

In May this year—after an Australia-wide selection study first started in 1992—the Commonwealth announced that its search for a low-level radioactive waste repository had been narrowed down to five possible sites in the central-north region of South Australia.

These sites will now be further examined and detailed environmental impact assessments will be carried out by the Commonwealth.

The South Australian Government has no objection in-principle to the Commonwealth's plans to establish a low-level radioactive waste repository in South Australia.

It should be noted that the definition of nuclear waste in both the Opposition and Government Bills does not include *Category A*, *B* or *C* radioactive waste as defined in the *Code of Practice for the Near-Surface Disposal of Radioactive Waste in Australia* (1992) approved by the National Health and Medical Research Council, which is commonly known as low and short-lived intermediate waste. It is this waste that could be disposed of in a low-level waste repository.

It is a responsible course of action—also supported by the former Labor Government—to ensure that such waste is stored as safely as possible.

The Commonwealth is also exploring potential sites for a national storage facility to house an estimated 500 cubic metres of long-lived intermediate level waste currently stored around Australia, as well as reprocessed fuel rods from Lucas Heights.

This is an entirely different matter.

As indicated to this House by the Premier in his Ministerial Statement of 19 November 1999, the South Australian Government is opposed to long-lived intermediate to high-level radioactive waste being dumped here.

No decision has been made on the location of a national store for long-lived intermediate waste.

But it is clear that South Australians do not want their backyard to become the dumping ground for the nation's long-lived intermediate and high-level nuclear waste.

The best way to send this message loudly and clearly to Canberra is for the Parliament of South Australia to pass legislation prohibiting the establishment of a national nuclear waste storage facility.

But we have to get it right.

Private Members' Bills introduced by the Democrats and the Opposition either don't go far enough, or are seriously flawed.

The Nuclear Waste Storage Facility (Prohibition) Bill 1999 introduced by the Honourable Sandra Kanck is not supported by the Government.

The Kanck Bill would allow nuclear waste of any level that has been generated in Australia to be stored in South Australia.

This is not what South Australians want, and the Government rejects this proposition outright.

The Democrat Bill is also found wanting in that its definition of nuclear waste does not include waste from nuclear weapons or spent nuclear fuel.

The Nuclear Waste Storage Facility (Prohibition) Bill 2000 introduced by the Member for Kaurna in another place is unworkable.

It does not take account of radioactive material currently used in South Australia for medical, research and industrial purposes and waste that is already stored here.

The Opposition's Bill does not distinguish between radioactive material which is in use, and that which is waste. Consequently, anyone who stored radioactive material still in use would be in breach of this legislation.

It does not provide for the storage of *Category S* waste already stored in South Australia with the approval of the South Australian Health Commission pursuant to the Ionizing Radiation Regulations made under the *Radiation Protection and Control Act 1982*. For example, in South Australia *Category S* waste is generated by medical, industrial and research activities that are regulated by the Radiation Protection Branch of the Department of Human Services.

It is anti-competitive, in that it does not allow for future legitimate activities in South Australia of a similar nature to those already authorised by the Health Commission under the Radiation Protection and Control Act.

It fails to take account of the small number of businesses which may require to store waste temporarily before exporting it out of the State and the return of radioactive sources in instruments that have been manufactured in South Australia.

It does not mention nuclear waste from weapons as waste, and

It would preclude the expenditure of any money by the State Government to responsibly manage any waste that is presently lawfully stored in this State or is lawfully produced in the future.

The Government's Bill takes account of these factors.

It clearly defines the nuclear waste that South Australia does not want to store:

Waste derived from the operations or decommissioning of a nuclear reactor, a nuclear weapons facility, radioisotope production facility, uranium enrichment plant, the testing, use or decom-

missioning of nuclear weapons or the conditioning or reprocessing of spent nuclear fuel.

The Bill will ban the construction or operation of a storage facility for this waste.

It will also ban the importation or transportation of nuclear waste for delivery to such a facility.

Stringent penalties are included for any breach of the legislation—with fines of up to $5 million and 10 years' imprisonment.

Further, the Bill provides that a person found guilty of contravening the Act can be required to remove any such facility and mitigate any future environmental harm resulting from its construction and/or operation.

This Bill makes it abundantly clear that South Australia does not want to become the backyard dumping ground for the rest of the nation's nuclear waste.

The Government looks forward to the support of the Parliament to send a bipartisan message to Canberra and the Commonwealth.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of the measure on a day to be fixed by the Governor by proclamation.

Clause 3: Objects of Act

This clause provides that the objects of the measure are to protect the health, safety and welfare of the people of South Australia and to protect the environment in which they live by prohibiting the establishment of certain nuclear waste storage facilities in this State.

Clause 4: Interpretation

This clause defines words and expressions used in the measure.

Clause 5: Act binds Crown

This clause provides that the measure binds the Crown in right of the State and, in so far as the legislative power of the State permits, in all its other capacities.

Clause 6: Application of Act

This clause excludes from the operation of the measure—

(a) radioactive waste lawfully stored in the State before the commencement of the measure; and

(b) radioactive waste—

(i) from radioactive material that has been used or handled in accordance with the *Radiation Protection and Control Act 1982* pursuant to a licence, permit or other authority granted under that Act; and

(ii) the storage or disposal of which has been authorised by or under that Act.

Clause 7: Effect of Act

This clause provides that the measure has effect despite any other Act or law.

Clause 8: Prohibition against construction or operation of nuclear waste storage facility

This clause makes it an offence for a person to construct or operate a nuclear waste storage facility and prescribes maximum penalties of $500 000 or imprisonment for 10 years in the case of a natural person and $5 000 000 in the case of a body corporate.

Clause 9: Prohibition against importation or transportation of nuclear waste for delivery to nuclear waste storage facility

This clause makes it an offence for a person to bring nuclear waste into the State, or transport nuclear waste within the State, for delivery to a nuclear waste storage facility in the State.

It prescribes maximum penalties of $500 000 or imprisonment for 10 years in the case of a natural person and $5 000 000 in the case of a body corporate.

Clause 10: Offences by body corporate

This clause provides that if a body corporate commits an offence against the measure, each person who is a director of the body corporate or a person concerned in the management of the body corporate is guilty of an offence and liable to the same penalty as is prescribed for the principal offence when committed by a natural person unless it is proved that the person could not by the exercise of reasonable diligence have prevented the commission of the offence by the body corporate. Such a person may be prosecuted and convicted of an offence whether or not the body corporate has been prosecuted or convicted of the principal offence committed by the body corporate.

Clause 11: Powers of public authority

This clause empowers public authorities to do one or more of the following:

(a) remove a nuclear waste storage facility constructed or operated in contravention of this measure;

(b) make good any environmental harm resulting from the construction or operation of that facility;

(c) prevent or mitigate any future environmental harm resulting from the construction or operation of that facility.

Clause 12: Orders by court against offenders

This clause empowers a court that finds a person guilty of an offence against the Act to make one or more of the following orders against the defendant:

(a) an order that the defendant take specified action to—

(i) remove a nuclear waste storage facility constructed or operated in contravention of this measure;

(ii) make good any environmental harm resulting from the construction or operation of that facility;

(iii) prevent or mitigate any future environmental harm resulting from the construction or operation of that facility;

(b) an order that the defendant take specified action to publicise the contravention and its environmental and other consequences and any other orders made against the defendant;

(c) an order that the defendant pay—

(i) to a public authority that has incurred costs or expenses in taking action of a kind referred to in clause 11 as a result of the contravention; and

(ii) to any person who has suffered injury or loss or damage to property as a result of the contravention, or incurred costs or expenses in taking action to prevent or mitigate such injury, loss or damage,

the reasonable costs and expenses so incurred, or compensation for the injury, loss or damage so suffered, as the case may be, in such amount as is determined by the court.

Clause 13: No public money to be used to encourage or finance construction or operation of nuclear waste storage facility

This clause prohibits the appropriation, expenditure or advancement of any public money for the purpose of encouraging or financing any activity associated with the construction or operation of a nuclear waste storage facility in South Australia.

Clause 14: Public inquiry into environmental and socio-economic impact of nuclear waste storage facility

This clause provides that if a licence, exemption or other authority to construct or operate a nuclear waste storage facility in South Australia is granted under a law of the Commonwealth, the Environment, Resources and Development Committee of Parliament must inquire into, consider and report on the likely impact of that facility on the environment and socio-economic wellbeing of South Australia.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

ADJOURNMENT

At 4.36 p.m. the Council adjourned until Wednesday 11 October at 2.15 p.m.