LEGISLATIVE COUNCIL

Tuesday 3 June 1997

The PRESIDENT (Hon. Peter Dunn) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions on notice be distributed and printed in *Hansard:* Nos 104 and 181.

GOVERNMENT CARS

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

1. How many Government employees currently have access to a Government owned, leased or rented vehicle as part of their remuneration package?

2. What are the guidelines for Government vehicles being able to wear private license plates?

3. How many Government owned, leased or rented vehicles wear, or have worn, Government license plates in the years—

(a) 1993-94;

(b) 1994-95; and

(c) 1995-96?

4. How many Government owned, leased or rented vehicles wear, or have worn private license plates in the years—

(a) 1993-94;

(b) 1994-95; and

(c) 1995-96?

5. What processes are in place to ensure that there is no abuse of Government vehicles?

6. How many cases of unauthorised use of Government vehicles have occurred in the years—

(a) 1993-94;

(b) 1994-95; and

(c) 1995-96?

The Hon. K.T. GRIFFIN:

1. The number of vehicles that the Government leases that are liable for sales tax because they form part of salary remuneration or have an element of regular private use total 639, as at 31 December 1996. The number of these vehicles by agency are monitored and reported to Cabinet on a quarterly basis.

2. Fleet SA fits private license plates to salary remuneration vehicles on the approval of the Commissioner for Public Employment. The fitting of private license plates to other, non-salary remuneration vehicles is approved by Cabinet.

3.—

(a) Information not available as it is not a statistic that registration and licensing produce.

(b) As above.

(c) 7 794 vehicles.

4.—

(a) Information not available as it is not a statistic that registration and licensing produce.

(b) As above.

(c) 1 117 vehicles.

5. The Government has in place a number of directives pertaining to the use of Government vehicles which are embodied in circulars and guidelines issued by the Commissioner for Public Employment namely:

- Circular Number 30 sets out the Government's policy on allocation and use of Government Motor vehicles.
- Circular Number 64 sets guidelines for ethical conduct for public employees in South Australia. Section 3.7 deals specifically with Government Motor Vehicles.
- In respect of the new executive remuneration arrangements, a Chief Executive and Executive Motor Vehicle Policy was established in December 1995.

5.—

(a) 5 reports.

(b) 3 reports.

(c) 5 reports.

BUSES, HILLS TRANSIT

181. **The Hon. T.G. CAMERON:** Why are Mount Barker bus commuters who use the Hills Transit bus service required to pay more than double what Gawler commuters pay to commute to Adelaide when Mount Barker is closer to Adelaide than Gawler?

Will the Minister have the Passenger Transport Board investigate extending the present metroticket boundaries, as well as implementing a single ticketing system, for Hills Transit?

The Hon. DIANA LAIDLAW:

1. Hills Transit currently provide regular passenger services under two separate contracts with the Passenger Transport Board (PTB). The first of these contracts covers metropolitan regular passenger services operated from the Government's Aldgate Bus Depot. These services were previously provided by TransAdelaide (formerly the State Transport Authority) and form part of the Metropolitan Adelaide Integrated Transport System.

(The boundaries of the Metropolitan Adelaide Integrated Transport System were established when the former State Transport Authority was formed in 1975, incorporating the metropolitan services of the South Australian Railway and bus routes purchased from the private sector).

The second contract operated by Hills Transit covers services in the Mount Barker area of the Adelaide Hills. These non-metropolitan services were previously provided by the Mount Barker Passenger Service (MBPS). As with all other non-metropolitan bus service contracts administered by the PTB, the fares for the Mount Barker contract are based on a commercial fare structure approved by the PTB, on application by Hills Transit.

The change of bus contractor for the Mount Barker area did not involve a change in the status of the contract.

2. The South Australian taxpayer will, this year, outlay $142 million to subsidise the operation of the Metropolitan Adelaide Integrated Transport System, The South Australian taxpayer will also contribute $23 million to cover metropolitan concession fares for pensioners and other concession holders. This latter amount is funded from within the annual concession programs of responsible agencies.

Any expansion of the current Metropolitan Adelaide Integrated Transport System would result in an increased financial burden for South Australian taxpayers and so must be considered within the context of the Government's overall Budget strategy.

The current Crouzet electronic ticketing system will need to be replaced within the next few years as it reaches the end of its economic life. The PTB is currently reviewing its requirements for a replacement ticketing system. As part of this process the PTB will assess options that could accommodate the integration of the Mount Barker and Metroticket ticketing systems.

AUDITOR-GENERAL'S REPORT

The PRESIDENT laid on the table a letter dated 30 May 1997 from the Auditor-General concerning his report on contract summaries.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Education and Children's Services (Hon. R.I. Lucas)—

Interim Operation of Development Plan Amendment—Shacks—(Land Division and Upgrading) Plan Amendment Report

Regulation under the following Act—

Development Act 1993—Development Categories

By-laws—

Architects Act 1939—Fees

Lifeplan Australia Friendly Society—General Laws—30 January 1997

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

Statutory Authorities Review Committee—Review of the Legal Services Commission (Part 1)—Response to the Recommendations

Regulation under the following Act—

Industrial and Employee Relations Act 1994—Unfair Dismissal

Rules of Court—
Magistrates Court—Magistrates Court Act 1991—
Criminal Assets Confiscation

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

Regulations under the following Acts—
Road Traffic Act 1961—Flashing Lights—Emergency Vehicles
South Australian Health Commission Act 1976
Prescribed Hospitals
Prescribed Services
Survey Act 1992—The Institution of Surveyors, Australia SA Division Inc—Report 1996
Environment Protection Act 1993—Environment Protection (Milking Shed Effluent Management) Policy 1997.

CHILD ABUSE

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to make a ministerial statement about child sexual abuse.

Leave granted.

The Hon. K.T. GRIFFIN: The issue of how to better deal with allegations of child sexual abuse within the justice system is always under consideration by lawmakers, the relevant public and private sector agencies, victim support groups and so on. On Saturday, 31 May 1997 the *Advertiser* ran a front page story about some comments which the DPP, Paul Rofe QC, allegedly made at a criminal justice forum during Law Week. Mr Rofe is reported as saying that child sex offenders within families should be publicly identified and humiliated. He is also reported as advocating a new court system.

Mr Rofe subsequently spent part of yesterday and today clarifying his position, and he has also provided me with an update on his comments. The DPP says:

> The report in Saturday's *Advertiser* of my comments was not entirely accurate. For example, I said nothing in the talk I gave about number plate identification. That suggestion came from the journalist, this being said in the context of a private conversation after the talk.

Mr Rofe also claims that he does not propose an alternative system to deal with child sexual abuse allegations. Rather, he says, his talk centred on his belief that the criminal justice system does not cope well with child sexual abuse as evidenced by the very low conviction rate. He then outlined some possible reasons: for instance, child evidence (particularly under seven years of age) and the requirement of proof beyond reasonable doubt.

Mr Rofe posed the question that a large percentage of reported offending, particularly within the family, might be better dealt with by some sort of system that, perhaps on the balance of probabilities, identified the offender and the conduct, provided some sort of accountability other than imprisonment, compelled treatment for the offender, and most importantly restored the child by affirming credibility, providing immediate rehabilitation and ensuring future safety. Mr Rofe mentioned various initiatives which already seek to identify at the earliest possible time those cases that give no reasonable prospect of conviction, thus minimising the trauma of the child. Mr Rofe says he 'simply raised some ideas but stressed they were simply ideas for discussion and not any firmly held views of my own'.

Having got that straight, I point out that the issue of how to better help child sex abuse victims and properly treat offenders is right at the top of the Government's list of priorities. You only have to look at the major initiatives which have been implemented in the past 3½ years:

- the Inter Agency Child Abuse Assessment Panel (IACAAP) was established in October last year on a trial basis to speed up and improve the response to allegations of child sexual abuse. IACAAP is based at the Noarlunga office of Family and Community Services and has handled 229 matters so far. It promotes a multi-disciplinary approach and comprises persons from FACS, the Office of the Director of Public Prosecutions, Child Protection Services at Flinders Medical Centre and the police. The panel eliminates the need for multiple interviews of child victims and makes early recommendations for investigation. It is being evaluated as it proceeds. It aims to make decisions as to the likelihood of success in any criminal prosecution at an early stage and decisions on how to deal with the matter from then on.
- The creation in 1994 of a new offence of 'persistent sexual abuse of a child' with a maximum penalty of life imprisonment. In December 1996 this legislation was nominated in a discussion paper prepared for the Standing Committee of Attorneys-General as the best legislation of its type in Australia. To convict a person of this offence the prosecution does not need to specify the times, dates or circumstances of the abuse. There is also now a maximum penalty of life imprisonment for unlawful sexual intercourse where the victim is aged less than 12.
- The introduction in 1995 of a new law directed to preventing convicted paedophiles from loitering near schools or any other places frequented by children.
- Establishment in 1994 of a committal unit where DPP officers and police work together to review serious cases at the earliest time.
- Since February 1995 a specialist group within the South Australian Police Department Organised Crime Task Force has concentrated on investigation of child exploitation. In addition to the specialist group, there is also a wide infrastructure within the Police Department to both investigate sexual offences against children and offer initial support.
- In 1994 the Criminal Law Consolidation Act was amended to ensure that the prosecution does not need to prove any particular degree of penetration to get a conviction for rape or unlawful sexual intercourse.
- A new 'centralised telephone intake team' at Family and Community Services to handle reports of child abuse throughout the State and assign an appropriate response regardless of their location.
- A new risk and safety assessment model will be implemented across FACS as a best practice model of assessing the level of risk to the child.
- A differentiated range of responses, depending on the outcome of the new assessments, so that the appropriate form of investigation, intervention, support or referral can be made for the particular family.
- A $500 000 Parenting S.A. Campaign and a 24-hour Parenting Help Line, operated by Child and Youth Health. This State was the first in Australia and is still the only one to have a Children's Interest Bureau.
- Mandatory reporting of suspected child sex offences by teachers, social workers or parents.

This is a mere sample of what is in place to better protect children. I could go on, but the list is literally endless. That does not mean that the Government is not willing to consider change. On the contrary, we welcome debate and the

exchange of ideas and information and, where appropriate, alternative schemes will be examined and seriously considered.

However, the Government will not make significant changes in the way it deals with changes of child sexual abuse without proper public consultation. We want to ensure that the interests of the child are paramount and that, where offences occur and there is evidence, offenders are prosecuted. We also want to ensure as much as possible that offending does not recur. We also want to ensure that, where there is no prospect of a successful prosecution, that reality is identified at an early stage and other steps are taken in the interests of the child.

These are the Government's primary goals, and South Australians can rest assured that everything is being done that could possibly be done to protect them in this difficult and sensitive area.

BOLIVAR SEWAGE PLANT

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a copy of a ministerial statement made in the other place today by the Minister for Infrastructure on the subject of Bolivar audit.

Leave granted.

QUESTION TIME

EDUCATION DEPARTMENT CAPITAL WORKS

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about the capital works program.

Leave granted.

The Hon. CAROLYN PICKLES: I was somewhat amused when I noted that the Minister this year introduced a new category of capital works called 'Works planned to commence in June 1997'. This is a new tactic that the Minister thought would deflect attention from projects not started. In reality it simply draws attention to them. I will detail some of the school projects now on the June list: the redevelopment of Glossop secondary school to cost $5.3 million, which was announced in the last two budgets; the restructure of the Hamilton secondary school to cost $2.8 million.

The Hon. M.J. Elliott: Third time lucky.

The Hon. CAROLYN PICKLES: That is right, third time lucky. That was due to start in April 1997. The redevelopment of Seaton High School, to cost $1.7 million, is now on the June 1997 list and has been due to start in the past three budgets. I refer also to the new Tanunda Primary School, which has been due to start in all four Liberal budgets, and the Wirreanda High School upgrade, to cost $800 000, which was due to start in September 1996 and has now slipped to the June 1997 list. Given that on-site works are due to commence within three weeks, will the Minister provide a list of the contracts that have been let for these projects, or will they be delayed yet again?

The Hon. R.I. LUCAS: I will need to take advice from Services SA, which manages the contractual and tendering arrangements for construction works in relation to those four projects and see what information I might be able to bring back to the honourable member. As we have indicated on a number of occasions, if we work our way through that list of programs, the delay at Tanunda Primary School has been as a result of the local government council and the school council having a protracted disagreement about the appropriate location of the new school facility. The Government had the money and was ready to go, but that issue needed to be resolved to the satisfaction of both the local council, the school council and the department.

In relation to Seaton High School, the local school community, led by the principal and the school council, did not want to accept the department's proposition for a relatively straightforward redevelopment of the school but wanted to explore a range of other more ecologically attractive options from the school's viewpoint than the one that the department had outlined for the school. The department agreed to the delay on the basis that the school wanted to explore these particular options. As a result of that exploration, we now intend to proceed with a development which is fairly close to the department's original recommendations, although there have been some changes in the interim period.

In relation to Glossop, there was long and significant debate in the local community about whether or not the school should be developed on the one site at Glossop or whether it should be split between the junior secondary and the senior secondary site at Berri in collaboration with TAFE. With that project and the Seaton project there has been a long debate about the cost of the program, and members will see that at Glossop, for example, the cost now is some $300 000 higher than the original estimated cost. The cost at Seaton (I am going on memory) is perhaps $300 000 or $400 000 higher, and that was because the school communities came back to the Government and said, 'We need more money to undertake the program at our site'. We had to listen to their arguments and then try to find additional money for those school communities.

I am not sure whether the honourable member mentioned Hamilton, but at Hamilton the Government has had to increase the budget (again relying on memory) by some $700 000 or $800 000 to try to get the appropriate level of works that Hamilton Secondary College required in relation to the redevelopment.

So, in three of those four or five examples, a further delay has been caused in part by a discussion about the level of the budget and whether or not the Minister and the Government were prepared to increase the size of the budget over previous indications.

The Government had two options: it could have insisted on proceeding with the original budget or, as this Government most often does, listen to the views of the local community and, where we have agreed, very generously increase the size of the budget for those school communities. I must say that those school communities are delighted that the Government has not only listened to their arguments but has also increased the size of the budget through the generosity of the taxpayer through the Department for Education and Children's Services and will now be able to incorporate better redevelopment of those school facilities that have been announced by the Government previously and as indicated by the honourable member in her question.

TELEPHONE TOWERS

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport,

representing the Minister for the Environment and Natural Resources, a question about community health.

Leave granted.

The Hon. T.G. ROBERTS: All members in this Chamber would be aware of the conflict that is emerging in South Australia over the placement of communication towers. All of us have been exposed and have received requests to attend public meetings to try to assist in sorting out the problems associated with differences of opinions and views of community groups and organisations, particularly school councils, in relation to the placement of communication towers in and around metropolitan and regional schools.

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: It appears that schools tend to bring a lot more people together to make a larger voice in opposition than when towers are placed near suburban homes. There have been instances of people in streets getting together and forming coalitions of opposition against the running out of cables by Optus and Telstra. At the moment there is a plethora of community groups and organisations opposing communication towers as they are being placed in areas, particularly where they affect schoolchildren or younger children.

The other thing that is emerging in the conflicting evidence that is starting to be debated in the community is the type of exposure and its effect on children as opposed to adults.

The Hon. R.I. Lucas: This is of what—mobile phones themselves?

The Hon. T.G. ROBERTS: No, the electromagnetic fields, and mobile phones themselves. Not too many kids have mobiles, although some do. It is the electromagnetic fields that come between the receiver and the transponders—or the actual hand-held phones themselves.

In relation to high tension fields, there is an article in the *Hills and Valley* edition of the Messenger Press of Wednesday 28 May, headed, 'Kindy may shift from powerlines'. The article states:

> Happy Valley Kindergarten, built in the shadow of low hanging powerlines, could be closed and staff and students moved to another site because of radiation concerns.

The body of the article states that ETSA has replied saying it may cooperate in this move, but it is not acknowledging the dangers to the children associated with the radiation. ETSA says it would make a more practical way of dealing with maintenance if the kindergarten were moved to another spot. It is not an acknowledgment that those exposure rates are a concern to ETSA, because ETSA is sticking to the principles as enunciated in this Chamber by the Minister for Education and Children's Services, that the exposure, at this point with the knowledge base that people have, does not expose people to dangers that cause any concern.

As I stated in my contribution in the Matters of Interest debate last week, there is now a body of opinion that is questioning that. The questions the community is raising are legitimate ones that need to be answered, not in an emotional way but with the best practical scientific evidence available. What is emerging is a conflict of opinion in the community how best to analyse that best possible scientific evidence.

It appears to me that one way of overcoming some of the community's fears, and for the Government to be able to straighten out and give some assistance to local government, who seem to be bearing a lot of the responsibility for this, is to set up a body that is able to act as mediators, if you like. In Millicent, there is a problem associated with a tower near a school. Issues have been raised in Parliament about other sites all around the metropolitan area, and it would make good sense if the Government did put together a mediation team that was able to move in and either allay fears, if there are no fears to be held, or debate the issue and make the announcements that ETSA has in relation to the move it has announced in perhaps other cases. It may be that permission may not be granted for some towers to be constructed in the first place.

My question is: will the State Government consider a proposal to form a mediation unit to help negotiate between proponents of communication towers, existing and proposed high tension powerline placement, and any other structures causing community concern about health matters?

The Hon. DIANA LAIDLAW: I will refer the honourable member's question to the Minister and bring back a reply.

DEAF-BLINDNESS DISABILITY

In reply to **Hon. P. NOCELLA** (19 March) and answered by letter on 27 May.

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

It is incorrect to say there are no services in this State specifically for people who are deaf-blind. Sensory Options Coordination does work specifically with people who are deaf-blind, but not solely with them. In addition, a number of sensory agencies in the non-Government sector also provide services to people who have a dual sensory disability.

The Minister for Disability Services has been advised by Sensory Options Coordination as well as the non-Government sector that the number of people who are deaf-blind in South Australia is relatively small, however their needs are quite divergent. Previous experience has shown people who are deaf-blind rarely want 'care', rather they want access to the community with minimal supports and intrusions in their lives in order to achieve this.

It is acknowledged that specific training in the area of deaf-blindness is an issue in Australia. However, the Minister for Disability Services is not convinced that overseas study is the answer to that gap.

There are a number of Tertiary Courses which have a specific disability focus, as well as Special Education Courses which have disability components, and it would certainly be appropriate that these courses include units on deaf-blindness. Therefore, it would seem more appropriate to encourage further development of these courses in disability and Special Education to include aspects of recognised courses to enhance the expertise of graduates in the area of deaf-blindness.

This Government has demonstrated a commitment to the provision of quality services for people with disabilities based upon identified needs, rather than on diagnostic groupings. One such example is the recent development of a new service which will concentrate on the development of independent living skills for people who are deaf-blind and who use sign as their communication mode.

SOUTHERN EXPRESSWAY

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport a question about the Southern Expressway and cracking in nearby houses.

Leave granted.

The Hon. T.G. CAMERON: In reply to a question without notice that I asked last Tuesday 27 May about Southern Expressway blasting and its impact on nearby homes in the Darlington area, the Minister produced a photograph which showed cracking in one house which apparently occurred before blasting on the Southern Expressway took place. In last Saturday's *Advertiser*, Mr Kym Hall, who took the *Advertiser* to see the crack at the home of his

neighbour, Mr Kevin Klei, conceded that Ms Laidlaw was absolutely right and that the crack was made before blasting began.

Mr Hall claims the cracking was caused by expressway work when concrete was broken apart with jackhammer-type equipment on 2 January. In her reply the Minister inferred that I had been in contact with Mr Hall and that there was some sort of conspiracy to blame MacMahon for the cracking in walls. I want to assure the Minister that neither I nor my office had been in contact with Mr Hall over this matter.

This situation was originally brought to my attention by the Labor candidate for Mitchell, Mr Kris Hanna, who has been energetically doorknocking the area and who has received numerous complaints from residents. However, out of frustration Mr Hall contacted my office yesterday to voice his concerns over the lack of progress he has made in having the matter addressed. Mr Hall advised our office that he had taken his complaint to Colin Caudell, the member for Mitchell, who did absolutely nothing.

The fact remains that there are a number of Darlington residents who firmly believe that cracking in their homes and properties, whether it be due to blasting or other causes, are a direct result of construction work on the Southern Expressway. The Minister, in her reply of last week, stated:

> MacMahon has a contractual obligation for any blasting it undertakes and the consequences that may arise.

In other words: MacMahon is responsible, I wash my hands of the whole affair. Minister, it sounds as though you have made up your mind on this issue. Producing the photograph was a cheap shot. It was nothing more than an attempt to discredit—

The PRESIDENT: Order!

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order! The honourable member knows that he cannot put opinion into questions. I suggest that he read the Standing Orders. He has had about four goes at it in this question. I suggest that he put the facts and forget the opinion.

The Hon. T.G. CAMERON: It was nothing more than an attempt to discredit the complaints of local residents. It shows that the Minister has taken the side of the contractor. The people of Darlington expect better of the Minister. All they are asking for is an independent source to investigate their very real concerns. My question is: if local residents believe that cracking in their homes is due to blasting or other construction work on the Southern Expressway but are unable to reach an agreement with MacMahon Constructions, will the Minister give an undertaking to have an independent source investigate the cracking or will local residents be left to fend for themselves and be forced to take the expensive option of court action against the contractors?

The Hon. DIANA LAIDLAW: What a ridiculous question. It assumes that an understanding will not be reached between MacMahon and any person who has alleged that there has been cracking to their house, and I will not make such an assumption. In terms of fixing positions in this matter, I suggest that the Hon. Mr Cameron is the one who has taken a position which to the Labor candidate to whom he referred may seem to be a neat political position but it is one that is wrong in terms of assuming that such understandings will not be reached, and I will not make such an assumption.

I understand, rather than suggesting any cheap shot made by me, that Mr Hall in fact agreed with the statement that I made in this place last Thursday. I will not make any reflection on the way in which Mr Hall changes his story according to the day on which somebody speaks to him, and that is what MacMahon will address in speaking with Mr Hall and any other person who has difficulty. I should say also that it was not until Wednesday of last week that Mr Hall, for the first time, lodged a complaint with MacMahon. So MacMahon has not had anything to work with in terms of the complaint. It has now started to do so—

An honourable member: Is that when the Labor candidate failed him?

The Hon. DIANA LAIDLAW: That may well be so—

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: Until that process has been gone through. MacMahon is doing the right thing—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: Mr Caudell has been ill and has had an operation. I would have thought that you would have a little more concern—even if he is a Liberal member—for the welfare of a member of Parliament. He was very sick.

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: I do not care if you have no heart in terms of a person who is in hospital and has suffered quite a bit, but I think Mr Caudell's office handled the matter correctly in referring it to MacMahon. As I mentioned, MacMahon did not have the formal complaint until last Wednesday. I believe that MacMahon in terms of the contractual obligation is undertaking its responsibilities diligently. However, I will certainly ask the Department of Transport, which is working with MacMahon in these matters, to ensure that further contact is made with Mr Hall. I do not want to see Mr Hall or any other resident suffer if, in fact, that has happened as a result of the blasting, but we must confirm that blasting or work generally is the cause of any disturbance.

I should say also—and I am not reflecting on any claim—that that area is particularly risky in terms of cracking soils and Biscay soils. In relation to the Southern Expressway we removed the black clay from so much of the region initially so that what happened over time to houses and Lonsdale Road in the past would not happen to the Southern Expressway.

We also know—and I think the Hon. Mr Cameron was around in February—that it was a very dry period in South Australia and there was considerable cracking because of the dryness of the soils.

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: I am not making excuses. I do know that the Master Builders Association and others received a number of complaints across Adelaide because of the circumstances. Now that Mr Caudell has made a good recovery, and in consultation with MacMahon and the Department of Transport, there will be contact and concern in terms of the claims made by the local residents. The road is for their benefit as well as that of the wider community. We would not wish to see anyone inconvenienced or compromised as a result of this important initiative.

WIK DECISION

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Attorney-General a

question about the Federal Government's 10-point plan in respect of Wik.

Leave granted.

The Hon. SANDRA KANCK: Last week the Attorney-General tabled the 10-point plan and expressed a number of reservations regarding its implementation. It appears that there are some causes for concern. Today, I am seeking some clarification from the Attorney-General regarding the first point of the plan which reads:

> Legislative action will be taken to ensure that the validity of any acts or grants in relation to non-vacant Crown land in the period between passage of the Native Title Act and the Wik decision is put beyond doubt.

This point would apply to pastoralists performing acts under the terms of their lease, such as building a dam, and in that respect it merely confirms the Wik majority. But it would also apply to new interests granted over pastoral leases in this period, for example, mining tenements granted in between the relevant dates. Grants of new interests were clearly intended to be subject to the 'future acts' regime under the Native Title Act and therefore were required to follow the procedures laid down under the Native Title Act.

The fact is that around Australia some State Governments, statutory authorities and private interests chose to ignore those requirements. Point one of the 10-point plan has the potential to retrospectively validate acts which were known to be of questionable legality at the time. This is despite the fact that lawyers and Government officials would have been well aware that the issue would be determined by the High Court. I do not know of any instances in South Australia where this happened and I certainly hope there were not any, but my questions are:

1. Does the Attorney-General believe that those who wilfully decided to gamble on the outcome of the High Court decision and flaunt the requirements of the Native Title Act should be rewarded with validation of their acts?

2. Does the Attorney-General believe it is appropriate for taxpayers to foot the bill for the 'just terms' payment that may result from the actions of those who deliberately ignored the statutory requirements of the Native Title Act?

The Hon. K.T. GRIFFIN: The purpose of making a ministerial statement last week was, first, to table the 10-point plan and, more particularly, to identify some of the matters that the South Australian Government saw as being issues which still had to be addressed or which, if not addressed by the 10-point plan, would continue to cause some difficulty. Members may recall that I indicated that the 10-point plan would not resolve the issues which have caused us some concern, namely, going to court for the resolution of disputed claims. My estimate is that something like $5 million of taxpayers' money will have to be spent on each claim if it should ultimately go the full distance through mediation and the Federal court to resolve the claim. That is one of the consequences that we are certainly anxious to resolve.

I think you will find that, whether pastoralists, Aboriginal native title claimants or others, they will have the view that, whilst spending this sort of money might ultimately be necessary to resolve the issue of whether or not there is a native title right and, if so, what right, they are all of the view that the money which might be expended would be better spent on something more positive than merely litigating to achieve a result. I said quite frankly, and we have made the statement publicly other than in the Parliament, that one of our objectives as a State Government is to find ways by which we can avoid the necessity for extensive litigation which not only has that resource implication for the State and the participants but also is time consuming and traumatic for those who end up in litigation.

There is no doubt that the relationship between the pastoralists and mining interests of this State is cordial, but once we get into a full litigation process it will undoubtedly test the goodwill of all those involved and may lead to a lasting deterioration in the relationship between all or any of those groups. In relation to the validation issue, I do not think that there will be people who have wilfully gambled on the outcome of the Wik decision who will ultimately benefit from this. I understand that provision is in the 10-point plan partly to deal with the issue in Queensland. In Queensland, pastoral leases are dealt with differently from those in South Australia.

In South Australia, under the Pastoral Lands Management Act, there is a regime which identifies the scope of the authority of lessees, and there is very little for which lessees must seek the approval of the Government to undertake. Many things that pastoralists in South Australia are entitled to do under the Pastoral Land Management Act and under the terms of their lease without referring to the Government in Queensland are matters which are referred to the Government for approval. So, even those approvals given by the Government may well fall foul of the Native Title Act and, consequently, the Wik decision. They may involve a variety of things such as whether you can cut down a tree, dig a hole or build a building. This is a whole range of approvals which in Queensland, if they were not validated, might now, in the light of the Wik decision, be found contrary to the Commonwealth Native Title Act as interpreted by the High Court in the Wik decision.

Those decisions were not taken with wilful disregard of what may or may not be the outcome of Wik but on the basis of what everyone believed. The Federal Labor Government, the Federal Liberal-National Party Coalition Government and the State Government all believed that a valid grant of a pastoral lease extinguished native title. The Wik decision said that that was not the case, although there are differences between pastoral leases in Queensland as opposed to South Australia. One cannot say unequivocally that the decision in the Wik case as it relates to pastoral leases in Queensland will, without a doubt, apply to pastoral leases in this State. So, decisions were made which affected pastoral land, not taking a gamble but genuinely getting on with the job believing that there was an entitlement to make those sorts of decisions either on the part of Governments or on the part of lessees in accordance with the then existing law as it was believed to be.

So, that is the framework. It is much the same as what occurred with the Commonwealth Native Title Act 1993 where Acts which occurred from October 1975 to December 1993 when the Native Title Act was passed were validated, because otherwise there would be a question whether they were in breach of the Commonwealth Racial Discrimination Act and therefore give rise in that respect to damages. So, I do not accept the premise upon which the question is asked. I am not aware of the range of events or activities that ultimately will be validated, but there are matters which are quite reasonable and not of the nature of those to which the honourable member refers which it is quite proper to validate and which the Prime Minister has indicated will be validated under the amendments that will go forward in Federal Parliament.

So far as compensation issues are concerned, I do not make a judgment at this stage. Those are issues which are still the subject of consultation with the Commonwealth and to which we are giving consideration. Compensation presumes that there is an existing native title right, but compensation depends also upon what that native title right may be if it does exist. I do not think that anyone can say that it will be $1 billion, $1 million or $100 000 in relation to aggregation of those native title rights which might be affected. It is still an issue which is fraught with uncertainty, and it is one of those matters to which I referred in my ministerial statement. That is probably as much as I can usefully say about the issue, but it is an issue which will be worked out as the legislation is drafted.

WALLA, Ms

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Attorney-General, representing the Minister for Industrial Affairs, a question about employment law and vicarious liability.

Leave granted.

The Hon. A.J. REDFORD: I have had drawn to my attention a case decided by His Honour Justice Debelle in the Supreme Court of South Australia on 20 December 1996, described as *Phoenix Society v Cavenagh* [(1996) 189 LSJS at p.431]. The factual background of this case is that in February 1995 the Phoenix Society employed a Ms Walla as a driver. Her duties included the driving of a bus containing workers employed by the Phoenix Society. When driving the society's bus on the way to collect workers employed by the society, Ms Walla collided with a motor car. At the time of the accident, her blood alcohol reading was .173 grams per 100 mls of blood, or more than three times the legal limit. The accident was caused as a result of Ms Walla's negligence.

Prior to the collision, Ms Walla had been warned in writing by the Phoenix Society against driving whilst affected by alcohol. It was agreed for the purposes of the judgment that that blood alcohol content would significantly impair faculties relevant to driving, which include: visual activity, peripheral vision, reaction times, speed and distance judgment, coordination, vigilance and balance. Indeed, three months before the accident, following a complaint by Phoenix employees who suspected that Ms Walla had been drinking before driving, she had been required to have a zero blood alcohol content. As I said earlier, she was warned in writing.

The question to be determined by His Honour Justice Debelle was whether in those circumstances the Phoenix Society was vicariously libel for the conduct of the obviously intoxicated Ms Walla. His Honour said:

> . . . nor do I think the fact that Ms Walla's conduct constituted serious and wilful misconduct within the meaning of section 27C(3) of the Wrongs Act alters the conclusion I have expressed.

Despite those comments by His Honour Justice Debelle, the Phoenix Society was found liable to a third party for the actions of its drunken employee. During the course of his judgment, His Honour said:

> An employer is liable for those acts of the employee which he has authorised or ratified or which occur in the course of the employment. . . Ms Walla was plainly acting in breach of an express instruction and the level of intoxication was so high that parties were entirely justified in agreeing that it would have seriously affected her capacity to drive the bus. The disobedience of the instruction was the more serious given that she was about to drive a bus load of workers.

That comment about it being more serious seems to be a bit unusual. His Honour continues:

> She has also committed a serious breach of section 47B of the Road Traffic Act 1961. Mr Walsh QC, who appeared for the society, submitted that the blood alcohol content was so high that Ms Walla was acting quite beyond the scope of her employment. But there are countervailing policy considerations. This is not a case which I think will be resolved by reference to policy reasons of the kind he [Mr Walsh] mentioned.

In the light of that, and given the extraordinary risks that this decision might put to the hundreds of small businesses in this State, my questions are:

1. Will the Minister look into this matter and the policy as expressed by His Honour Justice Debelle and advise whether this Parliament should review the law so that it protects small employers?

2. Is there any risk of an employer's being held liable for injuries caused to Ms Walla should she have been injured?

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

WHISTLEBLOWERS PROTECTION ACT

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Attorney-General a question about the Whistleblowers Act.

Leave granted.

The Hon. P. HOLLOWAY: In his report into the death of a prisoner at Mount Gambier Prison, the Coroner referred to possible shortcomings in the Whistleblowers Protection Act. The Coroner's report refers to a prison officer employed by Group 4 (the private operator of Mount Gambier Prison), who was sacked in February 1997. When asked at the Coroner's hearing the following question, 'Was a breach of the confidentiality clause one of the reasons given to you by Group 4 as to why you were dismissed?', the employee stated, 'That was given as the main reason.' The Coroner then observed:

> Whistleblowers are often a central feature of an investigation of this type, particularly where it involves a large organisation. The value of whistleblowers in this context has been recognised by the enactment of the Whistleblowers Protection Act.

The Coroner then discussed section 5(1) of the Whistleblowers Protection Act, which provides protection for individuals who make an appropriate disclosure of public interest information. The Coroner then concluded:

> The terms of the legislation are by no means clear as to whether or not section 5(1)(a) applies to a contractor with the Government in the position which Group 4 and other companies occupy. It is appropriate that the Government should examine this question to ascertain whether the terms of the legislation should be extended so that the immunity afforded to such people in these circumstances is beyond doubt.

My questions to the Attorney are:

1. Does he agree with the Coroner that the terms of section 5(1)(a) of the Whistleblowers Protection Act are unclear as to its effect on Government contractors such as Group 4, Healthscope, EDS and United Water?

2. If so, will he undertake to amend the legislation as soon as possible to ensure that employees of such contractors are protected?

The Hon. K.T. GRIFFIN: I made a statement on this to the media, and the honourable member may not have caught up with it. The Coroner was not correct, so I do not agree that it is unclear. The advice which I have is that those workers who are providing services through a contractor to Government are protected by the Whistleblowers Protection

Act. It is clear that the Coroner was mistaken and there is no need to amend.

The Hon. P. HOLLOWAY: As a supplementary question, given the Attorney's answer, what remedies are available to the employee of Group 4 referred to in the Coroner's report to address this issue?

The Hon. K.T. GRIFFIN: I am not sure that it is a matter of remedies for the employee. The matter has been dealt with by the Coroner. A suppression order was made in relation to the name of the former employee. My understanding is that that was done specifically to deal with the Coroner's uncertainty about the application of the Whistleblowers Protection Act to the employee.

So far as the general remedy is concerned, that matter is not to be decided under the Whistleblowers Protection Act. That Act provides protections against victimisation and a capacity to provide support to a person who would fall within the description of a whistleblower. I do not see that the question of what remedy is available to the former employee who gave evidence at the Coroner's Court is a matter that is relevant to the Whistleblowers Protection Act.

STATE BUDGET

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Primary Industries and Minister Assisting for Regional Development and Small Business, a question about the State budget.

Leave granted.

The Hon. CAROLINE SCHAEFER: Last Friday the South Australian Farmers Federation and the Mayor of Port Augusta (Mrs Joy Baluch), among others, were reported in the press as suggesting that there was nothing in this budget by way of capital works for regional and rural areas. I ask the Minister to respond to this allegation by providing this House with a list of capital works that are applicable to regional areas.

The Hon. K.T. GRIFFIN: I am surprised by the proposals, as are some of my colleagues around me. A number of initiatives are referred to, including country roads, hospital upgrades in the North and South-East, including the Port Augusta Hospital upgrade of $18 million, the Wilpena development and the Hawker airport.

An honourable member interjecting:

The Hon. K.T. GRIFFIN: Of course I believe it. Obviously a list needs to be made available, and we will make sure that that occurs.

QUEEN'S COUNSEL

The Hon. ANNE LEVY: I seek leave to make an explanation before asking the Attorney-General a question about the appointment of Queen's Counsel.

Leave granted.

The Hon. ANNE LEVY: In December last year the Attorney received a letter from C.J. Sumner, some of which I wish to quote to the Council as follows:

> In 1993 the previous Government introduced amendments to the Legal Practitioners Act which were part of a package of measures designed to improve access to justice. In general, you and your Party in Opposition supported these proposals and I believe there is a common consensus that costs of justice and access to it are one of the most important problems facing the legal system and community.
>
> You will recall that one of the measures introduced at the time was an amendment to section 6 of the Act. Section 6(1) expresses Parliament's intention that the legal profession should continue to be a fused profession of barristers and solicitors. Section 6(2) permits the voluntary establishment of a separate bar, and section 6(3) specifically prohibits an undertaking being given by a legal practitioner to practise solely as a barrister or to practise solely as a solicitor.
>
> Section 6(3) was designed to ensure that the then practice of the Supreme Court to require a candidate for QC to give an undertaking to practise at the separate bar was no longer sought. This undertaking was first required in 1979 and was designed to encourage the separation of the legal profession into barristers and solicitors. The prohibition on this undertaking was passed by Parliament as part of measures to ensure that restrictive practices in the legal profession were minimised and consequent costs to clients reduced.
>
> I have now become aware that the previous undertaking, which was required by the Supreme Court of a candidate for QC, has been replaced by a requirement to provide another undertaking in the following terms: 'I hereby undertake that if I practise in future as a solicitor or in partnership or in association with a solicitor I will not, whilst so practising, use or permit my partners or associates to attribute to me in connection with such legal practice the title of QC or Queen's Counsel or any other indicia of the office of Queen's Counsel.'
>
> In my view this requirement suffers from the same anti-competitive defects as the previous one. I feel the current undertaking:
>
> 1. Undermines and is contrary to the intention of the Parliament as expressed in section 6(1) of the Legal Practitioners Act that the intention of the legal profession should continue to be a fused profession of barristers and solicitors.
>
> 2. It is inconsistent with the general approach to the regulation of the legal profession, which has been taken in recent years and in particular the policy to remove restrictive practices which increase costs to clients.
>
> In 1993 Parliament clearly said that a QC can practice in whichever mode they wish, and the current undertaking, which imposes restrictions on how a QC can describe themselves, obviously discourages a QC to exercise the option of practising with a firm.

Mr Sumner then encloses correspondence which clearly acknowledges the correctness of his interpretation of the undertaking, namely, that a QC who continues to practise in a firm cannot use the title 'QC' in writing opinions or the initials 'QC' on the firm letterhead. Indeed, it appears that a person appointed to conduct an inquiry could not describe himself or herself as a QC if that person is practising with a firm of solicitors. This section of Mr Sumner's letter concludes:

> As a citizen with an interest in these matters, I believe that the Supreme Court has not given effect to the intention of Parliament and has introduced an undertaking which is as offensive as the earlier one.

Therefore, my questions are as follows:

1. Does the Attorney agree with the Hon. C.J. Sumner that the undertaking required by the Supreme Court is contrary to the intentions of Parliament of not having separate barristers and solicitors, in other words, the intention of Parliament to have a fused profession in this State?

2. Will the Attorney, if he agrees, consider introducing legislation before the Parliament which will again restate Parliament's intention and prevent the justices of the Supreme Court trying to circumvent the wishes of Parliament?

3. Will he reply to the Hon. Mr Sumner's letter, written more than five months ago?

The Hon. K.T. GRIFFIN: Yes, I do remember the letter from the Hon. Mr Sumner and I have not yet replied to it and I will, when I do, apologise to the Hon. Mr Sumner for not having done so more promptly. This is a vexed issue, and in the context of the move towards a national practising certificate for legal practitioners it is one of those issues which will directly or indirectly have to be addressed.

The Hon. Mr Sumner had a passion against this particular undertaking and its predecessor. I did not have the same feeling against it as he did, but I can remember that it was a matter of debate when the amendments to the Legal Practitioners Act were moved by him and passed through the Parliament when he was Attorney-General a year or so before the 1993 election. My recollection is that the former Chief Justice, Chief Justice King, actually determined to amend the form of the undertaking to the form to which Mr Sumner refers in that letter and that Mr Sumner was aware of that when he was Attorney-General, but I am not sure what his state of knowledge was. My recollection was that he was aware of it, and it may be that the election intervened and he was not able to do anything about it, or it may be that he did not determine that it was a matter appropriate to deal with by way of legislation.

There are differing views about whether or not the undertaking is a restrictive practice. Certainly, Mr Sumner has the view that it is an anti-competitive practice but, equally, there are strongly held views that it is not anti-competitive, in the sense that a Queen's Counsel is appointed as a recognition of excellence and competence as an advocate and that that person ought to be available to every person in the community and not only to those who might be the clients of a particular firm.

Very strong submissions were made at the time that this matter was being considered in the Parliament back five years ago, I think, which very strongly put the view that, if you have a Queen's Counsel who is a member of a firm practising as barristers and solicitors, the likelihood is that it would be a point of promotion for that particular firm because it had a QC and other firms did not and, more particularly, it would have the effect of limiting access to that QC, particularly because that QC would then be affected by any information which came to the firm on behalf of a client against whom someone might brief that QC to act.

So, there was a very strong view that the conferring of that title as a recognition of excellence ought to ensure that that person was available to everyone in the community and not just to the clients of the firm or that some would be precluded from using that Queen's Counsel because they would not want to deal with that particular firm or because that particular firm dealt with a party which might be opposing the citizen who might otherwise wish to brief that Queen's Counsel.

So, it is not by any means cut and dried, and there are differing views on that issue. I happen to hold the view that, if the State is going to confer a title such as this, that person ought to be available to anyone who wishes to brief him or her, whether as a matter of criminal law, civil law or commercial law.

The Hon. Anne Levy: And be allowed to use the title that the State has given them?

The Hon. K.T. GRIFFIN: The honourable member takes one point of view from the perspective of the person upon whom the title is conferred. If you look at it from the perspective of the other side—the clients—you can get a different view of the appropriateness of the undertaking. It is not an easy issue to resolve, and I make no apologies in respect of the views which I have expressed in this Parliament and today in answer to this question that it is not clear cut by any means.

In terms of providing service to the community, I tend to the view that a person ought not to practise as a Queen's Counsel as a member of a firm because of the disadvantages which that would then create. I am happy to reply to the Hon. Mr Sumner in due course. As I said, I should have replied earlier, but I have not. Now that the honourable member has raised it, I will retrieve it from that difficult pile on the side of the desk and endeavour to communicate what I have said. It may be, of course, that having answered this I can send the Hon. Mr Sumner a copy of the *Hansard*.

The Hon. T. Crothers interjecting:

The Hon. K.T. GRIFFIN: He is now out of politics and I do not have to be ungracious about it. The fact of the matter is that he is entitled to write to me; he has a passion for this issue; I make no criticism of him for raising it; and I will endeavour to answer it.

WATER RESERVES

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for the Environment and Natural Resources, a question about the sell-off of SA Water reserves and other land.

Leave granted.

The Hon. M.J. ELLIOTT: Historically, the old EWS and Department of Primary Industries held significant tracts of important land, native vegetation, etc. More recently, there has been ongoing concern about the implications of an SA Water program to dispose of land which it deems surplus to its requirements. I have been contacted by several people who have raised concern that some of the land being disposed of is of great environmental significance.

Chief amongst the reserves of significance is the 200 hectare property known as Mount Billy watershed reserve adjacent to the Hindmarsh Valley Reservoir. Mount Billy is included on the Register of the National Estate and contains at least 421 native plant species, including rare and endangered species. In response to my letter on this issue, the Environment Minister last week confirmed that the Mount Billy Reserve is a very significant area of vegetation and is included on the Register of the National Estate.

The Department of Environment and Natural Resources says the property has potential for acquisition—I emphasise 'acquisition'—into the State's reserve system, and DENR is waiting for a decision by SA Water on the future of the property. This raises the issue of whether or not the department should have to use its limited finances to buy land which is essentially already publicly owned—albeit by another department. The implications are quite significant, because there is much more land of great significance, and DENR simply may not be able to afford to buy it. My questions are:

1. Will the Department of Environment and Natural Resources have to find money out of its own budget to buy reserves of environmental importance, such as Mount Billy land which the Government already owns?

2. Will DENR implement a formal process of systematically assessing these watershed reserves when they come up for disposal?

The Hon. DIANA LAIDLAW: I will refer the question to the Minister and bring back a reply.

BORDER WATCH ARTICLE

The Hon. A.J. REDFORD: I seek leave to make a personal explanation.

Leave granted.

The Hon. A.J. REDFORD: In today's edition of the *Border Watch*, an article appears in relation to last week's State Budget. The headline reads, 'South-East misses out, claims Redford'. The first paragraph states:

> The South-East created 26 per cent of the State's wealth, but won little from the State budget, according to a prominent politician.

I would assume that the 'politician' refers to me. I would like to go on the record as saying that I did not at any stage in my discussion with the journalist last Friday say that the South-East missed out; nor did I say that the South-East had won little from the State budget. Indeed, I went to some trouble to explain to the journalist that there had been significant capital expenditure. I told her of the Mount Gambier High School redevelopment at a cost of $1.4 million, with $430 000 being spent this year. I referred to the Gordon Education Centre, the South-East Institute, the electricity substation at Krongart, the Mount Gambier Police Station, the Minnipa Research Development Centre, the Mount Gambier Hospital addition, the Upper South-East drainage, the Duke's Highway changes, and the Victorian border to Glenburnie Road at a cost of $2.5 million, of which $500 000 is to be spent this year. In my conversation with the journalist concerned, I directly identified nearly $15 million worth of direct capital works, and I go on record as saying that the article concerned was misleading and inaccurate.

LIQUOR LICENSING BILL

Adjourned debate on second reading.

(Continued from 29 May. Page 1461.)

The Hon. ANNE LEVY: The Opposition supports the second reading of this Bill, although I will certainly be moving a number of amendments which I am sorry are not yet available. We support the general thrust of the new Liquor Licensing Bill. The history of this Bill is that the Government set up the Anderson inquiry to look at the types of liquor licences available in this State and the conditions attaching to them. The Anderson inquiry, as far as I know, was not a public inquiry in that people could make submissions to it, but nevertheless the report certainly contains some very valuable suggestions for changing of the liquor licensing laws, some of which have been picked up by the Government in the Bill before us, others not.

Following receipt of the Anderson report, the Government set up a working party to suggest changes to the existing Liquor Licensing Act. This working party certainly contained representatives of a number of the players in the liquor industry but did not contain representatives of a number of other groups who obviously have an interest in the conduct of the liquor industry in this State. By this I mean that local government was not part of the working inquiry. I understand that the police were not part of the working party, and certainly the union, which covers all the workers in the area, was not part of the working party. As a result, once the Bill has appeared, there are obviously many people in the community who wish to comment about the legislation as, indeed, it is their right to do.

If we look at the legislation, while it repeats a great deal of the existing Liquor Licensing Act, there are also a number of changes, some of which are quite significant, others less so. There is a new section 3 which sets out the objects of the Act. This is certainly a new departure. Previously, the Liquor Licensing Act has never had a statement of its objects, even though it does not seem to make much difference when we come to the detailed contents of the Act.

There are changes to both the types of licences and the conditions applying to these licences. In many respects, I support these wholeheartedly. A hotel, as a condition of its licence, no longer will have to supply accommodation, unless exempted from this. It will be up to the hotel itself to decide whether or not it supplies accommodation. The category of a restaurant licence will be changed. There is no longer a specific BYO licence. It will be permissible under the legislation for any restaurant to be BYO under the terms of the legislation. I think this is a great improvement.

It will be possible in restaurants to drink alcohol without having an accompanying meal, provided individuals are seated at a table. Again, I have no problems with this. The residential licence has some small changes made to it with which I can deal a little later. The entertainment licence continues in existence, but no longer will there be a requirement for meals to be served by the holder of an entertainment licence.

One of the biggest changes involves the types of club licences. Until now we have had two categories of club licence—A category and B category. This distinction will be abolished, as will the requirement for the signing in of non-members and like requirements which clubs previously had. All clubs will be able to purchase their liquor supplies from wherever they wish—in other words, from wholesalers as well as retailers. However, clubs will not be able to sell alcohol for taking off the premises unless they are specifically given permission for this, which, I understand, some of them already have; and the transitional provisions will ensure that where such permission currently exists it will be continued. I think the clubs will gain considerably from the passing of this legislation. It may not deal with all the matters which some clubs feel aggrieved about but, in general, clubs will have far fewer restrictions placed on them than they currently have under the existing Act.

Another major change relates to the retail liquor merchant licence. These people have long complained that they have been limited in regard to the hours in which they can function, that they have had to close at 6 p.m. but that they can be regarded as competing with the bottle shops at hotels which are permitted to trade much later than 6 p.m. In the Bill the retail liquor merchant licence will enable the holders to trade until 9 p.m. on any night—and it was Monday to Saturday, but the Attorney has some amendments on file which affect the Sunday trading hours of retail liquor merchants.

The Hon. K.T. Griffin interjecting:

The Hon. ANNE LEVY: There is continuation of the wholesale liquor merchant licence and the producer's licence as previously occurred. The Hon. Mr Elliott commented on the connection between producer's licences and licence fees and asserted that there are a number of people trading with a producer's licence who really should not be regarded as producers and who are evading paying licence fees. I notice that the seven pages of amendments tabled by the Attorney do not include an amendment to tackle this question, but I can assure both him and the Hon. Mr Elliott that an amendment to deal with this problem would receive very sympathetic consideration from members on this side of the Chamber.

The old general facilities licence is being replaced by a special circumstances licence. There have been queries as to what type of circumstances will lead to the granting of a special circumstances licence and how often one might expect to have such a licence issued. That is a genuine query; I am not suggesting possible abuse but just an interest in what situation is envisaged as a reason for a special circumstance licence.

A new departure in this Bill is that there are to be codes of practice which will be prescribed by regulation. I am not opposed to this but I would be interested if the Attorney could give some indication as to what type of matter is likely to be included in the codes of practice which will come in by regulation. I presume that the codes as regulations will be drawn up by public servants. The Attorney did indicate that there would be consultation before these codes were drawn up and I wonder whether the consultation could be with stakeholders more widely distributed than those in the working party for this legislation. When it comes to codes of practice I feel that the union of the workers could have a great deal to contribute, as could the Local Government Association, given its responsibility with regard to licences in different areas, and, likewise, the police might have views as to what should be in a code of practice which is to be prescribed by regulation.

The Hon. K.T. Griffin: This is in relation to?

The Hon. ANNE LEVY: Clause 42. As I said, the Attorney did indicate that these codes of practice would be prescribed after consultation, and I would just ask that the consultation in drawing up these codes of practice should be wider than just with the stakeholders involved in the working party and that strong consideration should be given to including the appropriate union, the LGA and the police—all three having an important role to play in the conduct of the liquor industry in this State.

I have a number of queries which the Attorney might care to answer either in his second reading summing up or it might be more appropriate to answer them when we come to the appropriate clauses during the Committee stage. However, I will mention some of them at this time so that he has forewarning of them. I did note that the Bill has removed the old provision that a member of the Police Force cannot hold a liquor licence: that does not appear in the new Bill. It may be that this is being covered elsewhere under police regulations rather than in the Liquor Licensing Act but it certainly seems to be a matter which should continue—that it is unwise for a member of the Police Force to be the holder of a liquor licence in our community. I would be interested in the Attorney's comments on this as to whether it is covered in other legislation.

In the legislation there are a number of matters which I regard as fairly serious, and one relates to the employment of minors in the liquor industry (and I am referring particularly to section 107). It seems to me highly undesirable to allow 16 and 17-year-olds to work in bars, even if it is part of their training. Young people aged 16 and 17 are not allowed to buy, consume, purchase or sell liquor under the provisions of the existing legislation. They are not permitted to be part of the liquor industry.

The Hon. A.J. Redford: Children of licensees—

The Hon. ANNE LEVY: Other than children of licensees. The Bill before us extends this very much more widely and is proposing to let 16 and 17-year-olds, in general, be employed in the liquor industry, particularly in bars. I think it unreasonable to expect 16 and 17-year-olds to work in an area where they themselves are not allowed to consume or buy liquor and, furthermore, it is totally unreasonable to expect them to abide by the rules relating to responsible service of alcohol which will be part of the regulations to which I referred earlier, particularly sale to intoxicated persons, other minors and so on. When others of their age cannot drink in licensed premises and cannot themselves buy a drink in licensed premises—this has been determined by law for the protection of young people—it is quite unreasonable to suggest that, although most young people of that age cannot drink alcohol or buy alcohol and need protection, that there are a number who will be permitted to both sell alcohol and, apparently, be able to judge whether or not someone is intoxicated or aged 18. I feel this is far too great a responsibility to place on them.

It is true, too, that there are many young people who are being trained in the hospitality industry at the moment and who are managing to be trained without serving behind the bars of hotels in this city. Because a large number are being trained, I fear that clause 107 of the legislation before us could lead to almost every hotel in South Australia having 16-year-olds behind their bars. It would be only too easy to say, 'It is part of the training'.

The Hon. A.J. Redford interjecting:

The Hon. ANNE LEVY: Mr President, could I, through you, inform the Hon. Mr Redford that I have read the legislation and I have considered it, and if he did not interrupt me I might be able to finish my sentence and explain what it is I am talking about as a result of my deep study of this Bill?

The PRESIDENT: I think the honourable member has heard what you had to say and I think he will understand now that you have read the legislation. You have my protection where I can apply it under the Standing Orders.

The Hon. ANNE LEVY: Thank you, Mr President. Currently, 18 to 21-year-olds who work in the liquor industry are not paid junior wages but are paid adult wages under the award. If 16-year-olds under training in a prescribed place were able to work in bars—because it would be easy to prescribe nearly every hotel in the State as a training institution—we would then get 16-year-olds, who are much cheaper to employ than people on adult wages, replacing adults and we would end up with hotel bars becoming like McDonald's which employs young people and sacks them when they turn 18. I am sure this would not lead to responsible service in bars. It is not something which the community would wish to happen with the liquor industry and would certainly not fulfil the objects of the Bill set out so clearly in clause 3.

Clause 112 allows minors to be exempted by regulations from restrictions about being in certain parts of licensed premises. This, too, I feel is most undesirable. I presume this is to allow the 16-year-olds to continue working in so-called training. However, it could lead to young people being made to work in entertainment venues, say, with strip shows, to which they would not be entitled to enter as patrons.

The Hon. A.J. Redford interjecting:

The Hon. ANNE LEVY: I am not saying that. These 16 and 17-year-olds should not be treated differently from the rest of the population of their age group. They are not permitted into areas of hotels and clubs where there are poker machines. I think it would be most undesirable for this legislation to let some of them into areas where there are poker machines. They are not old enough to use poker machines, so they should not be old enough, in the context of their work, to work around poker machines.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: I feel this is a most undesirable part of the legislation. Young people aged 16 and 17 who are being trained in the hospitality and liquor industries should have exactly the same protection as all other young people of their age. The existing Act provides that minors in hotels cannot play Keno. This is not covered in the legislation we are debating, but I presume it is covered elsewhere in gaming Acts and so does not need to be dealt with in the Liquor Licensing Act.

I am delighted to see in this Bill that there is no requirement to hold a liquor licence in certain conditions and that this legislation extends situations where licences are not required from the current legislation, for instance, the supply of liquor to a patient in a hospital or the provision of liquor which has been won as a prize. I think that latter situation has probably been honoured more in the breach than the observance judging from many functions to which I have been over a number of years, but it seems a very sensible tidying up of the Act which I am sure would meet with the approval of every member of the House.

There is a complete re-ordering of the powers of the Commissioner and the Licensing Court, and this is a considerable simplification of what has existed until now. All non-contested matters will be able to be dealt with by the Commissioner, who could also conciliate contested matters if the various parties agreed. The Licensing Court will need to be involved only when there are contested matters which cannot be conciliated or which the parties do not wish to have conciliated unless all the parties to a contested matter agree to the Commissioner's determining it. There will, of course, always be provisions for appeals to the court, but in general it will simplify court work. While some people have suggested that some matters are so important that they should go before the Licensing Court even if they are not contested, if seems to me that if matters are not contested there is little reason to involve the expensive procedures of a court as opposed to the Commissioner, particularly as appeals will always be available.

The Hon. A.J. Redford: How do you know they are not contested until you get them into the court system?

The Hon. ANNE LEVY: If no-one raises any objections whatsoever, the matter is not contested.

The Hon. A.J. Redford interjecting:

The Hon. ANNE LEVY: But that is not being suggested. I think I can say from his interjection that the Hon. Mr Redford has not read the Bill and is not aware of the procedures which are set out in the Bill as to which matters are determined by the Commissioner and which matters are determined by the Licensing Court. I suggest that he read the appropriate clauses.

One minor matter on which I hope to move an amendment is to change the wording of 'Easter Saturday' in the two clauses where it is used to read 'the day after Good Friday'. I note that 'Boxing Day' has disappeared as a term used in the Liquor Licensing Bill and that, instead, it is described as 'the day after Christmas Day'. Theological objections have been raised with me regarding the use of the words 'Easter Saturday'. I do not pretend to be a theologian but, if some people find that phraseology theologically objectionable, we can adopt the same procedures as have been adopted for Boxing Day and describe Easter Saturday as 'the day after Good Friday'. I presume that the Attorney will not object to an amendment along that line.

One new matter which is very notable in this Bill is that managers of licensed premises must wear identification in a form and manner approved by the Commissioner while they are on duty. I feel this is highly desirable. It will be of great benefit to customers, because they will be able to identify the manager if they have reason to approach a manager of licensed premises.

The sections on licence fees are virtually unchanged from the existing legislation. I join with the Attorney in hoping that the case before the High Court relating to tobacco licence fees will not lead to necessary major reorganisation of that section of our Liquor Licensing Act which relates to liquor licensing fees, but it is a bit early to speculate on that as I understand that the judgment is not expected until August.

Another matter which concerns me considerably is section 119, which relates to causes for disciplinary action by the licensing authority. A whole lot of proper causes for disciplinary action are set out in the Bill before us, all of which currently are causes for disciplinary action in the existing legislation. However, one cause for disciplinary action in the current legislation has been dropped from this Bill. I feel it is most important to reinstate it, and that is that it is a cause of disciplinary action if there has been a breach of industrial awards, enterprise agreements or industrial agreements.

I cite as an example the whole question of topless waitresses. This was a very lively issue not many years ago. One of the solutions to the problem was to have inserted into the industrial award which covers waiters and waitresses in licensed premises that they could not be required to expose their body as a condition of employment to serve liquor. I understand that when there is a breach of an award action can be taken in the Industrial Court, but many licensees who wish to have topless waitresses are getting around the existing legislation by not employing these people themselves but by hiring an agency to employ these people. It is difficult to chase these agencies into the Industrial Court. Even if that is successful, obviously the licensee of the premises is not the employer, so he has not breached any award by employing topless waitresses.

It is felt highly desirable that there should be the stick of action being taken by the licensing authority in these situations. In the situation that I have described, the licensee is obviously aware and wishes to evade the award by using this roundabout means. It is highly desirable that the licensing authority can take disciplinary action against the licensee in these situations, as otherwise there is no way of preventing the licensee from evading the law by not employing such people himself but by employing an agency that employs them. So, I feel it is necessary that breaches of industrial awards or enterprise agreements should be a cause for disciplinary action. It does not, of course, mean that disciplinary action will always be taken, but it should be there as a reason why disciplinary action can be taken if the licensing authority feels it is sufficiently serious to do so.

In summary, this is a major rewrite of the Liquor Licensing Act, or a rewrite in some sections although not in others. The changes in general will be approved by the community, although there is always controversy relating to liquor licensing matters. In general, however, they appear to be sensible and reasonable changes in the legislation before us. As I have indicated, I will be moving amendments which I hope will receive serious consideration in this place, but I certainly quite enthusiastically support the second reading.

The Hon. A.J. REDFORD: I rise to support the Bill. In your former life as a publican, Mr President, you would have taken a great deal of interest in the promulgation of this Bill and the effect it might have on those of your colleagues whom you left in that industry before coming into this place. At the outset I congratulate the Attorney-General on the process he adopted in leading to the promulgation of this Bill. Indeed, I understand that it was conducted in a healthy and open manner. Certainly, in my discussions with all of the interested players—the AHA and the Licensed Clubs Association—your involvement and the manner in which you dealt with the issues with which you had to grapple was praised.

I will not repeat some of the comments made by previous speakers, but will make some general comments before going on to specific issues. As I understand the position, the Bill is a compromise between various interest groups, all of which had different rights associated with the sale of liquor, whether it be on the premises or in a packaged form. The compromises involved restaurants being allowed to sell liquor without meals, clubs having extended hours and clubs not having to have sign-in requirements.

When one looks at the Bill, one sees that the only thing which seems to have occurred is a transfer or extension of rights currently enjoyed by hotels to restaurants and clubs. When I raised that issue with the AHA, it told me that it was happy with these changes because it hoped to get Sunday night trading. I note from an initial draft of the Bill that it did not manage to achieve that.

In a sense, the hotel industry has given away an awful lot to the other participants in the industry for what might, to an outside observer such as I, appear to be a small gain. I am pleased to see that after further consultation the Attorney has made a couple of changes that enable hotels to seek from the court an extension of their licence in certain circumstances. I am also pleased to see that there have been changes in anomalies in relation to Sunday morning trading in relation to hotels.

As a matter of personal opinion (and I did receive correspondence on this), we ought to be revisiting this legislation in the not too distant future because it is my view that the clubs to a substantial extent have justified the right to sell packaged liquor, and that would be consistent with the objects of the Bill. In any negotiation there is a series of compromises, and serious consideration ought to be given to hotels getting Sunday night trading without the necessary bureaucratic involvement of having to go off to the licensing authority to get such an extension.

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: The Hon. Terry Roberts interjects and asks whether I agree in relation to all clubs. To answer his question, I received fairly strong correspondence from one club indicating that it currently had a licence to sell packaged liquor and that that licence would be taken off it. When I read the Bill I felt that that was well covered in the transition provisions. I made inquires of the Attorney-General, who advised me that those clubs which currently have take-off rights will retain them after the passage of the Bill.

In relation to other clubs, provided that they must go through the same processes to get a licence and achieve the same standards to get a licence as does a hotel, I cannot see any reason why they ought to be distinguished in their initial licence for the right for take-off liquor. I hope that in the not too distant future, when there is less emotion and less nervousness, given the pending election, we might revisit this matter more carefully.

It is also pleasing to see that to a large extent courts involvement has been reduced. That is to be applauded. Essentially when we run licensing systems in this State we have run them through an administrative process, and courts have only become involved by way of judicial review. It is a very unusual thing to have courts so heavily involved in what is essentially an administrative act in the granting and supervision of licences.

One would hope, as we become more enlightened on the topic of alcohol consumption and the like, that at some stage in future there may be a further reduction in the power of the court on the condition that there are appropriate mechanisms for judicial review or at least some form of review of decisions made by the Liquor Licensing Commissioner, who may or may not make some arbitrary or odd decisions.

The other issue is the question of trading on Christmas Day and Good Friday. I do not know whether you, Mr President, were ever involved in this, but often after working long hours you finish up work on Easter Thursday, go to the hotel and at midnight you may be taken out. It is more civilised to allow hotels to trade on until two or three o'clock on Good Friday morning and have the hotel closed for the Good Friday through to three o'clock on the Easter Saturday morning. That is the logical way to go.

Mr Acting President, I also note that you have had a significant interest in this industry, and I look forward to hearing your contribution on this Bill in Committee. The other issue relates to Christmas morning. Again, you trade through Christmas Eve. From my recollection that has always been a busy night, and to close everything at midnight seems rather arbitrary, and certainly I do not empathise with the licensees who have to close hotels at that hour of the night.

In any event, the significant comment I make today relates to the issue of resident objections, and in particular how they are dealt with within the confines of this Bill. When one looks at the Attorney-General's second reading explanation, one sees that he made a number of comments which give me cause for concern in relation to the industry. I do not believe that some of these provisions will make much difference, other than perhaps assist us beat off some political arguments from certain quarters. His first comments is as follows:

> [there will be] increased advertising requirements for the grant, removal or transfer of a licence or a change to the trading conditions of a licence, in order to ensure surrounding residents are informed of the application. . .

He then goes on to refer to:

> increased rights of intervention in proceedings. . . They have been substantially extended.

He then refers to:

> a wider general right of objection to an application. . . including the ground that the grant of the application would not be consistent with the object of the Act. . .

I will go through this in more detail later, but to some extent we are going overboard with third party objections. There are many instances where hotels have been engaged in, or have had the capacity to engage in, certain activities for a long time—I am talking of periods over decades—yet people move in, buy houses, usually cheaply, nearby and then put the proprietors of those businesses to extraordinary expense and trouble to comply with what they perceive to be what they require in the neighbourhood after they purchase their properties, and that is of some concern to me.

That is particularly so in the area of contemporary music. I note that the music industry was not represented on any of the working parties that were involved in discussions, but we had some discussions later, and I am grateful to the Attorney-General for a meeting that occurred last week involving the South Australian Music Industry Association and the Minister for the Arts to discuss some of the issues that they raised. As a consequence of that meeting, I have a number of questions.

I am also concerned to note that hotels play an increasingly important role in providing community services to the broader community. I know that you, Mr Acting President, have probably been to many ALP sub-branch meetings in a back room provided by a hotel at minimal cost. Certainly, those same rooms are provided for Liberal Party branch meetings. The same applies to service clubs and many other community groups which are provided with these rooms and usually at no cost to the community so that meetings can take place.

It is also interesting to note how the hotels of South Australia and the delivery of their services have changed significantly over the past 10 to 20 years. In your former career, Mr Acting President, you would probably have spent a lot of time in the front bars of various hotels dealing with your members, and I know that you would now have noticed the significant change where front bars no longer are conducted with the same vibrancy or attract the same numbers. When you go into hotels now, you will see espresso and cappuccino machines, and in some cases these places almost resemble milk bars. That is an indication that hotels have moved away from providing beer to a front bar crowd, usually of males aged between 18 and whatever, to a more relaxed and less formal environment where families go, where women go by themselves and where elderly people of both sexes go, either together or separately. Indeed, I notice in some of the establishments that I visit, for example, the Broadway Hotel, where there are many occasions when people go to these premises and people are not consuming alcohol.

I also note with the change in habits of our younger people that they treat licensed premises in a different way than you and I might have. I grew up at a time when there was 10 o'clock closing. At 10 o'clock we would all go off to a party and get home at 1 o'clock in the morning. I note with my step-daughter and her friends that their habits from the age of about 16 or 17 is to leave home at about 10 or 11 o'clock at night and not get home until 4 o'clock in the morning. If you, Mr Acting President, are about at those very late hours—and no doubt there might be occasions after Parliament when that might occur—you will see that the crowds of people at the East End and various establishments get to premises at a much later hour than they used to and that they leave at a much later hour than they used to.

I do not think that has led to an outbreak of bad behaviour. I do not think a wave of lawlessness is happening out there because of the changing habits of our young people. It is important that Parliaments recognise those changing customs and habits and enable business people in the liquor industry to properly cater for those changes.

I am also concerned that there has been some adverse criticism of poker machines. They have been blamed for everything from rabies to small business bankruptcies and the current bout of flu, but there has been one adverse effect that I have noticed, that is, a number of larger areas in hotels that used to be there for bands and the provision of entertainment have largely been filled up with poker machines and the like. I make no criticism of the industry for that, because it is reacting to a market demand in that sense.

However, what does concern me—and people have come and explained some of these issues to me—is that there is a diminishing number of venues where young people can be engaged in contemporary music. The one heartening thing about poker machines is that the age group they tend to attract involves people above the age of 45. That is the biggest segment of the market, and it seems to me that with this change we are taking away a number of venues from younger people and reducing their ability to be involved in contemporary music, and that is of some concern.

I hope that in the Committee stage and following the passing of the Bill we can look at ways to re-establish venues. I am told that there is hardly one of these venues left in the western suburbs of Adelaide. I am told the nearest one is down at Noarlunga Centre and, when people try to establish venues for contemporary music, they are met with so much objection from nearby residents that it makes it almost impossible for them to operate or ply their trade, and I think the cultural life of our young people is diminished as a result.

I now wish to deal with a couple of the clauses and ask a few questions on notice of the Attorney. Clause 20(1)(c) provides:

> (1) A party to proceedings before the Commissioner may appear in those proceedings—
>
> (c) if the party is a member of a genuine association formed to promote or protect the interests of a section of the liquor industry, or employees in the liquor industry—by an officer or employee of that association;

Clearly, under that provision the AHA or another employer association would be entitled to standing, and a person from your former union, Mr Acting President, would also be entitled to standing; and that is as it should be. However, I am concerned because occasionally other representative organisations may want to be represented. I refer, for example, to the South Australian Music Industry Association. Often, decisions are made in the Licensing Court or by the Commissioner which will affect constituent members of the South Australian Music Industry Association.

In the context of what I have just said, does the Attorney think that the clause as presently drafted would enable the South Australian Music Industry Association to be represented in a matter before the Commissioner where their interests or the interests of their members might well be adversely or favourably affected? If not, would the Attorney consider a minor amendment to enable an association such as that to be involved or appear before the Commissioner or the court?

My next question is in relation to clause 42. This clause enables the promulgation of codes of practice to encourage the responsible use and consumption of alcohol. It seems to me that that is a very important clause within this Bill. Indeed, it is something that probably separates this Bill from the existing legislation more than anything else, and it is my view it will do so in quite a practical way. In establishing a code of practice to encourage the responsible use of liquor, it is important to ensure that there are other activities going on within licensed premises so that people are not preoccupied with only consuming liquor on licensed premises.

It would be arguable to suggest that one means in which the harmful and hazardous use of liquor can be prevented by young people, and one way in which responsible attitudes in relation to the consumption of liquor can be promoted, is by the provision of entertainment—in particular, live entertainment. In that context, I would be grateful if the Attorney

would comment on that view. I would also be grateful if he would indicate whether or not there will be codes of practice which will encourage the provision of other activities—and in this context, in particular the provision of live entertainment—by the industry in certain circumstances to promote the responsible attitude in relation to the consumption of liquor.

My next comment is in relation to clause 43 which empowers the licensing authority to impose conditions in relation to licences. They include conditions regarding excessive noise, minimising offence to people who reside, work or worship in the vicinity of licensed premises, or the conduct of patrons entering or leaving licensed premises. It also provides for the prevention of offensive behaviour or the conduct of crowds at events. The conditions can be imposed on the application of the licensee, the police, the commissioner, and anyone else on the initial grant of a licence.

I note that that substantially reflects, perhaps in a little more detail, the existing legislation. I do have a concern that, with the increase in third party objections, every time someone applies for a hotel licence, we will have a myriad of objections from next door neighbours, and the general compromise will be that the next door neighbours will withdraw their objections on the basis that the licensing authority impose a condition whereby entertainment is not provided or only entertainment of a nature that might suit people over the age of 55. I wonder if the Attorney-General, in consultation with the Liquor Licensing Commissioner, would comment whether or not that is likely to happen and in what circumstances, and whether there are occasions where the sort of pressure that might be brought to bear by residents, reasonably or in some cases unreasonably, can be dealt with?

My next question in relation to this matter refers to clause 105, which deals with the requirement that a licensee must obtain approval before providing entertainment. I note it is different from the existing legislation in that it requires the licensee to show that 'entertainment is unlikely to give undue offence to people who reside, work or worship in the vicinity of the premises.' I do not envy the Liquor Licensing Commissioner in the application of that, because I do recall occasions as a child where some of my elders or friends of my parents felt that Monty Python was something that might be likely to give undue offence. So, the point I am making is that people's attitudes are different from time to time and also change from age group to age group, and that does make the position of the Commissioner in dealing with this clause a very difficult one.

I have a number of questions in relation to this clause. First, how is a licensee expected to show that entertainment will not give undue offence? What will the Liquor Licensing Commissioner do in circumstances where premises have, over a period of time, provided live entertainment, and local residents seek to prevent the continuation of the provision of entertainment by such licensed premises? Will the Liquor Licensing Commissioner set out guidelines in relation to how he will deal with applications under this clause to minimise difficulties? Is the Liquor Licensing Commissioner prepared to consult, not only with the industry and local government but also the South Australian Music Industry Association in establishing such guidelines?

What sort of guidelines does the Liquor Licensing Commissioner have in mind in relation to the following issues:

(a) noise levels—and in that regard, is there a way in which we can quantify it by using decibel meters and, in particular, specify what a minimum decibel level might be for any given area so there is a tangible, measurable standard by which everybody can apply their application?

(b) crowd numbers—what guidelines will be applied there?

(c) alcohol types—and in that regard, I recall the Jimmy Barnes difficulties, when the promoters always planned that they would only sell low alcohol beer. I know that is a provision in certain sporting venues, and it is one to be encouraged.

(d) age groups—will there be a restriction?

(e) security—what sort of arrangements will be provided?

(f) toilets—what provisions will be required at places of entertainment?

(g) fire safety—what will be the requirements?

(h) car parking—will there be any requirements? If so, when, and what sort of standards will be required in that regard?

(i) music—will there be any requirements in regard to the nature or style of music, and I am not referring to the noise or decibel level when I ask this question? If so, what will be the guidelines there?

Also, in relation to entertainment, I note that the clause is very general and provides that the licensee must not use any part of the licensed premises without consent of the licensing authority, etc. It could be argued that every time a hotel or licensed premises wants to put on live or some form of entertainment they have to go back to the licensing authority. That would be of great concern to me because it would impose a significant cost on the proprietors of hotels and the promoters of bands. Can the Liquor Licensing Commissioner explain to me what will be his general policy with regard to the length of time in which these licences will be granted? Is he intending to grant the licences for an indefinite period and make them subject to revocation by some other process in the Bill or will he allow them for limited periods or limited events?

The next issue I raise concerns the issue of noise, which is provided for in clause 106 of the Bill. Clause 106(4) provides:

> If a complaint is lodged with the Commissioner. . . the Commissioner must. . . before or during the course of the conciliation proceedings, make an interim order.

It concerns me that there might be a policy developed by the Commissioner whereby orders are made as a matter of course upon receipt of a complaint, and it also concerns me that this may act as some sort of encouragement for frivolous complaints. Can the Attorney advise this Council of the guidelines concerning the making of interim orders and when he is likely to exercise that power?

I would be grateful if the Commissioner could advise (I would prefer in as much detail as possible) what measuring stick or parameters he might have in relation to noise complaints. There is nothing more subjective than such complaints: what might be a pleasant noise to person A is a very unpleasant noise to person B. It will be very difficult for the Commissioner to become too subjective about this issue. It concerns me that local government, which, quite frankly, seems to be the enemy of the industry, has a role to play, and I wonder what different approaches it might exercise and to what extent is it likely to frustrate any policy which the Liquor Licensing Commissioner might promulgate in relation to this issue?

Clause 106(2) refers to who can make complaints. I take no issue with the fact that complaints can be made either by the Commissioner or a council (although some of those might be frivolous, if you ask me); but subclause (2)(c) provides:

> a person claiming to be adversely affected by the subject matter of the complaint.

I have heard stories from publicans of people hiding in nearby bushes with noise metres and all sorts of manner of things going on. For example, I am told that on many occasions staff of the Arkaba, which has been running discos since before I was born (and if you buy a house nearby you have to expect a bit of noise because it is a major hotel) have managed to trip over people hiding in bushes and holding noise metres.

The Hon. Diana Laidlaw: Where is that?

The Hon. A.J. REDFORD: The Arkaba. In that case the behaviour of some of the complainants seems to me to be quite silly because no-one made them buy a cheap house in exclusive Glen Osmond. The Bill also provides that a complaint cannot be made by a person claiming to be adversely affected unless he or she is authorised to make a complaint by at least 10 persons (and I suppose one has to pick a number). Subclause (3)(b) provides:

> the Commissioner is satisfied that the nature or gravity of the complaint is such that it should be admitted despite non-compliance with paragraph (a).

Can the Commissioner explain what parameters he will adopt to determine the nature or gravity of a complaint in the context of that clause?

I understand that in New South Wales both the liquor and music industries have managed to establish measurable standards so that noise becomes quite a simple issue to deal with and that when complaints are made they use decibel meters quite extensively. Has the Attorney or Commissioner considered what has happened in New South Wales? Is it appropriate to measure the noise level at the point of complaint rather than just generally and have arguments that it might be quiet close-by but noisy two streets away? The Commissioner gave me the example of when there is a rock concert at the Adelaide University: it is all quiet on the flats of North Adelaide but those on Montefiore Hill get blasted. In that context can I have an explanation as to why we cannot measure it at its loudest point, and if it be Montefiore Hill so be it? Finally, can the Attorney or the Liquor Licensing Commissioner advise me whether or not there are existing resources or an ability in the department to gain the resources to properly and objectively measure noise before any interim order might be made?

I now turn to the issue of minors (clauses 110 to 117 cover this matter). I take into account the comments made by the Hon. Anne Levy but, quite frankly, I think she is so far out of touch with how young people operate and behave nowadays and their levels of responsibility that we cannot take much notice of what she said. I must say, though, that with the euthanasia debate and the debate on death and dying she was all in favour of having 16-year-olds sign bits of paper to say that they could kill themselves; but she does not trust them to serve alcohol under the supervision or training contexts that are approved by regulations. I must say that the inconsistency is stunning.

I now make some general comments. First, we do not all turn 18 on the same day. I mean no disrespect to you, Mr Acting President, but when you turned 18—or it might have been 21 back in those days in Ireland—you did not turn 18 or 21 on the same day as all your friends. It might have been that you turned 18 or 21 very early in the school year and all your friends were 17 or 20. It might have been important that they went with you while you had your first beer and shared with you a squash and watched you partake in this habit that is generally allowed only to adults.

Members might think that the same problems and difficulties apply today. I know from personal experience that a number of people go to university while still aged 17. Members might think that they would become friendly with people who are aged 18 or older and, in a very responsible way, seek to go out together to enjoy themselves. It is important that whatever we decide we facilitate that sort of social interaction. It is better than sitting home watching TV and is more productive than looking at a poker machine. We should encourage social interaction and ensure that we have laws which are relatively balanced. Clause 112 provides:

> A minor may not enter, or remain in, a part of licensed premises subject to an entertainment venue licence. . . between the hours of 9 p.m. on one day and 5 a.m. of the next;. . . other than a. . . part. . . approved by the licensing authority.

In the context of entertainment venue licences, could the Attorney or Commissioner advise what parts of entertainment venue licences are likely to be approved for access by minors and what conditions are likely to apply? More importantly, clause 112(1)(b) provides:

> A minor may not enter. . . a part of licensed premises. . . of some other class (other than a dining room or other part of the licensed premises approved by the licensing authority) between the hours of midnight and 5 a.m.

It seems to me that this is very important in relation to that class of person who is approaching 18 and wants to go out with their friends. It is also very important to those young people aged 16 or 17 who might seek to avail themselves of entertainment via a popular local or interstate band. I am not suggesting that these people ought to be allowed to consume liquor. I am also not suggesting that the Commissioner should not be alert to the fact that it might prove difficult after midnight to distinguish between a 17-year-old and 18-year-old unless there is some form of simple straightforward identification such as a wrist band provided on entry to the premises. However, in view of the declining number of venues where contemporary music can be provided to young people, it is important that we understand exactly what the licensing authority is likely to do. I also note that clause 112(6) provides that:

> This section does not apply in relation to minors of a class exempted by regulations from its ambit.

In relation to the regulations, could the Attorney advise the sorts of things he has in mind regarding minors and the regulations pertaining thereto. I would have thought that some of the issues to which I have referred might be better dealt with administratively by the Commissioner rather than by regulation. It may be the Attorney has in mind exempting university students from being on premises at university, for argument's sake. I am not precisely sure what is meant but my attitude, and indeed the attitude of the South Australian Music Industry Association, would be very much dependent upon how this clause will be applied.

I do not dispute the need for control of minors and the need to be careful that we do not expose young people too easily and too simply to alcohol and potential alcohol abuse. Certainly, not to do so would be contrary to the intention of this Bill, but we need to ensure that young people have access to entertainment. It is not like the old days when churches provided dances. Blue light discos are apparently not

attracting the same crowds; my understanding is that they are attracting a much younger group of people.

It is important for the sake of our young people that we do not use this legislation down the track to bash them over the head to say, 'You are not part of the community, you are not welcome in this community and you are not to participate in this community.' I am concerned that this community is not treating its young people—and I will not go on to the employment problem—as well as we should. Too often older people look at the 1 per cent or 2 per cent who commit the crime or smash the bottle or get into trouble. Members know that 90 per cent to 95 per cent of young people are good, responsible, hardworking people and I hope we can set up a regime that acknowledges that situation.

We have had some very productive discussions on the issue of unsafe premises. The Liquor Licensing Commissioner quite rightly is taking a tough and stern attitude to those premises which are unsafe to patrons. He is to be applauded for what he has done and for the extensive exercise undertaken over the past couple of years. There have been complaints—no-one ever gets it absolutely right the first time—from the industry that on occasions premises have been closed yet the band has turned up, the crowd has turned up and losses have been incurred. I am grateful that the Liquor Licensing Commissioner has indicated that he will provide cause lists—and I appreciate he cannot do any more than that—to the South Australian Music Industry Association that might indicate that premises might be closed by order of the court at some stage in the future to enable those musicians and people associated with them to take appropriate action and make preparations for an alternative venue.

In some respects there is an opportunity to extend that to the relevant union so that it can bring pressure to bear on the various venues to ensure that they comply with the law. The last thing we want is some of the disasters that have occurred interstate and overseas with overcrowding and fires.

In closing, I congratulate the Attorney-General and the industry. I hope, when this Bill passes, that we do not see those members of local government who want to make a big name for themselves for five minutes running around bashing venues and closing them down so that our kids have nothing to do and nowhere go and feel as though they are not part of our society. I hope that local government will adopt a more responsible attitude and that we will not get examples—I will not cite examples now but if local government wants to test me, I will—of some of the zealousness that we have seen from some councils (there are exceptions) regarding the provision of entertainment for our children. I commend the Bill.

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their indication of support for the Bill. As I remarked in my second reading explanation, this Bill results from extensive consultation with industry and representatives of the community. A lot of time has also been spent on it by me and my officers and the Liquor Licensing Commissioner. Undoubtedly, some matters will be the subject of further discussion in Committee, but I am pleased that there appear to be so few matters that are the subject of contention. As I remarked earlier, this Bill represents a balance between a variety of competing interests. That balance is, I think, a delicate one. Nevertheless, the Bill has been well received by all those who have an interest, whether they be representatives of the community or various sections of the liquor industry.

I want to respond to a number of matters raised by members. I may not do justice to them all, but I will endeavour to work through the matters raised during the second reading debate. If I overlook any of them, they can be dealt with in Committee. The Hon. Mr Elliott raised issues about cellar door sales and mail order sales. In respect of cellar door sales, he suggests that, after a figure of $1 million in sales has been reached, a licensing fee should apply. That same matter was raised by Mr Tim Anderson QC in his review of the Liquor Licensing Act 1985, except that the recommendation in that instance was that sales above $20 000 be subject to a licensing fee.

The liquor licensing working group has considered this matter and taken the view that, subject to the definition of 'producer' and 'production' being more tightly defined, the exemption from licence fees for sales at cellar door be retained irrespective of the amount of sales involved. The Government has made a decision on the policy, and that will be the case. Given the importance of the wine industry in this State in a number of areas including the tourist industry in respect of employment and export sales, it is probably little wonder that the Government has decided to adopt that policy position. It is the Government's view that the original rationale for allowing an exemption from licence fees for producers of wine—namely, the encouragement of the wine and tourist industries in South Australia—is still of the utmost importance and that, therefore, the exemption should continue for those reasons.

The Hon. T.G. Cameron: Haven't some of the States legislated to have the tax paid?

The Hon. K.T. GRIFFIN: No. The Hon. Mr Cameron asks across the Chamber whether other States impose a fee, presumably in relation to cellar door sales. I will deal with mail order sales in a moment, because it may be that his question relates more directly to that issue. I can say immediately that New South Wales and Victoria do not impose licence fees. The issue was raised by Mr Anderson and, quite understandably, it provoked a fairly significant response from those who might be more directly affected.

I put together a group of representatives comprising the Treasury, the Economic Development Authority and the Liquor Licensing Commissioner to look at the arguments for and against. That group examined in detail all the issues relating to the matter, particularly the view that mail order sales are depriving retail liquor stores of sales and revenue. I understand that there have been representations by the Retail Liquor Merchants Association regarding this matter. They argue that what the Government is proposing to maintain in this Bill is anti-competitive. That is an issue with which the Government does not agree.

The Hon. T.G. Cameron: Isn't Western Australia legislating?

The Hon. K.T. GRIFFIN: I am not aware that that is the case, but I will undertake to have that checked. The main competitive markets as far as South Australia is concerned are not in Western Australia but in New South Wales and Victoria.

The report which I received from this group stated that people purchased wine by mail order for a number of reasons including convenience, service and range rather than price. In fact, mail order prices are generally, I am told, about $1 to $1.50 a bottle more than for the same or a similar wine in a retail liquor store. Therefore, the report concludes that it is generally agreed that approximately 80 per cent would continue to purchase by mail order than transfer their

allegiance to interstate mail order schemes if no service were offered in this State because factors other than price are critical.

The report stated in summary that South Australia stands to lose both financially and from an economic development perspective if licence fees are introduced for mail order sales by producers in South Australia if the other States, principally Victoria and New South Wales, do not follow. Other research has shown that, whilst on the face of it there are anti-competitive elements in the Liquor Licensing Act 1 985, the liquor industry is flexible enough to enable other players in the market to take advantage of various options such as providing a mail order service or allowing for the ordering of liquor via the world wide web. For the information of the honourable member, the Liquor Licensing Commission has been advised by the New South Wales and Victorian liquor licensing authorities that neither State intends to introduce licence fees for producers.

The Hon. Mr Lawson raised some issues, and I will now deal with those. As he noted, the needs test for hotels and bottle shops has been retained at present. The view of Mr Anderson QC was that, on balance, the test be retained but be considered again in four to five years' time. Mr Anderson noted that the very high quality of hotels and bottle shops in South Australia could be affected if the test were removed at this time. The honourable member makes the point that the objects of the Bill are linked to clause 53 (the general powers and discretions of the licensing authority). As a result of significant concerns expressed during the recess period by a number of licensing lawyers that this linking may lead to increased litigation, this provision is proposed to be amended to provide the licensing authority with the same wide discretion as it has under the present Act. It is the intention of the Government that there be less not more litigation in the licensing jurisdiction as a result of this Bill. This intention has led to the Commissioner having increased powers of conciliation with only those not capable of resolution through those means being heard by the court.

The honourable member raised the matter of a licence not being required for the sale of liquor pursuant to clause 30. It is correct to say that businesses such as 'Send-a-Basket' and other florists will be able to be exempted from the application of the Act pursuant to clause 30(h). The Hon. Anne Levy has made an observation about the relaxation of the liquor licensing laws in relation to matters such as winning a bottle of wine in a lottery.

With respect to the consumption of liquor without a meal whilst seated at a table, this caveat was strongly put to Mr Anderson QC and the Government by the South Australian Restaurant Association. That association is adamant that it does not wish to see the development of small bars or taverns and that this flexibility is to ensure that patrons can join friends who may have had a meal for a drink, or allow one person at a table to order coffee and another to order a glass of wine without having to order a meal.

The association has made it clear that the regular supply of meals will continue to be the predominant purpose of restaurants but that the community is looking for some flexibility in this area. The Government is in agreement with the negotiation that there not be a proliferation of small bars and taverns in South Australia, but recognises that there is a need for flexibility in the service of liquor in restaurants as raised by the South Australian Restaurants Association.

Probably most restaurants break the law and most members of Parliament break the law in that they have gone into restaurants and ordered a drink while friends have been eating a meal. It is obviously an inadvertent breach and one that we want to ensure is rectified by suitable amendment to the law.

The honourable member also raised the matter of a test when applying for a hotel or retail liquor merchant's licence, and I will deal with that matter as I explain the amendments to the Bill when we get into Committee. The honourable member noted that section 38(3) of the Act has not been replicated in the Bill. That is not correct. The provision is in the Bill at clause 37(2).

The Hon. Angus Redford raised a number of issues to which I wish to refer, particularly in the context of a licensee's obtaining a consent for entertainment. This is a matter which he and the Minister for the Arts, as well as the South Australian Music Industry Association, have raised with me outside the House.

Concern has been expressed that under the Bill the entertainment industry—in particular, young South Australian musicians and entrepreneurs—will be disadvantaged. Those concerns related specifically to the requirements for venues to obtain an entertainment consent and to the adverse impact on the entertainment industry of a suspension of a licence. The requirements in the Bill for a licensee to obtain a consent for entertainment mirror the provisions in the existing Act. The only difference is that these applications will have to be advertised and local residents will have the opportunity to object.

Under the existing Act the advertising of applications for entertainment consents is not mandated, but the licensing authority will generally exercise its discretion to require advertising as a matter of practice where, in its opinion, the proposed entertainment is of a nature or style that could cause undue offence, annoyance or disturbance.

The Government supports the licensing authority's position that it is preferable for these applications to be well advertised and soundly investigated prior to the grant of the entertainment consent in order to minimise the potential for difficulties at a later stage, whether it be distress to local communities or to industries such as the entertainment industry.The licensing authority will be required to ensure that premises are suitable for entertainment, and this should minimise the incidence of complaints against venues providing live entertainment. In that respect, it should provide an additional safeguard for those involved in the entertainment industry.

The South Australian Music Industry Association has raised the issue of engagements being cancelled because the licensing authority has suspended a licence. Since July 1995, 69 complaints for disciplinary action against licensees have been lodged by either the Liquor Licensing Commissioner or the Commissioner of Police. Of these, 22 licences have been suspended by the Licensing Court Judge. The Liquor Licensing Commissioner contends that each of these involved significant breaches that put the safety, health and welfare of all persons in the venue at great risk. At a previous meeting between the Commissioner, the South Australian Music Industry Association and staff representing the Minister for the Arts, the Commissioner showed videotapes of the type of breach involved, and it was agreed by all parties that the licences should have been suspended in the public interest.

At that time the association expressed concern that its members were being financially and professionally disadvantaged by these suspensions, so the Commissioner agreed to meet with the association monthly to ensure that it was aware

of potential disciplinary action. The Hon. Angus Redford indicated that it was by access to the cause list for the Licensing Court. The association welcomed the initiative but had not until recently met with the Commissioner and thereby taken up his offer.

The Commissioner has reassured me that he understands the industry's concerns and has again agreed to meet with its representatives and to provide guidelines on requirements for entertainment venues. That resulted from a meeting only last week in which I, the Minister for the Arts, the Hon. Angus Redford and the industry association were involved in conjunction with the Liquor Licensing Commissioner.

So, an opportunity for communication exists with the Liquor Licensing Commissioner, who indicates—and in all my knowledge of his activities this is the case—that he prefers to work in a conciliatory fashion rather than be confrontationist but who has remarked that, even though conciliation has been attempted in many instances, there are still nevertheless some licensees who will not cooperate and will be defiant in the face of what might be reasonable proposals for resolving the areas of complaint.

The Hon. Diana Laidlaw: The music industry was really pleased you met with them.

The Hon. K.T. GRIFFIN: The music association, as the Minister for the Arts remarks, is pleased that we have taken the opportunity to meet with it. The Government and the Liquor Licensing Commissioner are not in the business of closing down venues and causing angst. The thrust of the Bill is minimisation of harm and, as members will see from the framework in which the Commissioner will operate, conciliation is specifically recognised where previously it was not.

When we met last week with the association, the Hon. Angus Redford raised the issue of the licensing authority's requirement for uniformed licensed security staff. The authority determines these requirements in conjunction with the licensee, the police and the relevant council where appropriate, and the authority's initiatives are again recognised and supported.

The whole issue of security and investigation agents is a difficult one. Crowd controllers can be quite intimidating. One of the initiatives we have taken under the Security and Investigation Agents Act is to ensure that a suitably inscribed identification number is worn in a prominent and visible position by crowd controllers when they are on duty to ensure that, if there are complaints, the person against whom the complaint is made can be easily recognised. Intimidating behaviour and intimidating clothing are all matters which the Liquor Licensing Commissioner is concerned to eliminate. With the majority of licensed establishments there is cooperation in endeavouring to achieve the objectives, which everybody wishes to see.

In the context of entertainment venues it is a matter of balancing public safety, law and order and the rights of the local community with the interests of patrons, as well as with those of the people who work in these premises, to ensure that the entertainment is run well and responsibly.

Again, it is a matter of trying to ensure that lines of communication are open. They are open so far as the Government is concerned and, if there are difficulties, one would expect them to be taken up with the Liquor Licensing Commissioner, whose primary interest is to ensure that there are well run establishments that are the subject of a licence. Bodies such as the Australian Hotels Association are similarly concerned to ensure that the reputation of their industry is not besmirched by the behaviour of a few.

So, the invitation in relation to consultation is there, whether it be to the industry association or to the Hotels Association or any other body that has a concern about entertainment venues.

The Hon. Angus Redford raised several other issues which I want to deal with quickly. Clause 20(1)(c) deals with the question of representation. My view is that the Music Industry Association would not be covered by this unless under paragraph (d), which includes the words 'if the party is a trust or corporate entity' but not as a genuine association. If the Hon. Mr Redford wishes to raise this issue in a more comprehensive manner, I am happy to look further at that. However, I must say that I have difficulty in understanding why the association, in terms of being a party to proceedings before the Commissioner, would want to be represented, other than if it is a trust or corporate entity.

Clause 42 deals with codes of practice. In relation to the responsible use of liquor, it is intended that there will be guidelines and a code of practice. Of course, they will be the subject of consultation. There may be some additional information which I can provide, but I would propose doing that in the Committee stage.

Clause 43 is the subject of comment in relation to the third party objections which are allowed for. I simply repeat what I said at the beginning of this reply, that is, that we have endeavoured to balance the competing interests of all who might be involved in the liquor or entertainment industry with those of the community, and I believe that we have achieved that. I would be surprised if, in the context of what I have already indicated about the intention of the Commissioner in licensing entertainment venues and looking at the classes of entertainment that might be provided and the nature of a development or soundproofing, that this will not be adequately resolved in the future.

Clause 105 deals with entertainment on licensed premises. The Hon. Angus Redford raised questions about what is undue offence and how the licensee is expected to show that the entertainment will not cause disturbance, and asked whether the Liquor Licensing Commissioner would set up guidelines. There is no doubt that in respect of this the Liquor Licensing Commissioner is prepared to consult not only with the South Australian Music Industry Association but also with bodies such as the Hotels Association and other bodies such as the Local Government Association.

I do not think it is possible, because of the variety of entertainment, for the Commissioner to give an unequivocal answer hypothetically to this at the present time but, undoubtedly, guidelines may be able to be given, perhaps identifying some principles. Certainly, issues such as fire safety requirements are clear because they are covered by the Building Code, and that presents no difficulty in providing some certainty, whereas the other areas are much more difficult to develop as guidelines or standards which must be met.

As to clause 106(4), the honourable member asked what sort of orders are likely to be made. I will take that question on notice. In conciliation proceedings it may be that the parties may agree to a limit on hours of trading. It may be that there are orders in relation to security officers patrolling car parks. There may be a variety of solutions tailored to the particular problem.

I suppose the same response can be given in relation to clause 106(3)(b). It is not easy in a hypothetical context to describe what might be matters of gravity in a complaint because each must be judged on its own circumstances. I am not aware that the Liquor Licensing Commissioner has

examined what has happened in New South Wales, but I can seek some advice on that and provide the information during the Committee consideration of the Bill.

The honourable member asked why we cannot measure noise at its loudest point. That will create untold problems in terms of the management and administration of the legislation, giving rise to significant disputes that may ultimately end up in court. As the honourable member said, one of the examples was a University of Adelaide rock concert. On the flat at Adelaide Oval there was no disturbance, but on the hills surrounding Adelaide Oval the noise was deafening. Again, we cannot have any particular rule that can be applied without equivocation.

In terms of minors and clause 112(1)(a), I make the observation that this provision is not in identical terms to the current provisions of the Liquor Licensing Act because it has been found to be necessary to have some flexibility built into it. I am told that events are approved where liquor will not be available and persons under the age of 18 may attend, but usually they have a time limit of midnight, after which the premises are cleared and alcohol may be served but anyone under the age of 18 may not enter.

The whole problem with entertainment venues and under age persons is that it is not so easy to distinguish between those who are under age and those who are over age in the supply of alcohol, and it places a significant burden upon proprietors to distinguish if they were to be present while alcohol was being consumed on those premises; and that is why flexibility is given to deal more effectively with making premises available for particular concerts without alcohol being available.

The Hon. Diana Laidlaw: And if it's not a concert?

The Hon. K.T. GRIFFIN: If it's not a concert, and if alcohol is being served, those who are under 18, if it is an entertainment venue, are not permitted to be present. That is the real dilemma. Of course, you have the other problem from the parents' perspective—

The Hon. Diana Laidlaw: You cannot go with your 16-year-old?

The Hon. K.T. GRIFFIN: From the parents' perspective, if they send their kids to a disco that they believe to be dry and alcohol is served, it compromises their responsibilities as parents. So there is a real problem of balance in how you can have licensed premises available for under age persons, particularly where they have an entertainment licence.

There are other issues related to this, and I have not dealt fully with all the cases raised by the Hon. Mr Redford. However, that is a touch of what I think the responses will ultimately be. I will undertake to deal with those matters that I have not dealt with adequately when we get to the Committee consideration of the Bill.

The Hon. Anne Levy raised some issues and I will touch upon those but, if I have not adequately answered them, we can deal with them also in the Committee stage. The honourable member made the point that the working group did not include local government, unions or police. That is so. If one looked at all the submissions that were received on the Anderson report, and even prior to it, we could have had a working group of at least hundreds. I took the view that bodies such as Drug and Alcohol Services, the Aboriginal Drug and Alcohol Council and the Drugs, Alcohol and Crime Prevention Working Group did provide an adequate representation in conjunction with industry representatives. However, all of the Anderson report was the subject of consultation with other groups besides those on the working group.

The Hon. Anne Levy has noted the significant changes made in the Bill, all of which improve this area of the law. She raises the issue of clause 40, special circumstance licence, and asks, 'What are the circumstances in which such a licence will be granted and how often is such a licence likely to be granted?' I cannot answer the second question, but as to the first question we are seeking to get away from the problems which have been raised as a result of the grant of general facility licences and endeavour to have licences under those existing categories that are provided in the Bill and not general facility licences.

However, we recognise that there may be some special circumstances for which none of the categories of licences will fit. For example, Fleurieu Wine Museum, Tandanya and the National Wine Centre, in respect of which a Bill is in the Parliament at the moment, are those sorts of venues in which an ordinary licence under the Bill is unlikely to be suitable, so in those circumstances a special circumstance licence will be appropriate.

As to the code of practice under clause 42, yes, there will be consultation. It will be wider than the working group, and I have indicated to the working group that, when the codes of practice are developed, both they and others in the community will have access with a view to making submissions on them. The Hon. Anne Levy raises a number of questions. There is no provision in the Bill similar to that which is in the existing Act that a member of the Police Force cannot be the holder of a licence. It was regarded as inappropriate to include that provision in this Bill. It was more appropriate to include it in the Police Act. That is where it will be in due course, because it relates to the practices of police and not necessarily to licensing.

In relation to clause 107, which refers to young persons under 18 working in licensed premises, we have to recognise that this extends beyond a bar and can extend to a restaurant facility and other similar parts of the licensed premises. What we were seeking to do was recognise that there are in fact prescribed courses of instruction or training, through Regency Park and other tertiary training institutions, and it was important as part of the training for young persons in those courses to be involved.

As to the child of the licensee or the manager of a licensed premises, we took the view that there would be adequate supervision. That is an issue which we can again debate in the context of the Committee consideration of the Bill. I am as anxious as anybody to ensure that young persons are not exposed to the sale and supply of alcohol at an early age but we felt that, because of the training regimes which presently exist, in particular, it was important under supervision for this to be allowed.

The Hon. Anne Levy interjecting:

The Hon. K.T. GRIFFIN: I am happy to have further discussion about it during the course of the consideration of the Bill. The honourable member raises an issue in relation to clause 112. She indicates that she does not want minors working with poker machines—nor do I, and nor does the Government. That is not the effect of the Bill, and we will ensure that that is the case. I will have it checked again, but that is my understanding. It does not extend to allow young people to have access to gaming machine areas. As to minors playing Keno, that matter must go into the Lotteries Act. It is anomalous to have it within this Bill.

As to the reordering of the powers of the Commissioner and the court, the Hon. Anne Levy remarks that this is a matter reflecting simplification, and that is desirable and is

certainly the intention of the Bill. There is no need at all for most of these matters to go to the court. It only involves contention, litigation, legal representation and additional costs. The whole object of this is to try to simplify the processes and make them much more administratively focussed rather than legally focussed in a court environment. The honourable member will move an amendment in relation to Easter Saturday. All I can say is I have not considered the point and I will respond in Committee.

Concern was expressed by the Hon. Anne Levy about clause 119 containing reference to breaches of awards and enterprise agreements. I think she has misunderstood the emphasis of the Bill. She refers to this particularly in relation to topless waitresses. I draw her attention to clause 43 of the Bill where, in lines 16, 17 and 18, an example of the conditions which may be imposed by the licensing authority is a condition to prevent offensive behaviour on the licensed premises, including offensive behaviour by persons providing or purporting to provide entertainment on the licensed premises. That is specifically directed to this issue of topless waitresses and other offensive behaviour. We are looking to deal with that issue by specific conditions attaching to the licence and not by the indirect method to which the honourable member referred.

They are the issues, Mr Acting President. I am informed that there was some concern that I have closed the debate. If there is some concern about that, I am not sure where the misunderstanding occurs. There will be plenty of opportunity to deal with the matters in the Committee consideration of the Bill. I indicate that I certainly did speak with a couple of members of the Opposition to indicate that it was my intention, hopefully, to even deal with the Committee consideration of the Bill. I was informed that that was not possible. I have agreed that we will defer that to the first day after this period of dealing with Estimates Committees, and if there are outstanding issues, certainly in that break, while the Estimates Committees are proceeding, I am happy to give consideration to matters which any member may wish to raise, and to make my own officers available for consultation purposes.

If there has been some misunderstanding, I do not accept responsibility for that. However, I indicate that the matter is one which I hope we can advance in the next part of the session after the Estimates Committees occur in a way which I think will reflect the cooperative spirit which has already been adopted by industry and other groups in relation to the development of this Bill and which, as I detect from the contributions made in this Chamber, is the manner in which it will be further considered in the Committee consideration of the Bill. I thank members for their indications of support and commend the second reading to the Council.

Bill read a second time.

EQUAL OPPORTUNITY (SEXUAL HARASSMENT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 May. Page 1458.)

The Hon. R.D. LAWSON: I support the second reading of this Bill. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

PARTNERSHIP (LIMITED PARTNERSHIPS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 May. Page 1462.)

The Hon. M.J. ELLIOTT: The Democrats support the second reading of the Bill. We have consulted widely and in those consultations we have come across only one concern: in communication with the Law Society it indicated that it was satisfied with the Bill and had one concern. Its letter states:

> It is to be provided (section 75 of the Bill) that any document must contain the words 'a limited partnership'. The evident intention is to put any person dealing with a partnership on notice that some of the partners, indeed possibly all but one, enjoy limited liability. To fail to do this is an offence punishable by a fine of $1 250 only.
>
> The availability of limited liability for partners constitutes a radical change from the erstwhile well-understood position of unlimited liability. To the extent that a person is misled to their detriment by a failure to observe the requirements of section 75, general law doctrines such as estoppel may assist. However, has consideration been given to providing for the forfeiture of any limited liability status that would otherwise apply with respect to any transaction entered into as a consequence of a breach of section 75? Such provision or provisions would require careful drafting so as to ensure that only legitimate expectations of persons dealing with a partnership were met thereby, but would offer a surer protection to the public.

I think that is a reasonable submission. One needs to know that one is dealing with a limited partnership. If failure to put the words 'limited partnership' on to documentation causes a person to enter into an arrangement they may otherwise not have done, I do not think that a simple fine for the persons who committed the offence is sufficient. I think that there should be consequences beyond that in those circumstances.

Those words could be missing from a whole range of documents and having it missing from one document alone I do not think would be sufficient, but, clearly, if the failure to use those words on documents is likely to have had an impact on individuals then the protection of a limited partnership should not still be available. Having raised that one issue, I will await a response from the Attorney-General before deciding whether we will take the issue further. The Democrats support the second reading.

The Hon. K.T. GRIFFIN (Attorney-General): The Hon. Mr Elliott has raised an issue in respect of this Bill. I need some time to give consideration to the issues which he has raised and I undertake to do that during the period of the Estimates Committees. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

STATUTES AMENDMENT (COMMUNITY TITLES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 May. Page 1462.)

The Hon. M.J. ELLIOTT: The Bill before us is not contentious and the Democrats support the second reading. However, I take this opportunity to raise an issue which we did raise at the time we debated the original community titles legislation. The comments I make are also relevant to existing strata titles legislation, that is, the question of ensuring that proper resources are available to educate people about living in strata or community title situations. I think that most people have a pretty good understanding of the law and the

way it works in relation to ordinary domestic dwellings—the standard house on the standard block—but I do not believe that there is a good understanding about strata and community titles.

I indicate that there are, as I understand it, 90 000 people in South Australia living in such units. I understand from Lower House members that they are frequently coming into contact with people who have struck difficulties which largely reflect on a failure to understand what they were going into when they first arranged to do so. Problems have arisen that they had not anticipated. The issue of providing some form of education, and certainly information, before people go into strata and community titles and ongoing education is legitimate. I raised this issue when we debated the original community titles legislation, and I ask the Attorney-General again whether or not the Government has any plans in that area.

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their indications of support. It is essentially a technical Bill. I note the issues raised by the Hon. Mr Elliott. The Government does not have any intention to embark upon an education program in relation to the way in which strata titles or community titles from hereon will operate. Certainly, we have had extensive consultation with and training programs for those working with the legislation.

I note the concerns raised by the Hon. Mr Elliott. As I recollect, information is available from bodies such as the Real Estate Institute, the Legal Services Commission and other community based bodies. I am not aware of all the detail. Having indicated that we do not have any plan to embark upon an education program, I will seek to gather together the information that might be available in brochures and pamphlets and make it available to the honourable member. It may be that that will help him to get a perspective on training and education for those who may be in community titles or strata titles that he may not have at present. I will not hold up consideration of the Bill. I will undertake to do that and provide the information to him in due course.

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

TOBACCO PRODUCTS REGULATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 May. Page 1464.)

The Hon. T.G. ROBERTS: The Opposition supports the second reading. I understand that it is a technical administrative Bill which needs to be put through both Houses to correct some of the problems associated with the original Act. We accept the explanation by the Attorney as to the reasons for the Bill, which tidies up problems with the much more contentious Tobacco Products Regulation Act 1997, which was dealt with in this place recently. If the Treasurer and the Minister for Health had been able to work out things together before coming into Parliament with the principal legislation we probably would not be in the position of having to amend the Act before it is even proclaimed. The Opposition, however, does not wish legitimate tobacco retailers to be unfairly penalised, so our usual cooperative approach is called for. The Opposition supports the second reading.

The Hon. SANDRA KANCK: When we dealt with the Bill that established the Act in March, I think members were aware of how passionate I felt about this issue—and I still feel passionate about it. I note from my reading of the *Government Gazette* that the Bill did receive royal assent but has not yet been proclaimed. Since it has received assent, the lawyers have looked at it and found a couple of bugs. I am only too pleased now to be supporting this tidying up so that we can get the Act into operation as soon as possible and get into operation the promise that the Government gave of $2.5 million per annum for anti-smoking campaigns in this State. I indicate my strong support for the legislation.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank the Deputy Leader of the Australian Democrats for her usually—I should say generally—cooperative stance. I need to state that with a little flexibility just in case there are occasions when the honourable member is not so accommodating. I also thank the Hon. Terry Roberts for his eloquent support of the second reading.

An honourable member interjecting:

The Hon. R.I. LUCAS: Yes, as I said. The words did not actually sound like him, but I welcome the honourable member's support of the legislation before the Parliament.

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

ROAD TRAFFIC (U-TURNS AT TRAFFIC LIGHTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 May. Page 1467.)

The Hon. T.G. CAMERON: The objective of this Bill is to make changes to the Road Traffic Act to allow vehicles within certain classes prescribed by regulation to make a U-turn at prescribed signalised intersections and junctions. This legislation is about trying to overcome some of the problems that have been created in the square mile of Adelaide since buses have been contracted out to Serco. The legislation is intended to provide for a U-turn at the junction of King William Road and Victoria Drive, Adelaide. However, the wording is designed so that the same facility can be extended to other intersections via regulation.

The number of buses in the city has increased dramatically. The Minister said in her second reading explanation that they have increased from 104 in 1991 to 400 per weekday at the moment. That increase has been brought about largely by buses which used to drive straight through the city now stopping in the city, doing a loop through the city and going back over their old route. In her second reading explanation, the Minister stated:

> Much of the earlier increase was due to more buses from the southern suburbs being extended through the central business district from their old terminal points around Victoria Square.

She goes on to state:

> . . . with about 60 per cent of the buses using Pennington Terrace doing so prior to the commencement of competitive tendering.

I have some scepticism about those figures that have been put forward by the Minister, but I guess that we will have to accept them at this stage.

The Government has looked at a number of proposals regarding the problems created by the excessive number of buses on Adelaide streets. Four proposals were looked at by

the Government, and of those four it is the view of the Australian Labor Party that the one that the Government has selected is the best. However, concern over increased bus movement in the city has escalated during the past few months. One only needs to be a resident in the city or to drive along King William Road on the way to work in the morning to witness and experience the increased congestion on some of the city roads as a result of the unprecedented number of buses being routed in and around Adelaide streets. So, whilst the Australian Labor Party supports this proposal, it is not exactly enamoured of it, but it believes that it is the best option available considering the current problem of bus congestion in the city.

A number of people have looked at the proposal put forward by the Government. It is supported by the Department of Transport, the SA Cricket Association, the City of Adelaide, the Passenger Transport Board, TransAdelaide and Tennis SA. I understand that the residents of Pennington Terrace are in favour of it. And why would they not be? It will do something to alleviate the problems that they have had to put up with over the past four or five months. However, I would like to make clear that the Opposition believes that this proposal has been brought about because of the changed tendering proposals that have been adopted with Serco.

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. CAMERON: The Minister interjects. If she had caught the earlier part of my speech, she would be aware that I quoted her remarks and commented on them. There is no doubt in the mind of Opposition members that, notwithstanding the Minister's explanation, the altered tendering arrangements have led to there being more buses on city streets. A number of people have attempted to grapple with this problem over the past few months. We make quite clear that, as far as we are concerned, this proposal is necessary because of the Serco tendering arrangements into which the Government has entered.

However, notwithstanding that, the Australian Labor Party accepts that of the options considered by the Government this is the best one available. The Opposition and I support this legislation. We understand that a 12 month trial will be conducted. Let us see whether this does something to resolve the problem of traffic congestion that is occurring on Adelaide streets. I do not believe that it will fix the problem, but it will go some way towards resolving the problem as far as the residents of Pennington Terrace are concerned. The Opposition supports the second reading.

The Hon. SANDRA KANCK: Members might recall—I am sure that the Minister does—that I raised the matter of buses on Pennington Terrace seven months ago during a question. In fact, the Minister confirmed in her second reading explanation the massive increase in the number of buses that use Pennington Terrace. At that time, one of the options that was being considered was the construction of a turning bay at a cost of $100 000. I was rather concerned about that, because it seemed to me that the people of the City of Adelaide would have to bear a very large financial burden for something that was hardly their fault. Like the Hon. Terry Cameron, the Democrats believe that this is largely caused by competitive tendering and the consequent cessation of through routes in the city.

Prior to competitive tendering most of the buses did not need to turn around or lay over because they were able simply to pass through the city. So, this is one of those unintended and unexpected consequences of privatisation. The Democrats support the legislation because the situation will be operated with traffic lights, but there are a few questions that I want to raise. I heard from the Hon. Terry Cameron's contribution that he understands that there will be a review in 12 months. I was not aware of that until I heard him say that, and I had been wondering whether there needed to be a sunset clause in the legislation.

One of the things I have seen—and I am sure many others have experienced—is the situation we have at a number of intersections, particularly on the edges of the city, where there are specific bus turn lights and a lane where buses activate those lights. On numerous occasions I have been at those intersections where I have seen one of the more impatient and ignorant car drivers seeing it as a way to short-circuit the line that they might have to get into. By so doing they activate the bus lights but then sit there so that the whole movement of traffic comes to a complete halt because of their behaviour. I do not know what are the penalties for this under the Road Traffic Act. I presume that there are penalties, but I have never seen any of those motorists who abuse the system like this being pulled up by anyone for that abuse. I wonder why it is not policed. I assume that it is an offence, and the Minister may be able to confirm that for me. If it is, why is it not being adequately policed? I wonder also whether that sort of offence would be likely to occur at this set of traffic lights.

As a consequence of my concerns, given that the legislation was introduced only last week, I seek the Minister's cooperation to allow us to complete the second reading debate and begin but not complete the Committee stage tonight so that I can look further at these questions.

The Hon. ANNE LEVY: Although I do not wish to take up the time of the Council I would like to reiterate some of the remarks made by the Hon. Terry Cameron and ask the Minister whether these prescribed intersections at which the U-turn will be permitted are to be extended to other intersections. This problem has arisen because of the great number of buses turning into Pennington Terrace and clogging up the road by parking there. However, it is not the only site in Adelaide that is being clogged up by parked buses.

As a resident of the city of Adelaide, I frequently drive down Frome Street, which is constantly clogged up with parked buses that take up half of one driving lane, thereby slowing the traffic and causing congestion. I am sure that there are many other places in the city where similar congestion problems are being caused by enormous buses parked for long periods by the side of the road. Is it expected that this facility will be prescribed for other intersections and, if so, which, and is it expected to solve the problems of the buses clogging up streets in the city of Adelaide to the great annoyance not only of residents but also of people who use the streets of Adelaide? Will it assist with the problems of long-term parking of buses elsewhere within the city of Adelaide?

The Hon. DIANA LAIDLAW (Minister for Transport): I thank members for their extraordinary cooperation. It was not a Bill that I had designated as being urgent, but members were prepared to speak in the week following the introduction of the Bill. I respect their support and wonderful cooperation in that regard. I am quite convinced that residents of Pennington Terrace will feel likewise.

I would like to make a number of points. It has been alleged that this measure comes about as a consequence of the

Serco issue and the number of buses in Pennington Terrace. It certainly is related: there is no question of that. However, I point out that I received correspondence in April 1994 from Whittles Strata Management on behalf of residents of Pennington Terrace because of the increase under the former Government in November 1993 in the number of buses turning down Pennington Terrace. In 1991 a total of 104 buses travelled down Pennington Terrace. In November 1993 this increased to 230 buses, and it is now at 400. Whittles wrote to me on 25 April 1994 (Anzac Day) on behalf of residents and stated:

> We have noted that the number of buses going past the units towards King William Street has increased considerably—up to 30 per hour. On some mornings convoys of up to five buses have been parked around the corner of Sir Edwin Smith Avenue, leave together one after the other and return to the city via Pennington Terrace.

So, the issue has been around for a while. When Serco was awarded the inner north contract and the through running of services was ceased for a number of reasons, to which I will refer quickly in a moment, the number of buses using Pennington Terrace to turn around increased from 230 to 400. I agreed to that solely on the basis that an alternative would be found, and we have been investigating those alternatives with the Passenger Transport Board (PTB) and the Adelaide City Council, with the cooperation of residents and the State member for Adelaide (Dr Michael Armitage).

About three options—all of which would have cost a considerable amount (the PTB and the Adelaide City Council agreed to share costs)—included using Victor Richardson Road, an area near the Creswell Gardens by Tennis SA—and Victoria Drive opposite Jolleys and the rowing sheds there. None was satisfactory, and that is why all heads got together and considered that the option of a U-turn would be the best.

I repeat what I have said to residents in the past: I was aware of their long-standing concern on this issue. When I approved the 400 buses it was on the understanding that they would not have to tolerate this for long and we would find an alternative option. With the cooperation of members in this place and the other place, this option has been found.

The Passenger Transport Board has agreed to it on the basis of a 12-month trial, but that is a wise precaution, and affects TransAdelaide bus operators only. They have tested it, clearly illegally, to see how they feel about it. I wanted to be clear that members of the Public Transport Union were comfortable with the issue, and they are. All of us have an understanding that it is a 12-month trial.

At this stage, in answer to the Hon. Anne Levy, it is proposed that it occur by regulation, so we can provide for this corner of Victoria Drive and King William Street. However, it provides for other options and by regulation, rather than our having to come before the Parliament to have an Act changed because of one spot only being nominated in the Act.

No issue has been raised with me. The PTB and the Adelaide City Council have not mentioned any other area of Adelaide where this could be applied. There is no reason why they will not and why this could not be used in other areas. The Adelaide City Council, PTB, my office and the Department of Transport are all keeping an eye on the number of buses in the streets of Adelaide. There are some advantages. When TransAdelaide operated the outer north routes from Elizabeth, operators were always calling for the cutting of through running of services. Because they were based at Elizabeth, they had to go through the city and right down almost to Lonsdale and, if there was a delay anywhere after the city, they found it extraordinarily difficult in meeting up with the people whom they felt were their responsibility closer to home and closer to their depot. They were out in what they thought was a wilderness area and they were asking for it to be changed.

They also felt that it was important to be changed because, in terms of numbering, we used to operate a system where from Elizabeth through to the city and Lonsdale it would be one number but coming back on the same route it would be a different number. It was very confusing to tell people, 'You catch one number one way through the city and another number back,' even though those people were travelling exactly the same route.

Operators were telling me to sell the services, to build up patronage, make it more customer friendly and to look at that change. The through running does do the things that the operators wanted. So, some good things arise from this. Certainly, the number of the buses in the city is an issue to which we are giving attention and, with members' cooperation today, we will be able to address some parts of the issue. I thank all members for their contributions.

I would like to add quickly, in response to the Hon. Sandra Kanck regarding the bus lanes at traffic lights and the capital 'B' on traffic signals alerting a bus that it can draw off before other vehicles, that it is an offence for any other vehicle or truck to use that bus lane and trigger the capital 'B'. The offence is $200. I note her point about getting this policed because certainly, from the Southern Expressway, Darlington through to the city, I am very keen about this, and the Department of Transport's budget this year provides for more 'B' bus lanes and the 'B' traffic lights so that buses using the expressway can accommodate people who are travelling along Goodwood Road and other roads into the city so that they can be the first off at the traffic lights.

There will be more and more investment in these types of facility with the priority being given to buses. I think the honourable member's caution about educating people and getting the police to work with us, at least to provide a warning in the first place, is valuable. I do not want a repeat of the police activity at school zones without a warning with a new initiative, and we would hopefully encourage a warning first. However, the Police Commissioner and the police will do as they wish, anyway. There will be a warning first as part of a wider education campaign. I think that is a good idea.

Bill read a second time.

ADJOURNMENT

At 6.20 p.m. the Council adjourned until Wednesday 4 June at 2.15 p.m.