HOUSE OF ASSEMBLY

Wednesday 24 May 2000

The SPEAKER (Hon. J.K.G. Oswald) took the chair at 2 p.m. and read prayers.

RACING (CONTROLLING AUTHORITIES) AMENDMENT BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the bill.

STATUTES AMENDMENT (LOTTERIES AND RACING—GST) BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the bill.

PAPER TABLED

The following paper was laid on the table:

By the Minister for Water Resources (Hon. M.K. Brindal)—

Northern Adelaide and Barossa Catchment Water Management Board—Initial Catchment Water Management Plan—Annual Review 1999-2000.

PROSTITUTION

Petitions signed by 233 residents of South Australia, requesting that the House strengthen the law in relation to prostitution and ban prostitution related advertising, were presented by Messrs Hanna, Meier and Scalzi.

Petitions received.

LIBRARY FUNDING

Petitions signed by 2 534 residents of South Australia, requesting that the House ensure government funding of public libraries is maintained, were presented by the Hons. D.C. Brown and G.M. Gunn, Mr Hamilton-Smith and Mrs Penfold.

Petitions received.

TRAFFIC LIGHTS

A petition signed by 259 residents of South Australia, requesting that the House support the incorporation of a right turn arrow in traffic lights at the intersection of North East Road and Thistle Avenue, was presented by Ms Geraghty.

Petition received.

LEGISLATIVE REVIEW COMMITTEE

Mr CONDOUS (Colton): I bring up the 18th report of the committee and move:

That the report be received.

Motion carried.

QUESTION TIME

WOODEND PRIMARY SCHOOL

Mr HANNA (Mitchell): Will the Premier explain why he announced two weeks ago that cabinet had authorised the purchase of a property adjacent to the Woodend Primary School from the Hickinbotham group for $3.8 million, given that an independent valuation—

Members interjecting:

The SPEAKER: Order!

Mr HANNA: —arranged by the SA Land Management Corporation in January this year shows that the property was valued at only $1.3 million, $2.5 million less than the price paid for it? Even if the government had taken the advice of the independent valuers to pay a premium to the Hickinbotham Group of up to 20 per cent above the market value in order to secure the site, that would have boosted the purchase price to only $1.56 million.

The SPEAKER: Order! The honourable member is straying into comment.

The Hon. J.W. OLSEN (Premier): The member for Mitchell has what one would call a dose of bad salts. What he cannot cop is that this government responded to the representations of the minister to give protection to students in that district. The local community did not want a hotel and gaming machines located next to the school. The government considered that that set of circumstances would be inappropriate, so it decided to respond to the community's concerns. The government responded to the representations of the Minister for Minerals and Energy.

I met or spoke with people and parents of school students in the district, and the government had a look at the proposal. We therefore negotiated with the proponents for the sale of the property. Why did we negotiate? First, we did not believe that the—principle—

Ms Hurley interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: The hapless deputy leader is squeaking again from the opposition. Perhaps she would like to wait a moment and let me respond to the substance of the question, because it sends for a six this question from the member for Mitchell. The principle of collocation—

Mr Hanna interjecting:

The SPEAKER: Order! The member for Mitchell will come to order.

The Hon. J.W. OLSEN: We do not believe in the principle of collocating a gambling facility next door to a school. Therefore, we went to the proponents, the Hickinbotham Group and Mr Hurley, who was associated with a consortium to put in place a tavern with gaming machines, and opened dialogue with them. The government received more than one valuation for the property. It also received a valuation from the Valuer-General relating to the property which included the refurbishments. And it is a lot different.

An honourable member interjecting:

The Hon. J.W. OLSEN: It's a lot more than that. We then entered into negotiations based on the Valuer-General's assessment of the value of the property. Through negotiations, we reduced the amount required by the consortium to the figure that enabled us to purchase the property. This will also enable us to put in place the capital infrastructure for the

expansion of that school where we anticipate considerable growth in student numbers in the foreseeable future.

Our purchase of the property was, first, on the principle of not having a tavern and gaming machines next to a school; secondly, a school that had expanding catchment area and student enrolments within that catchment area, and therefore we would have to address the expansion needs of Woodend school in the future; and, thirdly and importantly, we respected and responded to the concerns of parents in that particular district. My understanding is that this decision has been wholeheartedly endorsed and overwhelmingly accepted by the local community bar one person, the member for Mitchell. And why? Because the member for Mitchell has attempted to play this issue for a political point scoring exercise and what—

Members interjecting:

The SPEAKER: Order! The House will come back to order.

The Hon. J.W. OLSEN: Mr Speaker, you can tell when they do not like an answer because they interject and try to deflect the substance of the response. The simple fact is that this is in the best interests of young South Australians in that district for their schooling opportunity and, if you do not like it, that is fine. What we will do is let everyone know down there that you are opposed to what the government has done; and I will be quite happy to distribute a leaflet into every household in the district saying that the member for Mitchell has taken exception to the fact that we have purchased this property in the best interests of students of that local district.

The Hon. R.L. Brokenshire interjecting:

The SPEAKER: Order, the Minister for Police.

EMERGENCY SERVICES

Mr HAMILTON-SMITH (Waite): Could the Premier outline to the House the importance of policy direction to the provision of appropriate emergency services for all South Australians?

The Hon. J.W. OLSEN (Premier): I thank the member for his question because the announcement yesterday builds on the principle and that principle is that we have responded (as distinct from previous governments which did not pick up the coroner's report after the loss of 28 lives in the Ash Wednesday bushfires) and put in place an appropriate communications system for emergency services in South Australia. What we have put in place is a system that will best deliver protection for the lives and properties of South Australians and, in addition, has regard to the volunteers, who, on our behalf, look after our life and property. Five reports over 15 years identified that the old system was unfair and inadequate. We fronted up to that principle, that issue, and we changed it.

Whilst previous Labor governments have just simply ignored the problem, we have addressed the issue and the problem and put in place a system that the Insurance Council of Australia now nominates as being a system whereby South Australians are better off than their interstate counterparts—and that is clearly supported by the Deloitte report.

We were somewhat surprised that the opposition gave us support for the introduction of the emergency services levy. I guess members opposite are a little confused occasionally, but the member for Ross Smith (or should I say the candidate for Enfield, I think is the name of the new electorate) summed up the Labor Party's position on this levy when during the debate he said: 'I commend the government for bringing this legislation into the parliament'—thank you for your support—'which a future Labor government will put to good effect.'

What he meant by that is ramping up, not reducing. That is a pretty plain position of the Labor Party. Labor said that, if it got into government, it would up this levy. That is the effect of what the member said. But what is it saying now? The Leader of the Opposition and the member for Elder have said that they will wait to see what the government does with the levy before they tell us what they will do. They said that they will wait until we put down a position. Well, guys, we did that yesterday. It is now your turn as the alternative to put up a plan, but what is their answer now? They are saying, 'Well, we will not be ready for another 12 months'—another 12 months before they have a policy. They have this vacuum. They do not have an idea. Only a few weeks ago the leader was saying, 'When the government puts down its position, we'll put ours down.' Now that we have done that, it is not that they will do it: they will wait a year before they put down their policy. Earlier this year the Leader of the Opposition said that this was going to be the year of policy for Labor. Well, they had one, I admit—

Mr Koutsantonis interjecting:

The Hon. J.W. OLSEN: You have had one, and that was a policy of open government. I guess it did not take them long to work out that they would have a policy of open government. The question is what else they are doing.—

Mr Conlon interjecting:

The SPEAKER: Order! The member for Elder will remain silent.

The Hon. J.W. OLSEN: It is legitimate to ask members opposite: what do you do all day? The member for Elder is not known to work exceptionally hard in this House. We know he works hard on numbers, but where is the policy? Where is the vision? Where is the strategy? Where is any idea at all—just one will do—as to what your position might be? Just how do you spend your time? I would have thought that an alternative government would at least have the semblance of putting together some policy initiative, some alternative, some plan that they could put on the deck—but not one. It is a vacuum, an absolute vacuum.

The member for Elder—and the member for Ross Smith knows this—is pretty good on numbers. The member for Elder was on Ashley Walsh's program last Friday, I think it was, and when pressed about this levy he said, 'Somewhere between $60 million and $80 million would be okay.' For the benefit of the member for Elder—

Members interjecting:

The SPEAKER: Order! I warn the member for Elder.

The Hon. G.M. Gunn interjecting:

The SPEAKER: And the member for Stuart will remain silent.

The Hon. J.W. OLSEN: For the benefit of the member for Elder, who is okay on numbers within the party but not so good on financial numbers, if he would like to consult the member for Hart, who sits just in front—the subscriber to the *Financial Review*—he will attest that $76 million happens to be between $60 million and $80 million—the number the member nominated last Friday. But, of course, the member for Elder has moved on now. He said there is a new figure; the real figure was actually $49 million. So, the goal posts have shifted again. Once you gazump them, they then shift the goal posts and move on.

For the benefit of the member for Elder, let me remind him that the $49 million insurance levy had also added to it

$6.5 million a year to address the $13 million deficit you left on the CFS. In addition, for the benefit of the member for Elder, there was the $13 million collected by local government towards emergency services. That makes it about $69 million, not $49 million. Clearly, the member for Elder is not comparing apples with apples: he is comparing apples with pineapples! We understand why he has a particular affinity with pineapples, and the member for Ross Smith can affirm his interest in pineapples.

My point is that the opposition does not have an idea, an alternative, and is not interested in developing one, and members opposite are showing yet again that they are a policy-free zone. The people of South Australia will see the opposition for what it is in that respect, because no longer are our emergency services under-funded as they were under Labor. No longer do they carry the debt that was left to them by Labor. No longer will our volunteers be forced to use equipment that was not safe. No longer can people avoid paying emergency services by insuring offshore or by under-insuring. What we would like to know, and what the public is entitled to know from this opposition is: what would it do?

The SPEAKER: The honourable member for Taylor.

The Hon. J.W. OLSEN: There is silence.

The SPEAKER: Order!

WOODEND PRIMARY SCHOOL

Ms WHITE (Taylor): Will the Minister for Education and Children's Services explain why the cabinet decision was financially sound to accept the condition imposed by the Hickinbotham Group that it undertake $1.5 million worth of renovations to convert a shopping centre building into classrooms on the site adjacent to the Woodend Primary School as a fixed part of the deal to sell the whole property to the Department of Education, Training and Employment? Within hundreds of pages of freedom of information documents released to the opposition relating to the expansion of the Woodend Primary School, there is no indication that the usual departmental practice of obtaining three quotes for capital works on schools was asked for or supplied in this case.

The papers indicate that the $1.5 million costs were part of the sale deal offered by Hickinbotham to the Department of Education, Training and Employment in January this year. According to the independent valuers, the disused shopping centre building, constructed in 1995, had already been partly converted into a child-care centre, which included a kitchen and children's toilet facilities and which was fitted with ducted airconditioning and fire protection.

Members interjecting:

The SPEAKER: Order!

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I thank the member for Taylor for her question. All I can say is: shock and amazement! One would understand, from the questions of opposition members today, that they did not wish the government to purchase the centre. We had the member for Mitchell saying to the government that it must purchase this centre for the good of the community and of the school.

Mr Hanna interjecting:

The SPEAKER: Order, the member for Mitchell!

The Hon. M.R. BUCKBY: We have negotiated with Hickinbothams; we have contacted the Valuer-General, as the Premier has said, and obtained a quote from there; and we have worked through DAIS in terms of obtaining estimates for refurbishment. The member for Taylor says that there are some facilities there for toilets and for a child-care centre. The size of this facility requires that it be refurbished completely to school standards—and I can just imagine the member for Mitchell coming out and criticising the government if it was not refurbished to the adequate standard. Here he is, again wanting his cake and wanting to eat it, too. What we have done is in the best interests of the Woodend school.

There are currently 380 students enrolled at that school. There is currently the requirement for a demountable building to be put there. It also shows that those figures will rise to 670 students within the next four to five years. So, expansion was required. That certainly justifies the purchase of this centre. It is right next door, and it is in the best interests of the school. We have negotiated with Hickinbothams in the market and have reduced the price that it was asking.—

Mr Hanna interjecting:

The SPEAKER: Order! I call the member for Mitchell to order.

The Hon. M.R. BUCKBY: The $1.5 million is the total cost of refurbishment, and that is to state school standards. This will be of great benefit to the Woodend community, and I am sad for that community that the member for Mitchell does not recognise it.

EMERGENCY SERVICES LEVY

Mr CONDOUS (Colton): Can the Minister for Police, Correctional Services and Emergency Services outline community support for the government's decision to reduce the emergency services levy?

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): Having spent some time on the airwaves today, I am very pleased to say that there has been overwhelmingly strong support by the community of South Australia with respect to the government's decision to reduce the emergency services collection from the community.

Ms Hurley interjecting:

The SPEAKER: Order! The Deputy Leader will come to order.

The Hon. R.L. BROKENSHIRE: Unlike the opposition, the community of South Australia is very supportive of our emergency services and does very much thank, appreciate and support the volunteers. Unlike the Labor Party, as has clearly been shown, the community of South Australia understands, appreciates and supports that the volunteers need to be properly trained and equipped. South Australians certainly know exactly where our government stands on the funding of emergency services. No longer will our state's emergency services be under-funded; no longer will they be using antiquated equipment;—

Ms Hurley interjecting:

The SPEAKER: Order! The Deputy Leader will come to order.

The Hon. R.L. BROKENSHIRE: —and no longer, in the interests of fairness and equity, can someone avoid paying for emergency services by either not insuring or, indeed, under-insuring.

In summary, the South Australian community knows and supports very much this principle and the initiatives announced yesterday. But what the South Australian community does not understand—and it was made clear to me on radio this morning (which follows an opposition member's earlier

comments)—is a pretty simple matter, and you do not have to be a rocket scientist to deal with it. The question is: where does the South Australian Labor Party stand on the issue of funding and supporting emergency services? That is the simple question.

I know where the Insurance Council of Australia stands when it comes to looking at the fairest way to go. The council is looking at the issue of supporting this initiative right across Australia. I know that many directors of emergency services in other states want to implement exactly what has happened in South Australia. The question remains: South Australians do not know what the ALP will do. I know what the South Australian Scouts Association thinks of the initiatives announced yesterday. My officers talked to the Chief Executive Officer and he is appreciative of the changes. He says that they are fair and reasonable. South Australians still do not know what the ALP will do with respect to emergency services.

The RAA issued a press release strongly supporting and congratulating the government on the initiatives announced yesterday. We know what the RAA thinks about this but we do not know what the South Australian Labor Party will do with respect to emergency services. The Chief Executive Officer of the Property Council of Australia, Mr Bryan Moulds, says that the property sector and businesses welcome the changes. We know what the Property Council of Australia thinks about this particular initiative but South Australians still do not know what the ALP will do.

At 6 o'clock this morning I heard representatives of SACOS on the radio saying that the government's changes will be a relief to low income earners and a significant relief for charities; but South Australians still do not know what the ALP will do with emergency services. The Chairman of the South Australian Farmers Federation, Dale Perkins, said on radio this morning that the new system is fair and good for rural and regional South Australia, but rural and regional South Australia still does not know what the South Australian Labor Party will do with emergency services.

The SPEAKER: Order! I remind the minister about standing orders and repetitive replies to questions.

The Hon. R.L. BROKENSHIRE: What did we have this morning from the shadow spokesperson? The opposition spokesperson said:

> The government has not made a decision on the basis of fairness.

Let us just look at a few of the examples of fairness. There is no cut to emergency services funding: it remains at $141 million, which picks up on the backlog and lack of support that, for 11 years, the Labor Party did not give to the 30 000 volunteers. It also picks up on the issue raised by the Premier, that is, the only thing that the South Australian Labor Party left emergency services and the CFS was a $13 million debt. There has been a huge reduction in relation to charities. For example, Meals on Wheels will make significant savings; the Blind Welfare Association this year paid $1 279, but is now paying $423. There has been an expansion of concessions to self-funded retirees, to Abstudy and Austudy students and to special benefit students.

There have been benefits to the regional areas and, importantly, to the unincorporated and pastoral areas. In Mount Gambier the owner of a home of $100 000 will see a reduction in their levy from $78 to $59. But, guess what? As minister I still have not one clue as to what the ALP will do with emergency services. The Employers' Chamber says that it is the best possible outcome, yet we are still no closer to knowing where the ALP stands.

An honourable member interjecting:

The Hon. R.L. BROKENSHIRE: 'Really boring,' says a member over there. It is really boring that members opposite did nothing to support volunteers when they were in office for 11 years! The Labor Party has now backed itself right into a corner, because it supported this levy on the record. But, after supporting the principles of the levy, members opposite jumped on the bandwagon of cheap point scoring and, day after day, in a very devious way, continued to undermine the emergency services and volunteers.

We know of only one policy of the ALP: the policy of negativity and criticism. I know that the South Australian community supports what we are doing. I know from the telephone calls we have had today and from the talk back that patience of the people concerned is wearing very thin with the argument that the ALP has put up. The opposition said it would tell the South Australian community what it would do once we as a government had said what we would do. When we came into office in 1993 we had serious budget problems; everyone knew that. Those serious budget problems do not exist for an ALP opposition to look at in the year 2000, thanks to our government. I urge members opposite to tell the South Australian community today what they will do with emergency services. As I said, put up or shut up.

WOODEND PRIMARY SCHOOL

Mr HANNA (Mitchell): I direct my question to the Premier. Why did the cabinet ignore the advice of both the department of education, which recommended in February this year that the government pay only $3.03 million or less for the Woodend shopping centre site after renovation, and the advice, also in February, from the Department of Treasury and Finance's asset and risk management team leader, who stated that the process was expensive compared to other recent new school constructions and a far more convincing case was required if the government were to consider purchasing this property?

The Hon. J.W. OLSEN (Premier): I have not seen a more graphic example of sour grapes from a member in this parliament. It was this member who joined the Minister for Minerals and Energy in wanting the government to take some action. The government takes the action, fixes the problem, moves on, and then we get a range of questions like this from the member for Mitchell. His gripe is that the Minister for Minerals and Energy wrote to the local residents indicating the government's decision in advance of the member for Mitchell. That is what is driving this point. What the member for Mitchell does not understand is that the Valuer-General's valuation is higher than any figure he has used today in this House.

INFORMATION ECONOMY

Mr WILLIAMS (MacKillop): Will the Minister for Government Enterprises advise the House how the government is facilitating the involvement of South Australia's information industries in the globalised economy?

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I thank the member for MacKillop for his very important question, which recognises that the information economy is the way of the future. As I have told the House on a number of occasions, I think I am

very fortunate to be the Minister for Information Economy at the time when South Australia's economy is on the cusp of an extraordinarily important change. It is very pleasing to be a member of a government that recognises that the future lies in the information economy. That fact seems to be lost on the opposition, because if you look on its web site for its policy on the information economy you get a nil result.

Mr Hamilton-Smith interjecting:

The Hon. M.H. ARMITAGE: Indeed, as the member for Waite says, if you look for any policy in a policy vacuum you get just that: a vacuum. Unfortunately, the opposition has no ideas for the future. The sad thing about it is that, in a competitive global economy, a good old-fashioned union march, with lots of chanting and raw emotion—

Members interjecting:

The Hon. M.H. ARMITAGE: Yes, very few numbers—actually achieves nothing to change our economy. It does not provide one indicator into the future. That is exactly what the Labor Party supports.

Members interjecting:

The SPEAKER: Order! The member for Hart will come to order.

The Hon. M.H. ARMITAGE: I agree with Mr Andy Grove, the former Chief Executive of Intel, who said, slightly paraphrasing, 'If you're not in e-business, you won't be in business at all in five years.' That is the challenge that economies around the world are facing, and it is one that Australia and South Australia in particular is meeting. Strong information industries are a key for the future, and it is a very important foundation stone for South Australia's global competitiveness.

Strong information industries provide for the technologies and the skills base needed by the traditional businesses to transform into e-businesses. It is very important that they also provide a strong skills base for the emerging industries, the small and smart companies which simply did not exist maybe even a year ago but which are now cutting the lunches of some of the more traditional industries.

In a recent survey, Morgan and Banks identified the ongoing strength of the IT sector. It identified that a record 68 per cent of employers in the information arena are intending to employ new staff. That is great news for the information industry, but the government recognises that South Australia is a small player in the information arena. However, we are intent on facilitating coordination and intellectual grunt from the information sector, and we have provided $600 000 over the coming three years to the Information Industry Development Group. This body is clearly demonstrating a leadership in what is an industry showing rapidly growing maturity. They are working together on a range of tasks, whether it is addressing the IT skills shortage or support for the world congress which will be held here in February 2002. That will be an earth shattering event in Australia. We are pleased to continue to that development. I am sure that members opposite, in the real spirit of bipartisanship for which they are attempting to become known, will actually support this, recognising that bipartisanship is relevant only when it suits them.

An honourable member interjecting:

The Hon. M.H. ARMITAGE: I am happy to provide the member for Hart with a briefing about WITSA, if he would like to know about the matter, because it is what the government went out and got; we are leading the charge. I would be delighted to give him a briefing. I point out that it might need to be a briefing about the whole information economy, not just WITSA. On Monday night, I handed over the first cheque for $200 000 to the Information Industries Development Group. There are about 800 members of that group. The foundation members are (and I congratulate all these groups) the Australian Computer Society, the Australian Information Industry Association, the Australian Telecommunications User Group, the Australian Interactive Multimedia Industry Association, the Electronics Industry Association, Software Engineering Australia, Spatial Australia, South Australian IT&T Enterprises and the South Australian Internet Association. So that is a very spread of bodies in the information industry. It is a group that we are more than prepared to support because we know that, by supporting them, we are providing for and helping them to deliver the future.

WOODEND PRIMARY SCHOOL

Ms WHITE (Taylor): Given the Premier's personal involvement and stated support for the Woodend community's opposition to the siting of a pokies tavern next to the Woodend Primary School, why did the Premier not direct the government to give priority to the member for Mitchell's private member's bill, which was introduced in October last year and which, if dealt with, would have banned the building of pokies taverns next to schools? If the member for Mitchell's bill had been passed last year, it would have negated the opportunity by Hickinbotham to appeal the decision by the City of Marion in December last year to stop its proposed tavern development next-door to Woodend Primary School in the first place.

The Hon. J.W. OLSEN (Premier): The line of questioning from the opposition on this issue is nothing short of amazing.

An honourable member interjecting:

The Hon. J.W. OLSEN: Talk about local politics! You've done it wrong, mate! In response to the honourable member's question, the fact is that we embarked upon extensive negotiations. We sought professional, independent advice and the Minister for Education presented cabinet with a submission upon which cabinet made a determination.

The period of time that elapsed involved the extensive basis of the negotiations, checking the facts and getting those presented to cabinet for its final determination. I would have thought that was a prudent and appropriate course for the government to follow when the expenditure of taxpayers' funds is involved. As the minister has indicated to the House, the school catchment will increase from the current 378 students to 678 students in the next few years.

This is an appropriate and proper way of addressing the needs of the schoolchildren of that district in the future. We have done so acting on a principle and meeting their needs. I repeat: I do not think I have seen a better case of sour grapes from any member of this parliament on a positive decision that will look after the interests of students at Woodend.

CORA BARCLAY CENTRE

The Hon. D.C. WOTTON (Heysen): Will the Minister for Education and Children's Services provide details to the House of funding arrangements that are now in place for the Cora Barclay Centre for Deaf and Hearing Impaired Children?

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): It is important that the facts of this

matter are clearly understood, because the Cora Barclay Centre at Gilberton provides not only services for deaf and hearing impaired children but also a kindergarten for children who live in the area but who, fortunately, do not have a disability. Each year, state funding, combined with commonwealth special education grants, is allocated to non-government organisations to provide support for children with disabilities in South Australian schools.

Until this year, the Cora Barclay Centre received the highest per capita allocation of any non-government organisation that receives funding. In fact, in 1999 the Cora Barclay Centre received an average per capita allocation of $9 281 for children in the early intervention program, whereas the average across other organisations for disabled students was $1 326. In addition, the centre received a $1 920 (per capita) school support grant, whereas the average across other disabled children's organisations was $822. That, to me, is clearly inequitable. Continuing this funding to Cora Barclay would have meant less money for those other organisations which support disabled students in our community.

Extensive consultation was undertaken by the Ministerial Advisory Committee for Students with Disabilities and a more equitable funding formula has been devised. The new formula is more equitable, because it is based on the learning needs of students across this wide sector. This means that children with similar needs will receive the same amount of funding per capita irrespective of their disability. Overall, funding to this sector in grants has not been reduced: it has simply been reallocated on a fairer basis. Under the new formula, Cora Barclay Centre remains one of the top two centres in terms of funding per student for disabilities in this state.

Dr Duncan has requested a meeting with me to discuss the appointment of a business manager to look at their situation. I have already appointed a highly experienced professional to examine the centre's operations, and my office has already made contact with the Cora Barclay Centre to secure a meeting with Dr Duncan for next week.

OLYMPIC DAM

Mr HILL (Kaurna): Will the Minister for Environment confirm that yellowcake dust has leaked at the processing plant at Olympic Dam and, if it has, will the minister tell South Australians about the dangers of inhaling yellowcake dust and detail the action taken by him about safety in environmental issues?

The Hon. I.F. EVANS (Minister for Environment and Heritage): That matter has not been brought to my attention, but I will seek some advice and bring back a reply for the honourable member.

LOCUSTS

Mrs MAYWALD (Chaffey): My question is directed to the Deputy Premier. Given that land-holders within my electorate (as are many others across the state) are facing serious challenges from locusts, could the Deputy Premier please outline the approaches being taken to address the problem; what the respective responsibilities are of land-holders, local, state and federal governments; and what strategies will be put in place to contend with the likelihood of another serious outbreak in the spring?

The Hon. R.G. KERIN (Deputy Premier): I thank the member for Chaffey for what is a very important question concerning land-holders across the state. We certainly face a very serious situation with locusts both now and in the spring. It is something occurring on an enormous scale, the like of which we have not seen in the autumn in living memory. Huge rains in central Australia caused an enormous hatching over a vast area through southern Queensland, northern New South Wales and across the northern parts of South Australia, and what we have seen is rather unique in that there was more than one generation, which has caused a massive multiplication of the problem. It has meant that, compared with normal years where there is only a campaign in the spring, this year there has been an autumn spraying campaign by the Australian Plague Locust Commission, which has been spraying areas in south-west Queensland, northern New South Wales and northern South Australia. Spraying has also been undertaken by the state, initially based out of Hawker, concentrating on local hatchings occurring in that area, and also quite a few land-holders have seen the necessity to spray. A very large area has been sprayed and the target of most of the spraying has been strategically to try to kill the maximum number of locusts possible.

The normal behaviour is different this year in that normally, if you had a movement at this time of year, the locusts would come to the marginal areas across the north of the state where they would then hatch in the spring and fly into the more settled areas. Unfortunately, this year, not only have they done that in the marginal areas but also massive flights out of central Australia, northern New South Wales and southern Queensland have landed in cropping areas all the way from Ceduna to the Victorian border on a scale way beyond what we have seen previously and certainly beyond what is possible to control regardless of the amount of resources available, and this has caused significant damage.

Very significant damage across that whole region has been done to a lot of crops that have been germinating and emerging, in some cases because those crops are only small; indeed, significant problems have been caused by what would normally be seen as low densities of locusts. The Australian Plague Locust Commission basically has the responsibility for the north of South Australia and those other areas from which the locusts fly in. It has done an enormous amount of spraying. As I said, the state was initially spraying in those northern areas, which traditionally is where the problem originates. We are now doing aerial spraying on Eyre Peninsula, in the north and also in the Riverland. Also, with the help of local government, we are using misters and chemicals, trying to find some strategic targets in order to reduce the numbers in local government areas.

The challenge that we face for the spring is enormous, and there is no doubt that planning needs to be intensive for that. Over the last couple of years we have had in place a community reference group which has brought together land-holders, local government and state government in a more cooperative sense than perhaps we saw in the past. Malcolm Byerlee from Carrieton is the chair of that group and has done a terrific job in keeping people focused on the problems.

Over the next couple of months we will be relying on local government to assist us in making sure we get the clearance from land-holders to be able to spray on their property so that we can actually spot where people do not want us to spray. That is the wish of some people. We have organic growers and we need to be aware of that. We have problems with bees and we obviously have to be aware of where all the houses,

roads and power lines are—there is a whole range of issues. That is a massive challenge, and it will require a great sense of cooperation from land-holders, local government, the farmers federation, state government and the Australian Plague Locust Commission. A workshop will be held in several weeks to bring all those together to try to make sure that we are all rowing the same boat.

So, comprehensive planning is necessary. The size of the problem that we face is many times wider than we could ever treat with any amount of resources, so it is absolutely important that we are strategic and that the planning is all done so that in the spring we have plenty of flexibility and efficiency in the way we operate. It has already been announced that an extra $2 million will be provided in the budget for the biosecurity fund. That gives us some certainty for the time being about forward ordering of chemicals and tying up aircraft. That is appreciated, but we really do need a coordinated effort right across the board. There is no doubt that we face a massive challenge.

MENTAL HEALTH

Ms STEVENS (Elizabeth): My question is directed to the Minister for Human Services. Given the minister's decision to launch a directions statement on mental health at the Festival Centre on 14 June, the day of the Premier's estimates committee hearings, will he guarantee a new and real commitment to fund and build the 50 bed mental health facility at the Flinders Medical Centre announced by the Premier in the 1998 budget and due for completion in February this year, even though construction has not yet started? Will he also announce initiatives to address the crisis in rural and remote mental health services?

The Hon. DEAN BROWN (Minister for Human Services): The honourable member herself has raised the fact that we had a briefing by Peter Brennan about three or four weeks ago for a large number of people involved in mental health in South Australia. Peter Brennan was brought in to do the implementation study out of the summit. He has consulted very widely indeed. I am able to say that there has been an extremely high level of consensus from the people who have spoken to me from both the carers, the people involved as clients in mental health and also the clinicians.

Therefore, Peter Brennan will be in Adelaide on 14 June. There will be a conference at which those who have been involved in the consultation will be able to hear what the findings are, and there will be an extensive and comprehensive announcement of what is proposed in terms of providing new services for mental health, particularly in the community, and a range of other initiatives. Therefore—

Ms Stevens interjecting:

The Hon. DEAN BROWN: You will just have to wait until 14 June. In fact, there has been a wide degree of consensus. I had a meeting recently with a number of psychiatrists involved who said how much they have appreciated what Peter Brennan has done in terms of consultation, the ideas he has put forward and the fact that it now has their very strong support.

CLIPSAL 500

The Hon. G.A. INGERSON (Bragg): Will the Minister for Tourism advise the House of the results of the studies that have been undertaken into the number of visitors attending this year's Clipsal 500 race?

The Hon. J. HALL (Minister for Tourism): I thank the member for Bragg not only for asking the question but also for his role as a member of the South Australian Motor Sport Board and its extraordinarily important role in the success that that particular weekend enjoyed. The member for Bragg and members of the Motor Sport Board are not privy to some of the information that I am about to share with the House. I know that the member for Bragg and the other members of the House will be very pleased, because not only was the race this year seen to be a hugely successful weekend, but the number of interstate and international visitors who visited South Australia to enjoy the Clipsal 500, and also the tennis, has more than doubled. I think that this huge growth in visitor numbers is something about which we should be pretty pleased. The research indicates that 13 120 people visited South Australia from interstate or from overseas for this year's event. That compares with just 6 700 last year. I think that that is a pretty remarkable achievement.

The event organisers and the South Australian Tourism Commission made a strategic decision not long after last year's hugely successful event to go out and target one particular country and some specific target areas. I am delighted to say that New Zealand was the chosen market this year. A very focused campaign, specifically targeted to wholesalers and to the media of New Zealand, has certainly paid off. There were cooperative marketing campaigns, there were specific launches in both Christchurch and Auckland and there was a direct mail campaign to travel wholesalers, all of which have given us great results. The numbers out of New Zealand have risen from 700 in the first year to 1 620 for the event last month.

Not only have interstate and international visitor numbers been quite extraordinary—we had a record attendance over the couple of days—but another advantage for us is that the television ratings have been quite remarkable. I would like to share with the House some information about television ratings. As we know, Network Ten telecast the event between 7 April and 9 April and it out-rated all other sports programs, including the AFL football and the tennis, in the important 16 to 39 year old demographics. The television audience figures peaked in Sydney at 225 000; in Melbourne at 224 000; in Adelaide (despite those who attended the event) at 185 000; in Brisbane at 171 000; and in Perth at 92 000. These figures relate to the Sunday telecast of the event. They are quite extraordinary figures because, in addition, there was live television coverage into New Zealand, delayed telecasts into Asia, South Africa, the United States and Europe and further coverage of support events in the Australian market. And much of that coverage included some fantastic snapshots of the lifestyle and the magnificent destinations of South Australia.

An honourable member interjecting:

The Hon. J. HALL: No, I was not—but perhaps I could ask next year. The promotional value of this electronic media coverage has been quite amazing, and I hope that the enormous value that we will see reflected in tourist numbers over the next 12 months will reinforce the great value of major events to our state.

The economic impact figures have not been released yet, because the research is being finalised. However, we do know that the figure will exceed the $13 million that the race contributed to our economy last year. We know about the accommodation occupancy rates, which were again at record levels. I think it is important to note that the hospitality industry reported extraordinary success over those few days.

It is also worth noting that the South Australian Travel Centre recorded its busiest month on record during March.

I thought that if we put all those figures in perspective we ought to remember that, as well as holding the Clipsal 500 on that weekend, we hosted the quarter finals of that magnificent Davis Cup win, which again contributed to the enormous success of the weekend. I am absolutely confident that the overwhelming economic benefits that these events are bringing to our state will be enhanced when we look at the economic benefits that will accrue not only from the Clipsal 500 but from the Tour Down Under and the race to be held later this year. I also put on record my thanks and the thanks of the government to the South Australian Motor Sport Board, including the member for Bragg, Andrew Daniels and his team and the many hundreds of volunteers who helped ensure the success of the Clipsal 500 just a few weeks ago.

Ms HURLEY (Deputy Leader of the Opposition): I move:

That Question Time be extended for a further 10 minutes.

Motion negatived.

OLYMPIC TORCH RELAY

Mr WRIGHT (Lee): Given the Kevan Gosper controversy and the overwhelming public opinion that the Olympic torch relay should be for children, community-based people and athletes and not for politicians, why did the Premier accept an invitation to run a leg of the torch relay; and, given the growing strength of public opposition to politicians carrying the torch, will he now inform SOCOG or his sponsor that unless he is able to pass on the role to South Australian school children he must now decline the invitation?

Members interjecting:

The SPEAKER: Order! The chair is having difficulty hearing the question.

Members interjecting:

The SPEAKER: Order!

Mr WRIGHT: It has been reported that the Prime Minister, Mr Howard, has declined his invitation to carry the torch so as to allow more local people to carry it and that the opposition leader, Mr Beazley, has accepted only on the basis that he is able to involve school children—

Members interjecting:

The SPEAKER: Order!

Mr Foley interjecting:

The SPEAKER: Order! The member for Hart will come to order. The member for Lee.

Mr WRIGHT: I know that members opposite like the opposition leader, but I did not know they liked him that much. The opposition leader, Mr Beazley, has accepted only on the basis that he is able to involve school children in carrying the torch during the leg allocated to him. It has been suggested that children from an area of South Australia not visited by the torch relay would greatly appreciate an opportunity to participate.

Members interjecting:

The SPEAKER: Order! The Premier.

The Hon. J.W. OLSEN (Premier): All my counterparts, as I understand it, and I received an invitation from Minister Michael Knight to participate in this torch relay.

Mr Foley interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: Would the member for Hart like to listen to the answer?

Mr Foley: Give it to a kid.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat. I warn the member for Hart and the House generally about this practice of shouting down the chair and not listening to directions from the chair. The Premier.

The Hon. J.W. OLSEN: A number of months ago I received an invitation, as did my counterparts around Australia, from the Olympic minister, Michael Knight, a Labor minister from New South Wales. In that letter Mr Knight made it clear that it was a non-transferable invitation. However, I requested that an apprentice in my electorate might run my leg for me with the torch. I took up that initiative well before there was any public profile of this issue—well before.

I was told that the matter was not transferable; I will check. A member of my staff further rang the office in Sydney some time ago to seek a transfer. I understand that they do not wish it to be transferable so that nobody can effectively get a gain from the corporate sector or any other individual, in other words, make mileage of out of it by transferring it to some other person. That is the reason for the SOCOG position.

I then took the next step. I had discussed this, and I do not know whether the final contact had been made, but I will make inquiries now that the honourable member has asked. The design of the torch has been undertaken in South Australia. As a second option, if an apprentice in my electorate could not carry the torch in my place, I had asked for inquiries to be made as to whether, if the people who designed the Olympic torch that is going around the country had not been asked to run with the torch, they would run with me with the torch in order to profile what they had done in developing its design and to give some recognition to the expertise in South Australia for the design of the torch. As I understand, that matter is unresolved.

CRIMINAL LAW CONSOLIDATION (SEXUAL SERVITUDE) AMENDMENT BILL

The Hon. I.F. EVANS (Minister for Environment and Heritage): I lay on the table the ministerial statement relating to the Criminal Law Consolidation (Sexual Servitude) Amendment Bill made earlier today in another place by my colleague the Attorney-General.

GRIEVANCE DEBATE

Mr HANNA (Mitchell): Today I will speak about the government's purchase of the Woodend shopping centre. It is a scandal; it is the story of a hand-out to one of the government's mates. When I first heard the news that the Woodend Primary School could be expanded—

The Hon. G.A. Ingerson interjecting:

Mr HANNA: I cannot quite hear the interjection from the cabinet secretary.

Members interjecting:

The SPEAKER: Order! The House has given the member for Mitchell the call. I ask you to respect it.

Mr HANNA: When I first heard the news that the Woodend Primary School could be expanded by incorporating—

The Hon. M.K. BRINDAL: I rise on a point of order, sir. I ask that you obtain an assurance from the member for Mitchell that the subject matter he is now canvassing is not the same subject matter that he will canvass in the motion that he has put on notice for tomorrow.

The SPEAKER: The chair is of the opinion that we are in a grievance debate. I do not uphold the point of order.

Mr HANNA: I can understand them trying to shut me up today, because this is a case of a $1 million to $2 million hand-out to one of their mates. I was as glad as any of the residents when I heard that the Woodend Primary School could be expanded to incorporate the Woodend shopping centre site. That is great news for the community, because the school is busting and it needs the space. But, look at the history of the matter. The shopping centre there has been disused for years, and the developer, Hickinbotham, relied on a pokies tavern being built on the site to get any money out of the property. It was in a weak bargaining position.

When I introduced my private member's bill in October last year which provided that there should not be any pubs next to schools and that placing a pub, with the associated problems that we see from time to time, immediately adjacent to a primary school is an inappropriate use of land, the government responded by saying, 'We must do anything but pass the member for Mitchell's bill.' The government responded by saying, 'How can we get around this? How can we satisfy the community, which dearly wants that site preserved for its local school or some other constructive purpose—to have it used for anything but a pokies tavern?'

The government said, 'The way we can do this is to hand over a fist full of money to Hickinbothams.' Who are Hickinbothams? Apart from anything else, apart from building homes as they do, Hickinbothams are one of the government's mates. Make no mistake about that! They are significant and major donors to the Liberal Party. Come election time, Hickinbothams will be reaching into their pocket to give money to this crew on the other side. What are they now doing for a building that is valued by an independent valuer at $1.3 million and, allowing for the fact that Hickinbothams say that they will renovate it at $1.5 million, which is way over the odds, the government says that it will pay $3.8 million for the site? It is a rip off. Who is being ripped off? The taxpayers.

To give the House an idea of just how much money that is, the amount that the government is handing to Hickinbothams over and above the commercial value of that building is equivalent to the emergency services tax on every house in my electorate. I know what my people would rather have. They would rather not have the emergency services tax than see the government hand over $2 million to a prosperous development group. I have no problem with Hickinbothams' activities, but the fact that they are a close mate of this government needs to be pointed out. We should ask the question, 'Why did the government pay over the odds?' It had internal Department of Education memos which said, 'Don't do it; it's not worth that amount of money.' Even allowing for a 20 per cent premium, allowing for the fact that they might be able to rent the property again, allowing for the fact that Hickinbothams' site might be able to be used for a pokies tavern, even though development approval had been refused by the Marion council, allowing for all those factors, the department said, 'You can offer $3.3 million. That would be more than a fair amount.' Even if you take the evaluations at their highest, the government has reached into its pocket for taxpayers' money to give a big hand-out to these people. The question is why? Let me say something else about the situation: the school itself is leased. For the first time, a school has been leased and it has been proven to be the least cost effective way of doing it.

Time expired.

Mr SCALZI (Hartley): I would like to put on the record my appreciation and that of the community for the Tranmere Bowling and Tennis Club. Members might be aware that on Monday 15 May a segment was screened on *Today Tonight* with regard to a proposed One.Tel phone tower at the Tranmere Bowling and Tennis Club site. I have no problems with Channel 7 pointing out residents' concerns about phone towers. However, I have some concerns about the way in which the Tranmere Bowling and Tennis Club has been unfortunately portrayed in this case. On 11 May, I attended in front of the Tranmere bowling club because I had been advised by one of my constituents that there had been a protest in front of the bowling club. I arrived there at 9.30 and was told by some of the residents that it was all over and that the Tranmere bowling club had sold out, that there was going to be a phone tower.

I listened to them and I promised that I would represent them to the best of my ability. I went into discussions with the Tranmere bowling club members after that and found, on that very evening, that no decision had been made on installing a phone tower on the site. It was just a procedural motion that was passed that evening, as follows:

> The motion was carried, and a contract will only be signed subject to the following matters being addressed: legal, council, neighbours, health and heritage.

That is an extract from the general President, Mary Bilby. I informed Channel 7 of the fact the following day on 12 May, and I was later informed by the Tranmere bowling club that on Saturday afternoon it had a special meeting which was brought forward, and the decision was made not to proceed with the One.Tel phone tower negotiations. I faxed that information to Graham Archer from Channel 7 that Saturday evening before I went out to another function.

On Monday, I phoned the television station, informing them that there had been a resolution and the Tranmere bowling club had decided not to proceed with the phone tower. I would like to commend the Tranmere bowling club and the next door neighbours, Dr Jerome and Elizabeth Connolly, because both the residents and the Tranmere bowling club are happy with the resolution of the matter.

As I said, we all have concerns about phone towers being put in inappropriate places. What I was concerned about most is that I believe the Tranmere bowling club had every right to have a meeting, and that was a private meeting. The impression was given that the community was not asked to attend. How many party meetings do we have? If it is a closed meeting, I am sure the general community is not invited to attend. The Tranmere bowling club should have the same right to have meetings. It is just unfortunate that the impression was given that a decision had been made when, in fact, it had not been made. As I said, I have received further correspondence from those who were at the protest and members of the bowling club who appreciate that a resolution has been reached and that no phone tower will be built on the site. It is important that we all be concerned about phone towers in general.

Time expired.

Mrs GERAGHTY (Torrens): I have bowled at the Tranmere bowling club. It is an excellent facility, and I congratulate the members there for their friendship.

An honourable member: Did you win?

Mrs GERAGHTY: No, unfortunately not, but it was an excellent facility and we received lots of good tips. Next time we might win, minister. Today I presented a petition to the House containing 259 signatures, on behalf of constituents who are particularly concerned about the dangers that they face at the corner of Thistle Avenue, Muller Road and North East Road, and this is an issue we have been protesting about since very early 1998. The dangers that are posed not just to pedestrians but to drivers is simply because there is no turning arrow at the intersection of Thistle Avenue and North East Road to turn right. As I said, I wrote to minister Diana Laidlaw in April 1998 because of the numerous complaints I had had at that time. The reply from the minister in June 1998 stated:

> In comparison with North East Road, Thistle Avenue is a minor road with low traffic volumes and accident statistics and, as such, Transport SA considers that the present phasing at this site provides the maximum benefits in terms of reducing delays, costs to the transport system and air pollution.

The problem we found with the minister's reply is that it does not recognise the dangers posed to local residents who think, 'We must have this arrow.' The department just does not understand the difficulties that people face. It is all very well for the minister to refer to low traffic volumes and possible delays. The excuse we are always given is that, if you install arrows on North-East Road or stop traffic at any stage, that just delays and banks up traffic travelling on North-East Road. We understand that, but there is a major problem at this intersection. I would have thought that the minister would take a pre-emptive approach in order to prevent the likelihood of accidents, of which there have been quite a few, rather than what my constituents call the ostrich-like stance that she is currently taking by not recognising the dangers faced by local residents.

These dangers are caused by both the corner and the sharp incline at Mullers Road on one side of the intersection. The vision of drivers approaching from Mullers Road intending to turn right onto North-East Road or to go straight across the intersection into Thistle Avenue is obscured by the incline and the corner. It is such a complicated corner that, if you can avoid it, you do. Local residents mostly have been able to negotiate the corner or avoid it, and the fact that they take such great care is one of the reasons for the low accident rate at that intersection. Residents who use this intersection on a regular basis have certainly developed some good driving skills.

The petition that has been presented indicates a genuine concern by my constituents and others who use the intersection. We believe that it would be much better for the department and the minister to accept that an arrow is needed. Installing an arrow will make it a lot safer for everyone and actually fix the problem rather than leaving the problem until someone is killed. A few months ago I saw a young child hit by a car. It could not be said that it was the motorist's fault; vision at that intersection is so difficult that when people are using the pedestrian crossing motorists can be distracted by a car coming from another direction. It becomes so confusing at times that motorists drive off when perhaps they should not. So, I ask the minister to have another look at this intersection.

Mr VENNING (Schubert): I rise today to speak about the tremendous news that we all received yesterday. I refer to the Premier's announcement concerning cuts to the emergency services levy for regions such as the Barossa Valley, which is in my electorate. This is one of the best good news stories that I have enjoyed during my time in this place, and I am delighted with the result.

The Premier said that these savings have come about from the reclassification of the Barossa Valley area which now will not be classed the same as greater Adelaide but put into different categories which will attract a lower levy. The townships of Tanunda and Nuriootpa, which have populations of over 3 000, will now be placed in what is to be called regional area 1 and the remaining towns such as Angaston with smaller populations will be in regional area 2.

I will cite a couple of examples of the savings that we are talking about so that members will understand why I am happy and why the people of the Barossa Valley will be happy and surprised when they read the news in the two newspapers tonight. A farm in the Barossa valued at, say, $600 000, which is not a large farm or vineyard, was hit with an emergency services levy of $207.50 per year. Under the revised format it will be levied at only $59. This represents a saving of $148.50 or a whopping 71.5 per cent!. A home in Tanunda valued at $200 000 was charged a levy of $120 per year but will now be charged $68. That is a reduction of $52 or 43 per cent—another huge difference! A home in Angaston also valued at $200 000 will enjoy a reduction in the emergency services levy from $120 to $61, a saving of $59 or almost 50 per cent.

So, in anyone's book we are talking about substantial savings. If the people of the Barossa have not worked it out already, they will certainly get some good news over the next couple of days. As most members know, I have lobbied long and hard behind the scenes to see the impact of this levy softened, and I am pleased that the minister and the Premier have listened and acted. I am also pleased to be a member of a government where the leadership does listen to its members and the concerns raised. The Premier has listened to the people and responded favourably.

I have said before and I will say again that the Barossa should not have been grouped with the greater Adelaide area because the fire risk in the Barossa is considerably less than in the Adelaide hills. How often do we see a vineyard burning? I am also pleased with the decision to levy only one $50 fixed property charge even when non-contiguous titles exist in more than one council area. Several constituents of mine were caught when council amalgamations changed the boundaries and cut their farms. This is the second time that this provision has been amended, because some months ago the Premier amended the original act to include contiguous titles under one fixed property charge. So, this is a second move to amend the legislation, and it will help everyone.

Another directly related issue on which I would like to comment concerns changes that have been hinted at in the current valuation system where we could see farmers and graziers paying lower rates on their properties. I have always felt it to be wrong that a grazier whose property adjoins a vineyard but who does not want to develop his land into a vineyard for whatever reason—whether it be financial constraints or just the desire not to be a vigneron—is rated on the potential use of the property as a vineyard and conse-

quently—pays a premium in rates. In other words, inflated vineyard rates are paid on the income of a grazier. I understand that this matter is being addressed together with a review of the policy that determines the boundaries for metropolitan and country properties in terms of government services such as car registrations and insurance premiums, etc.

I have left the best until last. I would like, personally, to thank the hundreds of people who have contacted me with their concerns about the emergency services levy. I have campaigned long and hard on their behalf, and I am very pleased with the outcome. Overall, my electorate of Schubert will gain much from this and will be a big winner, because this Liberal Government listens and acts in a fair, equitable and reasonable manner.

Ms KEY (Hanson): During the grievance debate today I would like to report on a complaint that I received from a young person regarding the youth opportunities program. The letter I received on this issue states:

> I am a young person of 19 years of age. At the end of 1998, I participated in the Youth Opportunities Career Development Program. I had a few concerns about the program at the time which I would like to bring [to your attention].
>
> My main concern is for the safety of fundraisers. I personally was sent out to fundraise on my own and was approached by some fairly unsavoury characters. I had a lot of money on me (through fundraising) and I think that made me a pretty good target. The fundraising is conducted as the practical part of the program—that is, putting what the communication and motivation skills you have learnt into action. You have a goal to reach of $1 000 (to pay for the program). This can be done through a variety of methods, the most common being doorknocking or shopping centre collections.
>
> In my time in the program, most of my peers left the program pretty early on, as they couldn't grasp what the fundraising had to do with career development.

That is a pretty good question. The letter continues:

> I personally had the feeling of: I'm earning (fundraising) money to participate and pay my way through a program that isn't actually costing the company any money to put me through. If they really were in it for the good of the youth, they wouldn't put them at risk through fundraising. They could find a much more career/job orientated method for putting motivation and communication skills in action. My parents, especially my dad, had great reservations about me doing the program. Dad feared for my safety, and they couldn't really see the relevance of fundraising to attaining a job or career pathway.
>
> Fundraising ended up being a major component of the program. You have three morning sessions on workbook modules (Monday to Wednesday) and then in the afternoons and on Thursday and Fridays you only do fundraising. I don't think the importance should have laid in the fundraising component.
>
> A few of my peers used raffles as a method of fundraising. They found that the best place to sell tickets was in a pub at happy hour. They had to put up with a lot of grief and incorrigible behaviour just because they were trying to find a quicker and easier method for earning their total. [Many of these young women] were in quite a dangerous situation.
>
> There was a lot of pressure to raise the full amount. People that came back with a high amount of donations were considered 'stars' and those who didn't just weren't [considered to be] trying hard enough.
>
> Basically I feel there was much too much emphasis put on the fundraising component. Because of it, young people were put in dangerous situations and actually sometimes your self-esteem took a bit of a beating if the funds didn't come to a high enough total on a certain day.

The reason for raising this correspondence is that, for over two years now, the member for Torrens has been trying to ensure that people younger than the author of this letter were protected on the streets when they were going around door to door raising money for so-called charities and, in many cases, other dodgy organisations. So far that has come to nought.

I remember going to the first meeting held on this issue with the member for Torrens when I was first elected in October 1997, and here we are, at the end of May 2000, and we still do not have any provisions in place. This person, as I said, is a bit older than the usual 14 year olds (and younger) who have been knocking on doors in the cases raised by the member for Torrens, but it is quite obvious that our youth are being exploited. I call on the government to do something about this situation and take seriously the complaints received by members of parliament on this very important issue.

The Hon. R.B. SUCH (Fisher): I would like to focus on the issue of access to the city from the south and talk, first of all, about motor car access. I have noticed in recent times (although my wont is to use public transport as often as possible) that there has been a significant build-up in motor cars accessing or seeking to access the city during peak hours on Unley, Fullarton, Goodwood, South and Marion Roads. That has been occurring for quite a while, and I am not suggesting that the problem can be solved overnight, nor should a solution be found without considering the people who live adjacent to those arterial roads, the people of Unley and so on.

However, the problem is compounded by the congestion on Old Belair Road where of a morning we now have cars banking up right back to the shopping area of Blackwood. This will intensify as we get more development in my electorate and also in the Blackwood Park development in the seat of Davenport. The problem will not diminish; rather, it will increase, unless—and I say 'unless'—we can come up with some innovative and exciting strategies to deal with that issue.

The traditional approach is to widen the road or to have bigger or more roads. Clearly, that is an option. The member for Unley (the Minister for Water Resources) was cited in this place as suggesting a tunnel. I would not dismiss his suggestion out of hand—I am not sure precisely what detail he was offering—but I think we do need some lateral thinking. In particular, we should be looking at promoting public transport, and indeed moving significantly to introduce some innovative public transport.

We are now the only mainland capital city without an electric train service, but maybe heavy rail is not the way to go. I would like to see (and perhaps the minister and her people are working on this and I am unaware of it) an innovative approach to possibly light rail, heavy rail or some of the more dramatic developments that are occurring particularly in Europe. I know that the minister is looking at the possibility of an O-Bahn down south, but we still have the problem of getting into the city from, say, Bedford Park. It has been made easier for people to get to the Bedford Park area by way of the Southern Expressway, but then we still have the perennial problem of getting them from Bedford Park, Mitcham, and so on, into the city.

What we need is some innovative and lateral thinking and a coordinated strategy. The answer may not be making roads wider or deeper or putting them underground. We should be focusing on the possibility of some innovative public transport solutions—perhaps modern style trams—and I would include in this not just the south, but an integrated system covering the whole metropolitan area. Indeed, the eastern suburbs would be well served by a more up-to-date, advanced public transport system.

I say this in the context of not only improving transport, which would be the main purpose, but also as a way of stimulating the economy in South Australia. We can see in Sydney the consequence of infrastructure spending in relation to the Olympics. One does not have to be an absolute Keynesian to realise that priming the pump does work. We know that it is not the only approach to economics, but the reason why Sydney has such a low rate of unemployment is because of the infrastructure that is being built for the Olympic Games. Whether the money was spent on sports facilities or other facilities, we would have had the same end result.

I am suggesting that in South Australia transport should be one of the key issues. I think the commonwealth should come to the party because it has helped other states upgrade their transport system, and it would have a positive spin-off in terms of creating employment. I am not one who is opposed to some debt, provided that the money is used in a constructive and positive way, unlike how it has been used sometimes in the past, that is, in a wasteful, non-productive and non-creative way.

Transport infrastructure is one of the strategies in which we should engage not only to improve transport access to the city, within the city and around the city but also to create employment and to stimulate the economy in South Australia with the multiplier effect that we inevitably get with spending on a large scale on infrastructure projects such as I have indicated.

PUBLIC WORKS COMMITTEE: CHRISTIES BEACH MAGISTRATES COURT

Mr LEWIS (Hammond): I move:

That the 119th report of the committee, on the Christies Beach Magistrates Court, be noted.

The Public Works Committee has considered a proposal to redevelop the Christies Beach Magistrates Court complex. The complex is located at the intersection of Blyth Street and Dyson Road. Two buildings are situated adjacent to the Christies Beach police complex on the northern side of Blyth Street and two others are located on the southern side. The Christies Beach court has the highest number of new civil lodgments, apart from the specialist civil division at the Adelaide Magistrates' Court. They are some very interesting statistics.

The committee inspected the complex on 28 July 1999 and noted the poor standard of the premises. They are crowded and offer little car parking for court clients. The committee also noted that there is no insulation in the portable building housing the two courts, so prevailing temperature conditions are really quite, to say the least, stultifying at times. They are felt by those people who must occupy those portable buildings.

There is no privacy for court clients, and this is most significant for youths and people who are subjects of restraining orders or who are highly agitated. It is crazy to have someone in that setting where there is no privacy whatever for those who are highly agitated.

The committee further noted the lack of a cell facility in the court building to hold people who are sentenced to imprisonment. They have to be taken through a public access area after having been sentenced. The committee also noted that the security provided for staff is poor. It is proposed to demolish the existing magistrates court building and remove temporary buildings to free the site for the construction of a new building situated north of the police complex.

The proposed development will result in a new magistrates court with four courtrooms, a dual purpose conference/courtroom, provision for the future expansion of two courtrooms with chambers, and a separate youth court. The building will be of two stories with a major public entrance from Blyth Street for the magistrates court and a separate entrance for the youth court at the western end of the building. Five secure courts will be located on the ground floor and served by small holding cells the length of the police holding cells via a secure corridor, which will allow crossover access to the patrol division of the police complex.

The youth court will be self-contained with its own reception, family conferencing room and amenities. The ground floor will also accommodate the registry, the penalty management unit, the sheriff control room, secure storage, offices for various agencies, interview rooms and public amenities. The upper level floor will accommodate chambers for the magistrates with clerks' offices adjacent.

The public and staff car parking will be provided on the north side of Blyth Street. Secure parking for magistrates will be via the police car park with an entry from Blyth Street. Future expansion of the new building will be made possible by provision of the upper floor slab at the western end of the building giving potential for two additional non-secure courts and associated chambers.

The committee understands that the major deficiency at Christies Beach is the physical layout of the operational buildings being either side of Blyth Street. The magistrates are located in a separate building across Blyth Street from the registry. This poses security risks, makes communication between the court and the registry difficult, and it poses health and safety concerns for the staff who have to cross the road for the transfer of court documents.

When the courtrooms in the registry building are used, the transfer and safe custody of prisoners from the police complex results in a doubling of Group 4 resources requiring them to attend at two separate buildings. Magistrates' clerks need to transfer files and recording equipment to another building when court is held in the buildings on the north side of Blyth Street.

The committee is also told that the court volunteers and justices of the peace are necessarily located in the registry which is away from where 90 per cent of the court matters are heard. The public, their families and legal representatives have to wait outside the court without protection from the weather, whether it is as hot as Hades or so cold it would squeeze the brass off the monkey! There are no provisions for witnesses to wait separately and securely from defendants.

Further, there are not enough interview rooms for police prosecutors, the duty solicitor, legal representatives, the Aboriginal Legal Rights Movement and the victims of crime service. The separation of juveniles from adults is attempted by the arrangement of court listings, but it is not always possible to achieve that.

The committee is aware of suggestions that the present police facilities are not large enough. Consequently, the agency was asked to explain why a site on the northern side of Blyth Street had not been chosen. The committee is told that three proposals were considered, including the northern side of Blyth Street, and these were discussed with the South Australia Police. The police agreed that the existing site presents a minimal security risk and requires minimal resources for prisoner transfer to the court. In addition, the

close proximity of the police and court buildings will eliminate the need for duplication of holding cells and sally port.

The committee is also told that the police have indicated that the expansion of its Christies Beach complex to the eastern side of its building will satisfy future requirements. The only realistic alternative to the existing site was the land occupied by the Christies Beach High School. However, Department of Education, Training and Employment officers advised that the parcel of land referred to would require a compromise of the sale prospects of an intact site. Well, I ask myself, so what? Anyway, the development will provide a more accessible court service for the public, allow special groups to offer a better client service, provide court staff with a safer working environment, and improve police access to the court facilities.

The committee understands that about 300 jobs will result from the project during its construction phase. The current problems with the physical layout and the absence of effective monitoring systems are addressed in the proposed development. The project involves a small additional recurrent cost and an additional 2.5 full-time equivalents. These will be met from within existing Courts Administration Authority resources.

The Public Works Committee has previously informed the House of its concern at the amount of rainfall that runs off paved areas and developments, and it creates costs and environmental problems when large volumes of water are discharged at a high rate to Gulf St Vincent. Consequently, at the committee's suggestion, the proposing agency examined the feasibility of using materials that permit infiltration of rainfall through paved areas to the soil—that is, porous concrete. Once again, the committee is disappointed to learn that an agency proposal is occurring on a site that is said to be not suitable.

I wish to make some personal observations. Much of the evidence provided to the committee about the wish of the committee to see a slow down in the rate of run-off from paved areas by the incorporation of permeable concrete and by the use of precast shingles for kerbing which would look much like a ridge cap of a tiled roof house, inverted to form the kerb segments, was nonetheless considered inappropriate for the locality because it was said it would cause the foundation material—that is the dirt or ground and rock beneath the footings—to become unstable. Well, that has to be a load of cobblers!

If all ground has an even infiltration rate of water to it, then it will all become evenly wet at the same time, whereas people involved as engineers in constructing and maintaining road surfaces and other paved areas, such as car parks and walking areas adjacent to buildings, very well know that if a crack appears in their otherwise impervious upper surface, water infiltrates through that crack resulting in the ground immediately beneath the footings—that is the foundation material—becoming softer and incapable of carrying the same load as the soil adjacent to it, so a depression develops, and into that depression more water runs and, in consequence, even poorer bearing capacity on a slightly wider area is the result.

To extrapolate from that, as these engineers seem to be doing, and make the point that it is impractical to use permeable surfaces because it will mean that the foundation material beneath the footings will get wet is silly. If they are all evenly wet rather than just wet beneath where a fissure occurs in the surface, the evenly wet soil beneath the footings will have an even propensity to share and bear load. It means that the footings in some places may have to be stronger under the paved area—that is, the rubble that is rolled out may need to be of a greater aggregate size and component and thickness—but it does not mean that it is impossible. Indeed, my personal view is that we will all be better off if and when we start doing that, because it will enable natural, spontaneous recharge of the surface water table in an even and orderly manner, thereby ensuring that the vegetation—shade trees, for instance—that is planted across those paved areas will flourish more effectively, with roots penetrating to far greater depth and the trees being more stable because the roots will spread more widely beneath the paved surface than would be possible with just that opening around the trunk where the water can get in, and they will not be so prone to fall in strong wind storms. Finally, and more importantly, it will slow down the rate of run-off.

As honourable members know—or maybe I will help them understand by saying so, and remind those who may have forgotten—the capacity of a fluid, whether a gas or a liquid, to carry suspended material is directly proportionate to the cube of the increase in velocity. It is not arithmetic; it is the cube of the increase in velocity. So, the faster it is running, the greater will be the amount. Let us assume that it increases its velocity threefold: then the amount of material it will carry will increase ninefold, and that means that the trash racks and other rubbish interception apparatus on our storm drains, and so on, have to be that much greater and that much stronger. I think it is about time that we started to take a more commonsense approach to the amelioration of those effects. Pursuant to clause 12C of the Parliamentary Committees Act, the Public Works Committee reports to parliament that it recommends the proposed work.

Ms THOMPSON (Reynell): I want to support this motion by indicating the need for the upgrade of the Christies Beach Magistrates Court. The previous facility was unsatisfactory for all who used it from an occupational health and safety perspective, from a security perspective and from a privacy perspective, and clients, workers and the court itself are still severely hampered in the efficient conduct of their business by the poor facilities that exist. So, there is no doubt that this facility is required. However, a couple of issues needed consideration in the process of examining this reference, and I want to put them on the record.

The first issue involved the site of the new police station: specifically, whether it should be to the north or to the south of Blythe Street. To the north of Blythe Street there are currently some temporary buildings, which have been temporary for a very long time, and which are used as offices and accommodation. To the south of Blythe Street is the current court and also the new Christies Beach Police Station. Shortly after the police station was completed—indeed, if not before it was completed—it was realised that there were some problems in terms of the adequacy of that building with the new local service area method of policing.

The facilities at the police station, although very modern and appropriate, are already crowded, and temporary facilities are being used. So, the committee was most concerned, as were some of the locals, that the new Magistrates Court not be built in such a way as to hamper any expansion of the police station or to incur additional costs with any expansion of the police station. I want to assure the House that the committee did explore this issue with the proponents. They went away and came back to the committee and assured us

that they had consulted widely and that there was absolutely no problem at all with locating the new courthouse to the south of Blythe Street and immediately adjacent to the police station.

The reason given for not locating it to the north of Blythe Street was that there were problems with security, and that it would require extra holding cells, extra engagement of staff from Group 4 and additional facilities for Group 4 in the police station. These matters have all been thoroughly explored, we are told, and the best location for the Magistrates Court is south of Blythe Street. As I said, this will present no barrier to expansion of the police station, and the tunnel that will be built to connect the police station to the courthouse is also, despite being extraordinarily expensive, the most economical manner of dealing with the transfer of prisoners.

I can only say that I am very pleased that the people of the south will be able to attend to their business in a court that is much more user friendly, that the people working there will have a safe environment and that we can all look forward to a happy amenity contributing to a more easy passage of matters through the Magistrates Court.

Motion carried.

PUBLIC WORKS COMMITTEE: AUSTRALIAN ABORIGINAL CULTURES GALLERY

Mr LEWIS (Hammond): I move:

That the 120th report of the committee, on the Australian Aboriginal Cultures Gallery, be noted.

In September 1998, the Public Works Committee reported to parliament on the Australian Aboriginal Cultures Gallery project (that was parliamentary paper No. 182). The report detailed a proposal to construct an Australian Aboriginal Cultures Gallery at the South Australian Museum at an estimated cost of $13.5 million. Essentially, the proposal included renovation of the ground and first floors of the east wing of the South Australian Museum; construction of a new entrance south of the existing whale gallery; and relocation of the shop and cafe on the western side of the new entrance. During the committee's consideration of the proposal, it sought assurances with respect to earthquake strengthening.

As a result of our inquiries, in March 1999, Arts SA advised of a change in the scope of the works for the proposal. The committee reported to parliament on the amended proposal in May 12 months ago (that was parliamentary paper No. 216). The committee understands that a survey of government buildings identified the east wing of the museum as a moderate seismic risk and the north wing as a high seismic risk. More detailed advice provided by consulting engineers found the east wing building to be inadequate to resist a major earthquake and recommended that a full earthquake upgrade be undertaken. This is one of the benefits of the Public Works Committee being in existence, in my opinion——one of them, Mr Deputy Speaker; that is, that it can identify, through appropriate questions being asked of proponent agencies, such things as: is the place safe from earthquake? And they say, 'Oh, I didn't think of that.' It saves us millions of dollars by doing the upgrade on, if you like, earthquake proofing the building at the time that any renovations are undertaken.

The committee was told that the ramifications of the amended proposal also provided opportunities to upgrade the fire protection systems and install airconditioning in the upper floors of the east wing. The revised cost of the redevelopment was to be about $17 million. The committee has now been told that the east wing remediation has required more extensive exhibition dismantling on levels two and three than originally envisaged to provide contractor access to the location. This has resulted in additional costs for the relocation and reinstallation of these exhibitions.

In addition, unexpected conditions were encountered during earthquake remediation. Other problems and conditions encountered have included problem soils, existing building substructure conditions, below standard electrical services in the building, existing services runs not identified on the documentation that had been used as the basis of the preparation of the plans, significant work required to the ceilings and the removal of a major underground tank.

In addition to these issues, removal of the toilet block, which had been added in the 1950s, found that extensive damage had been suffered by the facades of the eastern and northern wings. The east wing earthquake remediation works are now completed and, although the project is running behind schedule, the contractors advise the museum that the scheduled handover dates will be met for areas critical to the reinstallation of the exhibitions, which should be in time for visitors who come here for the Olympic Games. The amended cost of the project is $18 965 000, which includes a little over $1.1 million for earthquake remediation work in relation to the north wing.

The committee has been provided with greater detail than was available when the proposal was first considered—largely as a result of our questioning—and is satisfied now that the additional costs are justified and are definitely in the public interest. The amended scope of works comprises necessary measures to ensure that important Aboriginal artefacts are preserved. In particular, the earthquake remediation work will eliminate the risk of their being lost forever in the event that there had been an earthquake, and for us to contemplate allowing that to otherwise happen, I think, is horrible.

Nevertheless, the committee makes the point that ground penetrating radar equipment is available that can be used to eliminate uncertainty about the area under the proposed foundations in projects of this kind. The use of such equipment would have identified the underground tank, which was discovered after construction of the project commenced.

Pursuant to section 12C, the Public Works Committee reports to parliament that it notes the changes to the scope of the works of the Australian Aboriginal Cultures Gallery of the South Australian Museum project and commends the proponent agency for the very sensible, timely and realistic approach that it took to secure for all time those collections and to make it possible for the public to see far more of them than had otherwise been the case prior to the works being undertaken.

Ms THOMPSON (Reynell): I commence by clarifying some points about timing in the contribution made by the member for Hammond. Members will realise that we are dealing with quite a backlog of reports from the Public Works Committee. When we wrote this report in February, the works had not yet been completed. They have now been completed and, indeed, opened. There was much celebration in relation to the opening, and I consider that it is now an excellent facility. However, I make the point that the extra work on which we are reporting was not part of the original program, and that is a matter of grave concern.

After questioning by the Public Works Committee, particularly by the Presiding Member (the member for Hammond), it was established that the proponents had not looked at the earthquake security of those buildings. The Australian Aboriginal Cultures Gallery, and before that the museum, contains some priceless artefacts. They are unique in the world. We have an incredible collection of Aboriginal artefacts, and it is our duty to see that they are preserved; so, the additional expenditure that was involved is not something that I criticise at all. Rather, I am concerned about the fact that it was only as a result of the Public Works Committee hearing process that the risks to those artefacts was fully realised.

It certainly speaks for the value of our investigations and, while I know that, at times, various ministers get pretty cross because they feel that the Public Works Committee delays their projects, the benefits are apparent in terms of the preservation of these priceless artefacts which had been at risk. The fact that extra work was necessary did result in the museum's being closed for quite some time, and I am certainly very apologetic to the community of South Australia and to our visitors that they were not able to see those works. However, it was important to have the facility finished in time for the Festival of Arts; and the opening of the gallery was one of the early events in the Festival of Arts.

It was disappointing to me that the Minister for Aboriginal Affairs was not able to be present at that opening, and it is also disappointing that I have not yet heard the Minister for Tourism extolling the virtues of this facility in terms of its tourism potential. It could be that she has done so and I have missed it, but I look forward to a ministerial statement rather than a dorothy dixer which gives her the opportunity to talk about the role of this gallery, not only in preserving important works but also enabling the Australian Aboriginal culture to be on display to the rest of the world.

On Monday night, when attending a council meeting of the Lonsdale Heights Primary School, I was pleased to learn that the children from the school's child and parents centre had recently visited the Aboriginal Cultures Gallery. The teacher was a little concerned about whether the very young children would be able to appreciate the exhibits and whether they would be able to keep quiet and listen. I am pleased to report that the children, teachers and the parents who were helping were absolutely fascinated by the display. One Aboriginal child was thrilled to have one of her relatives as the indigenous guide.

It is a very good indicator of the value of this facility when children of preschool ages can sit enraptured and listen to the story of the wonderful culture that occupied, and indeed still occupy, these lands before and alongside us. This is an outstanding facility and it will serve the state well. The extra work was warranted and will help us to protect and preserve some very important artefacts.

Motion carried.

SOCIAL DEVELOPMENT COMMITTEE: VOLUNTARY EUTHANASIA REPORT

Adjourned debate on motion of Mr Scalzi:

That the 12th report of the committee, on the Voluntary Euthanasia Bill 1996, be noted.

(Continued from 27 October. Page 280.)

Mr ATKINSON (Spence): Hearsay evidence to the Social Development Committee's inquiry into voluntary euthanasia said that some Australian doctors give those of their terminally ill patients in the terminal phase an injection of painkillers with the principal intention of killing them. Done with that intention, such an injection is currently unlawful homicide. Supporters of Anne Levy's Voluntary Euthanasia Bill say that that is why parliament should regularise that practice and allow the fatal injection to be unrelated to pain relief. Opponents of the bill say no doctor has come forward to say that he or she does this. Opponents also say that doctors who give their terminally ill patients injections of painkillers with the principal intention of keeping them comfortable but, as a secondary effect, depress their respiratory system and kill them, are not guilty of any offence owing to the Consent to Medical Treatment and Palliative Care Act. This is the principle of double effect, or passive euthanasia.

The evidence that some Australian doctors are practising mercy killing or unlawful euthanasia now is drawn from a survey conducted by supporters of active voluntary euthanasia, namely, Professor Helga Kuhse, the Director of the Centre for Human Bioethics at Monash University; philosopher Dr Peter Singer; former Senator Dr Peter Baume; and others. The question asked of doctors in this survey blurred the distinction between the lawful practice of double effect and the unlawful practice of mercy killing. The authors of the questionnaire do not accept the distinction. Indeed, if the campaigners for active voluntary euthanasia can eradicate that distinction, they know they can defeat the law against mercy killing and physician assisted suicide. The only doctor to have practised active voluntary euthanasia lawfully in Australia, Dr Philip Nitschke, speaking about doctors who support the status quo, told the committee:

> [These doctors] will help people illegally and behind the counter, and they see it as entirely appropriate for doctors to help terminally ill people. They will occasionally move things along, using the doctrine of double effect, aggressive pain management, slow euthanasia or whatever. They like the fact there is no close scrutiny of what goes on and they can help people if they wish.

Professor Michael Ashby, the Professor of Palliative Care at Monash University, told the committee:

> I would think there are situations in which doctors and patients enter into a private covenant in which assistance will be given in a certain way at a certain time. The last thing you will do is then tell other people about that.

I accept this evidence, but note that Dr Nitschke and Professor Ashby draw different conclusions about how to proceed from that evidence.

Campaigns to legalise active voluntary euthanasia and physician assisted suicide are not new. The first attempt to legalise them in Britain was in the House of Lords in 1936. At that time and earlier, death came more quickly. Infectious diseases such as typhoid, consumption, influenza, diphtheria and pneumonia ('the old man's friend') were common causes of death. George Orwell's essay 'How the poor die' is one widely read account of death in a French hospital in the 1930s. According to *The Times*, 1 600 English households lost infants just in the period around Christmas 1903 by those infants being overlaid in the family's one bed by one of the parents, or by a combination of family member and heavy bed clothes. The controversy in the columns of *The Times* about this in 1905 was principally the role of drunkenness. One doctor wrote to explain how families living in overcrowded tenements could make a cot from a packing case.

Now life has been prolonged by the reduction of incidence, and fatal incidence, of infections in Australia. Better

housing, public health and care of the elderly have changed the way we die, particularly the poor and the old. Former nursing home director, Ms Sue Harper, in a written submission to the committee, argued that the causes from which old Australians used to die, such as dehydration, hypothermia, starvation, pneumonia, bed sores and neglect, had been eliminated by nursing homes and that this was a life support system that ensured Australians were 'not dying in God's time'. I take the point Ms Harper is making.

Mr John Harris, Professor of Bioethics and Applied Philosophy at the University of Manchester makes a similar point in the book *Euthanasia Examined*, when he states that terminally ill people and their families make choices about the timing of their death now by choosing between home an hospital. He states:

> In one, hospital care, with a full nursing team to turn the patient, et cetera, tube feeding and perhaps antibiotics, will preserve life indefinitely. In the other, the patient will soon die for want of 24 hour nursing care (three nurses plus expensive machinery), untreated infection or lack of food. To choose home care or its hospital equivalent is to choose death, precisely because there is an alternative available which will preserve the patient's life.

As an aside, Ms Harper also sent the committee photographs of nursing home patients suffering from dementia. It seemed to me that the strong implication of these photos and the notes that accompanied them was that these people ought to be euthanased without their consent, because their lives were not worth living and that they were incompatible of having an inner life. During the committee's visit to the Helping Hand centre at North Adelaide I was disturbed by the evidence that dementia patients may suffer in the final stage of their illness. Comparing this testimony with what the committee heard about other terminal illnesses, it seems to me that this suffering may be worse than that in nearly all other terminal illnesses, but dementia sufferers cannot tell us.

Now that the infectious diseases have been limited in their fatal effect, we are left to die of diseases of last resort such as malignant tumours, renal failure and dementia. Former Northern Territory Chief Minister and mercy killing campaigner, Mr Marshal Perron, was the most persuasive of his cause's advocates. He told us:

> In 1900 our average life span in Australia was 51; today it is over 80 years for women and 72 years for men. Every advance in medicine that makes us live longer makes us die more slowly. Soon we will be in a situation with medical advances where brains can be kept alive in a bowl.

Mr Perron went on to say that 85 per cent of people die as a result of human intervention, in which he included omissions such as withholding treatment, not resuscitating patients and the withdrawal of life sustaining equipment. Mr Perron claimed:

> Most everybody will die when someone decides they are going to die.

When people died at home, I think it would have been easier for the family and their local doctor to have a private understanding about how the terminal illness should be managed. At some point in the illness, a decision would be made that nothing more could be done. Alas, more and more people now die in public institutions. It was the wish of the House's 1991 Select Committee on the Law and Practice Related to Death and Dying—of which I was a member—that more people die at home and that, in hospitals, futile and burdensome treatment be withdrawn and pain relief generously administered.

In those public institutions in which people die, the law must be observed. The law has been rendered more flexible by the Consent to Medical Treatment and Palliative Care Act 1995, which gives legal authorisation to the principle of double effect. A law professor quoted in the New South Wales parliamentary library's briefing paper on euthanasia states:

> Questions that might have been dealt in intimacy by a family and its physician have now become the concern of institutions.

Professor Ashby said that active voluntary euthanasia ought not to be legalised only for the purposes of regulating any covert euthanasia that may be occurring now, nor for the purpose of imposing 'some kind of quasi bureaucratic and legalistic process on the care of the dying'. I agree with him. If a terminally ill patient decides to die at home and his wife and chosen doctor accelerate this death with his consent using large doses of morphine, it is most unlikely that the mercy killing will be discovered. Even if suspicions are aroused, it is unlikely, having regard to the Director of Public Prosecutions' recently republished guidelines, that the DPP would prosecute, unless the doctor issues a news release about the death or perhaps videos the death for television.

The committee noted that there have been no sentences of imprisonment in South Australia for aiding and abetting a suicide. If hundreds of Australian doctors are prepared to make discreet arrangements to provide active voluntary euthanasia or physician assisted suicide at a private location—and this is what mercy killing advocates Dr Helga Kuhse, Peter Singer and Peter Baume want us to accept from their survey of Australian doctors—I do not think the law needs to be changed to legalise mercy killing, with all the dreadful knock on effects.

Mr SNELLING (Playford): I wish to continue the comments of the member for Spence, as follows:

> If a small number of doctors is prepared to break the law against homicide now, it would be trusting of us to think that some would not stretch a voluntary euthanasia law and begin to kill those who they consider would benefit from euthanasia if they were sufficiently competent to ask for it.

In the United Kingdom, a jury at Preston Crown Court recently found Dr Harold Shipman guilty of killing 15 elderly women patients with diamorphine in their homes and in his surgery. No question of consent arose in any of the cases. Would there be more Dr Shipmans after active voluntary euthanasia and physician-assisted suicide were legalised? I say the answer is 'Yes'. Some may deride my reasoning as the slippery slope argument. Let them. Taboos have a role. In my opinion, the mischief that would be remedied by such legislation is not as great as the mischief that would be created by it.

The Director of Medical Oncology at the Royal Hobart Hospital, Professor Ray Lowenthal, told the committee that legalising the intentional killing of patients would poison the relationship between patients and doctors and render more difficult the treatment of the great majority of patients who were not requesting euthanasia. The Director of the Plunkett Centre of Ethics in Health Care at Sydney's St Vincent Hospital, Dr Bernadette Tobin, made the point bluntly when she told the committee:

> We recognise that in our justice system guilty people go free, but we tolerate that because we think it would be worse for one innocent person to be incarcerated. I think you have got the same kind of thing here with euthanasia. I reckon it should not be legalised, but I accept that there will be people who want their lives ended who will not have their lives ended. That is the moral cost of keeping it illegal. I

recognise that and I reckon we ought to acknowledge it more than we do but, in the end, we—

and I interpolate that Dr Tobin is speaking from the perspective of a Catholic hospital open to the public—

may not be able to do anything about those people's needs. . . But I think it would be worse if we were to legalise it, because you would have the corollary moral cost, which is. . . that some people would have their lives ended who should not have had their lives ended.

If I were to vote in this parliament to make an exception to our longstanding law against intentional killing, namely, by voting to legalise active voluntary euthanasia or physician-assisted suicide, would I be responsible for abuses of that law? Would I be responsible for subsequent amendments that winked at non-voluntary euthanasia? Marshall Perron says I would not be responsible. He told the committee:

You are not asked to prevent a situation that a subsequent parliament may seek to change. Even if you did not go down the process today, if in 10 years a Parliament is of a mind to introduce legislation for involuntary euthanasia, it will do it, regardless of whether or not you have passed legislation today.

I will not accept Mr Perron's absolution. I, too, can see the way history is taking us, with increased population and increased life expectancy straining our compassion, but I would rather swim against the tide. Mr John Harris's article, mentioned earlier, says that it cost the British National Health Service £150 a day to keep Hillsborough Stadium victim Tony Bland in a persistent vegetative state. He writes:

The opportunity costs of treating others in cases like this, taking an average figure of one patient per bed per five days, would mean 70 patients a year who might be treated in that bed.

I turn now to palliative care as a substitute for active voluntary euthanasia and physician-assisted suicide. The committee adopted the World Health Organisation definition of palliative care:

A form of care that recognises that pure or long-term control is not possible; is concerned with the quality rather than the quantity of life; and cloaks troublesome and distressing symptoms with treatments whose primary or sole aim is the highest possible measure of patient comfort.

The church adopts palliative care as the way to treat the dying and backs this up with hospice care, at Mary Potter Hospice, North Adelaide, and the Philip Kennedy Centre, Largs Bay. Palliative care includes doses of painkillers sufficient to keep the patient comfortable, and these painkillers include the opiates morphine, pethidine and codeine. Professor Tess Crammond, Director of the Multi-disciplinary Pain Centre, Royal Brisbane Hospital, told us that 85 per cent of patients suffering from cancer could have the physical component of their pain relieved. She went on:

For 10 per cent of patients, more definitive treatment may be needed. That includes the interruption of pain pathways, and that is usually done in the spinal cord, or you can have the morphine injected directly into the fluid that surrounds the spinal cord or into the cavities in the brain. . . where most of the cells where the morphine works are present.

The question committee members had to ask themselves is: what happens to the 5 per cent who suffer from intractable pain? The senior consultant in palliative care at the Daw Park Hospice, Dr Roger Hunt, in reply to a question, told the committee:

In conditions where it is a severe pain, for example, a tumour invading a nerve can be very difficult to treat; and some people are sensitive to pain relief medication, resulting in confusion, nausea and vomiting, particularly with morphine.

Professor Ray Lowenthal said palliative care was one of the great triumphs of modern medicine. He said palliative care was still not widely understood. He continued:

Obviously, if a patient comes in in severe pain, it may take one or two days or a little longer to get the pain under control. It is not an instant thing, and occasionally it takes longer, but in virtually every case it is possible to do that.

Even in the unlikely event that all of us accept Professor Lowenthal's claim that in virtually every case physical pain can be controlled, supporters of active voluntary euthanasia will argue that taking away the pain will not take away the need for mercy killing. They say it is the weakness that is the most distressing symptom of a terminal illness, plus the dependence on others for food, movement, cleaning, urinating and defecating. Although some infirm people adapt to this and regard what remains of their life as worth living, others would rather be dead. Marshall Perron says of the latter:

Palliative care cannot help those people.

The one country that has had informal active voluntary euthanasia and physician-assisted suicide is Holland. One of the witnesses supporting legalisation of active voluntary euthanasia, Dr Margaret Otlowski, senior lecturer in law at the University of Tasmania, told the committee:

There is no doubt at all that the Netherlands offers a unique opportunity to those interested in the legalisation of active voluntary euthanasia to assess the effects of state-sanctioned active voluntary euthanasia upon the law, medicine, health care and social policy. In essence, the practice of active voluntary euthanasia in the Netherlands constitutes a social experiment which is open to analysis and may provide important lessons for other countries in any future attempts to legalise active voluntary euthanasia.

I shall not go into the conjecture about how many cases of non-voluntary euthanasia the Remmelink Commission found in Holland, and why they were non-voluntary, but instead I would like to mention two Dutch cases of active voluntary euthanasia in which the facts are not disputed. In 1993, Dr Henk Prins administered a lethal injection to a baby, Rianne, who had been born with spina bifida. Babies born with spina bifida are treated differently in Australia. In 1995, an Amsterdam appeals court found that Dr Prins had acted at the explicit request of the child's parents and behaved 'according to scientifically and medically responsible judgments, and in line with ethical norms'. No punishment was imposed.

The other case was that of Mrs Hilly Boscher, a 50 year old woman with a long history of depression. Mrs Boscher had lost two sons, one to suicide and the other to cancer. The Dutch Federation for Voluntary Euthanasia referred Mrs Boscher to Dr Chabot, a psychiatrist. Dr Chabot diagnosed Mrs Boscher as having long-term psychic suffering with no prospect of improvement. He consulted independent experts, who agreed with his assessment, but none examined Mrs Boscher. In September 1991, Dr Chabot helped Mrs Boscher commit suicide by prescribing a lethal lose of drugs, which Mrs Boscher took in his presence and that of a general practitioner and a friend of Mrs Boscher.

Dr Chabot was charged with homicide but pleaded the defence of necessity. This defence will be successful if the doctor can show that he has followed the rules of careful practice of the Royal Dutch Medical Association. In 1994, the Supreme Court decided that active voluntary euthanasia or physician-assisted suicide was permissible where the patient's suffering was entirely non-somatic (that is, mental suffering rather than physical pain). It found, however, that Dr Chabot had erred in not having Mrs Boscher examined by an

independent medical expert. Owing to his having failed to arrange such an examination, Dr Chabot was found guilty, but no punishment was imposed. The Dutch Medical Disciplinary Tribunal later reprimanded Dr Chabot. After this case, the Dutch government dropped 11 of 15 pending prosecutions for homicide where the deceased had not been in the terminal phase of a somatic illness.

Advocates of active voluntary euthanasia in South Australia have not told the committee that those two cases were wrongly decided or unacceptable to them. In my opinion, the South Australian Voluntary Euthanasia Society would be happy to support active voluntary euthanasia and physician-assisted suicide outside the terminal phase of a terminal illness, and that is why Anne Levy, in her bill, made the right to active voluntary euthanasia conditional only on the person's being 'hopelessly ill'. If there should be a legal right to assistance in dying, why confine it to the terminally ill? Indeed, why deny it to the healthy?

The Dutch health minister has introduced a bill to parliament to recognise the doctors' immunity from prosecution in statute law, and one aspect of this would allow children aged between 12 and 15 years to avail themselves of active voluntary euthanasia with their parents' consent, and children over this age would not need parental consent. After our report was completed, *The Economist* mentioned that this aspect of the bill has now been dropped. Time does not permit me to comment on more than two aspects of the Levy bill. I was surprised that Dr Otlowski regarded the provision for advance directives in the Levy bill as a defect. She told the committee:

I know. . . in a sense it deprives a significant proportion of people of an opportunity for euthanasia. . .

Motion carried.

PUBLIC WORKS COMMITTEE: PORTRUSH ROAD UPGRADE

Mr LEWIS (Hammond): I move:

That the 126th report of the committee, on the Portrush Road Upgrade—Magill Road to Greenhill Road, be noted.

Mr SCALZI (Hartley): The Public Works Committee has considered a proposal to upgrade the 2.7 kilometre section of Portrush Road between Magill Road and Greenhill Road in three stages by December 2003 at a cost of $33.5 million. Funding is to be provided by the Commonwealth Department of Transport and Regional Services.

Portrush Road plays an important role in linking the metropolitan network to the national highway outlet at Glen Osmond and in carrying regional and interstate freight traffic to and from Adelaide or beyond. It also functions as a key north-south component of the urban links to the north-east and as a component of the east-west traffic system.

The existing traffic ranges between approximately 22 000 and 25 000 vehicles per day (including more than 600 semitrailers and B-doubles). The road is not capable of further traffic growth without a decline from the present unsatisfactory service levels. The road section has a poor crash record, and the existing noise environment falls well short of accepted standards.

The project is intended to: provide two clear lanes in each direction with protected right turn lanes at all proposed accesses; improve facilities for cyclists by providing a wide kerbside lane—the member for Reynell will support that; improve footpaths and crossings for pedestrians; improve parking by providing indented parking bays and a wider road; reduce noise vibration and the social impact on the community with the construction of a smoother surface using noise reducing asphalt; and reduce future maintenance and vehicle operating costs.

Most of the land for the project consists of existing road reserve. The additional land required for the road widening will come from a 2.13 metre strip on each side of the road as required under the metropolitan Adelaide road widening plan. Approximately 80 per cent of the land needed for additional width at major intersections has been acquired. The remainder will be acquired through negotiations with landowners.

Approximately half of the local streets will have varying degrees of restriction to allow safe movement of traffic and improve traffic flow for all users. Some internal traffic management measures may need to be implemented by councils to avoid unwanted effects, and a further study is under way to identify an appropriate response to the particular problems of congestion resulting from Loreto College access.

The condition of the existing pavement and the need to raise the level of the road to better match levels at property boundaries will require new pavement construction virtually throughout. Existing Stobie poles will be removed and new road lighting poles will be provided. These will be powder-coated for improved aesthetics.

The committee has been told that interference with water, sewerage and gas services is expected to be minimal. I am sure that all residents in the area will welcome that.

There is a significant number of heritage buildings and townscape elements along Portrush Road. The requirements of Heritage SA have been incorporated in the scheme by avoiding items of particular importance or by sympathetic relocation or replacement of lesser status items.

In addition, Heritage SA has requested before-and-after audit surveys of the structure and condition of all heritage listed items. Localised changes include the removal of prominent hedges at Loreto and other properties and their replacement by suitably designed boundary fencing or new hedges.

The project offers a number of benefits. New Transport SA guideline figures for traffic noise will be adopted for this project, and noise walls will be provided for all properties where the current acceptable limits are exceeded. A new drainage system will be required to comply with the new codes of practice for stormwater pollution prevention. So, there may be water quality benefits. Construction activities will also ensure that silt and other pollutants from the works are intercepted before discharge into the watercourse.

The committee has been told that total emission rates from vehicles in Adelaide are expected to decrease with time due to improved fuel technology and more efficient emission control technology on an increasing proportion of vehicles.

Debate adjourned.

APPROPRIATION BILL

The Hon. R.G. KERIN (Deputy Premier): I move:

That on Thursday 25 May standing orders be so far suspended as to enable—

(a) the Premier to have leave to continue his remarks on the Appropriation Bill immediately after moving 'That this bill be now read a second time';

(b) the Treasurer (Hon. R.I. Lucas MLC) to be immediately admitted to the House for the purpose of giving a speech in relation to the Appropriation Bill; and

(c) the second reading speech on the Appropriation Bill to be resumed on motion.

Mr LEWIS (Hammond): In the past, I have made known my views about these procedures and, again, I stand in this place to do likewise today. I do not do so to make myself unpopular or popular; I do it because I believe it is right. I think it is not appropriate for members of another place to come into this House when it is in session as a chamber. The standing orders do not provide the Speaker with the means by which a minister from the other place, who becomes involved in some exchange or altercation with members of this chamber, should be dealt with. It must be acknowledged that the minister, whomever that might be, whether it is the current Treasurer or some other minister, is not subject to the direction of the presiding officer of this chamber.

Our Speaker does not have the authority to deal with any of those ministers—and I do not for a moment reflect upon the current Treasurer by making that remark. I simply make the point that this is a precedent and we have been setting it now since the beginning of this parliament, and I think it is a sick precedent because it blurs the edges between the two chambers. It gives people cause to believe that two chambers are irrelevant and that only one is necessary.

It gives cause to then argue that, if it is okay for one minister to do it in the other chamber, then it is okay for all ministers to appear in the other chamber. It gives cause for people to then consider that it is not necessary for ministers to have spokespersons from the ministry in the other chamber to introduce their legislation, for this is no different from a piece of legislation—albeit the budget, it is still a piece of legislation. Why then make an exception? It is purely for the sake of theatre: it is not for the sake of enhancing understanding of the document. The speech is prepared and read, and indeed in every other instance these days, sad to say, for the sake of parliament—it is pretty poor parliament—all other legislation now has the second reading speech incorporated in *Hansard* without it being read.

The Hon. G.M. Gunn: That is the will of the House.

Mr LEWIS: It may be the will of the House, as the member for Stuart points out, but in this instance the House on each occasion moves to suspend standing orders to do it and I am taking my right as an elected member in this place to argue against the proposition which the government has put. I know that, if we were as members of the government to be sitting on the opposition benches when any such proposition were to be put to the House, all hell would break loose in the argument that would ensue because of our belief, stated in our party's constitution, that bicameral parliaments are the best way to obtain the best kind of democracy.

My sincere concern is that, the consequence of doing as we propose to do on this occasion and as we have done since the last election, that is, to allow the Treasurer who is appointed in the ministry in the other place to come to this chamber, is the accumulation of all the downstream knock-on attitudes which I fear and which I draw to the attention of members and, I hope, the general public. It does not happen in any other parliament except New South Wales and it has only happened there recently. I do not think the Liberal Party in South Australia ought to take a great deal of comfort from the fact that the Premier of New South Wales (Bob Carr) sought to denigrate the office of Governor in that state by doing what he has done there and, in the same way, doing what he has done to the upper house by appointing the Treasurer in the upper house and having him come into the lower house.

I do not think it enhances the standing of parliament and I do not think it enhances the standing of those of us who are members of the parliament to go about things in that way. Indeed, in a de facto way it is the thin edge of the wedge for the destruction of the bicameral parliament in this state and I do not think that this party of which I have been a member since 1967 can hold its head up proudly in consequence of doing what it is doing and has done over recent years in moving this motion on each occasion that the budget is introduced and I urge all members to oppose it.

The DEPUTY SPEAKER: Order! Standing order 401 permits only one speaker other than the mover of the motion to speak on this occasion.

Motion carried.

The Hon. R.G. KERIN: I move:

That a message be sent to the Legislative Council requesting that the Treasurer (Hon R.I. Lucas, MLC) be permitted to attend at the table of the House on Thursday 25 May for the purpose of giving a speech in relation to the Appropriation Bill.

Motion carried.

GAMING MACHINES (MISCELLANEOUS) AMENDMENT BILL

The Hon. M.R. BUCKBY (Minister for Education and Children's Services) obtained leave and introduced a bill for an act to amend the Gaming Machines Act 1992. Read a first time.

The Hon. M.R. BUCKBY: I move:

That this bill be now read a second time.

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

Leave granted.

This bill gives effect to the government's commitment as part of the InterGovernmental Agreement on Reform of Commonwealth-State Financial Relations, provides for the introduction of measures committed to in response to Parliament's Social Development Committee Gambling Inquiry Report and addresses two other gaming machine licence administrative issues.

The Intergovernmental Agreement on Reform of Commonwealth-State Financial Relations (IGA), signed by the Prime Minister and all State and Territory Leaders in June 1999 provides that the States and Territories will adjust gambling taxes to take account of the impact of the GST on gambling operators.

GST will apply to gambling activity as a liability equivalent to 1/11th (9.09 per cent) of the gambling margin—the difference between total 'ticket sales' or 'bets taken' by the operator of the gambling or lottery activity and the 'value of monetary prizes' (ie net gambling revenue).

This bill reflects a policy of revenue neutrality in making amendments to gambling taxation arrangements for the introduction of GST. This is to be achieved in relation to hotels and clubs operating gaming machines through a reduction in the marginal rates of tax payable by 9.09 percentage points.

The tax rates contained in the *Gaming Machines Act 1992* are to be amended, effective 1 July 2000 as follows:

	Hotels		Clubs and Community Hotels	
	Marginal Tax Rates*		Marginal Tax Rates*	
Annual NGR	Current	Post GST	Current	Post GST
$0-$399 000	35%	25.91%	30%	20.91%
$399 001-$945 000	43.5%	34.41%	35%	25.91%
Above $945 000	50%	40.91%	40%	30.91%

* An additional 0.5 per cent surcharge is also levied until 1996-97 revenue shortfall is recovered.

This adjustment is consistent with the GST adjustment in respect of the Adelaide Casino as set out in the Casino Duty Agreement (CDA) recently tabled in Parliament. That agreement provides for a 9.09 percentage point reduction in gaming machine taxation at the Casino from 1 July 2000 from the current 43.5 per cent to 34.41 per cent.

The net result from these amendments is that hotels and clubs operating gaming machines will be revenue neutral from the introduction of the GST. That is, the additional tax liability of the GST is offset by a reduction in state taxation. The government will also be revenue neutral since the reduced income from State gambling tax will be offset via the receipt of GST revenue from the commonwealth government.

Council Notification

Under section 29 of the *Gaming Machines Act 1992*, applications for the grant of a gaming machine licence must be advertised. Applications for an increase in the approved number of machines may be advertised at the discretion of the Commissioner. If an application is for a significant increase in gaming machine numbers that will change the character of the venue, a direction to advertise will be made. Where an application has been advertised any person, including the relevant Council, may object to the application.

The Social Development Committee's Gambling Inquiry Report recommended (recommendation 1.6) that:

> Local Government be notified, and have the right to be heard by, the Liquor and Gaming Commissioner, before any decision is made to grant a gaming licence in its area, or to expand the number of gaming machines.

Taking account of this recommendation, the government determined to amend the *Gaming Machines Act 1992* in a manner which mirrors the provision in the *Liquor Licensing Act 1997*. The bill includes this amendment.

Consistent with the government's previously indicated response to the Social Development Committee this requirement to notify councils will only apply in relation to applications that are advertised. Many applications for an increase in the approved number of machines are for a few machines in an existing approved gaming area. These applications may not warrant the cost or delay of advertising or council notification. The discretion to require advertising and hence council notification will remain with the Liquor and Gaming Commissioner.

Refunds of Gaming Machine Tax

The current drafting of the *Gaming Machines Act* places the liability for taxation on the holder of a gaming machine licence, not the premises for which the licence is held. The effect of this is that if a transfer of a licence occurs during a financial year, or some other event occurs which results in a change of the licensee of the premises, the NGR received by each licensee is assessed as if it was the annual amount of NGR. Each licensee can potentially benefit if their combined NGR for that year would otherwise have taken the venue to a higher marginal tax bracket.

This gives rise to the anomalous situation where two venues with identical NGR may thus be liable for different levels of tax simply as a result of a change in licensee during the year. The current Act prevents rorting by ensuring that the transfer of a licence in respect of the same premises and person would not impact upon the tax calculation (s72A(2)). It however does not address the more general issue.

The bill addresses this anomalous situation by providing for continuity of the licensee for taxation purposes. That is, the level of tax payable for a gambling venue will be determined on the basis of net gambling revenue derived for the whole period regardless of whether the revenue is derived by one or more persons or pursuant to one or more licence. The liability for the duty will rest with the holder of the licence at the end of the month and as at present where a transfer in ownership occurs during a month each party's liability for tax is a matter for the parties to address as part of the property settlement.

The effect of the amendment is that the out-going licensee will not receive a tax refund and the new licensee will immediately begin paying tax at the level consistent with the year to date NGR, not necessarily the lowest marginal tax rate. This amendment only effects venues whose activity exceeds the first NGR tax threshold since those venues below the lowest threshold ($399 000) pay a flat rate of tax.

Summary Offences

A further amendment is included in the bill to amend s.84 of the Act to apply only to 'summary' offences. This amendment means that the 5 year time period stated in the bill for prosecution of offences relates only to summary offences and not to more serious indictable offences.

Date of Operation

The proposed Act will commence from 1 July 2000 to match the timing of the introduction of the GST.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 29—Certain applications require advertisement

This clause replaces subsection (2) of section 29 of the principal Act with a provision that requires that notice of an application need be published in only one newspaper circulating generally throughout the State but if the application is in respect of a gaming machine licence it must also be published in a newspaper circulating in the area in which the licensed premises are, or are to be, situated. New paragraph *(b)* requires notice of an application in respect of a gaming machine licence to be served on the council for the area in which the licensed premises are, or are to be situated.

Clause 4: Amendment of s. 72A—Tax system operable from beginning of 1996/1997 financial year

This clause amends section 72A of the principal Act. This section imposes a tax being the prescribed percentage of the net gambling revenue derived from business carried on pursuant to a gaming machine licence. The prescribed percentage is defined in subsection (6). It increases with increases in the net gambling revenue. The amendments to section 72A made by paragraphs *(a)* to *(d)* are designed to ensure that for the purpose of determining the prescribed percentage the net gambling revenue will be taken over the whole financial year.

If there are two or more holders of the same licence in a year it could be argued that the net gambling revenue derived by each should be taken separately for the purpose of determining the prescribed percentage resulting in a lower prescribed percentage. Existing subsection (2) solves this problem where a licence is surrendered and is replaced. The amendments address the problem where there is a change of ownership of the licence and where a licence is surrendered and replaced. Paragraph *(f)* amends the prescribed percentage to take account of the GST.

Clause 5: Amendment of s. 84—Prosecution of summary offences

This clause amends section 84 of the principal Act to make it clear that the time limits provided by the section only apply to summary offences.

Mr WRIGHT secured the adjournment of the debate.

STATUTES AMENDMENT (LOTTERIES AND RACING—GST) BILL

The Hon. M.R. BUCKBY (Minister for Education and Children's Services) obtained leave and introduced a bill for

an act to amend the State Lotteries Act 1955 and the Racing Act 1976. Read a first time.

The Hon. M.R. BUCKBY: 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.

As with the *Gaming Machines (Miscellaneous) Amendment Bill 2000* this Bill gives effect to the Government's commitment as part of the InterGovernmental Agreement on Reform of Commonwealth-State Financial Relations.

The Intergovernmental Agreement on Reform of Commonwealth-State Financial Relations (IGA), signed by the Prime Minister and all State and Territory Leaders in June 1999 provides that the States and Territories will adjust gambling taxes to take account of the impact of the GST on gambling operators.

GST will apply to gambling activity as a liability equivalent to 1/11th (9.09 per cent) of the gambling margin—the difference between total 'ticket sales' or 'bets taken' by the operator of the gambling or lottery activity and the 'value of monetary prizes'.

This Bill reflects a policy of revenue neutrality in making amendments to gambling taxation arrangements for the introduction of GST.

Lotteries Commission of South Australia

The State Government currently receives the total distributable surplus of the Lotteries Commission into the Hospitals Fund. A small amount relating to the net proceeds of all sports lotteries and special lotteries is paid into the Recreation and Sport Fund.

The payment of GST will reduce both the Lotteries Commission distributable surplus and net proceeds from sports lotteries and therefore reduce the amount of payment into the respective Funds accordingly. Aggregate State revenue would remain unchanged since the lower gambling tax revenue receipt through the Hospitals Fund and Recreation and Sport Fund would be offset by GST revenue.

As announced by the Government the forthcoming legislation in relation to the sale of the TAB and Lotteries Commission envisages the abolition of the Hospitals Fund and the Recreation and Sport Fund. The Government has committed that funding to services will not be affected by the abolition of these Funds.

The Bill includes provision for the introduction of taxation arrangements for the Lotteries Commission with a tax rate of 41 per cent of net gambling revenue (NGR)—a rate which in the absence of GST might have been 50.09 per cent. The application of a tax rate will strengthen the owner/service provider relationship with the Government and applying the tax rate from the beginning of the financial year will provide administrative stability during the re-structure and sale process.

The 41 per cent tax component would be payable to the Hospitals Fund and Recreation and Sport Fund respectively. This effectively divides the surplus distribution to the Government, through the Funds into two components, an on-going taxation stream and residual surplus.

The residual surplus (profit) of the Commission would continue to be paid as a distribution to the Government until sold.

South Australian Totalisator Agency Board (TAB)

The South Australian Government currently receives into the Hospitals Fund 45 per cent of TAB distributable surplus with the remaining 55 per cent being distributed to the racing industry. The introduction of GST means that the distributable surplus of the TAB would be reduced by the level of the GST payment. With no legislative amendment this GST payment would effectively be shared between the Government and the Racing industry in the 45 per cent/55 per cent shares. Against this the GST revenue paid by the TAB will be returned to the State Government via GST revenue grants from the Commonwealth. This would mean a net increase in funding to the State Government and a reduction in funding to the racing industry.

As proposed for the Lotteries Commission it is appropriate to take this opportunity to introduce a tax rate for the TAB to reflect the intended on-going revenue stream to the Government. The Bill includes provision for a 6 per cent net wagering revenue (NWR) tax rate for the TAB from 1 July 2000—a rate which in the absence of GST might have been 15.09 per cent.

Consistent with the principle of revenue neutrality, it is necessary to ensure that the distribution of funds from the TAB to the racing industry is not adversely affected by the introduction of the GST or the 6 per cent State tax rate.

To ensure revenue neutrality for the South Australian Racing Industry an additional payment will be required to offset the impact of the GST (9.09 per cent) and State tax (6 per cent) that will be received by the Government. The payment will need to take account of the combined reduction of 15.09 per cent of NWR in the distributable surplus and have regard to the current distribution of the TAB surplus on a 45 per cent/55 per cent basis. That is, for each dollar paid in tax to the Government the racing industry should receive 1.22 (55/45) times that amount.

Given the payment to the Government of 15.09 per cent of NWR the required additional payment to the racing industry is 18.45 per cent of NWR. The Bill provides for this additional payment and thus ensures that both the Government and the racing industry are revenue neutral from the introduction of the GST and State tax components.

The residual surplus of the TAB will continue to be distributed 45 per cent to the Government and 55 per cent to the racing industry. The conversion of these distributions to an on-going product supply fee from the TAB is being dealt with in current negotiations in connection with the proposed sale of the TAB.

The TAB also makes payments to the South Australian National Football League (SANFL) of 50 per cent of the proceeds of football betting. As with the racing industry the Bill provides for an additional payment to the SANFL to ensure revenue neutrality. In the case of the SANFL this payment is 15.09 per cent of NWR since the Government and the SANFL equally share the surplus from football betting.

All forms of betting with the TAB will thus be subject to a 6 per cent net wagering revenue tax rate payable to the Hospitals Fund and Recreation and Sport Fund as required for different types of betting. Further, the amendments will result in all parties remaining revenue neutral.

On-Course Totalisators and Bookmakers

A reimbursement scheme whereby the State Government pays to bookmakers and racing clubs the amount of GST they pay on gambling supplies will be implemented to ensure revenue neutrality for all parties. This is the preferred approach of the bookmakers league and racing bodies. The current turnover based taxation arrangements will remain in place such that the status quo is fully preserved.

Options other than a re-imbursement scheme have been canvassed with the racing industry and bookmakers league. However these options are not being pursued at this time given the distribution effects and the timing with regard to other reforms clubs and bookmakers are currently under-going. The Government has indicated that alternative options will again be considered in consultation with the industry at a later date.

Date of Operation

The proposed Act will commence from 1 July 2000 to match the timing of the introduction of the GST.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause explains references to 'the principal Act' in the Bill.

Clause 4: Amendment of s. 16—The Lotteries Fund

This clause replaces subsection (3) of section 16 of the *State Lotteries Act 1966*. The new provision sets out the application of the Lotteries Fund following the introduction of the GST. New subsection (5) provides definitions of terms used in subsection (3).

Clause 5: Amendment of s. 5—Interpretation

This clause defines 'GST' and 'GST law' for the purposes of the *Racing Act 1976*.

Clause 6: Amendment of s. 69—Application of amount deducted under section 68

This clause amends section 69 of the *Racing Act 1976*. Paragraph *(a)* recognises that GST will be payable on amounts deducted under section 68 in respect of bets taken by an interstate totalizator authority as agent for TAB under an agreement under section 82B. Paragraph *(f)* changes the application of amounts deducted under section 68. Paragraph *(g)* defines 'net gambling revenue'. The other changes to section 69 are consequential.

Clause 7: Insertion of s. 70A

This clause inserts a new section which provides that RIDA must reimburse racing clubs for the GST paid by them. The money required for this will come from the Consolidated Account.

Clause 8: Amendment of s. 84B—Application of 20 per cent of totalizator bets on football matches

This clause amends section 84B to change the distribution of the 20 per cent deducted from each football totalizator pool.

Clause 9: Amendment of s. 84J—Application of amount bet

Clause 10: Amendment of s. 84M—Application of profits from fixed odds betting

These clauses make similar amendments to sections 84J and 84M of the *Racing Act 1976*.

Clause 11: Insertion of s. 114A

This clause inserts new section 114A which provides that RIDA must reimburse bookmakers for GST paid by bookmakers in respect of bets in respect of which amounts are payable by the bookmaker under section 114 of the Act. The money required by RIDA to comply with this provision will come from the Consolidated Account.

Mr WRIGHT secured the adjournment of the debate.

RECREATIONAL GREENWAYS BILL

The Hon. I.F. EVANS (Minister for Recreation, Sport and Racing) obtained leave and introduced a bill for an act to provide for the establishment and maintenance of trails for recreational walking, cycling, horse riding, skating or other similar purpose; to make a related amendment to the Development Act 1993; and for other purposes. Read a first time.

The Hon. I.F. EVANS: 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.

Walking, cycling, horse riding and skating are growing in popularity as major outdoor recreational activities throughout South Australia.

While health and fitness are important, equally South Australians are seeking a sense of adventure, achievement and fun whilst enjoying the natural environment.

South Australia already boasts a network of recreational trails in excess of 3 000 km, providing quality experiences with panoramic views, natural flora and fauna attractions and historical and cultural areas of interest.

Presently however, the network and its future development is restricted primarily by lack of access certainty. Many agreements providing for access are ad hoc in nature and subject to regular change.

The Recreational Greenways Bill helps to overcome this uncertainty by providing for the registration of Access Agreements on the relevant Certificate of Title.

Access Agreements will be negotiated between landowners, both private and public, and the Minister. Agreements will provide for such things as:

- type of permitted use;
- indemnification and waivers of liability; and,
- opening and closing times;

The bill is also designed to facilitate cooperation between the State and Local Governments, Private Land Owners and Local Community Groups through amendments to the Development Act which provide for management agreements over land comprising or adjacent a Greenway.

These agreements will operate to ensue the preservation of the relevant amenity of the land by clearly defining the rights and obligations of the parties to the agreement.

Taken together, access and management agreements will ensure the continued access to recreational trails and ensure these assets are managed in accordance with community expectations.

I commend the bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

Clause 3 sets out definitions of terms used in the bill.

Clause 4: Relationship with other Acts

Clause 4 ensures that the bill will not derogate from the provisions of any other Act except where the contrary intention appears.

Clause 5: Establishment of greenways

Clause 5 provides for the establishment of greenways. A greenway can only be established over public land if the authority responsible for the land has entered into an agreement for that purpose with the Minister responsible for the bill.

A greenway can only be established over private land that is subject to an access agreement under Part 4 or an easement for the purposes of the greenway.

Clause 6: Public consultation on proposed greenway

Clause 6 requires the Minister to invite members of the public to provide submissions in relation to a proposed greenway. The Minister must have regard to all submissions made in response to the invitation.

Clause 7: Consultation with adjoining owners and pastoral lessees

Clause 7 requires that a copy of the notice under section 6 be served on owners of land adjoining the proposed greenway and on the lessee of a pastoral lease over which a proposed greenways will pass.

Clause 8: Variation or revocation of proclamation

Clause 8 provides for the variation or abolition of a greenway.

Clause 9: Restriction on use of land subject to a greenway

Clause 9 provides that the use of land that comprises a greenway by the owner of the land is subject to the rights of the Minister and members of the public to use the land for the purposes of a greenway. It should be remembered that the land can only become a greenway in the first place with the consent of the owner of the land or, in the case of public land, with the consent of the authority that owns the land or in whom the care, control and management of the land is vested.

The clause also provides that approved management plans under the *Coast Protection Act 1972* and adopted plans of management under the *National Parks and Wildlife Act 1972* take precedence over greenways.

Clause 10: Declaration of greenways subject to native title

Clause 10 provides that the declaration of a greenway is subject to native title (if any) over the land comprising the greenway.

Clause 11: Public right of access to greenways

Clause 11 sets out the right of members of the public and visitors to the State to use greenways.

Clause 12: Closure of greenways

Clause 12 provides for the closure of greenways.

Clause 13: Offences in relation to use of greenways

Clause 13 provides the offences and penalties for the misuse of greenways.

Clause 14: Ability to enter into agreements

Clause 14 enables the owner of private land to enter into an access agreement for the purposes of a greenway.

Clause 15: Nature of agreement

Clause 15 explains the nature of access agreements. An access agreement attaches to the land so that the current owner of the land is a party to it and is bound by it. An access agreement is subject to native title (if any) over the land when the agreement was made.

Clause 16: Access agreement may include indemnity, etc.

Clause 16 makes it clear that an access agreement can provide an indemnity for the benefit of a party to the agreement.

Clause 17: Variation of access agreement

Clause 17 provides for the variation of an access agreement.

Clause 18: Requirement to note an access agreement, etc.

Clause 18 provides that an access agreement has no force or effect until the agreement is noted on the title to the land by the Registrar-General. This is an important provision in view of the fact that subsequent owners of the land are bound by the agreement.

Clause 19: Enforcement of agreement

Clause 19 provides for the enforcement of access agreements.

Clause 20: Minister's functions

Clause 21: Powers of the Minister

Clause 22: Other functions and powers of the Minister

Clauses 20, 21 and 22 set out the Minister's functions and powers under the bill.

Clause 23: Nature of easement

Clause 23 sets out the nature of an easement acquired over land by the Minister for the purposes of a greenway. The Minister can only acquire such an easement with the agreement of the owner of the land.

Clause 24: Minister's power of delegation

Clause 24 provides for the delegation of certain powers by the Minister.

Clause 25: Appointment of authorised officers

Clause 25 provides for the appointment of authorised officers.

Clause 26: Other authorised officers

Clause 26 provides that police officers are authorised officers for the purposes of the bill. Forest wardens under the *Forestry Act 1950* and wardens under the *National Parks and Wildlife Act 1972* are also authorised officers but only in relation to greenways in a forest reserve or a reserve under the relevant Act.

Clause 27: Powers of authorised officers

Clause 27 sets out the powers of authorised officers.

Clause 28: Hindering, etc., persons engaged in the administration of this Act

Clause 28 provides for offences in relation to the administration of the bill.

Clause 29: Power of arrest

Clause 29 provides for a power of arrest. There is a similar power in the *National Parks and Wildlife Act 1972*.

Clause 30: Gifts of property

Clause 30 provides for gifts made to the Minister for the purposes of the bill.

Clause 31: Offence of trespassing on private land from greenway

Clause 31 creates an offence of trespassing on private land from a greenway if the trespasser has a firearm or is accompanied by a dog.

Clause 32: Application of fees and penalties

Clause 32 provides that fees and penalties paid under the Act must be used for the administration of the Act.

Clause 33: General defence

Clause 33 provides a general defence.

Clause 34: Proceedings for offences

Clause 34 provides that an authorised officer or a person authorised by the Minister may commence proceedings for an offence against the Act.

Clause 35: Service of notices

Clause 35 provides for the service of notices.

Clause 36: Regulations

Clause 36 sets out regulation making powers.

SCHEDULE

Amendment of Development Act 1993

The Schedule amends section 57 of the *Development Act 1993* to provide that a greenway authority may enter into a land management agreement under section 57 in relation to a greenway or, where an access agreement so provides, other land. A greenway authority is the Minister under the bill or an association that has been approved for that purpose by the Minister.

Mr WRIGHT secured the adjournment of the debate.

RACING (CONTROLLING AUTHORITIES) AMENDMENT BILL

The Hon. I.F. EVANS (Minister for Recreation, Sport and Racing) obtained leave and introduced a bill for an act to amend the Racing Act 1976; and to make consequential amendments to the Gaming Supervisory Authority Act 1995. Read a first time.

The Hon. I.F. EVANS: 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 *Racing (Controlling Authorities) Amendment Bill 2000* represents the culmination of an extensive dialogue between the Government and the racing industry regrading the preferred method of governance and management for the entire industry to enable the industry to meet the strategic challenges of the future.

In early 1999 the Government began a review of the present governance and management arrangements and particularly the nature and operations of the Racing Industry Development Authority (RIDA). At the same time it was decided to also consider the nature and operations of the existing controlling authorities being:

- South Australian Thoroughbred Racing Authority (SATRA);
- SA Harness Racing Authority (SAHRA); and,
- SA Greyhound Racing Authority (SAGRA).

The dialogue underpinning the review process included canvassing of written and oral submissions from any interested party within the industry. Submitters were invited to present views on a wide range of industry matters and particularly the nature, composition and method of appointment of controlling authorities.

In August 1999 a discussion paper, summarising and canvassing issues raised in the above submissions was released and again comment was sought from the industry.

Through this process the view that clearly emerged was a preference for a minimal role for Government and the corporatisation of the individual codes. The Government agreed to support the codes to achieve their preferred corporate model.

Each code has subsequently embarked on its own corporatisation process by developing Memorandums and Articles of Association which detail the nature and power of the corporation's membership and the composition and powers of the Board of Directors. Each code's corporate documentation is different and represents the individual nature of the codes makeup and strategic issues.

The Racing (Controlling Authorities) Amendment Bill supports the codes in their corporatisation process through the abolition of RIDA and the existing controlling authorities. Instead the Governor will by proclamation designate a body as a controlling authority. These new controlling authorities will be the corporations established by the respective codes to carry out those functions conferred on the corporation by the code.

Members would be aware that the Government has announced its intention to pursue the disposal of its interest in the Totalizator Agency Board (TAB) and is in discussions with the racing industry with a view to formalising the arrangements between the codes and the TAB prior to its disposal. Until such time as the parties otherwise agree the financial provisions of the *Racing Act* related to distributions to the codes will remain intact, save the RIDA Fund.

The bill provides that the Minister may, by order, distribute the RIDA Fund as at the date of commencement to the codes. Payments presently made by clubs to the RIDA Fund will cease at the date of commencement.

In view of the industry's push for a minimalist role for Government the bill also provides for:

- the abolition of the Racing Appeals Tribunal as a statutory body and instead the industry will become responsible for the administration and determination of matters of appeal
- the transfer of responsibility for bookmakers and on-course totalizators to the Gaming Supervisory Authority and the Liquor and Gaming Commissioner.

Employees of RIDA will be transferred to the public service by proclamation in accordance with the *Public Sector Management Act*.

I commend the bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal. The operation of section 7(5) of the *Acts Interpretation Act* (providing for commencement of the measure after 2 years if an earlier date has not been fixed by proclamation) is excluded. This is to provide flexibility should the arrangements with the racing industry relating to the disposal of TAB be finalised and relevant legislation be agreed to by the Parliament.

Clause 3: Amendment of long title

The long title is amended to remove otiose references to repeal and amendment of Acts.

Clause 4: Amendment of s. 5—Interpretation

A new definition of authorised officer is added for the purposes of the new Part on enforcement.

The amendments confer functions on the Gaming Supervisory Authority and the Liquor and Gaming Commissioner and consequently definitions of the Authority and the Commissioner are added.

The amendment to the definition of racing totalizator rules is consequential to the transfer of functions in relation to those rules from the Minister to the Gaming Supervisory Authority (see the amendment to section 67) and the other amendments are consequential to the controlling authorities becoming purely industry bodies.

Clause 5: Substitution of Parts 1A, 1B, 2 and 2A

The Parts repealed are as follows:

Part 1A—Racing Industry Development Authority

Part 1B—Funds for Racing Industry

Part 2—Controlling Authorities

Part 2A—Racing Appeals Tribunal

Consequently, RIDA will be brought to an end and the establishment of controlling authorities and an appeals mechanism left to the racing industry. The special industry Funds will be abolished but, under this measure, the amounts that would have been paid into the Funds will be paid directly to the industry established controlling authorities.

New Part 2 provides for the recognition by proclamation of controlling authorities established by the racing industry for each of the codes (horse racing, harness racing and greyhound racing).

Clause 6: Amendment of s. 51—Functions and powers of TAB

Currently, TAB is required to consult with RIDA with respect to promotion or marketing related to racing. The amendment requires the consultation to be with the controlling authorities.

Clause 7: Amendment of s. 63—Conduct of on-course totalizator betting by racing clubs

Clause 8: Amendment of s. 64—Conduct of on-course totalizator betting when race meeting not in progress

Clause 9: Amendment of s. 65—Revocation of right to conduct on-course totalizator betting

The amendments transfer the following functions of RIDA to the Gaming Supervisory Authority:

- to authorise a non-registered racing club to conduct on-course totalizator betting in conjunction with a race meeting held by the club (section 63(1a));
- to authorise a racing club to conduct on-course totalizator betting in conjunction with a race meeting held by the club on races of other forms held within or outside Australia (section 63(6));
- to authorise a registered racing club to conduct on-course totalizator betting on races of any form held within or outside Australia when a race meeting is not in progress at the racecourse at which the totalizator betting is to be conducted (section 64);
- to revoke, suspend or restrict a racing club's authority to conduct on-course totalizator betting if of the opinion that the club has contravened or failed to comply with the Act (section 65).

Currently, section 63(7) requires the approval of RIDA for the conduct of on-course totalizator betting by a racing club in the event of cancellation of a race meeting. The amendment removes the requirement for approval.

Clause 10: Amendment of s. 67—Totalizator rules for authorised racing clubs

Totalizator rules for authorised racing clubs are made by the Minister under section 67. This function is transferred to the Gaming Supervisory Authority. The requirement for consultation with controlling authorities and TAB remains unchanged.

Clause 11: Amendment of s. 69—Application of amount deducted under s. 68

These amendments take into account amendments proposed by the Statutes Amendment (Lotteries and Racing—GST) Bill 2000.

The amendments do not alter the distribution of money amongst industry, the TAB and the Hospitals Fund, but simply provide that amounts currently directed to industry through the SATRA Fund, the SAHRA Fund and the SAGRA Fund are to go directly to the relevant controlling authority and that amounts currently directed to the RIDA Fund are to go directly to the controlling authorities in the respective shares currently specified in subsection (2)(b) for other purposes.

The arrangement under which TAB could pay amounts to RIDA for distribution amongst the relevant industry funds is discontinued but the ability of TAB to pay an advance to industry with the approval of the Minister is continued.

Clause 12: Amendment of s. 70—Application of percentage deductions

The amendment has the effect of allowing an authorised racing club to keep the percentage of totalizator bets currently paid to the RIDA Fund.

Clause 13: Amendment of s. 70A—Refund of GST payable by racing club

This amends a provision inserted by the Statutes Amendment (Lotteries and Racing—GST) Bill 2000. Under section 70A RIDA is required to pay amounts in respect of GST to authorised racing clubs. This amendment transfers that responsibility to the Treasurer and appropriates the Consolidated Account accordingly.

Clause 14: Amendment of s. 71—Fixing the amount of betting unit

Section 71 enables the TAB and controlling authorities to gazette betting units. Currently, the approval of the Minister is required. The amendment requires the approval of the Gaming Supervisory Authority in relation to gazettal by controlling authorities and retains the requirement for approval of the Minister in relation to gazettal by the TAB.

Clause 15: Amendment of s. 76—Application of fractions by TAB

The amendment requires the amount of fractions retained by TAB that is currently paid to the RIDA Fund to be paid directly to the controlling authorities in the respective shares specified in section 69(2)(b).

Clause 16: Repeal of s. 77

The repeal removes the requirement for racing clubs to pay the amount of fractions retained by the racing club under section 73(4) to the RIDA Fund. Currently, the controlling authority could authorise a club to apply the fractions for the purposes of the club in any event.

Clause 17: Amendment of s. 78—Unclaimed dividends

The amendment requires the amount of unclaimed dividends currently required by TAB to be paid to the RIDA Fund to be paid directly to the controlling authorities in the respective shares specified in section 69(2)(b).

Clause 18: Amendment of s. 82A—Agreement with interstate totalizator authority—interstate authority conducts totalizator

This is a consequential amendment relating to the repeal of section 77 and the retention of fractions by racing clubs.

Clause 19: Amendment of s. 83—Returns by authorised clubs

The amendment requires racing club returns to be forwarded to the Liquor and Gaming Commissioner rather than the Minister.

The other amendments to section 83 are consequential.

Clause 20: Amendment of s. 84—Facilities for police to be provided by authorised racing clubs

The amendment transfers from the Minister to the Gaming Supervisory Authority the function of requiring specified facilities at a racecourse to be made available to the police.

Clause 21: Amendment of s. 85—Interpretation

Currently, the Minister approves events (other than races) for the purposes of Part 4 to enable bookmakers to accept bets on the events in certain circumstances. This function is transferred to the Gaming Supervisory Authority.

Clause 22: Repeal of s. 98

Section 98, which required RIDA to pay money received under the Part to the Treasurer, is repealed. The provision is no longer necessary since the functions of RIDA under the Part are transferred to the Gaming Supervisory Authority and the Liquor and Gaming Commissioner.

Clause 23: Amendment of s. 100—Licences

Clause 24: Amendment of s. 101—Applications for licences

Clause 25: Amendment of s. 102—Conditions to licences

Clause 26: Amendment of s. 103—Terms of licences

Clause 27: Amendment of s. 104—Suspension and cancellation of licences

Clause 28: Amendment of s. 104A—Power to impose fines

Clause 29: Amendment of s. 105—Registration of betting premises at Port Pirie

Clause 30: Amendment of s. 106—Applications for registration of premises

Clause 31: Amendment of s. 107—Conditions to registration

Clause 32: Amendment of s. 109—Term of registration

Clause 33: Amendment of s. 110—Suspension and cancellation of registration

All of these clauses involve the transfer from RIDA to the Gaming Supervisory Authority of the functions of licensing bookmakers and registering premises at Port Pirie for bookmaking purposes.

Clause 34: Amendment of s. 112—Permit authorising bookmaker to accept bets

Clause 35: Amendment of s. 112A—Grant of permit to group of bookmakers

Clause 36: Amendment of s. 112B—Revocation of permit

These clauses involve the transfer from RIDA to the Liquor and Gaming Commissioner of the function of granting permits to licensed bookmakers to accept bets on races or approved events made on a day and within a racecourse, in registered premises or at any other specified place.

Where betting is to take place at a place other than a racecourse or registered premises, the occupier must be consulted before permits are granted. An additional requirement to obtain the approval of the Minister is included.

Clause 37: Amendment of s. 113—Operation of bookmakers on racecourses

The amendment transfers from the Minister to the Gaming Supervisory Authority the function of appointing an arbitrator to determine the prescribed fee for a racing year in default of agreement between the controlling authority and the South Australian Bookmakers League Incorporated.

Clause 38: Amendment of s. 114—Payment to Commissioner of percentage of money bet with bookmakers

Clause 39: Amendment of s. 114A—Payments of GST on behalf of bookmakers

Clause 40: Amendment of s. 116—Recovery of amounts payable by bookmakers

The amendments provide for payments to be made to and by the Liquor and Gaming Commissioner rather than RIDA.

Clause 41: Amendment of s. 117—Licensed bookmakers required to hold permits

Clause 42: Amendment of s. 120—Commissioner may give or authorise information as to betting

These amendments are consequential to the transfer of functions from RIDA to the Liquor and Gaming Commissioner.

Clause 43: Amendment of s. 121—Unclaimed bets

The amendments transfer the function of holding unclaimed bets in accordance with the rules from RIDA to the Liquor and Gaming Commissioner.

Clause 44: Amendment of s. 124—Rules relating to bookmakers

The amendments transfer the function of making rules relating to bookmakers from RIDA to the Gaming Supervisory Authority.

Clause 45: Insertion of Part 5—Enforcement

The new Part deals with enforcement of the Act by the Liquor and Gaming Commissioner and the appointment of inspectors for that purpose.

125. Commissioner's responsibility to Authority

This section provides that the Liquor and Gaming Commissioner is responsible to the Gaming Supervisory Authority for the constant scrutiny of betting operations of a kind authorised by the Act (other than operations of TAB).

126. Appointment of inspectors

This section allows for the appointment of Public Service inspectors and for the provision of identification cards by the Liquor and Gaming Commissioner.

127. Power to enter and inspect

The powers under this section are provided to the Commissioner, the members and secretary of the Authority, inspectors and police officers (collectively called authorised officers). The circumstances in which the powers may be exercised are set out in subsection (2). A warrant is required in respect of entry to a place in which there are not any operations of a kind authorised under the Act being conducted.

Clause 46: Substitution of s. 146A

Section 146A currently deals with aspects of the independence of members of TAB. The section is repealed.

The new section allows the Minister to delegate powers or functions under the Act.

Clause 47: Repeal of ss. 147 and 148

Section 147 currently deals with the power of controlling authorities to bar persons from racecourses and 148 with the power of racing clubs to remove persons from racecourses. These sections are considered unnecessary and are repealed.

Clause 48: Repeal of Schedules 1 to 3

These Schedules relate to repeals, amendments and transitional provisions. The provisions are exhausted and are consequently repealed.

Clause 49: Transitional provisions—Minister

This clause includes the following transitional arrangements:

- rules for totalizator betting conducted by racing clubs made by the Minister under section 67 are to continue in force as if made by the Gaming Supervisory Authority;
- an approval of an event by the Minister under section 85 (for betting by bookmakers) is to continue in force as if given by the Gaming Supervisory Authority.

Clause 50: Transitional provisions—RIDA

This clause includes the following transitional arrangements:

- assets may be transferred by order of the Minister from RIDA to a specified controlling authority;
- an authorisation or notice given by RIDA under Part 3 in relation to a racing club is to continue in force as if given by the Gaming Supervisory Authority;
- a licence or registration in force under Part 4 in relation to bookmaking is to continue in force as if granted by the Gaming Supervisory Authority;
- a permit or authority in force under Part 4 in relation to bookmaking is to continue in force as if granted by the Liquor and Gaming Commissioner;
- rules for bookmaking made by RIDA under Part 4 are to continue in force as if made by the Gaming Supervisory Authority;
- proceedings or processes commenced by or in relation to RIDA may be continued and completed by or in relation to the Crown.

Clause 51: Transitional provisions—SATRA

This clause includes the following transitional arrangements:

- assets may be transferred by order of the Minister from SATRA to the controlling authority for horse racing;
- all references in instruments (for example, enterprise agreements and continuing contracts) to SATRA are converted to references to the controlling authority for horse racing;
- rules for horse racing adopted or made by SATRA under Part 2 continue in force;
- proceedings or processes commenced by or in relation to SATRA may be continued and completed by or in relation to the controlling authority for horse racing;
- employees of SATRA become employees of the controlling authority for horse racing without reduction in salary or status and without loss of accrued or accruing leave entitlements.

Clause 52: Transitional provisions—SAHRA

This clause includes the following transitional arrangements:

- assets may be transferred by order of the Minister from SAHRA to the controlling authority for harness racing;
- all references in instruments (for example, enterprise agreements and continuing contracts) to SAHRA are converted to references to the controlling authority for harness racing;
- rules for harness racing adopted or made by SAHRA under Part 2 continue in force;
- proceedings or processes commenced by or in relation to SAHRA may be continued and completed by or in relation to the controlling authority for harness racing;
- employees of SAHRA become employees of the controlling authority for harness racing without reduction in salary or status and without loss of accrued or accruing leave entitlements.

Clause 53: Transitional provisions—SAGRA

This clause includes the following transitional arrangements:

- assets may be transferred by order of the Minister from SAGRA to the controlling authority for greyhound racing;
- all references in instruments (for example, enterprise agreements and continuing contracts) to SAGRA are converted to references to the controlling authority for greyhound racing;
- rules for greyhound racing adopted or made by SAGRA under Part 2 continue in force;
- proceedings or processes commenced by or in relation to SAGRA may be continued and completed by or in relation to the controlling authority for greyhound racing;
- employees of SAGRA become employees of the controlling authority for greyhound racing without reduction in salary or status and without loss of accrued or accruing leave entitlements.

Clause 54: Acts Interpretation Act not affected

This clause provides that the *Acts Interpretation Act 1915* applies, except to the extent of any inconsistency with the measure, to the amendments effected by this Act.

SCHEDULE

Amendment of Gaming Supervisory Authority Act

The Schedule makes consequential amendments to the *Gaming Supervisory Authority Act* to reflect the functions given to the Authority and the Liquor and Gaming Commissioner under the amendments to the *Racing Act*.

Mr WRIGHT secured the adjournment of the debate.

RENMARK IRRIGATION TRUST (RATING) AMENDMENT BILL

The Hon. M.K. BRINDAL (Minister for Water Resources) introduced a Bill for an Act to amend the Renmark Irrigation Trust Act 1936. Read a first time.

The Hon. M.K. BRINDAL: I move:

That this bill be now read a second time.

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

Leave granted.

This Bill makes minor amendments to the *Renmark Irrigation Trust Act 1936.*

The *Renmark Irrigation Trust Act 1936* provides for the supply, from the River Murray, of irrigation water and its subsequent drainage from privately owned properties at Renmark.

The Renmark Irrigation Trust operates as a self-managed cooperative of irrigators to manage and maintain the Trust's irrigation infrastructure and provide irrigation services within the Trust's district at Renmark.

The Trust has a long and commendable history of service to the community of Renmark. In line with its irrigation responsibilities,

the Trust is seeking to facilitate the effective ongoing management of irrigation water resources under its control. Within this context, the principal Act provides for a restricted basis for water pricing to irrigators. At present, water rates may only comprise of a fixed dollar charge per hectare of land within the district. The liability of each individual ratepayer is therefore directly proportional to the number of hectares included in the relevant assessment and cannot be linked to the volume of water consumed or other appropriate water pricing factors. As a result, to-date the Trust has been unable to introduce a "two-part" rate structure, as commonly used by other irrigation trusts and authorities both within South Australia and interstate. Two-part rating structures are also in line with COAG's water pricing reform principles.

In contrast, irrigation trusts operating under the *Irrigation Act 1994* enjoy considerable rate setting flexibility. Under that Act, water rates may be based on one, or a combination of two or more, of the following appropriate factors:

(a) the fact that the land is connected, or the owner or occupier of the land is entitled to have it connected, to the irrigation works: or

(b) the volume of water supplied to land during the rating period to which the declaration applies; or

(c) the area of the land to be irrigated; or

(d) such other factor or factors as a Trust thinks fit.

This Bill provides for the existing rate related provisions of the *Renmark Irrigation Trust Act 1936* to be amended to bring them generally into line with the more flexible rating provisions of the *Irrigation Act 1994*.

The proposed changes to the Renmark Irrigation Act have been the subject of extensive consultation with the Trust. In addition, in its previous three Annual Reports, the Trust has publicly advised of its intentions to move to a new two-part rating structure, subject to the passage of legislation to suitably amend the Act. The Trust has also consulted widely with its member irrigators on this subject, with general support being forthcoming.

The fine tuning of the principal Act that this Bill represents will facilitate continuing efficient management of irrigation water resources by the Renmark Irrigation Trust.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 65—Power of trust to expend moneys for certain purposes

This clause makes a consequential change to section 65 of the principal Act. The old concept of the special rate is going with the repeal of the rating sections of Part 7. From now on a special rate will only be for the purpose or repaying loans.

Clause 4: Amendment of s. 65E—Power to construct embankments

This clause makes a consequential change to section 65E of the principal Act.

Clause 5: Amendment of s. 78—Assessment-book

This clause makes a consequential change to section 78 of the principal Act.

Clause 6: Substitution of ss. 91, 92, 93, 94, 95 and 96

This clause replaces the rating provisions with new provisions along the lines of the provisions in the *Irrigation Act 1994*.

Clause 7: Repeal of s. 124

This clause repeals section 124 of the principal Act which is a change that is consequential on the new special rating provision.

Clause 8: Substitution of s. 217

This clause replaces section 217 of the principal Act with a provision that is consistent with the new rating provisions.

Clause 9: Repeal of Schedule 3

Clause 10: Repeal of Schedule 7

These clauses remove Schedules 3 and 7. These schedules are now redundant in view of the new rating provisions.

Mr WRIGHT secured the adjournment of the debate.

SOUTH AUSTRALIAN MOTOR SPORT (MISCELLANEOUS) AMENDMENT BILL

The Hon. J. HALL (Minister for Tourism) introduced a Bill for an Act to amend the South Australian Motor Sport Act 1984. Read a first time.

The Hon. J. HALL: I move:

That this bill be now read a second time.

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

Leave granted.

This Bill proposes to amend the *South Australian Motor Sport Act* to facilitate the expanding importance and growth opportunities for motor sport in our State.

The *South Australian Motor Sport Act* was first passed by this Parliament as the *Australian Formula One Grand Prix Act* in 1984. At that time the then Labor Government had secured a new and exciting event for our State.

Since the establishment of the Festival of Arts, South Australia had been developing a reputation as a prime events location and something of a 'party' tourism destination. The coming of Grand Prix racing to Adelaide marked a new level of maturity and professionalism for South Australia's reputation as a major events destination.

After eleven Grand Prix's, from 1985 to 1995, Adelaide had firmly established a reputation amongst drivers, officials and spectators as one of, if not, the best races on the Formula One calendar. The loss of the Grand Prix, coming as it did after the State Bank fiasco, was a devastating blow to our State – both symbolically and in reality.

But out of that loss new opportunities have emerged. This Government formed a review committee into major events in our State. Ultimately, we recommended the establishment of a new arm within Government, now well known as the immensely successful Australian Major Events (AME) group.

AME have been responsible for establishing a series of hallmark events for our State and attracting a number of high profile one-off events. Their names and achievements are now well known – the Jacob's Creek Tour Down Under, the Adelaide International Horse Trials, the Australian Masters Games, Wagners Ring Cycle, Tasting Australia and the Golden Oldies World Rugby Tournament.

Together they have now generated more than $250 million in economic activity and highlighted our State to a worldwide viewing audience of nearly 1 billion people. Major events are now an integral facet of our State's rapidly growing tourism industry.

And that is why, nearly two years ago, the Premier initiated and successfully negotiated the return of motor sport to the streets of Adelaide. The agreement with AVESCO to host the Sensational Adelaide 500 (now Clipsal 500) endurance car race for up to ten years on Adelaide's world famous street circuit has now resulted in two extraordinarily successful events.

It also resulted in significant amendments to the *Australian Formula One Grand Prix Act*, which became known as the *South Australian Motor Sport Act*. The amended Act provided a legal and administrative framework for the staging of any style of motor sport within a declared area of our State.

Last year, South Australia's reputation for staging high quality, professional motor sport events with the ultimate enthusiasm brought another exciting opportunity our way – Le Mans.

Le Mans is one of the three most recognised names in world motor sport and American entrepreneur, Don Panoz, is building a world series out of it. After many months of negotiations the Government has settled on an agreement with Mr Panoz's Australian company, Panoz Motorsport Australia (PMA), for the staging of a one-off Le Mans style sportscar race on Adelaide's street circuit this New Years Eve.

Our agreement gives South Australia a right over future Le Mans events in Australia; in fact Mr Panoz has publicly stated that the Australian Le Mans event will be in Adelaide as long as we want it here.

The agreement also requires PMA to provide a high standard of starting grid, to attain certain levels of media coverage (including coverage on major global television networks such as NBC, Eurosport and Asia's Star TV) and to meet numerous other safety, quality, legal and marketing criteria.

Importantly, the agreement also caps the State Government's contribution to this event to specified fees and activities. With both the Grand Prix and the Clipsal 500 the Government, as promoter, has accepted all risk associated with these events. That is, if they lost money due to bad weather or the like, the Government had to pick up the tab.

PMA effectively acts as the promoter for the Le Mans 'Race of a Thousand Years' and has agreed to accept all commercial financial

risks associated with the event's staging. This step, in itself, is a significant positive step for major events administration in our State.

This Bill provides for the staging of this new and exciting event, deals with issues surrounding the changing responsibility of the Government and certain issues relating to the planned staging of this new event over the New Year period.

The majority of amendments relate to removing the requirement of the current Act that such events must be promoted by the South Australian Motor Sport Board. This does not in any way diminish the Government's control, through the powers of the Board, over the conduct of races or responsibility for issues relating to the parklands, roads and other community concerns.

The importance of these amendments is that they facilitate arrangements that will allow the Government to pass the financial risk for this event to a private company. Presently, the requirements of the Act make it practically impossible to achieve this position.

This Bill also provides for two motor sport events to be staged under its provisions per financial year. This will allow the staging of the one-off Le Mans event in December 2000, as well as the scheduled Clipsal 500 in early April 2001. It will also provide certainty for the Government in negotiating any further Le Mans events under the terms of our current agreement.

The other amendments proposed in this Bill deal with liquor licensing laws. They allow the Minister to suspend, or to restrict to specified areas, the unregulated trading hours that presently apply during the prescribed period of the event. These new provisions have been developed after extensive consultation with the Liquor and Gaming Commissioner and the South Australian Police.

Ultimately, this Bill will provide the framework for one of the most exciting major events in our State's history and I commend it to the House.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 3—Interpretation

Subsection (3) of section 3 provides that a motor sport event means a motor racing or other motor sport event and includes an event or activity promoted by the board in association with the motor sport event. This amendment strikes out the phrase 'promoted by the Board in association with' so that the subsection will provide that a motor sport event means a motor racing or other motor sport event and includes an event or activity associated with a motor sport event.

Clause 3: Amendment of s. 10—Functions and powers of Board

The amendment proposed to subsection (1)*(a)* will make it clear that the Board may negotiate and enter into agreements on behalf of the State relating to motor sport events to be held in the State whether the Board is to be the promoter of the event or some other person is to be the promoter of the event.

The minor change to subsection (1)*(d)* will provide that one of the Board's functions is to provide advisory, consultative, management or other services to promoters or other persons associated with the conduct of sporting, entertainment or other special events or projects.

The proposed amendments to subsection (2) remove the words 'promoted by the Board' wherever they appear in paragraphs *(d)* to *(f)*. Subsection (2) sets out what the Board may do in order to be able to carry out its functions as set out in subsection (1).

Clause 4: Amendment of s. 20—Minister may declare area and period

The amendments proposed to subsections (1) and (2) will enable the Minister, after consultation with the Board, to make a declaration in respect of a motor sport event whether promoted by the Board or by some other promoter.

Section 20(3) currently provides that the Minister may make a declaration in respect of only one motor sport event each financial year. The proposed amendment to subsection (3) would enable the Minister to make such a declaration in respect of two motor sport events each financial year.

Clause 5: Amendment of s. 27A—Interpretation

The definition of commissioned officer is removed and a definition of a senior police officer substituted. A senior police officer is the modern equivalent of a commissioned officer and means a police officer of or above the rank of inspector.

Clause 6: Insertion of new section

27AB. Application of ss. 27B and 27C

New section 27AB provides that the Minister may, by notice in the *Gazette*, declare that sections 27B and 27C of the principal Act—

(a) do not apply in relation to a motor sport event specified in the notice; or

(b) apply in relation to a motor sport event specified in the notice but only—

- with respect to licensed premises within the area, or areas, specified in the notice; or
- during the part, or parts, of the prescribed period specified in the notice,

and any such notice will have effect according to its terms.

The Minister may, by notice in the *Gazette*, vary or revoke a notice under new section 27AB.

The Minister will be required to consult with the Board, the Commissioner of Police and the Liquor and Gaming Commissioner before he or she makes or varies a notice under new section 27AB.

Clause 7: Amendment of s. 27B—Removal of certain restrictions relating to sale and consumption of liquor

Clause 8: Amendment of s. 27C—Control of noise, etc., during prescribed period

These amendments are consequential on the insertion of new section 27AB.

Clause 9: Further amendments of principal Act

The schedule contains a number of amendments of a statute law revision nature.

Mr WRIGHT secured the adjournment of the debate.

GAS (MISCELLANEOUS) AMENDMENT BILL

The Hon. W.A. MATTHEW (Minister for Minerals and Energy) introduced a Bill for an Act to amend the Gas Act 1977. Read a first time.

The Hon. W.A. MATTHEW: I move:

That this bill be now read a second time.

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

Leave granted.

This Bill proposes some amendments to the *Gas Act 1997*. At present section 24 provides for an annual retail licence fee calculated as a percentage of the previous financial year's sales. The percentages fixed have progressively reduced year by year. To give legislative effect to the Government's decision to phase out this method of calculating the fee, the Bill provides that from 1 July 2001 annual retail licence fees will be fixed in the same way as distribution licence fees are fixed under the Act—namely an amount the Minister considers appropriate as a reasonable contribution towards the costs of the administration of the *Gas Act 1997* and the *Natural Gas Pipelines Access (South Australia) Act 1997* having regard to the scale and nature of the operations authorised by the licence.

At present the power of the Pricing Regulator (the Minister) is confined to fixing prices for 'non-contestable' consumers. Under the *Gas Regulations*, on and from 1 July 2000 a consumer will be a contestable consumer in respect of a site if the site is to be used by the consumer principally for the purpose of business (whether or not for profit). When a consumer is contestable, the consumer has a choice of retailer. The time involved in the approval of an access arrangement under the *Natural Gas Pipelines Access (South Australia) Act 1997*, necessary to provide for the ability to ensure access to distribution networks, has meant that there are concerns that there will not be a fully competitive market come 1 July 2000. Amending section 33 to empower the fixing of maximum prices for consumers whose consumption is below 10 terajoules should ensure that prices for contestable consumers below 10 terajoules will not unreasonably increase come 1 July 2000. Section 33 will expire on the Governor's proclamation, as it is to be seen as a transitional measure pending the advent of a competitive market. Similar provisions have been enacted interstate.

The Bill contains various amendments and additions to section 37 to make better provision for temporary gas rationing in the event of a gas shortage. In August 1999, following unusually high gas consumption and an incident at the Moomba Plant, it became necessary for the Minister to use his powers under section 37. That situation led to a realisation that there were various ways in which the present provisions should be improved, in particular by ensuring that directions could be given to all those to whom such directions should properly be directed in such unusual situations.

It has become apparent that the present provision in section 91 of the Act, dealing with the recovery of profits from contravention of the Act, is inappropriately confined to 'gas entities' (operators licensed under the Act). Accordingly this section has been repealed and wider provision inserted to provide that a person who gains financial benefit from a contravention of the Act, which would include a consumer breaching a direction given under the temporary gas rationing powers contained in section 37, can be required to disgorge that financial benefit.

Provision is made to allow offences against section 56, dealing with gas fitting work and the completion of certificates of compliance in respect of such work, to be prosecuted within two years from the date of the alleged offence. Experience has shown that breaches often do not become apparent within the present time limit of 6 months. The safety of consumers and the public is a paramount consideration. In the circumstances the Government believes it is appropriate and in the public interest to ensure that such breaches can be prosecuted notwithstanding that the usually appropriate limitation period of 6 months has expired. It should be noted that the amendment does not enable a longer time limit for the issue of an expiation notice, only a longer time limit for an offence to be prosecuted in the court.

The other amendment to section 56 clarifies the meaning of this provision and largely mirrors changes to the equivalent provision in the *Electricity Act 1996*, effected by the *Electricity (Miscellaneous) Amendment Act 1999*.

I commend this Bill to the honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 24—Licence fees and returns

This clause amends section 24 of the principal Act to replace the current provisions regarding calculation of the annual licence fee for retailing of gas based on a percentage of gross revenue. Under the proposed provision, the licence fee for retailing will be a fee fixed by the Minister of an amount that the Minister considers appropriate as a reasonable contribution towards the costs of administration of this Act and the *Gas Pipelines Access (South Australia) Act 1997*, having regard to the nature and scale of the operations that are authorised by the licence.

Clause 4: Amendment of s. 33—Gas pricing

This clause amends section 33 of the principal Act to apply that section to contestable consumers whose actual consumption of gas at a single site during the previous financial year was less than 10 terajoules.

The proposed amendments also provide for the expiry of section 33 by proclamation.

Clause 5: Amendment of s. 37—Temporary gas rationing

This clause proposes amendments to section 37 of the principal Act to broaden the Minister's temporary rationing powers by providing for the power to be exercised not only where the Minister is satisfied that gas supplies are insufficient but where it appears they are 'likely to become insufficient' and for the giving of directions to persons who sell gas (by retail or wholesale) and the operators of pipelines in respect of which licences have been granted or are required under Part 2B of the *Petroleum Act 1940*.

The proposed amendments also make it clear that—

- a direction to consumers may relate to only specified consumers or to consumers generally;
- a direction may relate to the quantity or quality of gas that may be supplied through a distribution system;
- the period for which a direction operates may be defined by reference to specified days or to the happening of specified events);
- a direction may be varied or revoked (with effect at a specified time or on the happening of a specified event) by a subsequent direction.

Clause 6: Insertion of ss. 37A, 37B and 37C

37A. Minister's power to require information

This clause gives the Minister power to require information reasonably required for the purposes of the Division. Failure to comply with a notice requiring information is an offence punishable by a maximum penalty of $10 000.

37B. Manner in which notices may be given

This clause specifies the manner in which notices under the Division are to be given to a person.

37C. Minister's power to delegate

This clause provides a power for the Minister to delegate and provides for proof of such delegations.

Clause 7: Amendment of s. 56—Certain gas fitting work

This clause amends section 56 of the principal Act to better reflect the requirements of the *Plumbers, Gas Fitters and Electricians Act 1995*. The section currently provides that where a gas installation is carried out by a licensed gas fitting contractor the obligation to ensure the work (in all respects) complies with the regulations falls on that contractor. The proposed amendments provide, additionally, that where work is carried out by a licensed building work contractor, the obligation falls on that contractor. The amendments also provide that certificates of compliance are only required where gas installation work is personally carried out by a qualified person.

The amendments also extend the current limitation period for the prosecution of an offence against this section from six months to two years.

Clause 8: Substitution of s. 91

91. Recovery of financial benefits gained from contravention

This clause provides for the recovery of financial benefits gained from a contravention of the Act.

SCHEDULE

Transitional Provision

The schedule ensures that all instalments of an annual licence fee the first instalment of which has become payable before 1 July 2001 will remain payable notwithstanding the amendments proposed by clause 3 of the measure.

Mr WRIGHT secured the adjournment of the debate.

MOTOR VEHICLES (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. DEAN BROWN (Minister for Human Services): I move:

That this bill be now read a second time.

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

Leave granted.

The purpose of this Bill is twofold.

First, to implement the Joint Select Committee on Transport Safety recommendation of October 1999 to increase the 80 kilometres per hour speed restriction on learner drivers, in certain circumstances, to 100 kilometres per hour.

Second, to amend section 139 of the *Motor Vehicles Act 1959* (the principal Act). The sunset provision relating to the existing authorisations granted by the Registrar to examine motor vehicles for the purposes of section 139 will be repealed, as will paragraph *(a)* of section 139(2) which restricts whom the Registrar may authorise to examine motor vehicles.

Speed Limits for learner drivers

After passing a written test, a novice driver can obtain a licence either by undertaking a 40 minute vehicle on road test (VORT) or by completing a competency based training (CBT) course over a period of time (generally 12 hours) conducted by a licensed motor driving instructor. About 75 per cent of learners choose the competency based training option.

Currently, a learner driver must not drive at a speed exceeding 80 kilometres per hour. On gaining a provisional licence, the novice driver may drive unsupervised at speeds of up to 100 kilometres per hour. There is no opportunity to acquire the basic driving skills necessary for this speed while on a learner's permit. The amendments would allow learner drivers to gain these skills under qualified supervision and in particular circumstances.

It is proposed to limit the allowed increased speed to a learner driver driving with a licensed motor driving instructor in a vehicle that is fitted with a braking system that allows the brakes to be applied by the instructor from the passenger seat next to the driver, and where the vehicle is easily identifiable as a vehicle used for driver instruction.

Motor driving instructors undergo a compulsory training course involving the assessment of the instructor's ability to control the vehicle from the front passenger seat. If a learner driver loses control of a vehicle during a training session, an instructor is better qualified and equipped to deal with the situation than other licensed drivers. The majority of driving school vehicles are fitted with brakes that

can be applied from the passenger seat and generally advertise that fact.

Learner drivers who are not trained by licensed motor driving instructors may practise with friends or family members who are licensed drivers but they will be restricted to a maximum speed of 80 kilometres per hour. If, however, they undertake any instruction from a licensed motor driving instructor, they will be able to practise at the higher speed within the circumstances allowed.

The amendments only allow the increased maximum speed to apply while a learner driver is driving a vehicle that is readily identifiable as a vehicle used for driver instruction. Such identification must be more elaborate than just the fixing of an 'L' plate to the vehicle. This will enable identification of the vehicle for enforcement purposes. The police will know that it may not be necessary to take action against such a vehicle travelling between 80 kilometres per hour and 100 kilometres per hour in a 100 kilometres per hour or more zone. They will be able to confine their attention to unmarked vehicles displaying 'L' plates being driven at a speed in excess of 80 kilometres per hour.

The amendments will benefit country novice drivers and those holding learners' permits learning to drive heavy vehicles. They will have an avenue through which to gain practice with trained instructors at speeds more commonly experienced in their local environment or work—including overtaking techniques.

The two driving trainer organisations in South Australia, the *Australian Driver Trainers' Association* and the *Professional Driving Trainers' Association* support the proposal.

Authorised Examiners

The sunset provision

The *Motor Vehicles (Inspections) Amendment Act 1996* introduced a number of vehicle anti-theft measures. The measures included the requirement for pre-registration identity inspections of new vehicles (level 1 inspection), specifically stating the existing power of the Registrar, inspectors and authorised persons to examine a vehicle to ascertain whether it is reported stolen, and requiring the Commissioner of Police to provide the Registrar with information on the suitability of a person to be an authorised person.

The last measure was intended to enable the authorisation of people from the private sector and to ensure that only appropriate persons were authorised as examiners. It was envisaged that these people would be used to carry out the new pre-registration examinations and, in some cases, stolen vehicle examinations (level 2 inspections) to compensate for the withdrawal of the police from this type of work.

The debate in Parliament revealed that there was no objection to authorising people from the private sector to carry out pre-registration identity examinations (level 1 inspections) as these inspections provide little opportunity for corruption. However, there was objection to stolen vehicle (level 2) and defective vehicle (level 3) inspections being carried out by non-government employees. Accordingly, the Registrar's power to authorise examiners was restricted to employees of vehicle dealer businesses selling new vehicles and inspectors authorised under section 160 of the *Road Traffic Act 1961*.

The Hon Sandra Kanck proposed the restriction be reviewed after three years, by the insertion of a sunset clause, because '[the section] will come back into Parliament and it will give us an opportunity to keep an eye on the legislation and the way it is working. If there is any evidence of corruption through using these people in the private sector, we will be able to address it at that time.' (*Hansard, Thursday 5 December 1996*).

An investigation of the private sector authorised examiners undertaking pre-registration examinations was undertaken by Transport SA in the third quarter of 1999. The investigation looked for evidence of corruption as evidenced by reports of contraventions of sections 135 (making false statements in information and records) and section 139 (contravening the authorised examiners code of practice). Between 1 July 1997, when the legislation came into operation, and 23 August 1999, when the investigation was undertaken, only two of 1 200 authorised pre-registration examiners were reported by the police for contraventions. The authorisations were subsequently revoked. The SA Police (SAPOL) has undertaken to notify the Registrar of such contraventions as they arise so that appropriate action can be taken.

This action, together with the requirement that a person applying to be an authorised pre-registration examiner supply a National Police Certificate (record for previous 10 years), and a further check by Transport SA with SAPOL for other offences, establish adequate procedures to ensure that private sector pre-registration authorised examiners are suitable persons. These procedures will apply to future authorisations. Given the relatively small number of authorisations which have had to be revoked, it is considered that there is no evidence of widespread corruption. Where there is evidence of corruption, it is dealt with appropriately.

Removal of restriction who may be authorised.

Initially, the Registrar seeks to authorise people from the private sector to carry out change of engine examinations to verify information about vehicle alterations given by the owner under the Act. These examinations have been possible since amendments to the principal Act came into effect on 6 September 1999 (*Motor Vehicles (Wrecked or Written Off Vehicles) Amendment Act 1998*) but, to date, have not been carried out. Some of the people already authorised to conduct pre-registration checks would be authorised to examine change of engines but, in addition, other categories, such as engine re-conditioners and engine fitters, would be authorised.

It is necessary to clarify that the proposed change of engine examination is not a level 1 or 2 inspection. The examination will only verify the information about the vehicle's identifiers and the engine number of the new engine which is required to be provided by the owner. This would be recorded on a standard form and sent to the Registrar, signed by both owner and examiner. It would ensure that engine and vehicle have been correctly identified, and increase the accuracy of information on the Register. The examiner would not have the access to the stolen vehicle database that level 2 inspectors do.

However, using the information provided by the owner and examiner, the Registrar would be able to check the vehicle and engine details against stolen vehicle information to ensure that it was not a stolen vehicle being disguised using identifiers from another vehicle.

Transport SA (at Regency Park) and the police (who carry out inspections in country areas) have insufficient resources to undertake new examinations. In addition, the current locations for examinations are very limited. If private sector people are not able to be authorised, the Registrar will NOT start the proposed change of engine examinations, and an opportunity will be lost to improve the accuracy of information on the Register.

Although it is not currently intended, it is acknowledged that this amendment would enable the Registrar to authorise people from the private sector to carry out any of the examinations permitted under section 139.

This would have the advantage of enabling the Registrar to respond more quickly and flexibly as different kinds of examinations are required. For example, if level 2 or 3 inspections were outsourced at some time in the future, the Registrar would be able to authorise appropriately qualified, fit and proper employees of businesses to carry out the inspections. Extending authorisations to appropriate people in the private sector would improve service delivery, especially in remote areas, by giving the public a greater range of locations where vehicles can be examined.

SAPOL has expressed concern that if level 2 and 3 inspections are to be undertaken by people in the private sector there should be procedures in place to ensure that the risks of illegal activity by these people are minimised. This is accepted and, while reiterating that at the present time it is not intended to outsource such inspections, the Registrar has undertaken to involve SAPOL, and co-operate with it, in developing such procedures. Such co-operation has already occurred, for example in developing the procedures for assessing applicants for the pre-registration examinations. Fit and proper person guidelines were developed by officers from Transport SA and SAPOL, who then assessed the applicants against the guidelines.

Continuing the use of private sector people to carry out pre-registration vehicle examinations, and commencing to use private sector people for change of engine examinations, will help ensure that the information about the vehicle, recorded on the Register of Motor Vehicles, is accurate. In turn, this will assist the effectiveness of other vehicle anti-theft measures. The ability for the Registrar to authorise people he considers appropriate to carry out a particular examination, without the current restriction will enable greater flexibility in responding to changing needs for examinations.

The SA Vehicle Theft Reduction Committee has agreed with the authorisation of new or new and second hand motor vehicle dealer employees, plus other categories such as engine fitters and engine re-conditioners, to examine change of engines. The Motor Trade Association, Royal Automobile Association, the Insurance Council of Australia, SAPOL and the Attorney-General's Department are represented on the Committee.

The insertion of a new section into the principal Act relating to offences by inspectors will provide for consistency with other legislation providing for inspectors and inspectors' powers.

I commend the bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 75A—Learner's permit

The proposed amendment provides that, generally, drivers who hold a learner's permit must not drive a motor vehicle on a road any where in the State at a speed exceeding 80 kilometres an hour.

However, if the holder of the learner's permit is driving a motor vehicle that is fitted with a braking system that allows for the service brake to be applied from the front passenger seat, the vehicle is readily identifiable as a vehicle used for driver instruction, and the learner driver is accompanied by the holder of a motor driving instructor's permit, he or she may drive at a speed not exceeding 100 kilometres an hour.

The maximum penalty for failing to comply with this subsection is a fine of $1 250.

Clause 4: Amendment of s. 139—Inspection of motor vehicles

The first proposed amendment to this section provides for the striking out of subsection (2)*(a)*. That paragraph provides that an authorisation to examine motor vehicles could only be granted to certain classes of persons. It is proposed to remove that restriction.

The second proposed amendment to section 139 provides for the striking out of subsection (3)—the 'sunset' provision. Subsection (3) provides that authorisations to examine motor vehicles granted by the Registrar under section 139 will expire on the third anniversary of the day on which subsection (2) of section 139 came into operation. If the amendment is passed, authorisations will no longer expire by this means.

Clause 5: Insertion of s. 139G

139G. Offences by inspectors

New section 139G provides that an inspector who—

- addresses offensive language to a person; or
- without lawful authority or a reasonable belief as to lawful authority, hinders or obstructs, or uses or threatens to use force in relation to, a person,

is guilty of an offence and liable to a maximum penalty of $1 250.

Mr ATKINSON secured the adjournment of the debate.

STATUTES AMENDMENT (PUBLIC TRUSTEE AND TRUSTEE COMPANIES—GST) BILL

Second reading.

The Hon. I.F. EVANS (Minister for Environment and Heritage): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill is necessitated by the New Tax System to come into operation on 1st July 2000 imposing a broad-based consumption tax, the Goods and Services Tax (GST).

Under the New Tax System, supplies of goods and services, including business and professional services such as those offered by corporate trustees, will be taxable. The tax will be borne ultimately by the consumer of the service. The service provider will be liable to pay the tax and will recover it from the consumer.

In the case of many supplies, there is no obstacle to the adjustment of the price of the good or service to reflect the new tax. However, there are isolated examples where, under the present law, it is not open to the supplier to increase the price of services beyond a maximum fixed by law. In those cases, when the price of the service is at or near the statutory maximum, the supplier is unable to charge the additional amount necessary to cover the GST.

This problem arises for the Public Trustee under s. 45 of the *Public Trustee Act* and for private trustee companies under sections 9, 10 and 15 of the *Trustee Companies Act*. The fees set by or under those Acts are maxima, and as the Acts currently stand, there is no room to on-charge the GST.

This Bill will remedy that situation by providing that where the Public Trustee or a trustee company is liable to pay GST in respect of a commission or fee, and the Act imposes a limit on that commission or fee, the company may also charge an amount that equates to that GST liability. Otherwise, it would, in the cases where the maximum fee is chargeable, be liable to pay the GST itself. That is not the way in which this tax is intended to operate.

The net result of the Bill is to preserve the status quo as to the charges which may lawfully be made by corporate trustees, following the commencement of the GST.

Explanation of Clauses

Clause 1: Short title

Clause 1 is formal.

Clause 2: Interpretation

Clause 2 is an interpretative provision.

Clause 3: Insertion of s.45A

Clause 3 inserts new section 45A in the *Public Trustee Act 1995* which provides that the Public Trustee can exceed the limit under the Act for its commission or fees to the extent necessary to recover the GST.

Clause 4: Insertion of s.16A

Clause 4 inserts a new section in the *Trustee Companies Act 1988* in similar terms to section 45A of the *Public Trustee Act 1995* inserted by clause 3.

Mr ATKINSON secured the adjournment of the debate.

STATUTES AMENDMENT (WARRANTS OF APPREHENSION) BILL

Adjourned debate on second reading.

(Continued from 3 May. Page 1046.)

Mr ATKINSON (Spence): If the Parole Board thinks an offender released on parole has breached the terms of his parole, it applies to a justice for a warrant of apprehension and detention so that the parolee may be brought before the board. The same occurs when a youth, who had been sentenced to detention, is on conditional release or is released on licence and the Training Centre Review Board thinks he has breached the terms of his release.

The government proposes by this bill to delete the need for the Parole Board or the Training Centre Review Board to apply to a justice for a warrant of apprehension except where the warrant is for the apprehension of a parolee or a youth interstate. If a person is to be deprived of his or her liberty, it seems to me desirable that authority from the judicial branch of government should be sought. Against this notion, the Attorney-General argues that the Parole Board and the Training Centre Review Board are independent of government and, in particular, independent of the Department of Correctional Services.

He argues that offenders to whom the warrants would apply have been sentenced to a term of imprisonment and their liberty is by grace and favour of the board and should not be subject to the same safeguards as would apply to a citizen who is not serving a sentence. He then says that having a justice issue a warrant is not much of a safeguard in that the justice must make his or her decision based on the face of the application and is not authorised to seek additional evidence to go behind what is on the face.

Indeed, by inserting a new subclause (3a) in section 76 of the Correctional Services Act, the bill makes the government's low expectations of a justice on this kind of application explicit where justices are retained, as they are for warrants to be served interstate. Thus, the justice could refuse the warrant only if it is apparent on the face of the warrant that no grounds for its issue exist. The Attorney-General completes his argument by pointing out that four other Australian states allow their parole boards to issue a warrant of apprehension without going through a justice.

The opposition wanted to test the government's arguments, so we slowed the legislative process, despite the Attorney-General's entreaties, so that we could circulate the bill to the Law Society, the Aboriginal Legal Rights Movement, the Youth Affairs Council of South Australia and the Society of Labor Lawyers. The Youth Affairs Council was good enough to respond. It said it was concerned that the bill did not, 'allow for independent third party approval of a request to apprehend a person'.The Youth Affairs Council also made the point that, whereas the Parole Board sought 10 to 12 warrants a week—and there might be a case for streamlining there—the training boards were only processing six to eight warrants a year. The other groups approached did not respond to our letters, so I can assume only that they did not see any difficulties with the amendments.

With the debate in this state, it seems to me that the opposition should allow the new procedure to be tried by supporting the bill. Should the bill's provisions lead to injustice, I am sure that this government and the next would move swiftly to restore judicial review to the process.

The Hon. I.F. EVANS (Minister for Environment and Heritage): I thank the opposition for its support of the bill.

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

CRIMINAL LAW CONSOLIDATION (SEXUAL SERVITUDE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 May. Page 1045.)

Mr ATKINSON (Spence): This is an important bill. Owing to its subject, being prostitution, the bill will be a conscience vote for members of the Parliamentary Labor Party. I hope that it will also be a conscience vote for members of the Parliamentary Liberal Party, despite the Attorney-General's best efforts to make this bill a government bill and slip through a highly contentious provision under the guise of its being a government bill and, therefore, a party room decision.

It would be hard to understand why any member would not support the second reading of the bill, but the devil is in the detail, and members of goodwill will be voting on different sides on the question of what maximum penalty ought to apply for procuring a person to be a prostitute.

To begin with, I shall dwell on those aspects of the bill about which we all, I think, agree. Section 63 of the Criminal Law Consolidation Act now provides as follows:

> Any person who—
> (a) procures any person to become a common prostitute; or
> (b) procures any person, not being a common prostitute, to leave the state or to leave his or her usual place of abode in the state and to become an inmate of a brothel for the purposes of prostitution either within or outside the state,
>
> shall be guilty of an offence and liable to be imprisoned for a term not exceeding seven years.

In 1949, the United Nations convention for the suppression of the traffic in persons and the exploitation of the prostitution of others required that member states maintain an offence of procuring a person to be a prostitute. The Attorney-General, in a letter circulated to members today, says that Australia is not a signatory to that United Nations convention.

What I would like to know from the minister handling this bill in this House is: was Australia a signatory to that convention at some time and, if so, when did it cease to be a signatory? I would also like to know whether, in the opinion of the government, there is any United Nations convention or protocol to which Australia is a signatory and which would require Australia to have a law against procuring a person to be a prostitute. The Attorney-General's instinct will be to answer 'No,' but I hope that the answer is correct, as all answers from ministers should be in this place.

So far as I am aware, only one person has been sentenced to a term of imprisonment for procuring in South Australia in the past 10 years, and that term was for a month or two. The section of the South Australia Police (SAPOL) responsible for enforcing the prostitution law rarely seeks to enforce the procuring law, because that would involve entrapment operations. When you have only three, six or nine staff—as Operation Patriot has had from time to time—it is pretty hard to set up entrapment operations. For a start, in this area, you need a policewoman to do it. So, it is not surprising that there is not a great deal of enforcement of section 63 of the Criminal Law Consolidation Act. But it is a very important symbol in our law.

Each week our morning paper, the *Advertiser*, carries thinly disguised advertisements seeking to recruit women to work as prostitutes. Nevertheless, the presence of section 63 in the Criminal Law Consolidation Act is a statement that South Australians, whatever their opinion on what the law on brothels ought to be in South Australia, do not believe it is desirable that young women be recruited to work as prostitutes. Although section 63 makes it an offence to procure a person to become a prostitute, it does not appear to prohibit procuring a person who has previously worked as a prostitute.

Nearly everything prohibited by the new clauses introduced by this bill is already prohibited by section 63. What the Attorney-General proposes to do by this bill is abolish section 63 and replace it with a range of new offences. These offences punish procuring children, and procuring by duress or undue influence using such devices as drugs, threats or the victim's status as an illegal immigrant.

At first, the Attorney-General proposed to abolish the offence of simple procuring—that is, procuring without proving beyond reasonable doubt duress or undue influence—in favour of these undue influence offences. I just want to say now that the Attorney-General may have a personal view that procuring ought to be abolished, and he may have a personal view about what the prostitution law of this state ought to be. He is entitled to that view: we all have our views on that matter. However, I object to the way in which the Attorney-General has misused his position to promote his personal view, or the personal view of the secretariat advising him on prostitution. This is a major procedural defect, and the House ought to defend its dignity.

We are about to consider, probably next week, what the law of prostitution ought to be in this state. But the Attorney-General has taken the linchpin of that debate and tried to decide it for us on a government bill, without giving Liberal members a conscience vote.

An outcry against the Attorney's pre-empting the most important aspect of the prostitution debate due to start soon in the House caused him to retreat a little and replace the abolition of the Criminal Law Consolidation Act offence of simple procuring with a Summary Offences Act offence of simple procuring punishable not by a maximum of seven years' imprisonment but by a fine of $1 250—and that is a maximum fine; so the fine actually imposed in a case will probably be one-third or less of that—or three months'

imprisonment. That is about what you receive for a traffic offence—and we were debating that last night in the House.

In my opinion, reducing the maximum penalty for simple procuring from seven years' imprisonment to a fine and three months' imprisonment——and that only after he was forced to do so——is a clear indication that the Attorney-General does not think that the recruitment of women to be prostitutes is something of which South Australians and their state government should disapprove.

I am sure that some members of the House may agree with the Attorney-General. But, in my opinion, the Attorney-General and his secretariat on prostitution have abused their positions by using an otherwise uncontroversial government bill to try to impose their values on the parliament a week before parliament is due to debate the whole prostitution law.

I believe that there is a very good case for the House, in protecting its dignity, to move the adjournment of this bill until next week's debate. If any member of the House wants to do that as an individual I will certainly be supporting them. But to return to the unobjectionable parts of the bill: proposed section 66 prohibits compelling another to provide commercial sexual services and also prohibits undue influence as a means of persuading another to provide sexual services. The first prohibition is defined as sexual servitude and is deemed to be the aggravated offence, the second prohibition being described in the bill as the lesser offence.

A charge of aggravated offence may be resolved by the court's finding the accused not guilty of the aggravated offence but guilty of the lesser offence as an alternative verdict. Fraud, misrepresentation, withholding of information, force, threats (including a threat of deportation), restrictions on freedom of movement and supply or withdrawal of supply of an illicit drug can all be evidence of compelling a person to provide sexual services or using undue influence to do so. All well and good, but you must prove those elements beyond reasonable doubt and you must gather the evidence in the first place, so to do it you must have police inside brothels.

Much of whether this law is going to be effective depends on what we decide next week. We are really conducting this debate in the wrong order. The maximum penalty where the victim is an adult is imprisonment for 15 years in the case of an aggravated offence and seven years for the lesser offence. The maximum penalty where the victim is a child aged between 12 and 18 is 15 years for the aggravated offence and 12 years for the lesser offence. Proposed section 68 prohibits the use of children to provide commercial sexual services. The maximum penalty for this is nine years in the case of a child aged 12 or more, that is, only two years more than the general offence we already have on the books. One can hardly call this simplification of our law.

Asking a child to provide commercial sexual services in the case of a child aged 12 or more carries a maximum term of imprisonment of three years. The offence for a person who lives off the earnings of a child prostitute aged 12 or more carries a maximum penalty of two years imprisonment. The prosecution does not have to prove that the accused knew the alleged victim to be a child but it is a defence if the accused can prove that he believed the alleged victim to be an adult on reasonable grounds. Proposed section 67 prohibits deceptive recruiting for commercial sexual services and it is punishable by a maximum term of imprisonment of seven years, 12 years if the victim is a child.

Deceptive recruitment occurs if the victim would, in the course of the engagement, be expected to provide sexual services and the continuation of employment or the advancement of employment are dependent on the victim's preparedness to provide commercial sexual services. The proposed definition sections define 'ask' as a request made with serious intendment and it defines commercial sexual services as 'services provided for payment involving the use or display of the body'. The House should note that the latter definition means that proposed section 67 on deceptive recruiting could apply to recruitment for strip shows, tabletop dancing and posing for pornographic photos or films.

Thus, although the proposed replacements for the abolished section 63 apply only to a subset of procuring the prohibition in proposed 67 is a little broader than the section 63 procuring offence because it applies to recruiting for vocations other than prostitution. Payment is defined as 'any form of commercial consideration'. This overcomes the South Australian judges' ruling that in the area of prostitution law use of a credit card is not payment.

Although all members of the parliamentary Labor Party are free to vote as they please on the second reading of the bill, I would be surprised if any member of the opposition voted against the principle of the bill. Where opinions will differ is at the committee stage. I foreshadow that I will be moving to amend the schedule to the bill which contains the new Summary Offences Act simple procuring offence. I shall be seeking to delete the proposed maximum penalty of a fine of $1 250 and imprisonment for six months and substitute a maximum penalty of a fine of $10 000 and imprisonment for two years. I reiterate for members of the government: do not be hoodwinked by the Attorney-General in regarding this as a government and party line bill. This is a conscience bill and there is at least one provision in it which is highly controversial and on which members of the government should have a free vote.

The Hon. I.F. EVANS (Minister for Environment and Heritage): I thank the member for Spence for his contribution. I will seek to clarify a number of issues for the honourable member: first, the government has discussed the issue and it will be a government vote. Of course our side of politics has a slightly different way of operating from the opposition. My understanding of the Labor side of politics is that if members vote against the party's position they are expelled. On this side of politics—

Mr De Laine interjecting:

The Hon. I.F. EVANS: No, we do not regard this as a conscience vote: as far as we are concerned it is a government bill. However, following notification to the party, members can cross the floor if they wish. I advise that, to date, that has not happened. In relation to international conventions, my advice is that the bill is in accordance with all relevant international conventions, namely, the international convention for the suppression of traffic of women and children, 1921; the international convention for the suppression of traffic in women of full age, 1993 (as amended by subsequent protocols); the international agreement for the suppression of the white slave traffic, 1904 and 1910 (as amended by the protocol signed by Australia in 1949); and the ILO convention on the elimination of the worst forms of child labour, 1999.

Bill read a second time.

In committee.

Clause 1.

Mr CLARKE: I move:

That the committee report progress.

The committee divided on the motion:

AYES (20)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Clarke, R. D. (teller)
Conlon, P. F.	De Laine, M. R.
Foley, K. O.	Geraghty, R. K.
Hanna, K.	Hill, J. D.
Hurley, A. K.	Key, S. W.
Koutsantonis, T.	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L.	Wright, M. J.

NOES (25)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F. (teller)	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Lewis, I. P.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	Meier, E. J.
Olsen, J. W.	Oswald, J. K. G.
Penfold, E. M.	Scalzi, G.
Such, R. B.	Venning, I. H.
Williams, M. R.	

Majority of 5 for the Noes.

Motion thus negatived.

The CHAIRMAN: Order! Would members please take their seats or leave the chamber.

Clause passed.

Clause 2.

Mr ATKINSON: Could the minister explain whether the decision to repeal the section 3 procuring section in advance of the House's deliberation on prostitution was the idea of the Attorney-General, the government or someone else?

The Hon. I.F. EVANS: I do not think it would be accurate to say it was solely the idea of the Attorney-General. A decision was taken on the bill now before us. It caters for a wider variety of offences, and procurement is obviously a central part of that. It was decided to debate it as part of this bill and then, if the parliament gets to debate the prostitution bills later and decides to amend any of the laws in some later debate in relation to prostitution, the parliament can then consider at that point whatever this committee decides here. It may disregard what we decide today and not touch it as part of that debate or, as you and I well know, individual members can at any time move amendments to any bill they wish. The fact is that prostitution legislation has been debated in this House since the 1970s without any great success in that regard. A process is in place regarding the prostitution debate with which the House will deal at some time in the future. The honourable member's argument is that there will definitely be an outcome from that. There is no guarantee of that; certainly, the history of the House is that there will be no quick guarantee of that; there might be. So, decisions taken to debate this matter today and whatever happens in the future is a matter for the House.

Mr ATKINSON: It seems to me that it is just the wrong way around. The government could decide to bring in the sexual servitude amendments but leave section 63 in the Criminal Law Consolidation Act, pending the debate on prostitution by the House. If the House resolves the debate in a way which means that section 63 should be abolished and that it would be all right to have the voluntary procurement of women to work as prostitutes in South Australia, then we can come back after that debate, or during that debate we can repeal section 63. Or, if the House is slow in its deliberations and the deliberations drag on in this session and perhaps into another session, the government can come back to the House and say, 'You're dragging your feet again on this; we want a resolution,' and can put the abolition of section 63 to the House. That is the proper way to go about it; not to drag section 63 out the week before the debate starts.

The Attorney-General has a personal view on what should happen about prostitution, and his secretariat has a personal view. That is fine, but the matter will not be decided by the Attorney-General and his secretariat: it will be decided by the House. For better or for worse, the House of Assembly is the body that is deliberating on this. My argument is that it is very unfair for the government to whip in all its members on party lines, as it has just done, on the adjournment motion moved by the member for Ross Smith to steamroll this through. I am putting to the minister that it would be much better if the great majority of the sexual servitude bill went through but section 63 were retained and a decision was made on it at a suitable time, which might be in as little as one month. Why is it being removed the week before the House begins to deliberate on a debate in which section 63 is the key? What is wrong with slowing down the process on section 63, letting the uncontroversial part of the bill go through, and then bringing section 63 back to the House either as part of next week's debate or on a government bill shortly thereafter?

The Hon. I.F. EVANS: The opposition spokesman defeats himself in his argument when he says that, if we start the prostitution debate next week and if the House goes slow on it, the government can come back and talk about the provision that he wishes to debate. The government would be pilloried by the opposition and belted from pillar to post because we would be in the middle of the debate and then be taking the very action that the honourable member is accusing us of now, namely, trying to circumvent the debate in some respect. There is no advantage in letting the prostitution debate start and then somehow making a judgment 12 months down the track that, if it has gone slow, we will then come back and revisit this provision. I should clarify for the member and other opposition members who may not be aware of this that this bill was developed in response to the commonwealth passing a law on slavery and sexual servitude in 1999.

Mr Atkinson interjecting:

The Hon. I.F. EVANS: This bill is in response to that. As the honourable member has said in his own address, all members of parliament would support the general thrust of the sexual servitude bill and what it is trying to achieve in offering far greater protection to women and those involved in that area than there probably has been ever in the history of bills or acts relating to that action. The government sees no benefit in protracting the debate. We are of the view that this will be debated in its present form, and I suggest that we get on and debate other clauses.

Mr ATKINSON: The minister obviously does not have time in his busy environment portfolio to be familiar with the provisions of every bill that the Attorney-General gets him to handle as his representative. If he had compared the provisions of this bill with the existing law, he would realise it does not give greater protection. What it does is make a whole area of procuring either perfectly legal or subject to a

much lower penalty, and then shuffles the range of penalties for offences for procuring which involve duress or undue influence.

We all agree that procuring a person to be a prostitute by duress or undue influence is highly undesirable and ought to be punishable, and procuring a child ought to be punishable. We will have different levels of penalties for different kinds of offences. For instance, procuring a person by compulsion is regarded as more serious than procuring by undue influence.

Let us not have the minister try to tell the House that this expands the area of protection. We already have a perfectly good offence which prohibits procuring a person to be a prostitute. It is nice and simple. It is punishable by a maximum of seven years imprisonment. It has been in the law for many years. So, we are not actually expanding the area of protection: we are contracting it, and then grading or calibrating the offences. I do not object to that process. What I object to is the procedure whereby next week's debate is pre-empted.

My question to the minister is: if this bill is passed and assented to, will the government undertake not to proclaim the repeal of section 63 of the Criminal Law Consolidation Act until such time as the House has completed its deliberations on the prostitution law or reached deadlock? The government delays the proclamation of all kinds of bills and all kinds of clauses in bills to suit itself. Is the minister willing to delay the proclamation of a clause in deference to the dignity of the House and its debate on a particular topic?

The Hon. I.F. EVANS: We will not be delaying the proclamation. Our view is that there are some benefits to society in proclaiming this bill through normal process.

Mr Atkinson interjecting:

The Hon. I.F. EVANS: No, the whole bill would be proclaimed; we will not hold it up. As far as the dignity of the House is concerned, if the House wishes to allow it, the House can have that vote. If the House wishes to support the bill and put it through the system, that is what the House will do. The House may have a different view to that of the honourable member, and that is a matter for the House.

The Hon. D.C. KOTZ: I support the bill in principle. I certainly understand the reasons why we are considering this bill at present, that is, because of the commonwealth act that has been put into place to deal with many different situations that have occurred over years where practical laws have not been available to be used for many different situations of people being brought into servitude in brothels across this country.

I well and truly understand the means by which the bill has been put to the House. I certainly support the means by which this attempt to codify in certain areas such as the effect that it has on children, and the terms of the penalties have certainly improved the areas where children have been victims or could be victims in future. However, I have concerns with the repeal of section 63. I understand that the dilemma arose in the Legislative Council, where some members seemed to think that there could be a gap between the repealing of section 63 and this bill.

I have a concern in terms of the amendment of summary offences legislation which the new schedule now amends, with the introduction of an amended section 63 into the Summary Offences Act. My concern relates purely to the basis of looking at where I perceive a diminution of a particular offence. It is not exactly clear to me why the repeal is absolutely necessary. It is even less apparent to me why the amended schedule in the terms in which it has been drafted is supposed to be a support for the codification which clearly has improved penalties in certain areas.

However, as it stands, the schedule does diminish penalties in the very base interpretation of procurement. The reduction of some seven years recognised penalty relates to the interpretation that has been used under the Criminal Law Consolidation Act in the past, where the stated penalty was seven years as opposed to the maximum penalties that have now been placed in the act, which is a more minor act than the Criminal Law Consolidation Act.

I am also aware that the Legislative Council believes that it is necessary to process this legislation quickly, because it understands that, although the debate on this package of four or five prostitution bills will not pre-empt the outcome, in the light of the commonwealth act it is necessary to ensure that this act is in place as the complementary act. I agree with all those principles. However, as I have said, I have concerns about the particular amendments which see the schedule being placed in a far more diminishing role in terms of the interpretation of 'procurement'.

The Attorney has said in another place that he is willing to come back and look at any amendments that may appear to be appropriate after the prostitution bills have been debated. So, I indicate that I will not cross the floor against this bill, but I will support many of the comments of the member for Spence. I will pass on to the Attorney these comments and some of the concerns that are being expressed in this area which hold a great deal of concern for me.

The Hon. I.F. EVANS: I will point out for members some of the penalties that exist under the present law and the penalties proposed under the bill. The existing maximum penalty for the offence of procuring for prostitution is seven years imprisonment. The maximum penalty is the same regardless of whether the victim is a child or an adult; regardless of the method used to procure the victim (for example, whether by threat or intimidation of the victim or the victim's family or whether by simple agreement between consenting adults); regardless of whether the services the victim is procured to provide are prostitution services or activities such as stripping or lap-dancing; and regardless of whether or not the victim once induced to provide these services is prevented from ceasing to provide them.

I think it is important that we understand how the penalties under the proposed bill are arranged. Penalties are graded according to the age of the victim with the age being dependant on the type of offence. For sexual servitude and related offences, there is now a maximum penalty of life imprisonment for offences against children under 12 years; a mid-range penalty for offences against children over 12 years; and a lesser penalty for offences involving an adult victim. For deceptive recruiting offences, the maximum penalties refer only to whether the victim is a child or an adult. For offences specifically concerned with the use of children in commercial sexual services, the maximum penalties are higher if the child victim is under the age of 12 years.

Sexual servitude and related offences regarding compulsion attract a greater penalty than those involving undue influence. For example, the maximum penalty for compelling a child over the age of 12 to provide commercial sexual services is now 19 years, whereas the maximum penalty for exercising undue influence to achieve this same result over a child in the same age bracket is 12 years. Simple procuring offences also attract a lesser penalty than those that involve

compulsion, undue influence, fraud or children. These offences are summary offences. The maximum penalty for simple procuring is three months' imprisonment or a fine of $1 250 for the first offence and six months imprisonment or a fine of $2 500 for a second or subsequent offence.

It should be noted that life imprisonment (the maximum penalty) is imposed only in respect of offences where a person forces a child under 12 into or to continue in sexual servitude or uses a child under 12 to provide commercial sexual services. This is consistent with the penalty for the existing offence of unlawful sexual intercourse with a child under the age of 12 years (section 49 of the Criminal Law Consolidation Act). I draw to the attention of members that, whereas the current limit is a maximum of seven years, this new bill imposes penalties ranging from life imprisonment to 19 years or 12 years, etc. From that point of view, it strengthens the existing provisions.

Mr CLARKE: As much as I have struggled with myself on this, I probably have to agree with the member for Spence.

The Hon. D.C. Kotz interjecting:

Mr CLARKE: Did the member for Newland say,'Me, too'? It makes you want to go out and have a shower afterwards. I think the member for Spence is right. If he is right, members ought to—

Mr Scalzi interjecting:

Mr CLARKE: That's true. It ill behoves members of this House simply to put the honourable member's concerns to one side and dismiss them without looking at their merit. He says that the government is putting the cart before the horse with respect to the repeal of section 63, because, without an instant's delay, all of us would happily vote for the remainder of the bill to which the minister refers in terms of increasing penalties, particularly with respect to children. We would happily do that, because they are greater than the penalties that the current act provides, particularly with respect to children.

Section 63 provides a maximum offence of seven years, but, under section 25a of the schedule, the Attorney significantly reduces the other penalties unless they are otherwise covered in this bill and, if you are engaged in procurement for prostitution, you do not really get even a slap on the wrist. That may be okay or perhaps there should not be any penalty at all, but that will have to be decided by this House in the first instance when we deal with the range of prostitution law reforms bills that are to come before the parliament.

I am painstakingly going through that legislation. I voted against the Brindal bill in the last parliament for reasons different from those advanced by the member for Spence at that time, and I am carefully considering what I intend to do this time. I am looking at the range of options in all the bills including the member for Spence's and consulting people in my electorate.

Effectively, as the member for Spence has said, the Attorney-General is pre-empting my consideration of what my attitude should be by simply and in a dramatic fashion reducing the penalties with respect to procurement for prostitution other than in the stated examples in this bill, which are laudable and which we would all support. I think it does a disservice to the rest of the members of this House because, in effect, they are forced into the position of saying, 'Don't you want to increase penalties for people who procure children for prostitution?' The only way that can be done is by towing the government line and repealing section 63 which significantly reduces the penalties other than in the circumstances outlined in the bill, particularly regarding children. I find that offensive. I might come to a view that there should not be any penalty at all other than what we pass in today's bills, but my vote on that matter is being pre-empted.

It is all very well for the minister to say that we can always come back with a private member's bill or do something during the course of the debate on the various prostitution bills that will come before this House. However, in effect, particularly in private members' time, we will never be able to influence the event because it will never see the light of day. If it comes before the House purely as a private member's bill, it will never get voted on if the government does not want that. We will be totally in the hands of the government of the day as to whether or not it brings in supplementary legislation to give effect to the will of the House when the law is finally determined with respect to the four government bills that we have before us as well as the member for Spence's private member's bill.

I suggest that the government ought to have the member for Spence's bill debated at the same time as the remainder of the prostitution bills. There would then be five bills before the House, and hopefully we would work our way through them in an orderly fashion. I have some further questions for the minister, but I will leave it there to hear his reply to what I have said thus far.

The Hon. I.F. EVANS: It is my understanding that the government is making time for the prostitution bills to be debated. So, the member for Ross Smith, as a private member, or the member for Spence as a private member, when the four prostitution bills are debated—

Mr Atkinson: Or the Minister for Local Government.

The Hon. I.F. EVANS: Or the Minister for Local Government—whoever. Time is being made available by the government for any member of parliament who wishes to move an amendment during the forthcoming prostitution debate. Members might recall that it was I as the Minister for Police who moved for the prostitution review so that parliament could have the debate. The member makes the comment that this item will never get to be debated in private members' time. I say that is a wrong argument, because the government has made it clear that time will be made available within the parliament for the prostitution debate which is to be held in the immediate future. Therefore, that argument is simply not valid, because we all know publicly that there will be time for that to be debated.

What we are saying—is that there is no guarantee that the prostitution debate will finish quickly. Have a look at the complex debates behind the scenes that are being conducted between all sorts of members of parliament who are trying to come to grips with the complexities of the four (now five) bills on prostitution that will come before the House at some stage. That could take months, if not years; it might only take days, we do not know. This bill has some very good elements of which you have all spoken in support, and we all know that, if we pass the bill today in the its present form, at some time in the future any member has the right to move the amendment. What we are doing is guaranteeing that the good parts of the bill that we all support are passed through the parliament and are out there working, and in six months—

Mr Atkinson: What about the bad part?

The Hon. I.F. EVANS: If the parliament agrees, then that is what the parliament agrees. If in six months' time or 12 months' time the prostitution debate is finally decided, within that debate members will consider any issues arising out of this bill (if they so wish), but that is the democratic right of

the parliament at that time. The member for Ross Smith's argument is that we think we will have a debate; we think we will resolve it for the first time in 30 years; we are debating not one bill but five, and for the first time in 30 years we will resolve that quickly. The member for Ross Smith's approach to this matter is that, even though we agree with the principle of this bill and with the stiffer penalties, let us put one clause to one side because we do not want to move an amendment in two or three or four weeks time to change it; or we think that one day we might actually get a result on the prostitution bill.

I do not hold that view. I believe that what we should do is deal with the bill today and then, if and when the parliament finally gets down to debating one bill about prostitution—and the parliament will slowly but surely massage that down through debate to one resolution (a poor choice of words possibly)—at that point in time, if the parliament wants to reconsider this issue, it can do so. But do not delay a good bill because the member thinks there might be a debate in five, six, seven or eight weeks' time, because the history of the lower house on prostitution is that it has been timid in its approach to such reform for over 30 years. I do not hold the view that we are guaranteed a reform of prostitution. I know that we will have a debate, but I am the not convinced that any one of the five bills will necessarily have the full support of this House.

I think we should get on with the debate and support the bill. The government has made the time available. Five bills will come before the House, and the member will have plenty of time to move an amendment if he wishes. But do not delay what is a good bill. This measure provides a wider spectrum of penalties from life imprisonment down to the lower end of penalties. I think that there are some community benefits in getting this through the House, and then, when the parliament finally makes a judgment, if this is amended as part of that debate, so be it; it is the will of the parliament.

Mr CLARKE: I think you have, in part, agreed with my argument and that of the member for Spence. If the minister is going to make so much government time available so that there is no excuse for us to delay or dally any longer on this issue, then why pre-empt the outcome? In terms of my own mind on the issues generally, they are still evolving and getting to a point of crystallising. However, the Attorney-General and the government have made up our mind for us, as the member for Spence says. By the removal of section 63, other than for those circumstances which are outlined in the bill and with which we are all agreed, basically the issue of procurement for prostitution is that the penalty is so minimal as to send the message out that this parliament has already made up its mind, but it is okay.

I want to make that vote first. I want to participate in that debate on those five bills, and I want to vote and decide collectively with the members of this House what the law should be in respect of prostitution, one way or the other. I do not want my vote and my views pre-empted by the Attorney-General, which is what this bill does with respect to section 25A. Now I might come to that decision at the end of the day, but I want to do so after I have heard all the debate, gone through all the questions, heard all the answers from the minister and his advisers, and consulted with our own communities. I also put this to the minister: under section 25A—

The Hon. I.F. Evans interjecting:

Mr CLARKE: —I know that we are not on that clause and I will ask you then, if you like—

An honourable member interjecting:

Mr CLARKE: All right; I was trying to facilitate the business of the House. If you want to go through it clause by clause I will happily do so.

Ms WHITE: I echo the sentiments of my colleagues in saying that I am extremely annoyed, given my understanding that there was agreement that this debate would be delayed. My understanding came from advice given at a Labor Caucus meeting, so several of the members had that understanding. It puts me at considerable difficulty because all members must consider this bill on its own without consideration for any other bill that may or may not come before this House, and because of that we must understand exactly what the effect of the repeal of this section will have. I understand that the other clauses inflict harsher penalties for certain grades of procurement, but what exactly does the repeal of this section do to those grades of procurement that are not mentioned specifically in further clauses? What is the effect? Does it mean that essentially there is no penalty or very little penalty? Is that the impact of the repeal of this section taken within the context of this bill alone?

The Hon. I.F. EVANS: No, the penalties are as I have outlined previously to the House in answer to the member for Newland's comments. I think they are addressed in detail in the second explanation, and I can go through them again if the member wants me to. I gave a detailed answer on the penalties under the current act and the proposed bill in answer to the member for Newland's comments about life imprisonment, 19 years, 12 years—how they are matched in age bands—adult, child—

Ms WHITE: In relation to the grades of procurement, my understanding from the debate is that the removal of section 63 involves other grades of procurement that are not specifically changed or mentioned in this bill. What is the implication of the repeal of that clause for those grades of procurement?

The Hon. I.F. EVANS: It is my understanding that the bill now covers a wider spectrum of procurement than under the previous act.

Mr SNELLING: I would suggest to the minister that it is a furphy to say that this bill would be bogged down in next week's debate and to draw examples from the history of this parliament where it has been rather slow in making up its mind on prostitution, because, for the first time in my understanding, the four bills will be given government time, so there will be plenty of time to debate this legislation and the provisions this legislation makes in addition to dealing with the more general issue of prostitution. This bill is not just about refining the issue of procurement to include and to fix up the penalties for procuring with undue influence or procuring children. What the Attorney-General has slipped into the bill and tried to get through is an extraordinary nominal penalty for just basic procurement.

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

Mr SNELLING: If this bill is merely about putting in reasonable penalties for horrendous crimes, such as using children and coercing people into prostitution, the government should restore the basic offence of procurement to the Criminal Law Consolidation Act with a decent penalty.

Clause passed.

Clause 3.

Mr ATKINSON: In minority report A of the Social Development Committee report on prostitution, which was

issued in 1996, the member for Hartley and I recommended just this change, and I am pleased to see that the Attorney-General has adopted our suggestion. Could the minister explain to the committee the government's reason for this change and what it means?

The Hon. I.F. EVANS: As the honourable member will know, given the Social Development Committee's minority report to which he refers, section 64 of the Criminal Law Consolidation Act provides for two offences. The first is by threat or intimidation to procure another to have sexual intercourse, and the second by false pretence or fraud to procure someone who is not a common prostitute or person of known immoral character to have sexual intercourse. The maximum penalty for each offence is seven years. These offences may be charged when there is no element of prostitution.

Problems with the current law on procuring sexual intercourse relate to section 64 of the Criminal Law Consolidation Act which excludes as victims of procurement by fraud or false pretences people who are common prostitutes or persons of known immoral character, and the government thinks that that is clearly discriminatory. It involves a moral judgment of the victim of that type, and we think that is inappropriate in modern times.

The current law also contains no specific reference to keeping a person in a continuing state of having to provide sexual intercourse. It is also limited in the methods it describes for procurement—that is, threat, intimidation, false pretences, false representations or fraud. It does not include, for example, depriving an immigrant a free choice for holding his or her passport or identity papers, or influencing an addict's free choice by control of his or her drug supply.

Clause passed.

Clause 4.

Mr ATKINSON: Earlier the minister led the House to believe that the bill before us had been drafted entirely in response to a national initiative and that the provisions of the bill follow model national provisions put up at a federal level, and that somehow we are following commonwealth criminal law in this respect. Could the minister explain to the House whether we are following commonwealth criminal law? What enactment should members refer to when comparing the commonwealth provisions with ours, and does commonwealth criminal law also abolish or minimise the offence of procuring?

The Hon. I.F. EVANS: The commonwealth act is the Criminal Code Act 1995, Act No. 12 of 1995, which deals with the sexual servitude of people coming into Australia. The state act applies specifically to sexual servitude in relation to people residing in South Australia. Therefore, the commonwealth act deals with people coming into Australia; once they have entered Australia and are residing in South Australia, this act picks up from there.

Mr Atkinson interjecting:

The Hon. I.F. EVANS: It is not an exact copy of the federal legislation; rather, it complements it. As I mentioned earlier, it was in response to the commonwealth passing a law in relation to slavery and sexual servitude that the state had a look at the commonwealth act to decide how best to complement it, and this is the result of that process.

Mr ATKINSON: It is a pity that I have to spend my second question on asking the question again—I think this should be counted more as a supplementary question. What I am driving at is this: did the commonwealth require us to abolish or minimise the offence of procuring? At a federal level, was there an imperative for the state of South Australia to abolish or minimise the offence of procuring or was the Attorney-General on a frolic of his own?

The Hon. I.F. EVANS: This sexual servitude bill arises as a response to the commonwealth act to which I referred. The commonwealth legislation was passed in response to recommendations of the Model Criminal Code Officers' Committee that looked at the offences in relation to sexual servitude and offences against humanity and slavery in particular. It was the Model Criminal Code Officers' Committee recommendation that there was a need to comprehensively review the legislation targeted at people who traffic in human lives at a state domestic level by inducing vulnerable people against their will to provide sexual service and to continue to do so. The government believes that simply changing the law in respect of prostitution by itself would not achieve that. Therefore, this new sexual servitude law has been proposed. It is the government's view that this is the best way to deal with this issue.

Mr CLARKE: I do not think the minister has answered the member for Spence's question at all. Well, in one sense he has by the way he has dodged it. In terms of bringing in this law, following the recommendations of the commonwealth in this matter, there was no requirement by the commonwealth government that in doing so the state government must repeal section 63 of the principal act; that is a fact is it not?

The Hon. I.F. EVANS: I will clarify it for the fiercely independent candidate for Enfield, the member for Ross Smith. The Model Criminal Code Officers Committee, which is a standing committee of Attorneys-General, made recommendations. Sexual servitude itself is procurement, and I understand that every state is now going through this process (that is the advice to me) of dealing with sexual servitude, which is procurement, and it was each individual state's choice that they do that. I assume that that is clear enough for the honourable member: it was each individual state's choice.

Mr CLARKE: I think the minister has just come to the answer but I want to be absolutely certain of it: it is the South Australian government's choice—its choice only, not that of the commonwealth—that section 63 of the principal act is repealed. Am I correct in saying that that is what the minister has just said?

The Hon. I.F. EVANS: That is the advice to me. The advice to me is that it was reviewed nationally and they dealt with the national laws. There was then some discussion at the standing committee of attorneys and, from there, every state has decided to go through the process of dealing with the sexual servitude matters as we are doing here tonight.

Ms THOMPSON: Does the definition of 'commercial sexual services' include such activities as mud wrestling and topless waiting?

The Hon. I.F. EVANS: I refer the member to the definitions under new section 65A, where it talks about commercial sexual services. It states:

> . . . services provided for payment involving the use or display of the body of the person who provides the services for the sexual gratification of another or others;

If topless waitressing falls into that definition it would be covered. If there was some dispute about that, ultimately a court would decide. But if it is provided as a service for payment, use and display of the body, you provide services for sexual gratification of others; if it meets that definition it could be covered, yes.

Ms THOMPSON: I had read the definition and realised that it was not absolutely clear. So, my question is: is it intended that those and similar activities be covered by this bill?

The Hon. I.F. EVANS: The member would have to clarify whether those activities are being provided as a service for the sexual gratification of others. If topless waitressing is being provided for payment and to display the body, which it would be doing—if it is being provided as sexual gratification for others it would be covered. So, it is hypothetical. What I am saying is that if it falls within the definition—that is, being supplied for the sexual gratification of others—it would be covered; if it is not, it would not be; and if there was some dispute it would go to court.

Ms THOMPSON: The fact that there may be some dispute is clearly the issue because, while I might argue that it is provided for the sexual gratification of others, I have certainly heard people argue that it is their right, not anything to do with sexual gratification. If one goes back through the files of the department for industrial affairs in relation to attempts to regulate topless waiting, one will find many letters from people who asserted that it was their right to see women's breasts as they served them dinner. I want to have the intention of this act on the record so that, if there is a court case and there is an issue about the administration of this act, the intention of the act can be referred to by the judiciary to make the matter much clearer, so that we can have the maximum chance of stamping out some of these awful practices.

The Hon. I.F. EVANS: I think the member needs to understand that the person concerned would need to be compelled, or held against their will, to perform that—

Mr Atkinson interjecting:

The Hon. I.F. EVANS: —or under duress—so that narrows the field considerably and it would then certainly be covered, assuming that it is done for sexual gratification. With any definition, there is always grey, and that is why we have courts. No-one is going to come up with a perfect definition in all acts to cover all cases. The definition makes it very clear that, if it involves payment and display of the body for sexual gratification, it may well be covered.

Mr SNELLING: Let me clarify the matter for the minister, because he is obviously having some problems grappling with this. The question pertains to the meaning of sexual gratification. Does that mean direct sexual intercourse with another person or other forms of sexual gratification, as in taking part in topless waiting and mud wrestling? Is it the government's intention that those things be included as constituting sexual gratification or does the government intend sexual gratification to mean only direct sexual intercourse?

If the government's intention is only direct sexual intercourse, that is a big hole in the bill. It is not good enough for the minister to stand up in this place and say, 'We will wash our hands of it. We will leave it to the courts to decide, because it is just too hard for us.' The government has to put on the record tonight what it intends the bill to achieve. I invite the minister to do so.

The Hon. I.F. EVANS: I thank the member for Playford for the invitation. It is very generous of him to place such an invitation before the committee. We agree with the honourable member that it is the wider definition, not limited to direct sexual intercourse.

Mr Snelling: Thank you.

The Hon. I.F. EVANS: That is the first time the honourable member has asked that question and it is the first time I have responded. That definition has been on the *Notice Paper* and publicly available for some weeks and, like all members of parliament, the member for Playford could have had an amendment drafted and brought his definition to the committee. For whatever reason, he has chosen not to do that. One assumes either that he is happy with the definition or that he is not prepared to move an amendment to reflect his own view.

Mr ATKINSON: I want to return to the subject that the member for Ross Smith and I were exploring before, and that is whether it is necessary as part of enacting the commonwealth scheme on sexual servitude to abolish section 63 of the Criminal Law Consolidation Act. It seems to me that the way in which the commonwealth law is enacted in various jurisdictions within the federation varies according to what kind of prostitution law that jurisdiction has. When the sexual servitude provisions are enacted in New South Wales, Victorian or ACT law, procuring simpliciter would not be an offence because brothel and escort agency prostitution is lawful in those states, so why not recruit women openly to work in the trade?

However, South Australia does not have such a law. South Australia has a law that penalises brothel prostitution and soliciting in public. We have a different kind of law and I am asserting that it was not part of the government's remit in enacting the commonwealth sexual servitude provisions to go further and to abolish or minimise procuring simpliciter. This whole use of the commonwealth's initiative in this matter to justify what the government has done on procuring just does not wash. Here the government is on a frolic of its own. I want to know why the Liberal government of South Australia decided, a week in advance of a major prosecution debate, to pre-empt the key clause in the debate, namely, procuring, because it seems to me, minister, that the fig leaf of enacting a commonwealth initiative has been removed by your own words.

The Hon. I.F. EVANS: Let me make it clear. As the honourable member has quite rightly pointed out, every state has different prostitution laws, and therefore every state will respond slightly differently, according to their own state's circumstances, in terms of making law in respect of the federal government's legislation to which I referred earlier: every state will be slightly different. This happens to be the South Australian response. I accept the fact that the honourable member does not like it and that the honourable member is trying to make some political gain out of it. However, the fact is that this is the way the state government has decided to deal with this issue at this time.

We had the argument prior to the dinner adjournment and, if and when prostitution debates occur in the future and the honourable member wishes to revisit this particular issue, that will be done if that is the will of the parliament. However, as I said before the dinner adjournment, the experience of this place is that prostitution debates can take a very long time, particularly when four or five bills are before the House. If we do not deal with this bill and its clauses tonight as it stands, or if we repeal certain clauses or not proclaim certain clauses, as the honourable member requests, or amend certain sections there will be a gap within the legislation.

At the end of this debate we would prefer to have a complete package in relation to the procurement and sexual servitude bill and then, if it wishes in the future, the

parliament still has the right to revisit and deal with that issue.

Mr CLARKE: I refer to the answers to the questions from the members for Reynell and Playford. I want to be certain, in terms of definition of commercial sexual services and the other clauses, that the bill does not outlaw strippers at the Crazy Horse or go-go dancers fully clad, semi-clad or totally unclad, nude barmaids, or whatever, if they are doing so freely of their own will, whether or not one agrees with it on a moral basis. I certainly would not support outlawing it. If it is freely entered into, they can do it. I take it that this bill does not prescribe that they cannot do it.

The Hon. I.F. EVANS: That is correct, if persons freely enter into it and they are not held there under duress.

Mr SNELLING: What bearing does section 63 of the principal act have on the agreement that has been reached with the commonwealth? Could the minister explain to the committee how section 3 prejudices the agreement which has been reached with the commonwealth and which he is citing as a reason for this bill?

The Hon. I.F. EVANS: Would the honourable member clarify that for me? I am not sure where he is coming from. Would he give me some further explanation? I thought we were dealing with clause 4, which relates to section 65. I thought that we had passed the other clause. I am not sure what the honourable member is driving at.

Mr SNELLING: My understanding was that we were still dealing with clause 2.

The CHAIRMAN: The committee is now dealing with clause 4.

Mr SNELLING: With your indulgence, sir, the repeal of section 63 abolishes the basic offence of procuring persons to be prostitutes. The minister has explained to the committee that it is the choice of individual states as to what they do with that basic offence of procuring. How does that clause, which has the basic offence of procuring, prejudice the agreement that has been breached between the state and the commonwealth on laws relating to sexual servitude?

The Hon. I.F. EVANS: I will try to explain it more clearly. My understanding is that it would not prejudice it because the agreement we have with the commonwealth is that, following its review of the commonwealth laws in relation to slavery, each state will then go away and look at its own laws in respect to sexual servitude. That is the commitment, we have done that and this is the response. The reason section 63 must be repeal and replaced is that, if it were to remain, it would duplicate but in a less refined manner the provisions of the Sexual Servitude Bill that cover procuring and, secondly, the penalty would be completely disproportionate to the penalties for other offences; in particular the penalty for procuring an adult by deception and the penalty for simply procuring would be the same, that is, seven years. So, if it were repealed and not replaced there would then be a gap in the law, but this will not happen because all aspects of procuring are now covered by the bill we are debating.

Mr MEIER: As has been pointed out earlier, this bill was drafted in response to a national initiative and I compliment the commonwealth government for tackling a very serious problem. I believe that the way this state is going about addressing the state legislation is the correct way of undertaking it and I am a little surprised at some of the questions that have been forthcoming from the other side. There is no doubt that we have a new occurrence on the shores of this state and land with, in particular, women being brought from overseas for a limited period, usually I believe in the vicinity of a couple of months, to serve in Australia as sex slaves. This has to be stamped out once and for all. The whole thrust of this bill is to stop that type of activity and therefore it has my full support.

It is outrageous that we have the criminal element seeking to capitalise on, in many cases, innocent women and, unfortunately in some cases, innocent children in bringing them here to Australia and seeking to use them as sex slaves for a period of time. The second reading speech made very clear that in so many cases these people receive no payment for their services because it is argued that they need to pay for the trip out here and for other provisions that apply.

Therefore, this bill makes very clear in the first instance that if anyone compels another person to provide or to continue to provide commercial sexual services, if it involves a child under the age of 12 years, they are liable to a penalty of life imprisonment, and so it should be and it has my full support. If the victim is a child of or over the age of 12 years, it is imprisonment for 19 years, again a very serious penalty and again it has my full support. If it is with an adult person it is imprisonment for 15 years. They are extremely tough provisions and so they should be.

I am a little disappointed that some members of this Parliament have sought to address minor aspects that I do not believe are key ingredients of the thrust of this legislation. Those members who are seeking to bring in debate on the other aspects of the proposed bills that will be considered by this Parliament in the next week or two or three are leading the Parliament away from the main point that this bill is primarily to stop the overseas sex trade.

Let us make sure that we pass this bill and that that trade is stopped to the best of our ability from the point of view of imposing the law in the harshest possible way. In my opinion, life imprisonment is the harshest sentence we can hand out under our current laws. This bill goes further than does the commonwealth act. The commonwealth focuses on the traffickers rather than on the people subjected to the trafficking at international level, whereas this bill targets the traffickers but, at the domestic level, it also covers conduct that can occur in South Australia. I would say that other aspects also need to be considered.

I make no secret of the fact that at this stage I will be supporting the Summary Offences (Prostitution) Amendment Bill, even though I am probably not allowed to refer to that at all. I believe that this bill clearly reflects provisions that will be considered at that stage. Therefore, I have no difficulty in supporting the aspects of clause 4 of this bill in their entirety, and I hope that other members do likewise.

Mr De LAINE: Has the minister or the government explored whether it will be unlawful to procure, for example, topless waitresses; and will the legislation have any industrial consequences such as removing these topless waitresses from occupational health and safety protection?

The Hon. I.F. EVANS: The member for Price might want to refer to an answer I gave to the member for Ross Smith about 10 minutes ago. If they are held against their will or under duress, the legislation kicks in; if they are doing topless waitressing of their own free will, it is not an issue.

Ms WHITE: I ask for further clarification on that. If there is procurement, and waitresses and so on are forced to go topless or do something illegal, do they have the coverage of occupational health and safety law if as a consequence of that illegal activity something happens?

The Hon. I.F. EVANS: The advice to me is that if someone is being held against their will to be a topless waitress the matter comes under this act. This act provides that the person who forces them to do that has committed an offence, so the occupational health and safety laws are not affected in respect of the individual staff member concerned. The topless waitress is therefore not affected and they are covered by normal law. It is the person who procures them into the role and holds them against their will who will suffer the penalty. So, this does not affect the issue the honourable member raised.

Mr ATKINSON: I rise on a point of order, Sir. This is a bill in which the four principal matters, which run to three pages, are contained in one clause. So, on the four major provisions of the bill—the guts of the bill—members of the opposition can ask only three questions.

The Hon. G.A. Ingerson interjecting:

Mr ATKINSON: Yes; but I am principally concerned about us. The member for Bragg is right: it affects all members. The former Chairman of Committees, Harold Allison, in these circumstances used to provide some indulgence to allow a proper examination of the bill. I am asking you, Sir—not with much hope, but I will ask—whether you think it is a fair legislative practice for the government to put up a bill of six clauses and a schedule but in which 90 per cent of the bill is contained in one clause.

The CHAIRMAN: In answer to the member for Spence, 15 questions have been asked on this clause. I am not responsible for what previous colleagues in the chair have done. It seems quite appropriate in this case in this legislation that it be dealt with in the way it has been dealt with in this clause.

The Hon. D.C. KOTZ: After hearing my comments on section 66, I would like the minister to assure me that he will draw my comments to the attention of the Attorney-General before completion of the debate on this bill in that House. Section 66(1) deals with the related offences of sexual servitude and provides:

> A person who compels another to provide or to continue to provide commercial sexual services is guilty of the offence of inflicting sexual servitude.

There are two penalties under that section. If the victim is a child under the age of 12 years, the maximum penalty is imprisonment for life. If the victim is a child of or over the age of 12 years, the maximum penalty is imprisonment for 19 years. In any other case, the maximum penalty is imprisonment for 15 years. The second part has similarities in the age of victims, with the delineation of ages relating to the particular penalties.

I am aware that in the Criminal Law Consolidation Act there is a delineation of ages under different sections relating to different criminal offences and involving the degree of offences that may have been committed. I am also aware of the age ranges in some of these delineations: 12 years; under a specific age of 16 years; and also 15 years. In this act, as is the case with most acts that relate to children, the interpretation of 'child' is a person under the age of 18 years. The same applies under the Criminal Law Consolidation Act. I would like to know if the Attorney has considered whether, instead of the delineation provided in two sections dealing with maximum penalties under paragraphs (a) and (b), one age grouping could be considered rather than two. For instance, instead of stipulating the age of 12 years, has thought been given to the full age range under the interpretation of 'child'? It would be my understanding that children in the age range from 13 to 16 years would certainly be classed as being at risk in terms of the range of penalties that would apply.

The Hon. I.F. EVANS: I am happy to refer that question to the Attorney for the member for Newland. I know that in considering penalties Parliamentary Counsel consider how those penalties should sit in relation to other penalties in South Australian acts. However, I will ask the Attorney to give a more formal response.

Mr SNELLING: My question also relates to the use of children for commercial sexual services. What would happen if a defendant was charged with procuring a child under 18 years to be a prostitute? Could the defendant claim that they did not know and could not reasonably be expected to know that that person was under 18? Would the onus be on the prosecution to prove that the defendant could reasonably be expected to know that that person was under 18?

If the victim is aged, say, 17, 16 or 15 years, often, particularly in the case of girls, they can easily be mistaken for 18, as happens quite often in bars and nightclubs. So, if someone was prosecuted under this section, could they claim that they did not know and could not reasonably be expected to know that that person was aged under 18 years? If the prosecution was not able to prove that point, could the defendant then only be charged or prosecuted under the basic offence of procurement for prostitution, which would carry a penalty of only three months for the first offence compared with the much higher penalty that the government intends?

The Hon. I.F. EVANS: It is my understanding that matters relating to children are dealt with under section 68. Section 68(4) provides:

> In proceedings for an offence against this section it is not necessary for the prosecution to establish that the defendant knew the victim of the alleged offence to be a child.

That is clearly stated in the bill. Subsection (5) provides:

> However, it is a defence to a charge of an offence against this section if it is proved that the defendant believed on reasonable grounds that the victim had attained 18 years of age.

The bill also makes that clear.

Clause passed.

Remaining clauses (5 and 6) passed.

Schedule.

The Hon. I.F. EVANS: I move:

> Leave out the heading and insert:
> SCHEDULE
> Related Amendments
> Amendment of Criminal Assets Confiscation Act 1996
> 1. The Criminal Assets Confiscation Act 1996 is amended by inserting before subparagraph (i) of paragraph (c) of the definition of 'local forfeiture offence' in section 3 the following subparagraph and redesignating subparagraph (i) and the other subparagraphs of that paragraph as (ii), (iii), (iv), (v), (vi) and (vii) respectively:
> (i) section 68(3)[1] of the Criminal Law Consolidation Act 1935;
> [1.] Section 68(3) of the Criminal Law Consolidation Act 1935 makes it an offence to—
> · have an arrangement with a child who provides commercial sexual services under which the person receives, on a regular or systematic basis, the proceeds, or a share in the proceeds, of commercial sexual services provided by the child; or
> · exploit a child by obtaining money knowing it to be the proceeds of commercial sexual services provided by the child.
> Amendment of Summary Offences Act 1953
> 2.

The purpose of this amendment is to insert a new paragraph to make offences against subsection (3) of new section 68 that will be added by this bill to the Criminal Law Consolidation Act forfeiture offences. The amendment includes a conse-

quential numbering amendment to the schedule. The Criminal Assets Confiscation Act 1996 allows for the Supreme Court, on the application of the Director of Public Prosecutions, to order that the proceeds of certain criminal offences be forfeited to the Crown. These offences are called forfeiture offences. All offences that are indictable under the law of South Australia are local forfeiture offences. Other specified offences that are not indictable are also local forfeiture offences.

Because the new offences are to be added to the Criminal Law Consolidation Act (sections 66, 67, 68(1) and 68(2) are indictable offences) they will become local forfeiture offences automatically. In order to make the offences to be created by section 68(3) forfeiture offences the definition of the local forfeiture offence in the Criminal Assets Confiscation Act 1996 must be amended to include them by express reference. This offence is a summary offence. This was overlooked when the bill was first drafted. It is therefore appropriate to make the offences against section 68(3) forfeiture offences because these offences involve the exploitation of minors for financial gain. It is therefore appropriate that the exploiter be deprived of that gain. Forfeiture should also operate as a deterrent to the commission of these types of offences.

Mr ATKINSON: I commend the government on this amendment. It is entirely appropriate and I am glad that they were so thorough as to see the need for this; perhaps they did not see it at first but, when they did see it, they introduced it as an amendment. The necessity for amending the Criminal Assets Confiscation Act arises from proposed section 68(3) (of clause 4) which provides:

> A person must not—
> (a) have an arrangement with a child who provides commercial sexual services under which the person receives, on a regular or systematic basis, the proceeds, or a share of the proceeds, of commercial sexual services provided by the child;
> (b) exploit a child by obtaining money knowing it to be the proceeds of commercial sexual services provided by the child.

In those circumstances it is entirely appropriate that those ill-gotten gains should be confiscated.

Amendment carried.

Mr ATKINSON: I move:

> Page 6, lines 16 to 18—Leave out the penalty clause and insert: Maximum penalty: $10 000 or imprisonment for two years.

This amendment amends the schedule creating the new Summary Offences Act offence of procurement for prostitution, to increase the maximum fine from $1 250 to $10 000 and the maximum imprisonment from three months to two years. My amendment would dispense with the maximum penalty for a subsequent offence: we would have one penalty for all offences.

The reason I move this amendment is clear from the debate on the second reading, that is, the present maximum penalty for procuring a person to be a prostitute in all circumstances is seven years imprisonment. No-one ever gets seven years imprisonment or anywhere near it. In fact, the only person sentenced in the past 10 years for procuring served a sentence of only two or three months, if that. I put to the House that reducing the penalty for simple procuring from seven years imprisonment to a fine of $1 250 and a maximum of three months' imprisonment is basically to instruct the courts not to treat this as an offence of any seriousness; indeed, not to treat this as an offence which is deserving of imprisonment in any circumstances. I think that is the wrong message to send and that is why I am moving this amendment. I think it should be up to the courts to decide the appropriate penalty, but we are giving them the wrong message. If we tell them—

The Hon. G.M. Gunn interjecting:

Mr ATKINSON: Well, $10 000 or two years, whereas the government's bill provides $1 250 or imprisonment for three months. That is a disproportionate reduction, and it trivialises the offence. I will give you one example. It is quite possible that, under one of these offences carrying a penalty of life imprisonment, 19 years imprisonment or 15 years imprisonment, the defendant will be acquitted on technical grounds. But the alternative is a fine of $1 250 or maximum imprisonment for three months. That is a joke. If this is to be an alternative verdict, it ought to be proportionate, and I make it proportionate by specifying a maximum penalty of two years' imprisonment or $10 000. That evens out the gradations of this offence. I urge the committee to support what is, after all, a commonsense and almost uncontroversial amendment.

Mr CLARKE: In one sense I could curse the government with respect to the bill—not the body of the bill but for the same reasons that I agreed with the member for Spence with respect to the abolition of section 63 of the principal act. Now, for the second time, I must agree with the member for Spence, and that is why I curse the government: I did not think it was possible, but I will have to agree with him twice on the same bill. So, you have a very high price to pay, minister.

The member for Spence has put it quite adequately. In terms of procurement for prostitution—in the member for Spence's terms, 'simple procurement'—I am not at all happy with the pimps or the brothel keepers of this world living off the earnings of prostitutes. I see nothing wrong per se with the person committing the act receiving the money in a pure cottage industry. I do not like the corporate nature of prostitution: of people living off the earnings of prostitution.

That is a debate that we will have shortly with respect to all the prostitution bills. Again, the Attorney-General is putting the cart before the horse in making us decide whether or not the simple procurement of prostitution will be seen as such a trifling affair that the maximum penalties are so small, our already having passed judgment on the principal issue with respect to prostitution law reform, on which we have yet to have a full debate.

So, as I say, the minister forces me to agree with the amendment moved by the member for Spence, and I would have preferred to await the full debate. I will not belabour that point further, but I have a particular question for the minister with respect to section 25A of the schedule. Who chooses whether a person is to be charged under the Summary Offences Act 1953 or charged in accordance with this bill if it is put into law?

If one reads the schedule, one sees that it does not say 'subject to this act' etc.'; it then goes on to section 25A, which is the safety net. You could have two acts going side by side. We have the bill before us, which has heavier penalties with respect to procuring the services of children, and we have the Summary Offences Act here in the same bill. Now, which one does it come under? If you are the Commissioner for Police, do you charge the person in accordance with the body of the bill that we have or does he or she have the right to charge someone under the Summary Offences Act only? Does the minister see what I am getting at? The schedule does not make it subject to the penalties of the

overall bill and then you just get simple procurement being dealt with. It could be either/or; it could be a case of double jeopardy or, in fact, possible corruption in the person who is laying the charges deciding whether to lay the charge under the lesser penalty or at the higher penalty. It does not make it clear.

The Hon. I.F. EVANS: I am not quite sure from where the member for Ross Smith is coming. My understanding is that the member thinks there may be some confusion on the Police Commissioner's behalf under which act he may charge a person. It is not unusual for one bill to change a number of acts. The acts are very clear where the options for the Police Commissioner are. It depends on the conduct of the alleged crime where the police officer will lay the appropriate charge.

Mr CLARKE: The point that I am making is this. I refer the minister to the schedule of the original bill which provides:

> The Summary Offences Act 1953 is amended by inserting after section 25 the following section:
>
> Procurement for prostitution
>
> 25A. (1) A person must not engage in procurement for prostitution.

It is a blanket provision; it does not say 'procurement for prostitution other than those specified in this bill', such as the use of children or whatever; it just says 'A person must not engage in procurement for prostitution'—that is at large. Then it sets down a series of quite minor penalties. What I am worried about is this: we have a tough law—and I agree with it—in terms of sexual servitude for children and so on, but when one reads the schedule one could be charged under either or both because, as I see it, the deficiency in section 25A is it does not say 'subject to this act', which, if one is using children, it is mandatory that you get charged under the Criminal Law Consolidation (Sexual Servitude) Amendment Bill or under the principal act which provides heavier penalties. It is an either/or, or in fact possibly both. I just think it ought to be absolutely clear that, if the Summary Offences Act is really there for the simple procurement for prostitution it will say so, not leave it up in the air.

The Hon. I.F. EVANS: Maybe this will clarify it for the member for Ross Smith. Section 25A, the simple procuring offence, relates to prostitution only. The wider concept of commercial sexual services is relevant only to the compulsion, the undue influence and deception principles.

Mr ATKINSON: I think I know what the member for Ross Smith is driving at and I do not think the minister is answering him at all. Let me put it this way.

The Hon. I.F. Evans interjecting:

Mr ATKINSON: No, we are asking you questions. This is your clause; I have just moved to amend it. You are still answering the questions and I am still asking them. Proposed section 68(1) of clause 4 is headed 'Use of children in commercial sexual services' and it provides:

> A person must not employ, engage, cause or permit a child to provide, or to continue to provide, commercial sexual services.

That is a very serious offence; that is why it is in the Criminal Law Consolidation Act. It carries some fairly heavy penalties, like imprisonment for life or imprisonment for nine years. Indeed, we have just provided for the confiscation of money obtained in the course of violating that provision, so it is a fairly serious offence. But you can get out of that offence if you are an accused by proving that you believed, on reasonable grounds, that the victim had attained 18 years of age.

The Director of Public Prosecutions is faced with the following dilemma: do you charge the alleged offender with section 68 of the Criminal Law Consolidation Act, which carries a maximum penalty of life imprisonment or imprisonment for nine years, if you can avoid the accused's establishing that he believed on reasonable grounds that the victim had attained 18 years of age, or do you charge him with procurement for prostitution under section 25A of the Summary Offences Act, which carries the grand penalty of imprisonment for three months? Which one do you go for? It is a bit of a lottery, is it not?

On the one hand, the accused could be up for imprisonment for life under section 68 of the Criminal Law Consolidation Act but, if the prosecution is not confident that it can exclude the possibility that the accused believed on reasonable grounds that the victim was older, the prosecution has to go for a Summary Offences Act prosecution which carries a maximum penalty of three months. There is something wrong with the proportionality in the offences. So, if the minister were the Director of Public Prosecutions, how would he go about deciding whether to prosecute under section 68 of the Criminal Law Consolidation Act or under section 25A of the Summary Offences Act, because it is a fairly important decision?

The other thing I would ask is: could a conviction under section 25A of the Summary Offences Act be an alternative verdict to section 68 of the Criminal Law Consolidation Act? In other words, if an accused was up before the court for a breach of section 68, namely, use of children in commercial sexual services, and the accused beat the rap on that by proving that he thought the victim was a bit older, could the court then bring down an alternative verdict of guilty of procurement for prostitution?

My point is: is it an alternative verdict? If not, should it be, and on what grounds would the Director of Public Prosecutions make a decision to prosecute for the alternative offence, one carrying a penalty of life imprisonment and the other carrying a maximum penalty of three months?

The Hon. I.F. EVANS: In relation to the question, if I were the Director of Public Prosecutions, the fact is I am not, and I am not qualified to be the Director of Public Prosecutions. In fact, it would probably be a sad day for this state if I ever got to be in that position, because I am not qualified. So, to ask me as an individual what process I would go through if I were the Director of Public Prosecutions—

Mr Atkinson interjecting:

The Hon. I.F. EVANS: It may well be that I am debating this legislation on behalf of the government, but the fact is that I am not qualified to be the Director of Public Prosecutions.

Mr Atkinson: Are you qualified to write the legislation?

The CHAIRMAN: Order!

The Hon. I.F. EVANS: As we all know—and as the shadow attorney, you would know—the Director of Public Prosecutions undertakes a wide range of considerations with respect to the body of evidence before him or her when deciding whether charges will be laid, and under which sections of which act those charges will be laid. It is a common occurrence for the Director of Public Prosecutions to announce that, because of the chance of not gaining a successful prosecution, certain charges will not be laid. An example of that occurred recently involving a motor vehicle accident in the Adelaide Hills, where charges were not laid.

I think that everyone is sensible enough to realise that the Director of Public Prosecutions must be a highly qualified

person, whoever it happens to be at any point in time, and the public entrust that officer with the role of making a judgment on his or her capacity to proceed under whichever act the charge in question may be laid. The advice to me is that we are not sure about the alternative verdict issue, and I will have to seek further advice on that matter. The initial advice is that we do not believe it could be, but we will seek clarification on that point.

Mr CLARKE: The minister is going to seek clarification. We are going to pass a law and we could find someone in double jeopardy, in a sense. There is not a step between here and another place to sort this out. If we let this through on the third reading, that is it. It is no use being told after the event. It comes down to the schedule in the Summary Offences Act. It seems to me that a person arrested for using children, rather than being charged under the substantial penalties in the act, could be charged simply with a breach of the Summary Offences Act. In the Summary Offences Act, I can see only the definition of 'prostitute'; I do not see a definition of 'prostitution'. The minister may be able to direct me elsewhere in that act, but the definition includes 'any male person who prostitutes his body for fee or reward'.

An honourable member interjecting:

Mr CLARKE: It is in the eye of the beholder and I have often been told that they would have to weigh it in gold, but I will leave it for others to judge. I think they would have good taste. It does not refer to 'any female': I assume it means one or the other or both. The point I am making is as follows. If we pass this bill, whoever lays the charges has two choices: either life imprisonment or three months if it is a first offence. I think, in the interests of both the prosecutor and the defendant, they are entitled to know the penalties straight up, before they even engage in this type of activity, if they are caught doing something unlawful. It should not be a case of, 'If I get a prosecutor on a good day, I might get away with just a summary offence or three months; or, if I meet someone like the member for Spence as the prosecuting authority, they might go for life imprisonment.' If it is the member for Playford, it will probably be a quick crucifixion, if they are lucky.

Mr Hamilton-Smith interjecting:

Mr CLARKE: Yes: we have had one too many crucifixions on this side of the House, and let me tell you it is not pleasant. There is no in-between time to get a report back from the Attorney-General or a quick amendment through: we have to decide this matter tonight, unless the minister decides to adjourn it. From the minister's answer, it would seem that the alleged offender can be charged under either of the two acts—the Summary Offences Act or the Criminal Law Consolidation Act—and it is in the eye of the prosecutor as to what they choose to do. I do not think that is good enough. If we are serious about it let us make new section 25A subject to the Criminal Law Consolidation Act; therefore, if you fall outside those parameters you come under the safety net provision. But you know where you are going; it is not simply, 'Let's work it out on the day.'

The Hon. I.F. EVANS: I just make the point to the member for Ross Smith that I do not see how he could possibly expect me to judge the conduct under which the Director of Public Prosecutions or others—

Mr CLARKE: I am not asking you to do that.

The Hon. I.F. EVANS: You are, in effect, because you are mounting an argument to say they could be charged under one or the other.

Mr Clarke interjecting:

The Hon. I.F. EVANS: That is true: they can be charged under one or the other, depending on the case. It is ultimately a matter for the people laying the charges at that point in time to consider the case. If they are not convinced that the case for the more serious offence exists, surely the honourable member is not arguing that they then should be charged with that offence? Surely the role of society is that if the DPP cannot mount a case with a reasonable chance of conviction, they have to make some judgment as to whether they proceed. That is their democratic right. So, there will always be some judgment about whether they are dealt with under one clause or another.

Mr FOLEY: Clearly, in light of the government's inability to answer this question I would like to report progress, and, accordingly, I move:

That the committee report progress.

The committee divided on the motion:

AYES (18)

Atkinson, M. J. (teller)	Breuer, L. R.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.
Rankine, J. M.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L.	Wright, M. J.

NOES (22)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F. (teller)	Gunn, G. M.
Hamilton-Smith, M. L.	Ingerson, G. A.
Kerin, R. G.	Kotz, D. C.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	Meier, E. J.
Olsen, J. W.	Oswald, J. K. G.
Penfold, E. M.	Scalzi, G.
Such, R. B.	Williams, M. R.

PAIR(S)

Rann, M. D.	Hall, J. L.
Bedford, F. E.	Lewis, I. P.
Ciccarello, V.	Venning, I. H.

Majority of 4 for the Noes.

Motion thus negatived.

Mr ATKINSON: While the chamber is fuller than it was before, let me say that the government has brought us to this pretty pass. We have a proposed new section 68 of the Criminal Law Consolidation Act which outlaws the use of children in commercial sexual services. The penalty can be imprisonment for life or imprisonment for nine years, depending on the age of the child. However, if the accused can raise a reasonable doubt about his state of knowledge of the age of the victim, if the accused can argue that he believed on reasonable grounds that the victim had attained 18 years of age, he is off that charge; he has beaten the rap. The question we ask the government is: if the accused beats the rap on that charge, can he be charged with a lesser offence of procurement for prosecution, namely, new section 25A of the Summary Offences Act which provides:

A person must not engage in procurement for prostitution.

The government could not tell us whether the accused who had beaten the rap on the serious offence could be found

guilty of the lesser offence. The government does not know, but it will not delay the consideration of this bill until it can tell us.

The Hon. G.A. Ingerson interjecting:

Mr ATKINSON: No. The member for Bragg interjects that it can be done in another place. I really do not think so, not with our Attorney-General.

The Hon. G.A. Ingerson interjecting:

Mr ATKINSON: It could be done notionally but I cannot see the current Attorney-General accepting any grassroots attempt to change his penalty clauses. Leaving aside the question of the alternative verdict, which the minister now says he has an answer for (and I bet that answer is 'No', that it is not an alternative verdict), we have a situation where we have one charge which carries penalties of life imprisonment or nine years imprisonment or five years imprisonment and we have a lesser but similar offence which has a maximum penalty of $1 250 or three months' imprisonment.

I say that, as parliamentarians, we should hang our head in shame if we present those two alternative offences to the Director of Public Prosecutions, because that is not a reasonable alternative with which to present the prosecution authorities of this state. I think that there ought to be some consistency between these offences. For those members who have not been listening to the debate, I point out that the only change I am proposing is to lift the maximum fine from $1 250 to $10 000 and the maximum term of imprisonment from three months to two years. I am proposing a pretty modest amendment.

It is really up to the judges whether the seriousness of the offending justifies that maximum penalty—in nearly all cases it will not. What I am trying to do, though, is smooth out the various penalties and have sensible gradations of penalties because it is not sensible to have one offence carrying life imprisonment and the alternative offence carrying a maximum of three months' imprisonment. That is not responsible legislating and I emphasise to members opposite, who seem to be treating this as a party vote, that this is a conscience vote.

Can members opposite, as members of the government or supporters of the government, in all conscience say that it is a good exercise of their legislative function to give the Director of Public Prosecutions the choice of section 68 of the Criminal Law Consolidation Act, carrying a maximum penalty of life imprisonment, or nine years or five years, and an alternative offence under the Summary Offences Act of a three month maximum? I do not think that is sensible legislating and I ask members to support this modest amendment because it is, after all, a conscience vote.

The Hon. I.F. EVANS: For the clarification of the honourable member it is in fact an alternative. The prosecution can charge the more serious offence against section 68 and the alternative offence under section 25A.

Mr Atkinson: On the same facts? On the same indictment?

The Hon. I.F. EVANS: That is the advice given to me.

Mr Atkinson interjecting:

The Hon. I.F. EVANS: As the honourable member knows, it is not unusual at all. Members need to understand that we are arguing about a range of offences. The member for Spence talks about a range of offences from life imprisonment to three months and a fine. That reflects a range of the seriousness of the offence. It is not unusual for us, as a parliament, to legislate for a range of penalties depending on the seriousness of the offence. Surely, if the system says that the offence is not serious enough to warrant life imprisonment or 19, 12, nine, six or three years, all alternatives under the bill, then you need a lesser penalty somewhere at the end.

In the end there has to be a lesser penalty. Your alternative is that it be two years or a $10 000 fine. Our alternative is that it be $1 250 or three months. We are talking about the more minor offences which attach to this bill. The penalties range from life imprisonment, 19 years, down to the minor offences, where in our view the penalties should be a $1 250 fine or three months' imprisonment maximum and, for a second offence, $2 500 or six months. Members should be absolutely clear that we are talking about minor offences.

If at the end of the day the Director of Public Prosecutions chooses, based on the evidence—as the shadow attorney would expect him to do—not to lay a charge under a particular section, that is that person's right and, indeed, responsibility. You would not expect that person to do anything else but to make a judgment. The DPP makes judgments on those sorts of issues every day of the week—that is the role.

I come back to the comment of the member for Ross Smith about the whole argument of whether a person can prove that they thought or had reasonable grounds to believe that the person was over 18 years and that somehow that changes the effect. That is not new or unique to this bill—it is in a large number of bills that go through this Parliament on a regular basis.

Mr Atkinson: It is not in a large number of bills but in a large number of sections.

The Hon. I.F. EVANS: Okay—a large number of sections. As long as the honourable member understands the point I make, that is good. Lawyers and courts are faced with those judgments all the time. Clearly it is harder to prove the age of someone if they are 17½ years when the offence occurs than it is if someone is 10½ or 12½ when the offence occurs. The courts often deal with issues involving age, and this is no different. Members need to realise that we are voting on the lower end and we are trying to decide what should be the lower end of the spectrum. The best advice to us is that, given the other penalties that exist in South Australian legislation, the appropriate penalty in this case is three months maximum or a $1 250 fine, and for a second offence six months or a $2 500 fine.

Mr HANNA: The minister refers to the lower end of the spectrum, but of course the lower end of the spectrum is already there when you have a higher maximum, and every day of the week courts impose penalties at the lower end of the spectrum without needing to have 10 offences available to the prosecuting authorities. What the government is doing with this range of offences is unnecessarily giving a sentencing option to the DPP or the police prosecution authorities. Essentially the DPP gets to choose, according to which offence it prosecutes under, how seriously the matter will be treated by the courts. That always has been and should be the courts prerogative.

Mr SNELLING: The truth is that the Attorney-General has been dragged kicking and screaming to the point of having procurement as an offence, but it is such a ridiculously small penalty that it is not really a penalty at all. The member for Goyder spoke very eloquently about the need for the other provisions of the bill and how important they were, but he has ignored one of the principle sections of the bill, namely, to reduce the penalty for procurement to an absurdly low level, a level which in the reality of the courts means that most offenders who are successfully prosecuted will not get

anything like three months. The effect of the bill and the schedule is to trivialise the offence of procurement and to make it disproportionately light compared with the other penalties set out in the bill.

I support the amendment, because it restores the offence of procurement so that parliament sends the message that procurement is a relatively serious offence with a relatively serious maximum penalty. It establishes this and sends a clear message to the courts about the range of penalties which the parliament expects to be imposed on people who are successfully prosecuted with the offence of procurement. It is also in keeping with maintaining an appropriate relativity of offences in the bill, rather than having this ridiculous situation where, as has been pointed out by my colleagues, you can be faced with either a penalty of life imprisonment or, if you are able to establish that you had reasonable grounds to believe that the victim had attained certain years of age, you can get off with a maximum penalty of three months. I support the amendment. I would urge those members opposite who I believe would be appalled by the idea of abolishing the offence of procurement to think seriously about supporting the amendment and giving the procurement the penalty it deserves.

The Hon. I.F. EVANS: In reply to the member for Playford's comment about abolishing and trivialising the offence of procurement, I will quote from a letter written by the Attorney to Dr David Phillips, the Chairman of the Festival of Light, which letter rebuts the argument about trivialising this offence. It states:

> The bill [before us] prohibits procuring in far greater detail and extent than has ever before been achieved under South Australian law. At present—

Members interjecting:

The Hon. I.F. EVANS: I am just quoting the letter. It continues:

> At present, our law covers only the procuring of people who are not, and probably only people who never have been, common prostitutes; probably does not apply to procuring a person to provide commercial sexual services to a small number of select clients; does not differentiate between the means of procuring or the age of the person procured; maximum penalties for procuring offences against children are no greater than for those against adults; and the maximum penalty for any procurement offence is 7 years.
>
> In contrast, this bill must be read as a whole in its coverage of behaviour which is traditionally described as 'procuring'. While terms other than 'procuring' have been preferred to describe this behaviour, the bill in fact covers procuring by compulsion, undue influence or deception, including procuring for commercial sexual services that do not amount to prostitution (e.g. lap dancing);—

Mr Atkinson interjecting:

The Hon. I.F. EVANS: It is dated 23 May. The letter continues:

> —contains a specific offence for asking a child to provide commercial sexual services; and provides a range of maximum penalties ranging from life imprisonment to 3 months imprisonment. The bill covers conduct ranging in seriousness from the commercial sexual exploitation of children to the simple attempt to procure freely consenting adults.

I think the concerns about trivialising the offence are well rebutted by those quotes from the letter.

Mr SNELLING: In response, no-one who has spoken today has opposed the provisions of the bill to which the minister has referred. Our problem is with the basic offence of procurement, that is, procurement without coercion, procurement of adults and procurement of people who are not covered within the clauses of this bill. It is the basic offence of procurement that the government has sought to trivialise by proposing such an appallingly low penalty—three months' imprisonment or $1 250, compared with a penalty of seven years in the original bill. I am happy to have that penalty reduced from seven years, but a reduction from seven years to three months is just absurd. Members opposite need to think seriously about whether they can go along with this.

The offence of procurement is aimed at the pimps. This penalty is aimed not at prostitutes but squarely at pimps and brothel owners. The government wants to reduce the penalty applicable to pimps and brothel owners from seven years to three months. That is disproportionately low, and I strongly urge members opposite who I know are opposed to liberalisation of the state's prostitution laws to think seriously about what they are doing by opposing the amendment. If we leave this clause alone, with a penalty of only three months, the reality is that not only will people who are successfully prosecuted with procurement be affected but further the courts will not impose a penalty of anything like three months. Two years seems to me to be a relatively strong penalty, and I again urge members opposite to think seriously about supporting this amendment.

Mr MEIER: As I indicated earlier, the whole thrust of this bill is to prohibit the importation of sex slaves into this country and into this state, and the penalties are severe. This schedule deals with the procurement aspect—persons who are asked whether they are interested in becoming involved in the prostitution trade. I am not allowed to refer to the four other bills which are before this parliament and which will hopefully be debated within the next week or so. I will try to hypothesise the penalties that may come out of the Summary Offences (Prostitution) Amendment Bill. If a person engages in prostitution, there would be a maximum penalty of $1 250; for various other offences, a maximum of $1 250; and, for certain other offences, a maximum of $2 500. If you compare that hypothetical—and I do not have any other choice but to say hypothetical, even though members would be aware of the other bills before us——you see that $2 500 would be the penalty imposed for a subsequent offence.

I firmly believe that the first and foremost requirement of this Parliament is to pass this legislation to stop the thugs and the criminal element from continuing to operate and bring sex slaves into this country for a period of one, two or three months and then send them back to their home country.

An honourable member interjecting:

Mr MEIER: Well, we have life imprisonment for the worst offence, and that is what it should be. That is provided in the bill, and as I said earlier I fully agree with that.

Mr Snelling interjecting:

Mr MEIER: Yes, but procurement is something that needs to be dealt with in the debate on the other four bills next week.

Members interjecting:

Mr MEIER: That is right and, currently, the fine of $1 250 is about the same as what is envisaged in one of the other bills, and the fine of $2 500 is also envisaged in one of the other bills, so they are about on par. If we want to increase those amounts, we should debate the matter next week when we deal with the prostitution bills. I hope you are ready to debate them. I have a suspicion that some of those members who are interjecting will probably not even go down this track; they will legalise prostitution. We will see how they get on then. I bet that some of those interjectors will do just that. We will see what happens. I am not suggesting that the member for—

The ACTING CHAIRMAN (Mr McEwen): Order! The honourable member will direct his remarks through the chair.

Mr MEIER: This parliament is within its rights to pass the legislation as it stands. It contains penalties of up to life imprisonment for serious offences. Clearly, the bill covers the situations that it seeks to cover. For those members who have concerns about procurement, that matter will be well and truly covered by the bills that will be considered next week or as soon as possible thereafter. Therefore, I have no problem with supporting the bill as it stands.

Mr HANNA: I have a couple of miscellaneous points to bundle together. I am not really seeking a response from the minister, because it is clear that he does not understand the substance of the bill. My first point is that I cannot understand why the Government Whip (Mr Meier) is an apologist for a government position in respect of this bill when, as I understand it, there will be a conscience vote on this clause. I am interested to hear the response of the church groups in his electorate when they become aware that he supports this great decrease in the penalty for adult procurement for prostitution.

I also want to make a practical point. The DPP, or, for that matter, the police prosecution authorities, when they have the choice of a range of offences for basically the same set of facts—which is the sort of scenario emanating from this bill—they will tend, quite naturally, to lay charges across the range of offences. If the facts can roughly fit the more serious and less serious offences, they will charge the accused with both, or, if there is more than both, they will charge them with the lot, because they know that that can be worked out during the court process.

However, when on the same set of facts a serious offence is charged together with a relatively minor offence (a summary offence), there is great pressure on the accused to do a deal and plead guilty to the minor offence whether or not they are guilty. Many people will, potentially, be charged with both a life imprisonment offence and a minor offence but they will not be able to afford to go through a trial in the District Court or the Supreme Court, so they will cop it and say, 'I didn't damn well do it, but I will plead guilty and offer to pay a $1 000 fine because that's a good commercial decision'—but that is not justice!

The Hon. M.K. BRINDAL: I take personal offence to the remarks of the member for Mitchell for suggesting that particular groups which practise christianity somehow have a monopoly on moral truth in this—

Mr Atkinson: He's talking about the level of a fine.

Mr Hanna interjecting:

The ACTING CHAIRMAN: Order!

The Hon. M.K. BRINDAL: We are talking to a clause. The member for Spence need not lecture me on how to contribute to a debate; I have been here for as long as he has. I take offence to the implication that any group can exert moral authority. I try to practise the same religion, and I am firmly committed to reform of this law. The fact is that others who share a similar faith disagree with me. I respect their right to their opinion, but I will not be told by people such as the member for Mitchell what I should do because some church tells me what to do. I will answer to my conscience and no-one else's.

In relation to this clause, some years ago members had an opportunity to amend this law. They chose not to do so at that time, and many of the members opposite, who happen not to share my gender but who happen to be very enlightened on this subject, have pointed out to the House that the current penalties—which the last parliament chose not to amend—mirror the penalties proposed in this bill. If members such as the members opposite who are speaking want to change them, as the member—

Mr Atkinson interjecting:

The Hon. M.K. BRINDAL: Mirror the sorts of penalties that are proposed in this bill.

Mr Atkinson: What bill?

The Hon. M.K. BRINDAL: This bill we are talking about. Can't you read?

Mr Atkinson: What is the mirror image?

The Hon. M.K. BRINDAL: Look at the like offences, that is, the offences of keeping a brothel and look at the fine in the Summary Offences Act; look at what a division is—

Mr Atkinson interjecting:

The Hon. M.K. BRINDAL: I am making the point that when the parliament had a chance to alter these divisions, these fines for other offences, it chose not to do so. Now the government comes in with a similar—

Mr Atkinson interjecting:

The Hon. M.K. BRINDAL: I do not want to keep the House all night but the member for Spence annoys me.

Members interjecting:

The Hon. M.K. BRINDAL: Good; that is my job. The member for Spence well knows that when that bill was before the House the parliament could have chosen to amend the Summary Offences Act or offences related to prostitution in any way it chose, and it could have chosen to make the penalties for keeping a brothel for any—

Mr Atkinson: Not three months maximum.

The Hon. M.K. BRINDAL: If the member for Spence has not got the intelligence to follow what I am saying, I am sure most other members have.

Mr Atkinson interjecting:

The ACTING CHAIRMAN: Order! The member for Spence is out of order.

The Hon. M.K. BRINDAL: The government proposal mirrors the current provisions—

Mr Atkinson interjecting:

The ACTING CHAIRMAN: Order! The member for Spence is out of order.

The Hon. M.K. BRINDAL: In my opinion, it mirrors the current provisions—and I do not care what the member for Spence thinks: he is wrong.

Mr MEIER: Because the member for Mitchell brought up churches and the way in which I would argue my case—

Mr Hanna: Only in your electorate.

The ACTING CHAIRMAN: Order!

Mr MEIER: —for my electorate, I want to inform the honourable member that I have had a fair bit of correspondence from churches in relation to the foreshadowed prostitution bills. They have urged me to support the summary offences bill. The penalties in that bill range from something like $750 to $2 500 for offences similar to those about which we are talking here. They are urging me to support that. Therefore, I am very much in my right to support the current penalties here. I rest my case.

The Hon. I.F. EVANS: I will clarify the matter for the member for Spence. He might be looking up the Summary Offences Act and what penalties apply in order to try to rebut the member for Unley. My advice is that under the Summary Offences Act, section 26, 'living on the earnings of a prostitute', the penalty is $2 000 or six months' imprisonment; under section 28, 'keeping and managing a brothel', the penalty for a first offence is $1 000 or three months' impris-

onment, and for subsequent offences, it is $2 000 or six months' imprisonment; and 'permitting premises to be used as a brothel' is the same as section 28 under that act, which is, for a first offence, $1 000 or three months' imprisonment, and, for subsequent offences, $2 000 and six months' imprisonment.

My understanding is that they are the provisions under the act. The comments that the member for Unley made about the penalties here being in the same ballpark, if you like, as those under the Summary Offences Act is a valid point. If you consider what the government is arguing, that is, that the offence for procurement as now defined under the bill, that is, $1 250 or three months' imprisonment or, for a second offence, $2 500 or six months' imprisonment, it is very similar to the penalties—

Mr Atkinson: It is double what you are proposing for procurement.

The Hon. I.F. EVANS: —for living on the earnings of a prostitute ($2 000 or six months) and keeping and managing a brothel ($1 000 or three months; and for a second offence, $2 000 or six months). I make the point that under the bill procurement includes advertising, etc., for a prostitute. Accepting the opposition's argument, I would say that if you advertise for a prostitute, that is procure, somehow you will be up for two years' imprisonment or a $10 000 fine maximum but, if you live off the earnings of a prostitute, you get a $2 000 fine or six months' imprisonment.

I find that an unusual stance to take—some might—but you are arguing it, not me. If you keep and manage a brothel, your penalty is only $1 000 or three months' imprisonment, or $2 000 or six months' imprisonment; but, if you advertise for one or try to procure one by advertisement, it is two years' imprisonment or $10 000. We would argue that our penalties are more consistent with other offences under the Summary Offences Act. That has been our consistent argument, and I think those figures reflect that. It shows that the Opposition argument is simply not valid, and we would argue that our penalties are more in line with other penalties in relation to the various offences.

The Hon. R.B. SUCH: I do not want to stray into the other bills before the House. I take the view that, if people engage in sexual activity as adults, that is their business. If they do it for money, that is also their business. I have never taken the view that the government of the day (or of any day) should involve itself in trying to control the private affairs of adults. However, when it comes to children, obviously, I take a very different stance.

As we know, prostitution itself is not illegal, but for procuring, enticing someone to get in, we have a penalty involved, which seems somewhat strange. Truck driving is not illegal, but if you made it illegal to entice someone into becoming a truck driver it would seem a bit bizarre. If we are going to have penalties, I agree with the minister that they should be at the lower end rather than at the higher end, and we should avoid getting into some sort of auction to see who can come up with the heaviest penalties, because I do not think that it is in the best interests of the community or of anyone to engage in an auction in terms of penalties.

This whole area, where people are trying to pander to particular groups in the community, I do not think is in the interests of the community as a whole, and I think that people should take a more rational, sensible approach. I commend the minister for not bowing to what seems to be an attempt to increase penalties just for the sake of trying to win an extra vote or two.

Mr ATKINSON: As someone who is going to introduce a bill in the House tomorrow to abolish the brothel offences, I am not really impressed by the argument of the minister and the member for Unley, because I do not think that there is any comparison between the seriousness of the brothel offences and the seriousness of the procuring offence. I do not think that you are comparing apples with apples. I am quite prepared—

Members interjecting:

Mr ATKINSON: With respect, as a member of the Social Development Committee I think that I have been in more brothels than any other member of the House! For the information of the member for Unley, I believe that the brothel offences should be removed, and that is what I will be moving to do when this debate comes on. But, as we were saying earlier when the minister was not participating in the debate, the government is pre-empting our consideration of that debate by moving this clause, and particularly in setting a level of penalty that is at the wrong level.

It is simply to trivialise what is proposed for procuring. The United Nations, through a 1949 Convention, has called for all countries to maintain an offence of procuring a person to be a prostitute. I think that we are trivialising the offence by reducing the maximum penalty from seven years to three months.

The Hon. M.K. Brindal interjecting:

Mr ATKINSON: But I do not accept that comparison. The minister interjects that it is the same as keeping a brothel. That is interesting but, as the minister knows, I am moving to abolish those offences in my bill. I want to consider procuring on its own merits and, as far as I am concerned, procuring a person to be employed as a prostitute is an offence of some seriousness. And I will vote in the debate next week and in the subsequent weeks to maintain it as an offence.

I accept that some of my parliamentary colleagues will be of a different view and that is fine, but this debate is being pre-empted by what the government is doing tonight and it should not be doing it. It should not be doing it as a matter of procedure. There is the procedural argument and then there is the merits argument, and the procedural argument is that by doing this the government is pre-empting consideration of the debate.

The member for Fisher is welcome to vote according to his conscience, but a lot of government members here tonight are not being allowed to vote according to their conscience. They are being whipped in for a government bill in advance of the true consideration of the argument, which will occur next week or subsequently.

The final point I make is about the role of the Director of Public Prosecutions. Sentencing in South Australia ought to be a function of the courts, and the courts ought to have reasonable discretion in setting sentences, and that is why of late I have been arguing against mandatory sentencing where we do not already have it in our law. However, what will happen under this proposal from the minister is that the decision on what sentence is applied to a person who procures another person to act as a prostitute will be taken in secret—not in open court, but in secret—by the Director of Public Prosecutions because the whole question of what sentence is to be imposed will be a decision of the prosecutor. It will not be public, it will not be reviewable, and it will not be a decision of the court.

The Director of Public Prosecutions will be faced with one section which imposes penalties of life imprisonment and

nine years and a lesser offence which imposes a maximum penalty of three months. That is not a sensible gradation, it is not a sensible calibration of sentencing and it is not a decision that this parliament should endorse. It is not a choice that this parliament should put in front of a Director of Public Prosecutions: it is not fair to the prosecutor and it is not fair to the public. The amendment I am proposing is modest: it increases the maximum penalty of three months to a maximum penalty of two years. In the vast majority of cases, the court will not impose a maximum penalty of two years. In hardly any instance I can think of in South Australian legal history has the maximum penalty for a criminal offence been imposed.

As I say, usually the penalty imposed will be less, but what we must do is give the courts at least the choice of imposing a maximum penalty higher than three months because, as the government now admits, in some circumstances this will be an alternative verdict to child prostitution where the maximum penalty could be life imprisonment or nine years. From life imprisonment or nine years down to three months is a pretty big drop. I am simply asking for a modest, sensible decision by this parliament to give the courts the power in their discretion to impose a maximum penalty of between three months and two years. That gives the court a sensible discretion.

If members want to debate legalised brothel prostitution next week and they want to sweep away the procuring offence, by all means do that next week, but coming into that debate let us set a sensible framework of laws in this area so that at that time we can make sensible decisions.

The committee divided on the amendment:

AYES (17)

Atkinson, M. J.(teller)	Breuer, L. R.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Key, S. W.
Koutsantonis, T.	Rankine, J. M.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	White, P. L.
Wright, M. J.	

NOES (22)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F.(teller)	Gunn, G. M.
Hamilton-Smith, M. L.	Ingerson, G. A.
Kerin, R. G.	Kotz, D. C.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	Meier, E. J.
Olsen, J. W.	Oswald, J. K. G.
Penfold, E. M.	Scalzi, G.
Such, R. B.	Williams, M. R.

PAIR(S)

Bedford, F. E.	Hall, J. L.
Ciccarello, V.	Lewis, I. P.
Rann, M. D.	Venning, I. H.

Majority of 5 for the Noes.

Amendment thus negatived; schedule as amended passed.

Long title.

The Hon. I.F. EVANS: I move:

Leave out 'a related amendment to' and insert:

related amendments to the Criminal Assets Confiscation Act 1996 and

This amendment is consequential on the amendment previously agreed to.

Amendment carried; long title as amended passed.

Bill read a third time and passed.

ADJOURNMENT DEBATE

The Hon. I.F. EVANS (Minister for Environment and Heritage): I move:

That the House do now adjourn.

Ms STEVENS (Elizabeth): I want to return to what I was speaking about last night in the adjournment debate and that related to the matters raised in Labor's recent northern suburbs health hotline. Yesterday I concentrated on issues concerning Modbury Hospital and the Lyell McEwin Health Service. Tonight I want to speak briefly about dental treatment, because we had five or six calls from people in relation to that matter. I was also interested to note a letter to the editor in the *Advertiser* this morning from Geraldine Whiting of Salisbury where she, too, raises issues about this.

I want to refer, though, to a call we received during the hotline time. This was from a person who had already been waiting for five years to have dental treatment. She explained that because she had been waiting for five years there had been no opportunity for her to have any regular check-ups or regular preventative treatment. Four months ago she had a double broken tooth and she could get no treatment in relation to that. Eventually the tooth wore down further until it got to the gum, when it started aching very badly.

This woman said that on the Wednesday of that week she had rung the local dental clinic at the Lyell McEwin Health Service, and they had told her to put cotton wool on the tooth. This, of course, made no difference whatsoever. It was only a day or so later, when she was in severe pain, that she was finally able to get some help. This woman also told us about someone else whom she knew and who had problems with dentures, and this person had been told by the Lyell McEwin Health Service that in no way could they get in for treatment. This person was told that the waiting list in their case could be another five years.

This person's dentures were loose and were moving around in their mouth all the time; this was affecting their jaw and causing ringing in the ears and pain in the jaw and, because their dentures were slipping around in their mouth, this was causing blood blisters throughout their mouth. This situation has been experienced by thousands of people in South Australia.

As I mentioned earlier, it was interesting to note the letter in the paper this morning from Geraldine Whiting from Salisbury. In her letter she says that some people have been waiting for eight years to receive dental treatment. This situation is affecting more than 100 000 people in South Australia. It is an appalling situation which neither the federal government nor the state government has shown any inclination whatsoever to confront or do anything about at all.

I would now like to spend a few moments talking about a very important meeting that I attended on Sunday with the members for Wright and Price and the Hon. Carmel Zollo from another place. It was a meeting of parents and carers of people with an intellectual disability. This meeting had been arranged by Parent Advocacy one year after a similar meeting held last year to draw attention to the appalling conditions that many people must face caring for an intellectually disabled relative.

This time last year, at a very well attended meeting, we were told that 138 people were living in absolute crisis. When we talk about absolute crisis, we mean just that: appalling conditions that must be seen to be believed. We were also told last year that 226 people over 45 years of age with an intellectual disability were still living with their aged parents.

Last Sunday, we were informed that there are now 145 people in absolute crisis, 147 in urgent need and 336 people over 45 years of age still living at home with their aged parents. The sad fact is that another 12 months has passed but things have not changed and, for the people who find themselves in this situation, conditions have just got worse.

The meeting heard from three different parents—people who had enough courage to stand up and tell their story and to explain the hardship, the frustration and the hopelessness that they feel in trying to care for their relative. They feel that there just seems to be no hope at all of things changing in the future. The Minister for Disability Services was also at the meeting, and he said that the commonwealth government had made an offer to South Australia of $12 million to deal with this unmet need in our state. He also mentioned that his government was the first state or territory government to make a commitment to doing its share in meeting this unmet need. Unfortunately, even though the government has made a commitment to do something about it, it has failed to tell us just how much it is prepared to put in.

The $12 million that is South Australia's share from the commonwealth government is just not enough. Two or three years ago a national report assessed the level of unmet need for people in this situation at $300 million across Australia. South Australia's share of $300 million is somewhere between $24 million and $30 million. That is what is required to meet the level of unmet need in this state. The commonwealth government has put in $12 million and we are waiting on the state government to say what it is going to do in relation to that. That $12 million from the commonwealth government is spread over two years, so there will be $4 million in the next financial year and $8 million for the second year. It remains to be seen what the state government will do in tomorrow's budget. For the people at that meeting, it became clear that what has been offered by both governments is nowhere near enough when compared with what is required.

Another matter that was raised about the federal government is that, not only has it given away less than is needed, it has put strings on the money that will restrict the way it can be distributed. It has said that the money will be for respite, for aged carers, and that one can only qualify for that money if one is over 65 years old and has been caring for somebody for 30 years. People are appalled that strings have been placed on that money. It means that so many of those people who are 40 years old or 35 years old and who have already been caring for their child for up to 20 years will not get a look in on the commonwealth money.

The situation is drastic and all members should know that people with a disability in our community are some of the most vulnerable of our citizens. Parent Advocacy has done a fine job in organising this action group and I hope that it will follow through even further as elections at both the federal and state level approach, so that all members of parliament understand that, unless governments change their view in caring for these people, they will feel the consequences in the ballot box.

Mr HAMILTON-SMITH (Waite): I rise to speak about an issue of growing concern within my electorate of Waite, which constitutes a good portion of Mitcham and Unley council districts. That is the issue of 40 km/h speed zones or 50 km/h speed zones, if that should be the decision of our community, in suburban streets. Since the introduction of 40 km/h speed zones in the Unley council district some time ago, a number of other Adelaide metropolitan councils have chosen to trial 40 km/h speed zones in suburban streets. Mitcham is one of those councils and I believe that there are several others. This issue is beginning to impact across the whole city and requires a coordinated approach.

In Mitcham, certain suburbs within the council district have been nominated as 40 km/h zones. Those zones exclude major bus routes and significant through roads from one major arterial road to another. The major roads still have the 60 km/h limit and a good part of a suburb such as Westbourne Park, Hawthorn and Urrbrae is 40 km/h, but it is punctuated by bus routes and other arterial cross routes which remain at 60 km/h.

Initially this measure was fairly well accepted by the community. I point out to the House that Mitcham council did conduct community consultation and put the option of either 60 km/h or 40 km/h to the community. The measure went forward only after there was some confidence that a good number of people supported the idea of 40 km/h. Initially the measure was not policed. There was a probationary period, but I think that the measure was generally accepted without too much grievance as being a worthwhile and interesting trial. Of course, after a honeymoon period the police began to do their job and do it well.

They began to police the 40 km/h areas with some vigour. I commend the police for that. That is their job. They will police whatever speed limit is posted. They are professional officers doing their job. Of course, once that started to occur my electorate office was besieged by constituents quite alarmed that they were all being booked in streets which seemed to them to be quite wide, open boulevards and certainly streets not warranting a speed restriction below 60 km/h. People argued, 'It was fine at 60 km/h last week but suddenly this week it is 40 km/h. It is a very wide road. I have been booked. It is all the state government's fault. It's the police. It's harassment'.

Another group within the community strongly supported 40 km/h. Once the backlash emerged the group that supported 40 km/h also contacted my office. The community is now divided on this issue with two very large representative groups emerging: one fervently supporting the retention of 40 km/h within the city of Mitcham and, indeed, its extension throughout the entire council district; and the other group vehemently opposed to 40 km/h and arguing that it is harassment and that it should not be continued.

Briefly the arguments are that those people who believe that 40 km/h is a good initiative and that it should be expanded throughout the whole of Mitcham are of the view that it slows traffic to reasonable levels in suburban streets, thereby providing added safety and protection to families and to children and enabling safer approach and exit from homes. They argue that it redirects traffic off suburban streets and into major arterial routes. They argue that it reduces noise levels; that it improves amenity; and that in every respect it leads to a better quality of life for the residents of suburban streets in the Mitcham area. It is a very reasonable argument.

People argue that a car can slow down much quicker if it is doing 40 km/h rather than 60 km/h, and a range of statistics

have been provided to support that argument and to sustain the view that the community is better off with the 40 km/h speed restriction. Those who oppose 40 km/h put quite a contrasting viewpoint. They argue that most streets are engineered for a faster speed; that it is quite safe through most suburban streets to drive at 60 km/h; and that there is adequate time for braking and for taking account of any activity on the street that might prove to be dangerous.

They argue that it is very difficult to slow a modern car from 60 km/h to 40 km/h very suddenly as you turn off an arterial road into a suburban street, and that for most motorists that drop from 60 km/h to 40 km/h—a whole 20 km/h—is almost unachievable. They also argue that it increases petrol emissions because cars are travelling at a higher number of revolutions to travel at 40 km/h in a lower gear and so on. They simply put the view that it is a form of revenue raising, that it is unnecessary, that the roads are owned by drivers as much as they are owned by the residents who live on either side and that it is unreasonable for a 40 km/h limit to be imposed upon them. Both arguments have merit. Clearly, however, now that the matter has blown up as a consequence of its full policing, there is a need for further community consultation to ensure that before we advance with blanket city-wide 40 km/h zones in the Mitcham or any other council district we are confident that that is what people really want. The indications I am getting are that there are very contrasting views out there in the community and there is definitely a need for further consultation.

It is interesting to note, as those arguing against 40 km/h zones have put to me, that the RAA has firmly put the position that 40 km/h was too slow, that it should have been 50 km/h, which would have been more achievable and reasonable. It is also interesting to note that the national standard accepted appears to be 50 km/h. Further, those arguing against 40 km/h zones make the point that in every other council district in Australia to their knowledge 50 km/h and not 40 km/h has been the speed limit used for city-wide restrictions. We in South Australia appear, they argue, to be the only city going for 40 km/h zones. If we are not careful we will finish up with a catastrophe in Adelaide, with 40 km/h here, 50 km/h there and 60 km/h somewhere else. The motorists of South Australia (and most residents are motorists) will not know what on earth is going on as they travel from one side of the city to the other.

The minister, to her great credit, has referred the matter to the Road Traffic Safety Committee of the parliament for further investigation, and I understand that it will be advertising for community input this weekend. I look forward to the process. Everybody in the community deserves a fair go. As always, these issues are a balance between safety and community convenience and we clearly need to weigh up those imperatives, consult thoroughly with the community and make sure that what we finish up with is a reasonable outcome and one that demonstrates a coordinated, rational and well thought through approach right across the whole of the Adelaide metropolitan area, rather than a mish-mash, ad hoc approach whereby each council virtually does its own thing, irrespective of a broader vision for Adelaide.

Motion carried.

APPROPRIATION BILL

The Legislative Council granted leave to the Treasurer (Hon. R.I. Lucas) to attend in the House of Assembly on Thursday 25 May for the purpose of giving a speech in relation to the Appropriation Bill, if he thinks fit.

ADJOURNMENT

At 9.59 p.m. the House adjourned until Thursday 25 May at 10.30 a.m.