LEGISLATIVE COUNCIL

Tuesday 27 March 2001

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

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following bills:

Hairdressers (Miscellaneous) Amendment,

Netherby Kindergarten (Variation of Waite Trust) Act Repeal.

PAPERS TABLED

The following papers were laid on the table:

By the President—

Auditor-General—Supplementary Report—Electricity Businesses Disposal Process in South Australia: Relevant Long Term Leases

By the Treasurer (Hon. R.I. Lucas)—

Regulation under the following Act—
Public Corporations Act 1993—Children's Arts Company
Public Sector Management Act 1995—Information relating to the Appointment of all Ministers' Personal Staff

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

Judges of the Supreme Court of South Australia—Report, 2000
Rules of Court—
Environment, Resources and Development Court—Environment, Resources and Development Court Act—Principal

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

Correctional Services Advisory Council—Report, 1999-2000

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

Regulations under the following Acts—
Chiropodists Act 1950—Fees
Development Act 1993—Various
Harbors and Navigation Act 1993—Tumby Bay Marina
By-law—District Council of Loxton Waikerie—No. 7—Moveable Signs
Passenger Transport Act 1994—Section 39—Service Contracts: Report of the Passenger Transport Board to the Minister for Transport and Urban Planning
Response by the Minister for Environment and Heritage to the Environment, Resources and Development Committee's Report on Native Fauna and Agriculture.

MOTOROLA

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

Leave granted.

OFFICE FOR THE AGEING

The Hon. R.D. LAWSON (Minister for the Ageing: I seek leave to make a ministerial statement on the subject of the Director of the Office for the Ageing.

Leave granted.

The Hon. R.D. LAWSON: In an item in today's *City Messenger* it is suggested that I overturned a recommended appointment to the position of Director of the Office for the Ageing on the ground that the proposed appointee was a member of the Labor Party. This claim is false. If, as Mr Terry Plane suggests, the proposed appointee was a member of the Labor Party, I was not aware of that fact until reading his report today. As there are other serious inaccuracies in the report, I want to set the record straight.

The Director of the Office for the Ageing is an important position. The objectives of the office are set out in the Office for the Ageing Act 1995. The functions of the office are to assist in the development and coordination of state—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: —government policies and strategies and to consult with the ageing, providers of services for the ageing, and organisations which exist for the benefit of, or representing the interests of, older people. The office also advises on the development and implementation of programs and services for the ageing.

In recognition of the importance of the position of Director of the Office for the Ageing, the act prescribes that a person cannot be appointed as director except with the approval of the Minister for the Ageing. At the conclusion of the term of appointment of the previous incumbent, the department put in place a process for the new appointment. The name of the suggested appointee was submitted to me for approval.

Having regard to the importance of the position, I stated that I wished to interview the appointee. I subsequently interviewed the suggested appointee. A senior executive of the department was present during the interview. In fairness to the person interviewed, I do not propose to provide any information which might identify the individual. After the interview, I was not satisfied that the person had the requisite experience or qualifications for the appointment.

I take seriously the statutory duty which is imposed upon me to grant or withhold approval for appointment to this important position. I have directed the department to begin the process again and seek expert advice. If it is necessary to reclassify the position to ensure that it is sufficiently attractive to elicit applications from appropriately qualified persons, I have given approval for that to occur.

The tenor of Mr Plane's article is that the appointment was not approved because the proposed appointee did not meet my 'agenda,' or that the person had not been a public servant or published papers on aged care: this is erroneous. My only concern was to ensure that the person appointed will fulfil the high expectations imposed by the legislation. I remain committed to that course.

QUESTION TIME

HOSPITALS, POWER SUPPLY

The Hon. CAROLYN PICKLES (Leader of the Opposition): I seek leave to make a brief explanation before asking the Treasurer a question about hospitals and generators.

Leave granted.

The Hon. CAROLYN PICKLES: Last Friday the *Australian* newspaper carried a story which quoted the Treasurer as saying that hospitals in South Australia may

have to switch on emergency generators during peak periods to ensure that they have a guaranteed power supply. The Treasurer also suggested that hospitals could use emergency generators as a bargaining chip to secure long-term supply contracts within the state's highly competitive electricity market. The Treasurer was quoted as saying:

> One of the main concerns of retailers is being able to meet demand during the peak summer period, so a hospital may be able to negotiate using its own generator at those times and build that into a contract.

My questions are:

1. Is the Treasurer aware that hospital back-up power systems are not designed to be used for general power needs and that the Flinders Medical Centre, for example, generates only 20 per cent of the power needs for that hospital and that it is for emergency use only?

2. How much does a hospital's back-up system, usually diesel fuelled, cost to run during the emergency periods?

3. What will hospitals use as emergency power generators if they are forced to use their back-up systems for ordinary power needs during peak power periods?

4. Who informed the Treasurer that hospital generators would be available for use during peak summer periods, or was the Treasurer just making it up as he went along?

The Hon. R.I. LUCAS (Treasurer): The story in the *Australian* last Friday was wrong and there was actually a correction indicated by me in either Saturday's *Australian* or—

The Hon. A.J. Redford: Saturday—the leader was having a weekend off.

The Hon. R.I. LUCAS: She may not have read the paper. Anyway, it was a day or two later that the *Australian* was good enough to publish a letter from me indicating that the report, to which the honourable member has referred, was wrong. Whoever drafts the honourable member's question might like to read not just the one edition of the *Australian* but also subsequent editions.

I certainly did not indicate that hospitals would have to rely on back-up generation to ensure security of supply (or whatever the phrase attributed to me in that press report). In relation to the capacity of hospitals potentially to use back-up generation in terms of negotiating retailer contracts, that came from representatives of the hospitals attending a number of meetings and raising questions themselves about their capacity to use back-up generation as an interruptable power supply source to negotiate a better contract with the particular hospitals involved. It is true to say that for some hospitals you would have to synchronise—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: No, they have to synchronise their generation to the national electricity grid, and that involves expenditure in terms of ensuring that it is available not only just for them but to be sold back into the grid if that is required. At a meeting I attended some time ago at the Convention Centre one of the representatives of the public hospitals in South Australia approached the presenters of the forum and indicated that this was something they were already looking at. That meeting would probably have been 18 months ago, so it is not a recent thing. That was a representative of a government hospital in South Australia who was looking at the options when they became contestable further down the track. There was nothing in the statement I made on that day which said that all hospitals could do it, that all hospitals would do it or that all hospitals should do it. It is just one of the options available for any contestable customer.

Already companies such as AGL in Victoria and New South Wales have negotiated interruptible contracts with organisations or with businesses who are able to organise their affairs so that they do not have to utilise power during the peak period—perhaps between 2 o'clock and 6 o'clock on a handful of days during a particular summer. In recognition of that, the retailers in Victoria and New South Wales have offered lower overall electricity prices to those customers. The Hon. Mr Roberts would know about major industrial employers in the Mid North and the Far North of South Australia (without naming those companies, but he would know them very well) which for many years under a Labor administration and under a Liberal administration already have interruptible contracts, or had interruptible contracts with the old ETSA Power.

It is nothing new to negotiate a cheaper deal if you can organise your affairs so that you do not need to use power during the peak period. If it was all right under a Labor administration for many years in South Australia, and if it is all right for Labor administrations in Victoria and New South Wales to allow interruptible contracts, should that be in the interests of the particular organisation or company—and, indeed, the national market. I am not sure what the problem is that the Leader of the Opposition, therefore, is raising.

ELECTRICITY, SUPPLY

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Treasurer a question about electricity.

Leave granted.

The Hon. P. HOLLOWAY: In last Friday's *Australian* newspaper, the Treasurer was quoted as saying that government officers were meeting with the state's main retailer, AGL, and other industry players on a wide range of issues and remained confident of securing a competitive whole-of-government contract. South Australian government services and utilities are reportedly the second highest user of electricity in the state. It also has been reported that about 300 government sites will require electricity contracts because they individually use more than $20 000 worth of electricity annually. My questions to the Treasurer are:

1. If we are now negotiating for a whole-of-government contract, why did the government not secure its electricity contract at the time that other large users were required to secure their contracts when the national electricity market first opened last year?

2. If the Treasurer is now negotiating a whole-of-government contract, why did he say that hospitals could use their own generators as a bargaining chip to negotiate their own power contracts?

3. Will the Treasurer be required to subsidise all those schools and hospitals that face increases in their power bills due to the contracts that they are to be signed up to by the government on their behalf and, if not, how will they meet these additional costs?

The Hon. R.I. LUCAS (Treasurer): I am not sure whether the deputy leader was listening to his leader's question but I did indicate, in response to her question, that aspects of the report in the *Australian* last Friday were wrong, and I can also refer the deputy leader to the correction that was kindly printed by the *Australian* in the Letters to the Editor column one or two days later.

The issue in relation to the whole-of-government contract is not one that I am negotiating, so, again, the deputy leader is incorrect in his base assumption there. It is being handled by the Department for Administrative Services in South Australia under the responsibility of Minister Lawson or Minister Armitage—Minister Lawson, I think. So, I am not involved in the negotiations, and when it refers to 'officers', it is not officers who report to me. The whole-of-government contracting—if that is, indeed, the way that the government ultimately goes—is an issue for another minister and for officers who report to that particular minister.

The other point that I would make is that a significant percentage of government sites are not contestable customers, therefore, they are not covered by the grace period debate, which is coming up in July, or, indeed, the ongoing discussion about contracts for contestable customers. I am working on broad recollection that the percentage is probably more than half that are not contestable sites. So, it is not correct to say that all government sites are having to negotiate—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: No, I am talking about (and I am not sure how many sites we have) the total power needs of state government departments and agencies. I think that a majority of those are not contestable sites and, therefore, are not covered by this debate.

In relation to the negotiations, again, those sorts of questions really need to be addressed to the minister and to his advisers. However, I suspect that part of the response might be—and it is not ultimately up to me—that it is a question of having general discussions, through a process, and that that department will manage to have a look at what is available in the marketplace. Ultimately, I presume that the minister will have to make a decision about the attractiveness, or otherwise, of a whole of government contract for parts of the government electricity supplied contract.

Some individual sites are contestable, some are not. What gets caught up in this potential whole of government contract is an issue that Minister Lawson and his advisers will need to indicate what they can do publicly as they endeavour to negotiate that particular contract.

The Hon. P. HOLLOWAY: As a supplementary question, what impact does the Treasurer expect these predicted higher electricity costs will have on the 2001-02 budget?

The Hon. R.I. LUCAS: I do not think that there is any doubt that, given the state of the market in New South Wales, Victoria and South Australia, all governments will be looking at higher electricity prices for some of their contestable customers for next year compared to this year. That is true in Victoria and New South Wales, and that will be true in South Australia. The only solution, as has been publicly indicated, is the issue of the operation of the national market. The impact on prices will be to see greater competition, first, in generation in South Australia; and, secondly, in the retail market.

We will not see the greater competition in the retail market until we have additional generation options and additional interconnection options in South Australia. The South Australian government's record in just over two years is first class in relation to additional generation—a more than 30 per cent increase in in-state generation in just over two years compared to Labor's record between 1982 and 1993. In 11 years there was virtually—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: No, there were blackouts then.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: The deputy leader says that there were no blackouts. I refer the deputy leader to the record of blackouts in 1989-90 and 1991. In those two years under Labor, average blackouts per customer were 263 minutes and 253 minutes—that is twice the level that has been achieved over the past two years. The deputy leader says—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: And this year's figures will be less than the record in 1989-90 and 1991 under the Labor Government. I will put my money on the fact that they will be better than the record in those two particular years. The average, over the past six or seven years, has been twice as good as the Labor record during those particular years—260 minutes and 270 minutes under the Labor administration, under the old ETSA—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: The deputy leader—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —says that he wishes us luck because he is obviously punting on the basis that he can tell untruths to everyone that there were no blackouts under Labor and the old ETSA. He says that he thinks that he will be able to dupe the people. He may be able to dupe some people, but he will be duping them on the basis that he knows that they are wrong; he knows that his figures are wrong. I challenge the deputy leader—challenge him. He does not take up many of these challenges but, again, I challenge him to prove his statement that there were never these sorts of blackouts under Labor and under the old ETSA.

I challenge the deputy leader—and I am sure that the record will show not only today during question time and after it but also tomorrow when he gets a five minute grieve (if he wants it)—to get up and prove his statement that, under Labor, in the old days, there were never these blackouts.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: We want him to take up the challenge to look at that record to prove that there were not these blackouts under Labor.

POLICE PROCEDURES

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

Leave granted.

The Hon. T.G. ROBERTS: In South Australia in recent times and, indeed, around Australia there have been confrontations with, in some cases, ethnic groups and, in other cases, Aboriginal people, and the mentally ill and disturbed. Where these confrontations with the police are handled sensitively, generally the police, the government of the day and the community can be well satisfied that the outcome certainly justifies the training and the effort that goes into providing police and police assistants with the funding they get for the dangerous job they have to carry out.

I understand and appreciate the job that the police force does in very difficult circumstances but there are many cases which the outcomes are less than satisfactory. I know the Attorney-General has no responsibility at a national level. Probably the outstanding incident was the shooting of a mentally disturbed individual on the beach at Bondi—

probably the worst case any of us have seen publicly, because it was captured on television.

Victoria had a whole spate of shootings of a similar nature where mentally disturbed people were confronting police with either firearms or knives. In this state there have been circumstances where difficulties have confronted the police and the outcomes have not been as we would expect.

There was a recent confrontation with an Aboriginal person in a home where the police were called to a disturbance. I know the police rarely like going to what they call 'domestics' but in this case an Aboriginal person was shot and died as a result. The questions being asked on this side of the Council in relation to these difficult circumstances are: what culturally identifiable training programs are put in place to assist police either to call people to act as mediators or to have mediators attached to the police force to avoid the circumstances where firearms are used in relation to these confrontations? My questions are:

1. Will the Attorney-General inform the Council of, or provide to me, the correct procedures and protocols put in place by the police in relation to cases where there are disturbances involving the mentally ill, Aboriginal people or culturally different races, including refugees—which might crop up in this state in relation to the northern refugee camp?

2. What training programs are in place to assist the police in these potentially dangerous circumstances that should encourage the use of mediation as a method of resolving problems rather than resorting to firearms?

The Hon. K.T. GRIFFIN (Attorney-General): I will have to take the honourable member's questions on notice. I will refer them to my colleague in another place and bring back a reply. In relation to the shooting of persons by police—and the honourable member referred to the police shooting of a mentally ill person at Bondi last year or the year before—there will always be some inquiry into such events and hopefully both the police and the community can learn from the outcomes of the inquiry.

When there is a death in South Australia in circumstances similar to those referred to by the honourable member, there is certainly a coroner's inquest. The coroner is independent. If there happens to be a death in custody, and most of these are categorised as being deaths in custody, there will also be a commissioner's inquiry. So there is never any attempt to cover up. There is always an open investigation and inquiry so that lessons can be learnt and, if additional training is to be undertaken or if training needs to be modified, that can occur.

The honourable member said that police do not like attending at a domestic. I think that, with some of the programs we now have in place, police are less reluctant to attend at what might be just another domestic but which nevertheless is a serious crime in some cases and in others an incident without criminal behaviour. One of our projects working with police through crime prevention is the NDV pilot projects in the south coast local service area and the Port Adelaide local service area. They have been particularly successful in reducing the incidence of domestic violence incidents during the time the pilot projects have been running. They are just a few observations on the explanation given by the honourable member. As far as the finer detail is concerned, I will bring back replies.

BUSES, METROPOLITAN

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about metropolitan bus services.

Leave granted.

The Hon. J.S.L. DAWKINS: I have recently been provided with a copy of a letter sent to bus operators Serco by Greenwith resident Mr John Parker. The letter addressed to the Serco public relations department reads as follows:

> Dear Sirs, Since December last year I have travelled on the suburban link, No. 1 route, on a reasonably regular basis and I feel compelled to write to you to commend your drivers on their 'good old fashioned service'. Not only are they personable but they appear to take great pleasure in assisting their passengers in whatever way they can.
>
> They are courteous and respectful, even though this respect is not returned by some of, notably, the younger commuters, and I reiterate only some.
>
> The service in general is excellent and I can only say, finally, 'Serco, keep up the good work' as you take us back in time with a truly up to date facility.
>
> Yours very sincerely, John T. Parker.

Can the minister indicate whether the sentiments expressed in Mr Parker's letter are consistent with other community reaction to the services provided by Serco and the other private bus operators in the metropolitan area?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I have to—

The Hon. T.G. Roberts interjecting:

The Hon. DIANA LAIDLAW: Did you? I am very pleased to hear that the Hon. Terry Roberts has been using public transport. He is one of an increasing number of people who are doing so. But I will get to that in a minute.

I thank the honourable member for reading out Mr Parker's very positive letter about Serco bus services. By happy coincidence a letter from two people living in Tumby Bay has been referred to me by the Passenger Transport Board. They indicate that over the past six months they have travelled to Adelaide on a number of occasions and have used public transport over that time. I quote from the letter as follows:

> We can do nothing but praise the bus services and the drivers in particular for their kind and informative service.

They go on to say that they want to praise the system highly.

The Hon. A.J. Redford interjecting:

The Hon. DIANA LAIDLAW: It is true that the parliament as a whole, as the Hon. Mr Redford said, did call for a competitive environment for the operation of bus contracts. I want to note that I was a bit surprised by an article by Greg Kelton that appeared in the *Advertiser* last Saturday. I have asked some of my colleagues what the equivalent of 'bitchy' is, and the Hon. Robert Lawson has suggested that 'uncharacteristically ill-tempered' might be a way to describe the article. It is easy to take a cheap shot at public transport. When you consider the number of people who travel every day using some 2 210 000 services a year, sometimes something will go wrong. It is important in terms of the sweeping statements made by Mr Kelton to just recognise that in terms of the 2 210 000 trips—

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: He may have missed his bus this day leading to this article but, in terms of the 2 210 000 trips a year on bus services alone, .25 per cent have been missed in the period from the new bus contracts to December last year, and I am seeking more up to date figures.

While you would wish that no trip was missed—sometimes a bus will break down, sometimes there is an accident on the road and that holds up the service, and sometimes a school group gets on and it takes longer to load the bus—there are reasons why services are late. But no bus operator would deliberately run services late, and no company would encourage such a policy because of the penalties in the contract.

I want to highlight also that, while good news on public transport is not something that the *Advertiser* would want to run, it is worth putting on the record here that patronage has increased every month consistently for the last 11 months, the first sustained increase in decades. In February 2001 compared to the same time last year, the increase was 6.3 per cent, which is pretty phenomenal considering the hot weather that we had during that period and, as far as I know, people went out as little as possible, unless they had an unairconditioned house and wanted to use our airconditioned buses. One quarter of our fleet is airconditioned and fully accessible, and that is the highest number in proportion of any metropolitan bus fleet in Australia. Every new bus is fully airconditioned.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: It is fair to say that, with respect to school buses in the country, there has been a recent initiative by this government through the Minister for Education in terms of the air conditioning of school buses, and my view is that that is a long overdue initiative. I know other members will want to ask other questions, so I will not go on about the issues, but I do think it is important—considering the uncharacteristically ill-tempered, not simply bitchy, article by Mr Kelton—that I put some facts on the table. I doubt that I will see them printed in the *Advertiser*, however, because they are positive.

ELECTRICITY, SUPPLY

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Treasurer a question about the South Australian electricity industry.

Leave granted.

Members interjecting:

The PRESIDENT: Order!

The Hon. SANDRA KANCK: The privatisation of South Australia's electricity assets has been steeped in betrayal from the moment that the Premier announced the government's intention to privatise on 17 February 1998. In a wide ranging speech, the Premier promised the people of South Australia many things should he be allowed to break his pre-election promise and sell the state's electricity utilities. One guarantee that the Premier made that day was for cheaper electricity. We were told that fierce competition between private suppliers would drive prices down.

Last Saturday's *Advertiser* confirmed what many have feared for a good while: rather than dropping, electricity price are going to skyrocket for many businesses in the near future. The Treasurer, as minister responsible for the carriage of the privatisation legislation, must shoulder the responsibility for higher electricity prices and the consequent damage to the South Australian economy.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. SANDRA KANCK: Yesterday, he attempted to deny that responsibility by announcing the upgrade of three power stations, two of which are to be completed by the upcoming summer. My questions are:

1. What stations are to be upgraded and what additional capacity will result?

2. What was the peak demand for electricity during the summers of 1999-2000 and 2000-01?

3. What has been the annual average megawatt growth in peak demand during the past five years?

4. Will the additional capacity announced equal the likely growth in peak demand next summer?

The Hon. T.G. Cameron interjecting:

The Hon. SANDRA KANCK: Well, he should be on top of it, because he is the man responsible. The last question is:

5. If the additional capacity does not equal the growth in peak demand, in the Treasurer's opinion will the pool price of electricity increase further during next summer?

The Hon. R.I. LUCAS (Treasurer): I have to say that yesterday afternoon I was distraught when I heard that Sandra Kanck had called for my public beheading. I thought that if I was so bad that Sandra Kanck thought that I had to go, as I said, it was a matter of great distress for me. My cabinet colleagues had to console me yesterday afternoon at the tail end of the cabinet meeting.

In relation to some of the honourable member's questions, the peak capacity in 2000-01 was 2 833 megawatts, and the peak capacity in 1999-2000 was about 2 650 megawatts, so the increase in peak demand was about 8 per cent. The average increases—

The Hon. L.H. Davis: Why would that have been?

The Hon. R.I. LUCAS: Well, in part because that summer was the hottest for 96 years, as I understand it. That might have had something to do with that increase. The fact that, as we understand, the sale of airconditioning units was about three times the level of sales of about two years ago during the summer and the fact that there has been an increase in economic activity, as the Premier has highlighted, are all factors in terms of increased—

The Hon. L.H. Davis interjecting:

The Hon. R.I. LUCAS: Exactly, or would indeed want to see.

The Hon. L.H. Davis interjecting:

The Hon. R.I. LUCAS: I should respond to the Hon. Mr Davis's interjection I guess. I will not respond specifically, but I am sure that that is on the record anyway. The Chief Executive Officer of ETSA Utilities has, I think, indicated that the average growth—I am not sure whether it was the past five years but certainly over recent years—was about 3 per cent. When he made his recent announcement that the utilities distribution system was unable to cope with the massive increase in usage during this summer—

The Hon. T.G. Cameron: That's not good enough. You should have known that we were going to have a hot summer.

The Hon. R.I. LUCAS: I know I should have; as I said, that is why I was distraught yesterday afternoon. ETSA Utilities indicated that it would bring forward $12 million worth of expenditure on replacing about 1 000 transformers, which were unable to cope with the increased demand during—

The Hon. L.H. Davis: We had 17 days over the old 100 mark this year, which is a record.

The PRESIDENT: Order, the Hon. Mr Davis! I think the Treasurer is capable of answering the question.

The Hon. T.G. Roberts interjecting:

The PRESIDENT: Order, the Hon. Ron Roberts!

The Hon. M.J. Elliott interjecting:

The PRESIDENT: Order! The Hon. Mr Elliott will come to order!

The Hon. M.J. Elliott interjecting:

The PRESIDENT: Order! I will name him if he goes on.

The Hon. R.I. LUCAS: I was asked what the peak demand was and I said 2 833: how much more accurate a response do you want?

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: If you would be quiet and stop interjecting we may be able to get on with it.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: About five or six questions were asked by the honourable member, of which I think I heard three or four and I could not hear the other two because of interjections from various members.

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: Laughing or interjecting—whatever it was. I will need to check the *Hansard* record regarding some of the other questions. The increase in demand was 8 per cent. There was a question about the average increase over the last five years. The CEO of ETSA Utilities has publicly indicated that he believed that the average growth generally had been in and of the order of 3 per cent. This year's growth in peak demand was about twice the growth in peak demand.

The honourable member asked some questions about capacity. As of yesterday, Australian National Power has already announced its intention to put in three new peaking plants in the next 12 months, two before next summer and one next year, with about 105 megawatts of capacity. The government is currently negotiating with a couple of other companies in relation to their intentions for next year as well. In addition, there is the ongoing operation of the MurrayLink interconnector. The Chief Executive Officer of MurrayLink (Dr Tony Cook) last week said they were still on track for commissioning by the end of this year. They commenced construction works this month in the Riverland and have let the contract to ABB, a major international company, in relation to the interconnector project. It was their estimation that the MurrayLink interconnector should still be up and going by the end of this year.

Time does not permit, but I assume that, when the honourable member moves this motion to get rid of Lucas, I will take the opportunity to point out the significant number of errors in the honourable member's press and other statements that she made yesterday.

The Hon. L.H. Davis: She may have to stand down as Deputy Leader of the Democrats.

The Hon. R.I. LUCAS: She might: we might have to call for her to stand down as Deputy Leader of the Australian Democrats. I am sure that she would be equally distressed if I moved for her to stand down as the Deputy Leader of the Australian Democrats. There were a number of errors in her statement yesterday, indicative of the lack of understanding of what is occurring already with the market, as I have just indicated.

The Hon. NICK XENOPHON: Will the government rule out delaying the 1 July commencement date for some 3 000 contestable customers?

The Hon. R.I. LUCAS: Yes.

The Hon. SANDRA KANCK: If the additional capacity is not built on time, as the Treasurer has suggested it will be, and the capacity we have does not equal the growth in peak demand that is anticipated, will the pool price of electricity increase still further next summer?

The Hon. R.I. LUCAS: We are likely to see from later this week or maybe next week the NEMMCO statement of opportunities and that is likely to show a tight supply demand balance for both Victoria and South Australia next summer. The only good aspect is that a number of recent announcements have been made after NEMMCO put together its statement of opportunities. AGL announced a 150 megawatt peaking capacity plant in Victoria, which assists us.

The Hon. Sandra Kanck interjecting:

The Hon. R.I. LUCAS: It will assist us, because one of the problems we have at the moment is that, during most peak periods in the past, we have been able to rely on the Bannon government interconnector for 500 megawatts of power. NEMMCO is now predicting that, because of the lack of extra supply in Victoria, during peak periods we might get about 100 megawatts or less from the interconnector. So, it is fine to have these interconnectors, but if they are not sending power across the interconnector to South Australia we have a problem. That is an issue that we obviously have been highlighting with the Labor Party, the Hon. Mr Xenophon and others—too great a reliance just on interconnectors—and if we had listened to their solution, which was to not build Pelican Point until we did Riverlink, which was the—

An honourable member interjecting:

The Hon. R.I. LUCAS: Yes, you did. Your position was that, in terms of the priorities—

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: Well, priority. 'Priority' to me means do Riverlink before you do Pelican Point—one before the other sounds like a priority to me. And we are still waiting for Riverlink, which is what you wanted, and NEMMCO still has not made its mind up about whether or not to—

An honourable member interjecting:

The Hon. R.I. LUCAS: The Blandy, Xenophon, Rann, Foley and Holloway solution was that the priority was to do Riverlink first, and we are still waiting for Riverlink in relation to it. So, if we had listened to the Rann, Foley, Xenophon position we would still be waiting—not only for Riverlink but we still would not have done Pelican Point. With respect to the sorts of issues that the Hon. Sandra Kanck has raised, we would be 500, or just under 500 megawatts short of capacity this last summer rather than next summer. So, thank goodness the government did not listen to the Labor Party and to the Hon. Mr Xenophon in relation to Pelican Point.

With respect to all those issues, the government is working assiduously with a number of operators within the electricity market to bring on additional capacity. In areas such as the MurrayLink interconnector, we have fast-tracked: we can do no more other than wait for MurrayLink's contracted ABB to try to deliver it on time, as it has said it hopes to do by the end of the year. The government is just not in a position to do any more than it has currently done, which is to fast-track its planning and development and to assist them to the degree that we can and to get them up and going by next summer. It is in the state's best interests, and we believe that it is also in TransEnergie's best interests, that the MurrayLink interconnector gets up and going.

There is a range of other things that need to be done in terms of the national market. We are hoping that there will be a bigger interconnector from New South Wales through to Victoria, because one of our problems is that there is not enough capacity for power from New South Wales through to Victoria. We understand that the Victorian Minister for

Energy, Candy Broad, is currently contemplating the prospects of additional capacity from New South Wales going into Victoria, whilst at the same time we are looking at additional interconnection from both New South Wales and/or Victoria coming through the Riverland into South Australia.

The Hon. SANDRA KANCK: I have a supplementary question. If the additional capacity that the Treasurer announced yesterday is able to be built, and built on time, for the beginning of this coming summer, will that capacity be able to fill the expected increased demand in electricity here in South Australia for next summer?

The Hon. R.I. LUCAS: The simple answer is yes. In terms of the overall capacity, if everything is operating, if our interconnectors are not closed down by Victorian trade unionists and the system works as it should, it will certainly meet the demand. If we work on the basis that average demand is a 3 per cent to 4 per cent increase in peak capacity—and last summer was the hottest summer in 96 years, or 100 years, or something like that, and one assumes that we will not have another one of those, but even if we did, if there is a 10 per cent, or an 8 per cent growth on 2 833, you are talking about 200 to 250 megawatts of additional demand, assuming that you had another one in 100 year summer.

Everyone is saying that that will not happen, but we are just not in a position to know. The bets are that we will not have another summer as hot as that. We might go back to the long-term growth rate, which is 3 per cent to 4 per cent and which might mean that you will need a little over 100 megawatts of additional peaking capacity for those limited number of days in January.

The Hon. Sandra Kanck interjecting:

The Hon. R.I. LUCAS: How much more? That depends on a number of issues. If MurrayLink is delivered, that is 200 megawatts. Australian National Power has already indicated 105 megawatts over the next two years and 65 megawatts before Christmas. Two other companies are looking at additional capacity before summer and AGL has announced 150 megawatts in Victoria before next summer. When one looks at all of that one can see that, if it is average growth of 3 per cent to 4 per cent, it more than comfortably meets that as well, even if it is peak 100-year growth.

The only point I would make is that the whole notion that the government is taking a position where it says, 'We are leaving it all to the market; we are washing our hands of everything', has been and continues to be a complete nonsense. We are taking an ongoing, active role in encouraging further capacity in interconnection into South Australia.

TRANSPORT, PUBLIC

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Transport a question about public transport.

Leave granted.

The Hon. A.J. REDFORD: An article written by Greg Kelton appeared in last Saturday's *Advertiser* in the opinion column entitled 'Circle route to disaster' in which he made a number of comments. First, he said:

> Public transport in South Australia is a shambles and a policy of privatising a few bus services is not the answer.

Later in the article he said:

> Perhaps Ms Laidlaw, who is also Arts Minister, could redirect some of the millions of dollars we waste each year subsidising the rich eastern suburbs patrons to put their ample backsides in the plush seats of Festival Theatre towards providing more services for people who cannot afford to buy a car and are forced to rely on public transport.

In the light of those two comments, my questions to the minister are:

1. Is the public transport system in South Australia a shambles and does the government policy extend beyond merely privatising a few bus services?

2. Does the minister agree with Mr Kelton's comments that we should 'redirect millions of dollars we waste each year subsidising the rich eastern suburbs patrons to put their ample backsides in the plush seats of the Festival Theatre towards providing more services for people'; and could the minister indicate what sort of contribution the arts community does make to both our life and economy in this state?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I have made some remarks earlier about this article and so I will not dwell on those points again. However, it may be worth, in context, making reference to a former transport minister, Frank Blevins, who said the following on radio in November 1998:

> So, I wish whomever is Minister of Transport well and it is a very brave Minister of Transport who says they can increase patronage on public transport.

I have highlighted in the past, and again today, that, for the past 11 months, patronage on Adelaide's public transport has consistently increased and that this is the first sustained increase in years. The February result, which I announced a little earlier, is an increase of 6.3 per cent over the same period last year. I would hardly suggest that that in any way reflects a system in shambles. I think that it is rather lazy journalism on Mr Kelton's part.

I point out to the Hon. Mr Cameron that the increase has been recorded across the public transport system and it is not just in rail, and I know he will be pleased with that. Certainly, increased ticket checks on rail has been important, but our biggest component of public transport patronage is always through the bus system. Unless there is a lift in the bus system, one would hardly see a lift over the system as a whole as has been recorded over the past 11 months.

I highlight to the honourable member that we have not privatised the bus system. This government, on behalf of taxpayers, continues to own the bus assets—the buses, the trains, the depots, the signalling, the lines and the like. We have not sold the asset; we have simply competitively tendered and contracted the service delivery or the operations.

I suspect that Mr Kelton does have some prejudices against people living in the eastern suburbs. He certainly does not like the arts, and he has made no secret of that to me, or through his pages, in the past. I think that he might gain more joy from life—and even from public transport—if he did attend a few arts performances.

DOMICILIARY CARE

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Disability Services questions regarding domiciliary care and the financial affairs of customers.

Leave granted.

The Hon. T.G. CAMERON: Information has come to my attention that some domiciliary care providers are handling the financial affairs of some of their customers. I have been told of instances where care providers are actually withdrawing and depositing money into bank accounts on

behalf of their patients who are unable to do so themselves due to frail health. I am sure most domiciliary care workers are honest and decent people, but the temptation to misappropriate moneys is always there. A domiciliary care worker recently approached my office with concerns about the lack of guidelines and the potential for a misunderstanding (or worse) to occur. My questions are:

1. Are there guidelines for domiciliary care workers with regard to assisting patients with their financial affairs, or is it simply up to the carers to come to an arrangement with the patient?

2. If there are guidelines, what measures are in place to ensure that the process is scrupulously handled and the correct procedures are enforced?

The Hon. R.D. LAWSON (Minister for Disability Services): I thank the honourable member for his question and, in due course, I would be pleased if he would provide me with any further particulars he might have about particular instances. It is not normally the duty of domiciliary care workers to handle the banking or other affairs of people they are supporting. The domiciliary care services in South Australia (there are four in the metropolitan area as well as a number of other services based in hospitals in country areas) are staffed by people who are dedicated to the support of individuals, most of whom are the frail elderly.

I am aware that from time to time domiciliary care workers do perform services beyond the call of duty, as it were, and provide assistance to people, and I think that is commendable. However, as the honourable member notes, there could be occasions—for example, where the financial or banking affairs of an individual are being handled—where questions might arise from family members or others about the appropriateness of what has or has not occurred. It is a problem that can be exacerbated by the fact that many people who receive domiciliary care services are of failing memory and are often uncertain as to the precise nature of any instructions that they have given.

The honourable member asked whether there are guidelines. As I mentioned, there are a number of domiciliary care services in the state, each of which, as I understand it, issue different instructions to workers. I will have further inquiries made about the guidelines that might be issued. If those guidelines require amendment, updating or unification, I will certainly be prepared to examine that closely. I will take on notice the rest of the matters raised by the honourable member and provide him with a more detailed response in due course.

MAPICS

In reply to **Hon. M.J. ELLIOTT** (25 October 2000).

The Hon. R.D. LAWSON: In addition to the answer given on 25 October 2000, the following information is provided:

The Parliamentary Network employs a multi-layered approach to its virus protection strategy, that is, it scans for viruses at the firewall, server and individual PC level. This type of strategy is important to maximise the protection against any virus attack at all these levels.

In some instances a virus can go undetected at one or two of these levels. That is why a comprehensive multi-layered approach has been adopted. Such a strategy only minimises the chances of a virus getting through. We have seen recently multi-national IT organisations being subject to virus attacks which is evidence as to the virulent nature and sophistication of computer virus.

The Parliamentary Network Support Group are mindful of the need to remain vigilant in the area of virus protection of the network and allocate considerable resources to managing this issue.

CENTRAL LINEN SERVICE

In reply to **Hon. P. HOLLOWAY** (7 November 2000).

The Hon. R.D. LAWSON: I can advise the following:

1. The successful sale of Central Linen in January 2000 to Spotless Linen completed sale process which commenced in 1996 with a scoping review of future options for the business.

The scoping review identified the following factors affecting Central Linen's future prospects:

The need for significant expenditure to replace largely obsolete capital equipment over the medium term;

Improvements in technology, surgical and medical procedures were expected to further increase the shift from overnight treatment to same-day health treatment, thereby adversely affecting Central Linen's revenue;

Central Linen's laundry and linen services were being provided to country hospitals at low and sometimes negative margins;

Central Linen's employees already received wages considerably higher than the industry norm and Enterprise Bargaining costs were expected to continue to increase significantly over the short to medium term; and

Central Linen's charter as a division of a public service Department limited its activities to the health care market, predominantly in the public sector. If Central Linen continued to operate under its fixed mandate it was expected that cash flows would continue to decline in the short to medium term.

During 1997 approval was granted to commence a competitive tender process for the sale of Central Linen's assets and the contracting out of its business with public health units.

Following the tender process and subsequent negotiations with the preferred tenderer, an analysis of sale versus retain options was undertaken by consultants, KPMG.

KPMG identified that under the existing pricing structure, Central Linen generated insufficient cash flows to provide an adequate return on the assets utilised. Furthermore, retaining Central Linen but with higher linen service prices to enable a commercial return on its assets, would require a larger increase compared with the private sector due to higher labour costs under Government ownership.

KPMG was of the opinion that a commercial sale price had been achieved for Central Linen. Given the large number of Central Linen employees and assuming that the Government continued to offer separation packages and redeployment at similar levels, these costs were always likely to exceed the sale value of the business.

2. As already highlighted, retaining Central Linen would have left government exposed to ongoing risks associated with operating a large laundry business which is not necessarily core to Government operations. Selling Central Linen's assets and outsourcing the provision of linen services transfers these risks to the private sector, which in the government's view can adequately or better manage them.

Corporate resources and experience were important criteria in selecting the successful tenderer.

Spotless Linen is a wholly owned subsidiary of Spotless Services Limited, an Australian owned multi-service public company with a market capitalisation of $420 million. The ability of Spotless to harness the resources and knowledge of its national and international laundry operations will bring efficiencies to the State's health sector.

Spotless has operated in South Australia for 40 years across a range of markets and, as part of their offer to purchase Central Linen, confirmed their commitment to grow the company's $60 million turnover in the State.

In recent correspondence to the government, Spotless advised that since the acquisition of Central Linen:

One hundred and twenty new staff have been recruited at the Dudley Park site (in addition to the ex-Central Linen employees which were re-employed by Spotless);

Under the Enterprise Agreement negotiated with laundry staff, employees have received a bonus following a 5 per cent improvement in productivity levels;

$1.2 million has been spent on new linen stock and this will be increased to $3 million by June this year in order to raise the quality of linen services provided to public hospitals; and

A major asset development program has commenced which will involve the development of sterilisation facilities, a new clean room, a distribution centre for major healthcare supply services and the expansion of the training and development centre as a significant focal point of textile care services training.

3. The Department of Human Services manages the linen service contract and hence will incur ongoing associated management costs. An important initiative has been the establishment of a contract

management committee which meets regularly and provides a forum and mechanism for both parties to achieve mutual long-term benefits from the contract. There is an ongoing cost to government to retain and deploy staff who sought redeployment. This Government will continue to explore opportunities to enhance the efficiency of Government assets and service provision in order to maximise benefits for the community.

MAPICS

In reply to **Hon. CARMEL ZOLLO** (9 November 2000).

The Hon. R.D. LAWSON: In addition to the answer given on 9 November 2000, the following information is provided:

As stated in my answer in the Council, the Parliamentary Network has recently been the subject of a comprehensive security review undertaken by independent consultants, Systems Services Pty Ltd. This was an extremely detailed review that sought input from a broad range of users of the system. The Parliament and staff were consulted and their assistance is acknowledged.

The general conclusion of the review was 'the technical controls implemented to provide security for the Parliamentary Network are excellent'.

The more detailed recommendations from the review fell into two general sections, the first were technical improvements to optimise the current infrastructure and the second were broader management recommendations to ensure that the network best meets its user needs both now and in the future.

The Parliament Network Support Group is assessing the technical improvements and an Implementation Plan is being developed. The few high priority and high risk recommendations have already been actioned with the rest being managed as part of the normal support and maintenance activities of the network.

The Parliamentary Network Support Group has a range of standard operating procedures that are followed in the event of a virus infecting the network. These standard operating procedures are designed to ensure the infection is contained and then eliminated from the system as to ensure that the impact on the availability of the network is minimal.

RETIREMENT VILLAGES

In reply to **Hon. IAN GILFILLAN** (28 November 2000).

The Hon. R.D. LAWSON: In addition to the answers given on 28 November 2000, the following information is furnished:

Work on the development of a minimum standard contract has already commenced and is being progressed through the Office for the Ageing (OFTA) on advice from resident and industry representatives. It remains to be seen whether the terms of such a standard document is both accurate and useful to potential residents.

A solicitor has been appointed to provide legal advice to the Department and part of the solicitor's role is to specifically provide legal interpretation and advice to staff from OFTA on retirement village legislation in order to assist in the effective administration of the Act. It would be inappropriate and would present a conflict of interest for the Government body administering the legislation to also provide personal legal advice to residents.

Whilst general assistance in understanding contracts is provided through OFTA, residents are advised to seek independent legal advice (or representation if required) through their own private practitioners, the Law Society or Council on the Ageing.

The outcome of an Accounting Standards trial in a number of retirement villages, in addition to responses to the Retirement Villages Discussion Paper, indicated some support from both residents and the industry for the auditing of relevant retirement village accounts as part of management best practice. The costs and benefits of adopting such a requirement is being considered.

The act already makes provision to prevent certain individuals from administering or managing retirement villages. It would appear that education, peer support, the monitoring of standards, accreditation/continuous quality improvement processes and enforcement of consequences for legislative non-compliance, would provide an effective approach to ensuring quality management of villages in the longer term.

The government actively monitors (in appropriate cases) and would have no hesitation in enforcing compliance with all legislative requirements, including tribunal orders, for which the act makes provision.

MOTOROLA

In reply to **Hon. P. HOLLOWAY** (14 March).

The Hon. R.D. LAWSON: In addition to the answer given on 14 March 2001, the following information is provided:

The destruction of government files, as with all official records, is governed by the *State Records Act 1997*. Part 7 of this Act states that agencies must not dispose of records except in accordance with a determination. The determination is in effect the authorisation to dispose of records.

Determinations take the form of disposal schedules and are made by the Manager of State Records with the approval of the State Records Council. A determination may be either of a general nature (i.e. covering classes of records common to all agencies) or specific to the unique operational records of a particular agency.

Prior to determinations being submitted to the State Records Council, consultation occurs with at least one representative of those external stakeholders likely to have an interest in such records.

The only exceptions to this statutory requirement are where other legislation authorises disposal of official records or where the record is made as a draft only and not for further use as reference in the agency.

The current General Disposal Schedule no. 15 (GDS 15) contains provisions relating to contracting out and tendering. Section 5.26 requires the permanent retention of records documenting the receipt and assessment of tenders and letting of landmark contracts or contracts that have created major public interest. Registers of contracts must also be retained permanently. Other records relating to tendering are authorised for destruction after varying periods. Drafts of contracts, working papers and copies of reference material relating to the letting of contracts may be destroyed when reference ceases. However, this section of GDS 15 specifically excludes operational records of agencies that draw up contracts as a core function. The Attorney-General's Department and the Department for Administrative and Information Services are given as examples of such agencies. Thus, proper destruction of files relating to a whole-of-government contract depends not on GDS 15 but on authorisation from an operational disposal determination specifically approved for the agency negotiating such a contract.

GDS15 was approved by the State Records Council in November 1998 and superseded earlier such schedules which had been approved by the Libraries Board of South Australia. General Disposal Schedule no. 14, effective since 1993 to November 1998, drew no distinction between whole-of-government contracts and agency-specific contracts. Records relating to the development of agency-wide policy, legal advice, master instructions relating to procurement, and cases having unusual features were required for permanent retention. All other records relating to contracts and purchases could be destroyed – either when reference had ceased or a specified period after the contract was completed or action was regarded as complete.

WORKPLACE ACCIDENTS

In reply to **Hon. R.K. SNEATH** (14 March).

The Hon. R.D. LAWSON: In addition to the answer given on the 14 March 2001 the following information is provided:

The reports of inspectors into possible breaches of the Occupational Health, Safety and Welfare Act are operational documents which are not ordinarily available for inspection especially where the possibility of legal action is under consideration.

Provided the Inspector's report is finalised and any resultant action concluded, access to reports may be available by application in accordance with the provisions of the Freedom of Information Act.

POPE ELECTRICAL AND PERRY ENGINEERING

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Treasurer a question about Pope Electrical employees and Perry Engineering employees.

Leave granted.

The Hon. R.K. SNEATH: I understand that Pope Electrical and Perry Engineering at Mile End are in liquidation. My understanding is that some money has been set aside to satisfy the outstanding debts to Perry Engineering employees. It is also my understanding that the workers at Pope Electrical will receive nothing. Some of these workers are

owed wages and all of the workers are owed annual leave, long service leave and severance payments. My question to the Treasurer is: has the government done anything to assist these workers and, if not, does the government intend to assist these workers to get their entitlements?

The Hon. R.I. LUCAS (Treasurer): I will need to take that question on notice, seek advice and bring back a reply.

HENSLEY INDUSTRIES

In reply to **Hon. T.G. CAMERON** (7 December 2000) and answered by letter on 28 February 2001.

The Hon. DIANA LAIDLAW: The Minister for Environment and Heritage has already provided a response to the honourable member's questions (printed in *Hansard* on 13 March).

Subsequently, the Minister for Workplace Relations has provided the following information in relation to questions 2 and 3.

2. Hensley Industries Australia Pty Ltd has obligations to meet various statutory requirements including:

- the Environment Protection Act 1993 and associated Regulations, administered by the Environment Protection Authority.
- the Occupational Health, Safety & Welfare Act 1986 and Occupational Health, Safety & Welfare Regulations 1995, administered by Workplace Services, Department for Administrative and Information Services.

The environment protection order served on Hensley Industries to keep all external doors and other openings in the foundry building closed during pouring and cooling processes does not necessarily mean workers inside the foundry building will be exposed to excessive atmospheric contaminants. This is due to the use of local exhaust ventilation (LEV) systems that can capture contaminants near their source before they can spread throughout the workplace atmosphere. The contaminants collected by LEV systems can be passed through a filtering medium before being expelled to the outside atmosphere.

Workplace Services inspectors endeavour to ensure employers do not expose employees to concentrations of atmospheric contaminants (measured in the worker's breathing zone) in excess of the Exposure Standards for Atmospheric Contaminants in the Occupational Environment.

Authorised officers from the EPA also ensure maximum pollution levels are not exceeded. The use of engineering controls (LEV systems), administrative controls (work scheduling) and personal protective equipment (respirators) enable the occupational health and safety of foundry workers to be protected whilst an EPA order is in force.

3. Since the EPA order was served on Hensley Industries in November 2000, the company has engaged the services of a consultant, Mr John Waters of On Site Technology Pty Ltd, to conduct various occupational health monitoring. Monitoring for Volatile Organic Compounds (VOC), heat stress and airborne dust was conducted inside the foundry building in early December 2000. A preliminary report issued by the consultants showed VOC and dust levels below exposure standards and heat stress index suitable for moderate work for a full shift.

An inspector from Workplace Services inspected the foundry on 30 November when the operation of electric furnace No. 1 was observed. The LEV system above electric furnace No. 1 did not appear to be operating effectively and on 1 December 2000 an Improvement Notice to 'ensure the exhaust ventilation system is free from accumulations and maintained in a clean state' was issued.

The foundry was closed for the Christmas/New Year period during which major maintenance of the plant was planned. Notification of compliance with the improvement notice was sent to Workplace Services on 15 January 2001.

An inspector/occupational hygienist visited the site on 12 February 2001 and found that the ventilation system required further modifications. The inspector will revisit the premises after the modifications have taken place and a further report will be provided in due course.

The Minister for Workplace Relations trusts that the foregoing answers the honourable member's queries of Workplace Services. However, the EPA is the body principally responsible for monitoring pollution levels in the community and the Minister for Workplace Relations suggests that the honourable member maintain contact with them.

NATIVE VEGETATION

In reply to **Hon. M.J. ELLIOTT** (6 July 2000).

The Hon. DIANA LAIDLAW: The Minister for Environment and Heritage has provided the following information:

The amendment of the Native Vegetation Regulations 1991 linking the clearance application fee to the amount of vegetation under application rather than the current flat fee of $50.00 has been included for consideration.

SALISBURY EAST CAMPUS

In reply to **Hon P. HOLLOWAY** (5 December 2000) and answered by letter on 20 March 2001.

The Hon. DIANA LAIDLAW:

1. The City of Salisbury submitted a request for interim operation of the Salisbury East PAR on 28 December 2000. Ordinarily, such a request would only be considered where there is a risk of inappropriate development, or development contrary to the intent of the Plan Amendment, taking place. I must also ensure that council has undertaken an appropriate level of consultation with key agencies and, in this instance, the University of South Australia, as the majority landowner of the subject site.

I have been advised that the draft PAR currently submitted does not appropriately respond to the above considerations. Planning SA has advised council of this position in a letter dated 19 February 2001, after meeting with representatives of both council and the University of South Australia.

2. I am advised that Planning SA conducted an agency meeting on 14 February 2001, which included representatives of council, the University of South Australia and Transport SA. During this meeting all parties generally agreed that both council and the University of South Australia should further explore detailed options for the site in the context of the PAR, and on council's request, Planning SA formalised this in a letter to the city manager.

In light of this, I would only consider meeting with representatives of council if this matter is not satisfactorily resolved after further negotiations on the content of the draft PAR take place between council and the University of South Australia.

The Minister for Education and Children's Services has provided the following information.

Following the cabinet decision relating to the clarification of the conditions of the sale of the site, and advice as to the appropriate responsible minister for advising the government's decision, the Minister for Education and Children's Services forwarded letters to the University of South Australia and the City of Salisbury, advising each party of cabinet's decision. The land's vendor has the responsibility of communicating with any prospective purchasers.

NATIVE BIRDS

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to table a ministerial statement on the subject of native birds issued today by the Minister for Environment and Heritage, the Hon. Iain Evans.

Leave granted.

ADELAIDE SPRAY-ON PAVING

In reply to **Hon. T.G. ROBERTS** (15 March).

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

The company ASOP Pty Ltd trading as Adelaide Spray on Paving was a building company licensed to undertake concrete restoration, specialising in the application of surface treatments which rejuvenated the appearance of concrete paths and driveways.

The Office of Consumer and Business Affairs (OCBA) had received a number of complaints against ASOP Pty Ltd for their failure to undertake contracts within a reasonable timeframe and for not completing the work in a tradesman like manner.

As part of the process of investigating multiple complaints against a trader, senior staff from OCBA met with ASOP management to review their complaints and to discuss strategies on how their complaints could be better managed. Following the meeting the level of complaints dropped off significantly.

Investigations into the company's conduct have been on-going to ensure complainants' disputes were resolved satisfactorily.

During the year 2000, OCBA handled 29 complaints against ASOP. 21 were resolved with full redress and three with partial redress. This equates to a satisfactory outcome for approximately 83 per cent of the ASOP complaints handled by OCBA staff.

One of the roles of OCBA is to assist consumers to conciliate their disputes through a process of negotiation or mediation. Sometimes disputes cannot be resolved for any number of reasons, including the reluctance of any of the parties to participate in the process. In such situations parties may have to consider civil action before courts.

Reaching agreements without involving litigation is the preferred method of dispute resolution as it is less costly or burdensome to the parties involved.

Since January 2001, there have been four formal complaints received against ASOP and three have been resolved with full redress.

Many of the complainants have written to OCBA expressing their gratitude for the support and persistence by the agency in pursuing satisfactory outcomes.

As ASOP Pty Ltd is under external administration, OCBA will liaise closely with the appointed administrator to ensure that any existing or new complainants are dealt with in a fair and equitable manner. Investigations will also continue to determine whether the company has been in breach of the Fair Trading Act, 1987, (Section 67; accepting payment or other consideration for goods or services where, at the time of acceptance the person has no intention to supply the goods or services.)

Any evidence which suggests ASOP has contravened the Act will be acted upon. In addition the Australian Securities and Investment Commission (ASIC) investigates breaches of the Bankruptcy Act, 1966 and Commonwealth Corporations Law and where appropriate OCBA will refer some of these matters to ASIC for their attention.

Should the administrator determine that ASOP Pty Ltd cannot continue to trade, OCBA will secure the cancellation of its builders licence.

METROPOLITAN FIRE SERVICE

In reply to **Hon. IAN GILFILLAN** (30 November 2000).

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has been advised by the South Australian Metropolitan Fire Service of the following information:

1. What, if any, Metropolitan Fire Service personnel travelled to New Zealand to visit Lowes? If so, who went, how many, at what cost, who paid and when did they travel?

There were four trips to New Zealand by SAMFS personnel involving meetings with Lowes Industries.

Trip 1

Personnel — Station Officer David Schmerl, Projects Officer, SAMFS
Mr Geoff Williams, Fleet Manager, SAMFS
Mr Bruce Bishop, Communications Supervisor, SAMFS

Cost was $5 390 total met entirely by the SAMFS.

Travel was between 20 July 1998 and 27 July 1998.

Reasons for trip were to conduct a pre build meeting.

Trip 2

Personnel — Station Officer David Schmerl, Projects Officer, SAMFS

Cost was $1 504 total met entirely by the SAMFS. Lowes had made an offer to defray half the cost of this visit but this was rejected.

Travel was between 29 January 1999 and 2 February 1999.

Reason for trip was to verify the current build program, materials immediately available for construction and to ascertain whether any logistical problems were likely to arise.

Trip 3

Personnel — Commander Tony Drohan, Planning and Logistics, SAMFS
Mr Russell Mason, General Manager Accredited Purchasing, Contract Services —DAIS
Mr Ross Harding, Financial Consultant, Premier and Cabinet

As the SAMFS assisted DAIS, the cost of the trip was borne by DAIS.

Travel was between 18 July and 21 July 1999.

Reason for trip was to ascertain ability of Lowes to complete the contract for the remaining 10 appliances. Lowes went into voluntary liquidation on 23 July 1999.

Trip 4

Personnel — Station Officer David Schmerl, Projects Officer, SAMFS
Mr Russell Mason, General Manager Accredited Purchasing, Contract Services —DAIS

As the SAMFS assisted DAIS, the cost of trip was borne by DAIS.

Travel was between 12 August and 14 August 1999.

Reason for trip was to identify free issue items belonging to the SAMFS, investigate possible replacement builders to complete contract and to explore the potential legal and commercial avenues open to SAMFS.

2. In relation to the financial consequences, what justification was there for the advance payment of $4 million, which is three-quarters of the total indebtedness to Lowes Industries, when only six of the 16 fire appliances were supplied?

Negotiations with Lowes Industries were undertaken on behalf of the SAMFS on 6 May 1998 by Frank Maiolo and Melanie Cottell, representing Supply SA. Commander Tony Drohan and Station Officer David Schmerl were present for technical information.

The parties agreed that the number of appliances to be supplied under the contract would be 5 pump rescues and 11 general pumpers to provide a total of 16 appliances.

The milestone payments negotiated by Supply SA were:

(a) Progress payment on receipt of order, mobilisation payment of 25 per cent of total contract value.
(b) Progress payment of 1.875 per cent of contract value to be paid upon delivery of each cab chassis at Lowes.
(c) Progress payment of 0.625 per cent of contract value to be paid upon completion of each pump module as per quality assurance program.
(d) Progress payment of 1.25 per cent of contract value to be paid when the body has been manufactured, painted and fitted and quality assured and is awaiting a chassis.
(e) Final progress payment of 0.9375 per cent of the total contract value to be paid upon each appliance being tested, accepted and delivered to the delivery point.

The total contract would have a value of $5 515 846.

The SAMFS then made a series of payments to Lowes in accordance with the above schedule as and when Supply SA released the Lowes invoices marked approved for payment.

The mobilisation payment was made in two parts, $400 000 on 26 June 1998 and $978 961.50 on 10 August making a total of $1 378 961.50.

On 16 December 1998, a progress payment of $965 272 was made as the result of the delivery of 8 Scania chassis to Lowes and the completion of two body modules.

On 12 January 1999 a progress payment of $413 688 was made as the result of the delivery of 4 Scania chassis to Lowes.

On 22 January 1999 a progress payment of $413 688 was made as the result of the delivery of 4 Scania chassis to Lowes.

On 11 February 1999 a progress payment of $275 792 was made as the result of the completion of 4 pump modules and 2 body modules.

On 24 February 1999 a progress payment of $206 848 was made for the delivery and acceptance of four general purpose pumpers in Adelaide.

Three individual progress payments of $68 948 each for the completion of a body module were made on 11 March, 6 April, and 28 May 1999.

An individual progress payment of $68 948 for the completion of 2 pump modules was made on 20 May 1999.

On 15 June 1999 a progress payment of $103 484 was made for the delivery and acceptance of two pump rescues in Adelaide.

In total $4 033 465.50 was paid to Lowes by the SAMFS on Supply SA's authorisation against the delivery to Adelaide of four general purpose pumpers, 2 pump rescue appliances, 10 Scania chassis delivered to Lowes Industries premises and one completed body.

3. Was any security or guarantee received to cover the advance payment? If not, why not?

As part of the negotiation on 6 May 1998, Lowes Industries agreed to pay a performance bond to the value of 50 per cent of the contract value prior to the mobilisation payment.

Lowes later sought relief from the Board of Supply SA that this amount of guarantee should be reduced to 25 per cent of the contract value. On 11 June 1998 the Board conceded the guarantee would be 30 per cent of the contract value and upon the delivery and acceptance of the first four appliances, the bond would reduce to 5 per cent of the contract or $275 792.30.

At the time of the voluntary liquidation, the bond had a value of $275 792.30.

INDEPENDENT GAMING CORPORATION

The Hon. NICK XENOPHON: My question to the Treasurer is: when will he respond to the questions that I asked on 11 October and 14 October last year in relation to the Independent Gaming Corporation, given the Treasurer's statement on 14 November that he would seek advice expeditiously and respond as soon as possible to those questions?

The Hon. R.I. LUCAS (Treasurer): If the question concerns the Independent Gaming Corporation and the fee that is charged per machine and what the appropriate level of that might be, I signed off on a draft of that on the weekend, after much toing-and-froing between the Treasury and others and my office, so it should be on the way this week.

ADELAIDE SPRAY-ON PAVING

The Hon. T.G. ROBERTS: I seek leave to make a personal explanation about comments concerning the company Spray-On Paving.

Leave granted.

The Hon. T.G. ROBERTS: Last week I asked the Attorney-General a question on the activities of a company that had gone into liquidation and its trading methods. I used the trade name to identify that company as Spray-on Paving, when in fact it is Adelaide Spray-on Paving. I do not think I have caused any concern or embarrassment to anyone. I have passed on all the documents to the Attorney-General, and that included the identification of the company as Adelaide Spray-on Paving.

YOUTH COURT (JUDICIAL TENURE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 March. Page 1007.)

The Hon. IAN GILFILLAN: I indicate the support of the Democrats for the second reading of this bill and in fact for its complete passage. The bill will allow judges of the Youth Court to serve 10 years as opposed to the current five year limit. This matter has been brought to the parliament as a result of the tenure of Judge Jennings being due to expire in April this year. By dealing with the bill quickly we are allowing Judge Jennings to continue with the Youth Court beyond this point. I appreciate the Attorney-General's request that this matter be dealt with quickly.

I also accept the arguments put forward in regard to the value of extending the term of office for the principal judiciary of the Youth Court. It is a principle that the Democrats hold dearly that we should remove any fear of peremptory judgment on the judiciary from the executive which can arguably be said to apply where you have a limited term tenure. Not only do we support it in this case but we support the principle in general. I indicate support right through for the passage of this legislation.

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

LEGAL ASSISTANCE (RESTRAINED PROPERTY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 March. Page 1081.)

The Hon. T.G. CAMERON: This bill amends the Criminal Assets Confiscation Act, the Criminal Law Sentencing Act, the Legal Services Commission Act and the Criminal Law Consolidation Act. It is the result of the Law Reform Commission's report into issues surrounding frozen assets and illegal process. The new system proposes that access to restrained property for legal defence purposes is not allowed and that the state is to provide legal representation for the accused based on the legal aid model. The Legal Services Commission would access the Criminal Injuries Compensation Fund for defence purposes.

I understand that problems with the legislation have been raised by the Law Society and the Opposition involving the fact that it denies defendants lawyers of their choice and limits them to junior counsel. However, as I understand it—and the Attorney can correct me if I am wrong—it does not stop the possible use of alleged benefits of crime until it can be ascertained whether or not those assets are tainted by criminality. SA First supports this bill.

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their contributions to the debate. As the Leader of the Opposition has made clear, the Law Society is opposed to this bill. She has asked me to comment on its submission in respect of it. I responded to the Law Society by letter of 5 March. Among the points that I made to the society were the following.

1. The submission asserts that a person has a right to a lawyer of choice. There is, of course, no such right. There is a right to a fair trial. I do not believe that it can be argued with any conviction that the right to a fair trial includes a right to the lawyer of choice. Nor do I find any indication of that link in such decisions as Dietrich. On the contrary, the High Court was at pains to point out that there was no right to a lawyer at all—merely a right to a fair trial which, in many cases, would include a right to legal representation. A right to legal representation is not the same thing as a supposed right to the lawyer of choice. There is a reference in section 11(d)(ii) of the Legal Services Commission Act, among considerations relevant to the commission's functions, to 'the desirability of enabling all assisted persons to obtain the services of legal practitioners of their choice'. This is far from creating any right.

2. Reference is made to the question of senior counsel. I am informed that it is incorrect to assert that the Legal Services Commission makes a decision whether or not to employ senior counsel 'presumably on the basis that a greater fee would be payable'. The Legal Services Commission would be derelict in its duty if it were to do so. Rather, it applies to guidelines, which say:

A grant of aid will only be extended to brief Queen's Counsel if, in the opinion of the director, the matter is of sufficient complexity, or such an unusual nature, or sufficient importance on questions of

law, or due to the intricacy of facts, or involves potential changes to the law, so as to warrant the briefing of Queen's Counsel. The commission must be satisfied that the skill and services of Queen's Counsel are required for the adequate presentation of the particular case.

The Office of the DPP only assigns cases to senior counsel which are complex or serious in nature. It is extremely rare for them to prosecute in less serious matters. It is comparatively more common for the DPP to be represented by junior counsel in routine drug cases (for example) while the accused is represented by a QC.

3. The second part of the submission speaks of false premises. In relation to the first, the real concern expressed is that the assets of the accused may be restrained, in whole or in part, prior to trial. That has been the law in this state since 1987. It is the law in every other Australian state and territory. The principle is not now the subject of consultation or negotiation.

It can be said that the existence of the power contains a presupposition of guilt. That is true to a degree, but only a degree. The parliament has decided that, under certain conditions, the accused is to be presumed guilty to a sufficient degree to warrant taking the drastic step of freezing some or all of his or her assets so that they will not be dissipated against the interest of the Crown in having them forfeited. But, on the other hand, the principle is not a presumption of guilt in any sense to the extent of influencing the outcome of the trial.

4. The second false premise is said to be that the Legal Services Commission provides an adequate level of representation for the type of case it is called upon to handle. The Hon. Ian Gilfillan made oblique reference to this question in his contribution. The Law Society asks the rhetorical question, 'Why must we make that assumption?' The equally rhetorical answer must be: 'Why not?' The commission has been given the statutory function of arranging representation for those who apply to it. It is funded by state and commonwealth governments for this purpose. It is entirely proper for other legislation to assume that the commission carries out its statutory functions according to law. In the context of the submission and the remarks of the Hon. Mr Gilfillan about the workload and level of experience of commission lawyers, it should be noted that the commission briefs out about 60 per cent of its criminal work. I do not think it is a false premise to argue that these lawyers provide an adequate and appropriate level of representation.

5. Reference is quite properly made to the recommendations of the Australian Law Reform Commission in the submission. However, I cannot agree with the conclusions that are drawn from the report. I remind the society that the Law Reform Commission began from the principle that (at paragraph 15.23):

> . . . the proposition that restrained property should be able to be made available to fund a defence to the very proceedings that would, in the event of a finding against the defendant, lead to the forfeiture or possible forfeiture of that property cannot, in the view of the commission, be sustained.

It is true that the Law Reform Commission then recommended a scheme very similar to the one set out in the bill. It is also true that the commission recommended that the adequacy of the defence should be comparable to that which an ordinary self-funded person could be expected to provide to the proceedings in question. However, it is simply not true that 'in other words' this means the retention of the accused's lawyer of choice with the only safeguard being some vague homily against 'extravagant and unnecessary expenditure'. Recent cases have revealed only too well the inefficacy of such safeguards.

I point out two relevant matters. First, the commission's recommendations were made against the explicit background of statutory change in Queensland, New South Wales and Victoria, all of which are more restrictive than the scheme proposed by the commission and that proposed by this bill. Second, I point out that the Legal Services Commission clearly states that its aim in criminal proceedings is to place the legally aided person in the same position as a privately funded person would have been, in other words, the same test as that proposed by the Australian Law Reform Commission.

6. In relation to that part of the submission which relates to appeals, I can only comment that the content appears to relate to the Criminal Law (Legal Representation) Bill 2000 rather than this bill. If the restrained assets of the accused stretched to the funding of an appeal, and an appeal is considered to be appropriate, then so be it. If they do not, then the accused is in the same position as anyone else. Similarly, while I note the society's comments about section 360, this bill does not affect section 360: it repeals section 287.

7. I note the submission's comments about the quantum of fees. What it says about the decisions of the Supreme Court is quite correct. However, the interpretation that the Supreme Court has placed upon the words 'legal costs on a reasonable basis' in the current legislation, given the legislative and judicial background to that phrase, does not mean that that interpretation should, as a matter of policy, continue to be the law. Indeed the courts have stated that, should the Attorney-General wish to clarify the current interpretation of the law, he should do so by legislation (see the comments made by Mr Cannon SM in Pangallo).

8. The Law Society indicated that it would be content if the bill stayed as it is but instead provided that lawyers retained by the Legal Services Commission should be paid a usual legal fee for the service provided. I presume this means a higher rate than that granted by the Legal Services Commission. It is suggested that a scale could be promulgated for the purpose. I have considered this option but am unpersuaded by it for the reasons I have given in my explanation accompanying the bill. Parliament decided some time ago that an accused person in these circumstances is not in the same position as anyone else. The general principles which underlie that decision are not being reconsidered here.

The Leader of the Opposition also refers to the Law Society's opposition to the repeal of section 360 of the Criminal Law Consolidation Act. That measure was not a part of the original bill, but I decided very recently that it should be, and there is an amendment on file to that effect. On 14 March I wrote to the President of the Law Society again to explain why. In that letter I made the following points. Sections 360 and 363(2) of the Criminal Law Consolidation Act provide that a court may order funding of a defendant's representation from a fund provided by the parliament if it considers that the defendant has no means. The sections appear to have been overlooked when the parliament passed the Legal Services Commission Act 1977. The latter act was always intended to be a complete measure for the provision of state funded legal representation and these sections should have been repealed at that time. As far as I am aware, no fund has ever been provided for the purposes of these sections.

Section 360 was introduced into South Australian law as section 13 of the Criminal Appeals Act in October 1924. That

act set up a Court of Criminal Appeal and gave convicted people rights of appeal against conviction and sentence equivalent to those under a 1907 English law. In his second reading explanation (*Hansard*, House of Assembly, 2 October 1924 at page 905) the then Attorney-General explained section 13 as follows:

> . . . which gives a judge power to assign to a convicted person counsel and a solicitor free of charge in any case where the judge considers that he has not sufficient means to enable him to obtain legal assistance and the judge considers it desirable in the interests of justice that he should have legal assistance. This ensures that the right of appeal shall be capable of being effectively exercised, even by the poorest.

In committee the then Attorney-General was asked the following question on clause 13:

> Will the expenses of counsel assigned to an appellant be paid by the government?

He replied:

> I know of no other fund from which the money could come.

Clearly there was then no other fund and certainly no legal aid. It could be inferred from the question and answer in 1924 that, if there were such other fund, different considerations might apply to the nature of and necessity for this clause.

A fund administered by the Legal Services Commission now exists to pay the legal expenses of appellants who qualify on means and merit. Thus the only basis for seeking a section 360 order is where the appellant does not qualify for legal aid. A court in ordering that the costs of such a person's appeal be paid from government revenue (section 363(2)) is in effect overriding the authority of the commission to decide which appellants qualify to have their appeals paid for out of public funds.

By the Legal Services Commission Act parliament intended to invest in the commission the authority to assess and determine all funding applications for legal representation based on strictly applied eligibility tests. There was no mention of section 360 in debate upon its introduction. The debate focussed primarily on the establishment, nature and functions of a single independent authority through which public moneys were to be channelled and applied to legal assistance for those unable to afford it themselves.

The way in which the commission might limit the scope of assistance for legal representation by reference to the stage in the trial process or to types of matter for which assistance was sought was not debated. Parliament did not appear to turn its mind to the fact that in retaining section 360 a court would be able, in effect, to override the commission's authority. It is therefore likely that section 360 was retained inadvertently when the Legal Services Commission Act was passed in 1977.

A section 360 order was made in the case of R v Gillard and Preston, 2000 South Australian Supreme Court reports 212, assigning solicitor and counsel to both appellants for their appeal against conviction. By virtue of section 363(2) the costs of representation assigned under a section 360 order are to be paid out of moneys provided by parliament for the purpose and subject to any regulations as to rates and scales of payment made by the Governor. In this case the applicants had been refused legal aid for appeal because the case had reached the legal aid funding cap at trial.

There are of course no specific moneys provided by parliament for the purpose at all. The fact that the order has been made not only contravenes the public policy behind the law relating to the provision of legal aid in this state but also purports by judicial decree to appropriate money from the public purse without the benefit of any relevant parliamentary approval. Opinions differ as to what the effect of the order may be. I do not intend to enter into that debate. The point for present purposes is that the existing sections are anachronistic and unacceptable, and hence I seek their repeal. I thank honourable members for their indications of support for the second reading of this bill.

Bill read a second time.

ELECTRICITY, SUPPLY

The Hon. R.I. LUCAS (Treasurer): I seek leave to make a ministerial statement on the subject of question time.

Leave granted.

The Hon. R.I. LUCAS: I wish to correct the record of question time. Hansard has just shown me a copy of one of the supplementary questions I was asked by the Hon. Nick Xenophon. Hansard did not record my answer and wanted to know what the answer was. I know that I said in the Council that my answer was 'No', but really the answer should have been 'Yes'. Hansard records the Hon. Nick Xenophon asking me whether I would rule out changing or moving the contestability date on 1 July. I understood him to ask whether I would be changing the contestability date. I said 'No', I would not be changing it. The actual question is: 'Will you rule out the change in contestability date?' The answer should have been 'Yes'. As Hansard did not hear my answer, it will now show 'Yes'. I simply wanted to explain that it shows 'Yes' because I have now corrected the record.

FISHERIES (SOUTHERN ZONE ROCK LOBSTER FISHERY RATIONALISATION) ACT REPEAL BILL

Adjourned debate on second reading.

(Continued from 14 March. Page 1050.)

The Hon. P. HOLLOWAY: The opposition supports this bill, which seeks to repeal the Fisheries (Southern Zone Rock Lobster Fishery Rationalisation) Act 1987. The purpose of that act was to cause a reduction in the number of rock lobster licences. During debate on the original bill in another place on 13 August 1987, the Hon. Terry Hemmings stated on 13 August 1987 at page 216 as follows:

> The South Australian rock lobster fishery is currently fully exploited, with greater fishing capacity than is required to take the available catch. Assessment of the industry has clearly indicated that, due to the success, the economic returns to the fishery are significantly less than could be obtained, as well as there being the potential for a slow run down of the stock due to the need to fish harder to maintain a share of the catch.

Compensation was paid to fishers who voluntarily left the industry. This compensation was achieved through a levy on the industry, and that scheme was fully completed back in 1995. I understand that, in total, 41 licences were voluntarily handed in, with a total of 2 455 pots; and 183 licences are still active, with a total allowable commercial catch of 1 720 tonnes. I believe the evidence shows that the industry is a well managed and sustainable fishery.

As we wind up this bill, because it has served its purpose, it is interesting that, just yesterday in the *Age*, I noted that the Victorian government is considering introducing a quota system for its lobster industry. That article shows how difficult it is to introduce these sorts of schemes in the fishing industry, and there has been some criticism of that, and the Victorian minister has used South Australia and Tasmania as

examples of a quota system that is working well. So, it is rather interesting that Victoria is now having to go through this exercise that we went through in this state almost 15 years ago. So, noting the success of the scheme, and noting that we now no longer need this bill, the opposition supports its repeal.

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

SANDALWOOD ACT REPEAL BILL

Adjourned debate on second reading.

(Continued from 13 March. Page 1018.)

The Hon. T.G. ROBERTS: I rise to indicate the opposition's support for this bill. My information is that the bill has been drafted to repeal a previous act, the Sandalwood Act 1930. The passage of this bill will remove an obsolete act from the statute book, because protection for sandalwood is adequately covered by subsequent legislation. In reading some of the brief, it appears that the national competition policy has finally caught up with the Sandalwood Act 1930 and, somehow or other, it is now offensive that any intervention on the supply side of market forces is seen as a blot on a state's ability to be able to have interventionary legislation that has any control over market forces.

Sandalwood has not been collected in this state for some considerable time, as I understand it, to supply market forces with the very expensive oil that is able to be produced from sandalwood. The growth of the market in relation to essential oils certainly gives South Australia an opportunity to be a leader in export in plantation, or planted out material, and it also gives South Australia an opportunity to at least catch up with and deal with some of the salinity problems that are occurring in this state, as sandalwood does give country that is affected by salt some ability to recover if we plant down some of our saline areas with sandalwood.

If one were to drive through South Australia, one would notice that South Australia is probably the least covered, particularly in northern areas—the South-East of South Australia still has some 13 per cent (but it is getting less) cover of native timber. But if one drives into some areas, particularly the Mid North and the northern regions below the Goyder line, where significant stands of eucalypts—and, in this case, in relation to this bill, sandalwood—appeared, one will see that there was considerable carving up and clearing of those stands of native timbers during that period around the 1930s, probably up until the early 1960s, and we are now paying the price. In fact, the last big clearance that was covered by taxation protection was in the Keith-Bordertown area, which is now showing signs of salinity, and certainly a lot of productive land, or land that was turned over to native forests, later eucalypt and mallee, is now starting to become unproductive. So, that is a turnaround of only some 40 years from being productive land after clearance until now.

I think that everyone on all sides of the council—and the Democrats claim some leadership in this area—recognises that, in relation to revegetation and identification, timber clearance has gone too far and that we need to replenish a lot of our regional areas with suitable trees that are native to the areas and are able to assist in the desalinisation process. This bill, and the minister's explanation, recognises that there needs to be a changed attitude to land clearance—and, in specific terms, in relation to this bill, that native sandalwood stands need to be protected and certainly not exploited or touched, and that, if we are to get into native oil or native trees that are able to produce essential oils, the sooner we get into that market, the better, and the sooner government departments work in cooperation with research and development and with landowners—and they do not have to be large ones—the better.

In relation to sandalwood, the returns that one receives are significant in relation to the price. I am not sure whether to advertise the price of sandalwood to the general public. We need to encourage people to get into growing it, but we certainly do not need to advertise it and have people illegally clearing it: therein lies the dilemma. But I suspect that it has now become public knowledge (the genie is out of the bottle) that one can receive $10 000 per tonne for sandalwood—that is dead or alive (it is a bit like politicians—although you probably would not get as much for them, but the definition would be the same). That is for wood growing or lying on the ground. Sandalwood oil is $500 per litre, and one can recover some 50 litres per tonne. So, with value adding, you can get $25 000 of oil per one tonne of wood.

One can see that we have been neglectful, first, in clearing all of the native stands without replenishment; and certainly we have been neglectful in not getting into the essential oils markets much sooner, particularly at a time when wool and sheep and cattle meats are unproductive in many parts of our state. That time might have been suitable for essential oils, including sandalwood. The opposition supports the government's bill. We would certainly like to see a constructive approach taken to replenishment of sandalwood in those areas where it is native to our state.

Certainly, we would encourage the commercial growing of not only sandalwood but also many other of our eucalypt species to produce native oils in a way in which they can be commercially exploited, commercially viable and also to assist with the desalinisation of our state. If one travels interstate one can see that, over a 100-year period, everyone seems to be making the same mistakes that we made in those areas that are adequately covered with native vegetation. The same clearance rates appear to apply in Queensland and in some areas of New South Wales. One would have thought that they would learn from our mistakes.

The Hon. M.J. ELLIOTT: I will speak briefly to the second reading. The Democrats will support the repeal but I would like to ask a few questions during the second reading and obtain answers either at the close of the second reading or during committee.

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: Yes, I will ask them now. The sandalwood is a pretty plain looking tree, which grows over fairly extensive areas of South Australia. People will have seen it, probably not knowing that they have seen it, driving to the Riverland because it grows along the main highway into that mallee scrub area.

The Hon. T.G. Roberts interjecting:

The Hon. M.J. ELLIOTT: It is all over the place. There are also very large amounts of it right across the top of Eyre Peninsula—really starting from Whyalla with a band running right across—and it is still there as we speak. As I said, it is a tree of which most people would not take any special notice, although it is still relatively common. As pointed out during other contributions, the tree potentially is of high value. In fact, anything that becomes rare and endangered

becomes immediately of high value because the Chinese particularly seem to like it.

The Hon. T.G. Roberts interjecting:

The Hon. M.J. ELLIOTT: Either they eat it or they burn it. In some cases the very rarity might be because of the liking they have taken for it. Putting that comment to one side, the questions I want to ask of the minister relate to the fact that sandalwood is probably one of the few native plants that it would be attractive to poach. I suppose the other exceptions would be a few of the native orchids that grow even in the vicinity of Adelaide. The question I want to pursue is whether or not the penalties that we now have to protect these sorts of plants are adequate.

I ask the minister, first, to look at the sorts of penalties that are offered under the current Sandalwood Act, which this bill aims to repeal; and, secondly, the penalties that are offered under both the Native Vegetation Act and the National Parks and Wildlife Act, both of which will provide penalties for the taking of native species. First, I ask the minister for an analysis of the relative penalties. I would also welcome comments as to whether or not the minister feels that the current penalties are sufficient. We are certainly seeing that a significant trade in Australian wildlife is getting under way.

It is a cross-trade between drugs coming in and native animals going out and, I suspect, that that cross-trade could easily include, and would probably be even harder to track, plant material. One would think that the sandalwood would be an attractive target as many of our drugs are sourced from Asia. In fact, that is where the greatest demand for the sandalwood products would be coming from. Are the penalties sufficient under the other acts that will be invoked in place of the Sandalwood Act and is the minister prepared to consider the lifting of such penalties?

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

STATUTES AMENDMENT (AVOIDANCE OF DUPLICATION OF ENVIRONMENTAL PROCEDURES) BILL

Adjourned debate on second reading.

(Continued from 13 March. Page 1018.)

The Hon. T.G. ROBERTS: The opposition supports this bill and is aware from briefings that the legislation is necessary because of the commonwealth's Environmental Protection and Biodiversity Conservation Act 1999, which came into operation in the middle of last year as a result of the practice of passing template legislation. I have no objection to that while the template offers productive benefits to both the commonwealth and the state and streamlines decision-making processes and, perhaps, gives uniformity to acts and activities throughout Australia.

However, if it undermines a state's best position, I certainly would be highlighting where templates do impact on state's adversely, and those issues should be taken up by senators prior to templates being passed in our parliament. I am not quite sure how much attention our senators do take when template legislation is being passed or whether a special committee is established. I understand that, in some cases, special committees are established to look at these matters and the impacts on state parliaments. The act requires entrepreneurs or developers to seek particular permission under commonwealth law in order to do certain things that may have a significant impact on matters of national and environmental significance; and the opposition would certainly support those sentiments.

It may be the case that there is overlapping legislation with respect to state provisions. This legislation also dovetails the two pieces of legislation so that there are no unnecessary delays or burdens placed on developers. As I understand it, it does not in any way downgrade the standards that South Australia has developed over many years. I would hope that the integration of the two pieces of legislation not only allows for appropriate safeguards to be applied in relation to the state's own legislation but also allows for a streamlining process that does not have duplication where development is unnecessarily slowed down or delayed; and that appropriate development is not put off by legitimate developers having to jump through commonwealth hoops and then state hoops, or vice versa, to get approval for a legitimate development that would be a benefit to all South Australians.

The bill covers five areas. Central to each of the amendments proposed is that in all cases a commonwealth document or process must fulfil a substantive requirement of the relevant state legislation before a decision maker, which can be a minister, can exercise a discretion to accept the document or process for state purposes. The five circumstances are: first, that the amendments will enable a state decision maker under the relevant state act to accept relevant procedural EPBC documents as procedural documents for the relevant state act. For example, where the EPA may accept a referral under the EPBC Act as an application for a licence to undertake a prescribed activity of environmental significance.

The second is where the amendments will enable the state decision maker to effectively accredit an EPBC act or if the process complies with the minimum state process. An example of that section is section 35(a) of the Mining Act which provides that the minister must cause public notification of his or her consideration to grant a mining lease. The amendment would allow the minister to direct that a public notice procedure that may have been undertaken under the EPBC act will be taken to have fulfilled the notification requirement of section 35. The minister's discretion to make such a direction will depend on the EPBC act procedure, for example, the number of days on display and persons to whom notification is made, and also compliance with substantive requirements of section 35(a) and relevant regulations.

The amendments will enable a state decision maker under the relevant state act to accept in whole or in part a substantive EPBC document as all a part of the equivalent state act document. It also goes on to require the state decision maker to consider the consistency of the EPBC act and the state act conditions. An example is that, where an action involving vegetation clearance has triggered the threatened species element of the EPBC act and a decision has been made in that action under the act, the Native Vegetation Council may heed any conditions that have been placed on an improvable under the EPBC act and consider whether any conditions to be imposed under the Native Vegetation Act should be consistent with the EPBC conditions.

Also to the extent that they are relevant, the council may impose all or some of the EPBC's conditions on its consent. The act will also certify that, where a document has been accepted for use by a state decision maker, it will not be invalidated for the purpose of the relevant act merely because it has been found to be invalid for the EPBC act. I will not give examples of that. That can be picked up in the second

reading explanation by the minister and the contribution in the lower house by the shadow environment minister, John Hill.

I understand that submissions were made to the government that some of the discretions should not be there and that in fact the minister should be obliged to take the commonwealth provisions. The opposition agrees with the minister's logic that is expressed in this document, that is, that the discretion should stay in South Australia. I think we give up a little bit too much to our federal colleagues in some of this legislation and we do need to have some input into what goes on in South Australia. So, although the main body of the Environmental Protection and Biodiversity Conservation Act came into operation in the middle of last year, there is still some difference of opinion in relation to administration as to how South Australia integrates the acts.

We support the legislation as introduced by the government but have a couple of questions, which have been asked of the minister in another place. I guess I had better put them on record and during the committee stage the minister handling the bill can answer them. My questions relate to procedure. This provision applies several times in this bill as each of the state acts is dealt with. It raises a question in my mind as to how the state authority would know what the commonwealth had required. Is it up to the proponent to initiate the requests for dual application or does the state authority get this information from the commonwealth in some other way?

So, with that question, the opposition supports the bill and hopes that the process of integration and streamlining not only brings about the protection that communities demand of the environment but also allows for appropriate development that is required to allow states to raise revenue and provide employment opportunities for the constituents. That would enable it to be in line with the states and allow the commonwealth in some cases to have an overriding role in looking at some of the procedures and processes that the states go through so that some form of uniformity can apply to the protection of the environment and for development to proceed.

The Hon. A.J. REDFORD secured the adjournment of the debate.

LAKE EYRE BASIN (INTERGOVERNMENTAL AGREEMENT) BILL

Adjourned debate on second reading.

(Continued from 14 March. Page 1051.)

The Hon. T.G. ROBERTS: I indicate that the opposition will be supporting this bill. It has been a long time in getting to both houses. In May 1997, prior to the state election, the government made a commitment to introduce the legislation for debate during the 1998 parliamentary session. In May 1998 Minister Kotz said:

> It is not expected to be introduced until the end of this year [that is, 1998].

The minister stated in her second reading explanation:

> The Lake Eyre Basin Agreement is a major achievement for the South Australian government. . .

However, what does this legislation do? It does two things. First, it is a formal agreement between South Australia, Queensland and the commonwealth and, in some ways, it is similar to the Murray-Darling Basin Commission—but only in some ways. It does not have the power that the commission has. Secondly, it is basically an agreement to work together. In her second reading explanation, the minister said:

> . . . to jointly address issues of water management and related natural resources associated with cross border river systems in the basin.

In other words, it is an agreement to agree: it is about good intentions.

The Statutes Amendment (Avoidance of Duplication of Environmental Procedures) Bill basically has the same intentions built into it. We are now in a position where we can end the separate state in-fighting about major important commonwealth or national environmental issues and where the states can get together and formally agree to a process that is not duplicated by the artificial boundaries that are drawn up nationally and which environments do not recognise.

The Murray River does not differentiate between the states as it rolls through the countryside, and the surrounding environments certainly do not recognise it. It is when there is exploitation by constituents in each state that environmental problems arise. It is where environmental problems caused by over use and over allocation that the states' impacts on important national icons in relation to environmental protection and importance then have to be addressed.

In relation to the Murray River, the cooperation is needed of not only New South Wales, Victoria and South Australia through which the Murray River flows but also the water catchment areas of Queensland to duly recognise the impact that they have on the quality and quantity of the water which flows down into the Lake Eyre Basin. So, we need overlapping roles and responsibilities by the states and the commonwealth; and, in some cases, the commonwealth needs to take the lead role in determining the states' position if the states' position adversely impacts on the commonwealth.

I refer to the recent issue of the Lake Eyre Basin possibly being affected as a result of separate adverse decisions being made in Queensland that would have either unintentionally or knowingly impacted further downstream, particularly on South Australian pastoralists. It is very difficult when states' rights are drawn out or waived when they do not contribute to the commonwealth's best interests or another state's best interests. In respect of the protection of the Lake Eyre Basin, there was an attempt to put it on the National Heritage list. In recent times, there has been a whole range of discussion about upstream activities such as cotton producers being involved in syphoning off water in Queensland before it reached the Cooper-Coongie-Lake Eyre area.

I think it was those sorts of threats that focused the minds of people whose job it was to protect the commonwealth's position as a whole. So, as we go on I think there will be more commonwealth appreciation of many of the problems that the states are handling badly in relation to environmental protection. That includes the marine environment as well as the land based environment as we go. Some of this template legislation and overlapping commonwealth-state legislation that avoids duplication of process but brings about single solutions will be the way in which we proceed, and I believe there will be a carry-over of that principle by subsequent commonwealth Labor governments and certainly at a state level in the near future.

The real reason for the introduction relates to the failed environmental protection programs. It also has at its root programs that could have been put in place but were not put in place because of state vested interest, and it also has at its root the on-display failures of whole ecosystems, including

sections of the Murray River and, in particular, the saline areas that have been formed away from the Murray River in and around some of its reaches. It is important to have these agreements. There are two major river basins that need to be considered: the Cooper in South Australia and the Diamantina in Queensland.

I was fortunate enough as a member of the Environment, Resources and Development Committee to recently fly over both the southern Diamantina and nearly all of the Cooper system from the Queensland border recently to have a look at that important system. There is, I think, a growing understanding of all legislators across the board of the importance of the protection of the Diamantina and the Cooper systems. I think as time goes on there will be a whole new understanding of why we need to have legislation like this so that all states can be represented at discussions about the future requirements for protection in relation to these major river systems.

There is on-going argument in relation to climatic change. There are probably people on the other side of the argument, not necessarily on the other side of the council, who would say that the number of times the Diamantina, the Cooper and the Lake Eyre Basin have been filled in the last 10 years is due to single yearly impact rains. And there would be others who would say that we are at the beginning of major climatic changes that will bring about regular flows of the Diamantina and the Cooper systems, and regular fillings of Lake Eyre, rather than the one in 50, one in 100 years rain event such as the one that occurred in 1972, I think it was, and the subsequent fillings that have occurred almost on a regular basis. If you talk to pastoralists in the area and others who are familiar with the weather patterns within that area, you hear them talk about the occurrence of north-western monsoonal rains, particularly in the summer periods. There are now also north-eastern monsoonal rain events in the Queensland catchment area and the northern South Australian catchment area, all adding to the valuable environmental benefits that come with having that river system full.

We need to manage, legislatively, that change that is occurring. If there is a major changing weather pattern and if it is to become consistent, then that system does need protection from potential polluters and from land-based activities that could impact adversely on downstream operations that have been set up historically in all states.

The Coongie Lakes wetlands in that area are classified under the RAMSAR convention. That is a particularly important and significant event. A lot of people are not familiar with the RAMSAR convention but more and more international covenants and agreements are being discussed and negotiated around areas of significance. Some of the RAMSAR sites are still being degraded internationally but we have a chance, because the Coongie Lakes area is a pristine one, disturbed only by some light grazing that has occurred from time to time.

The Hon. M.J. Elliott: Light grazing?

The Hon. T.G. ROBERTS: It was heavily grazed in the 1970s and 1980s.

The Hon. M.J. Elliott interjecting:

The Hon. T.G. ROBERTS: Yes. It was overgrazed in the earlier part of settlement and governments of all persuasions wrestled with some of those who had pastoral leases in that area to de-stock at appropriate times to allow the land to recover. Unfortunately, there were some pastoralists who did not listen and who were not covered by any legislation.

Gradually, legislative protection was brought in to make destocking not a request or a polite ask but a formal legal position so that recalcitrant pastoralists, even if they did not want to, would have to destock if their seasonal activities might damage the environment. There is now more understanding by pastoralists of the nature of what they are dealing with. I think there is a new generation of pastoralists who consider that the benefits of ecotourism are as important as their primary activity of being pastoralists. I think there is more hope of discussion and obtaining legal solutions to some of these problems whilst working with the other states and the commonwealth to make sure that what we are trying to protect is not destroyed by the activities of a few.

I think this process has now been adopted by both major parties. Certainly, the Democrats, to whom I paid tribute earlier, recognise that the environment is a major issue for protection. This is another bill that the government is bringing in at state level which templates commonwealth intentions to protect these major wetland areas. When we flew over the area, as part of the commentary that we were given we were told that there has been a build-up of some feral animals including camels. Although camels are not doing much damage with their padded feet, they are certainly doing damage in areas where casual water dries up.

Big problems are being experienced away from the Coongie system on the West Coast where it has been extremely dry. In that area, the dog fence has been knocked about by feral camels. Committees are looking at what to do to handle the number of feral camels that are beginning to congregate in areas of importance. A lot of action and activity was described to us regarding the clearance of goats and other feral animals in the northern areas in order to ensure that those sensitive areas are protected. There was discussion about whether the inland areas of Australia are sensitive or whether they are very tough.

The Hon. Diana Laidlaw: They are both.

The Hon. T.G. ROBERTS: That is right. I was interested in the arguments that were going around. Some said that, because it is old, frail and fragile, perhaps it is not as tough as it looks, and when it does not rain it goes into hibernation and its tough skin exterior protects it for the rains when they come. If we are to manage major wetlands that are continually being fed by western and eastern monsoonals, we will certainly be managing a different area than that which our predecessors managed: that is, areas that become wetlands for short intervals between major single floods.

The focusing of minds occurred when threats from the cotton growers started to appear in Queensland. We were not sure whether the Queensland government would accommodate the intention of the cotton growers which was to siphon off the Diamantina and the waters north of the Cooper system before they got down here. Not only did they intend to siphon off the water from the Cooper system but they would have damaged the quality and quantity of water that was going to enter the system with the sprays and poisons that would come down the system through areas which traditionally have been looked after for millennia by our original indigenous settlers. It would have been choked and poisoned by the cotton growers in their attempts to establish cotton growing in the area.

The history of cotton growing in New South Wales does not present a pretty picture as far as the environmental prerogatives that the cotton growers have seen as the rights on their side in relation to water usage. So, this focused people's minds, and I think members on both sides of the

Council are now in agreement. I include in that statement the cotton growers, because, from memory, the Cotton Growers Association wrote a letter to most members saying that it was not in agreement with individual cotton growers going down there and setting up base.

If the Coongie Lakes are to be protected, all states (including the Northern Territory) must become involved in better environmental protection methods and more dialogue. It is imperative that we all cooperate to pass legislation that will allow us to achieve this. The Opposition supports the legislation. I can see a role for more tourism in this area and more consultation with Aboriginal people who have been the custodians of this area for 60 000 years—depending on which anthropologist you listen to. There are opportunities for joint ventures with the indigenous owners. There are certainly opportunities for indigenous owners to have their own operations in relation to environmental tourism.

If we get the base right, we can all benefit from protecting the environment, encouraging suitable development and making sure that all states and the commonwealth are able to scientifically observe and consult with the traditional owners as to the history and the methods they use for the protection and enhancement of the environment. We can all derive some benefit from some of the economic returns that can be achieved by talking to pastoralists, miners and other potential users. We can set up exclusion zones (if required) and sort out competitive use and complementary use problems around the table by using best scientific evidence and, as I said earlier, consulting with the traditional owners to achieve these outcomes. Hopefully the legislation that is before us can help us to do that.

The Hon. M.J. ELLIOTT: I rise to speak to the second reading of this bill. I am advised that the governments of Queensland and South Australia—and, I presume, the federal government—have been talking for some five years. We have now come to a very proud moment in our history: we are now going to legislate to keep on talking. That is what this bill does. It is not binding in any way. We are legislating to recognise an agreement which, at its very core, says that we will keep talking, but it is not binding in any real sense whatsoever.

Not a week goes past, in fact barely a day goes past, that we do not have the River Murray and the state of it brought to our attention. Here we have a system that we are attempting to manage after the horse has bolted. What frightens me even more is that, despite all the dire warnings of damage and despite the fact that at least the federal minister seems to have some understanding when he says that the flows must increase, even our state at the end of the River Murray has within the last week heard the Premier talking about the fact that, as we get efficiency gains, we will reallocate that water for further irrigation schemes. It seems that we keep chasing that holy dollar—chasing and chasing it—regardless of the long-term consequences.

The government to some extent can hide behind the problems of the Murray by saying that everything is created upstream, although the sort of behaviour I have described, where we continue trying to drag every last cubic centimetre of water out of the river from our allocation, demonstrates that we are very mealy mouthed. Regarding our record in terms of rivers, I invite members to look at the other rivers and streams in South Australia. What is the state of the Marne, the Broughton, the North Para, the Onkaparinga or the Inman Rivers? As we look at rivers right around South Australia, we see that they are all in deep trouble. They are dying or dead. We should look through the city, where our rivers for the most part have been turned into concrete drains. We are putting in catchment racks to catch the big lumps, but the little lumps are still getting through, and ducks are dying. People still cannot recreate on the Torrens, after our spending some $11 million of public money. I cannot remember in the past the death of ducks being recorded, and that is happening.

There is only one place in South Australia where streams are nearly in their natural condition—one place! That is the Lake Eyre catchment. There is a very limited, extremely small amount of agriculture taking place in Queensland. What got people panicking was a proposal for major cotton schemes up there of the sort we have already seen destroying the Darling and other systems. There is currently very little. One feature that worries me is that at the end of the day what we are agreeing to talk about is managing the river. Frankly, the river does not need managing at all. Every other river is being managed at the moment, albeit badly. They are being managed insofar as we are allowing huge numbers of dams, including farm dams—for the most part until recently unregulated. The only reason they are being regulated is that most of the streams have stopped flowing and extra dams have just cut off water from dams further downstream.

We have in the Lake Eyre catchment an unregulated system which in itself does not currently need regulation. There have been proposals around the Lake Eyre Basin to make it a world heritage area. There was no implication from that that current activities, particularly pastoral activities, would be under any threat, but people always further their political careers by creating panics of various sorts. Some people have set about furthering their careers by trying to create a panic around implications of world heritage agreements in the Lake Eyre Basin. The fact is that they were not any threat to the current activities. Certainly, they would have said that the expansion of irrigation in particular would be totally unacceptable. We are now setting up a system of management, although of a limited type. We are agreeing to talk to each other about management but there are no rules about management whatsoever. This legislation does not change that one iota.

It is very sad that we do not always recognise what we have. Tasmania has wild rivers, but we have wild rivers too. A wild river does not have to be a river running through a gorge, flowing over boulders and so on. The rivers up there are wild rivers and sometimes they flow strongly, but not in the same way as do rivers in Tasmania.

The Hon. J.S.L. Dawkins interjecting:

The Hon. M.J. ELLIOTT: They flow very strongly, yes. By their nature they look different. I was also a member of a committee, as was the Hon. Terry Roberts, that flew over Coopers Creek and the Warburton and Coongie Lakes only last week. There is still a lot of water lying around. The Warburton was not flowing, although most of it was full. That is an unusual state. Most of the time the rivers are empty, although the Coongie Lakes hold water almost all the time. That is the last place that would dry out. The Coongie Lakes are of international significant, being recognised under RAMSAR and other international agreements in relation to migratory birds.

It worries me that five years of talk has got us nothing. At the moment nobody's livelihood has been put at risk. I can understand how the rice growers of New South Wales are very twitchy about what might happen in the Murray-Darling Basin and about what agreements might be struck, but

nobody's current activities are under threat. Some people want to get in and start plundering the system. Greed is a real motivator. But nobody is under threat. If we cannot strike a real agreement with real teeth, as distinct from what we have before the parliament at the moment, then we have no hope with the Murray, the Marne or any other systems. We may as well give up, pack up our bags and say we cannot handle it. It is an absolute national disgrace that we have not achieved real and substantial agreement in relation to the Lake Eyre Basin and it is a disgrace that the parliament should even be asked to spend time to pass a bill that provides that after five years of talking we will agree to keep on talking and does absolutely nothing else.

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

LEGAL ASSISTANCE (RESTRAINED PROPERTY) AMENDMENT BILL

In committee (resumed on motion).

(Continued from page 1105.)

Clauses 1 and 2 passed.

Clause 3.

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

Page 4, line 12—Leave out 'there is' and insert—'the assisted person has'.

This amendment arose from a concern by the Legal Services Commission in the consultation process that what would become section 20(4) might be interpreted to mean that the commission would have to exhaust its own reserves up to the funding cap before it could apply for release of restrained assets to defray legal assistance costs. That was not the intended meaning. It is intended that the commission should ensure that the applicant has no other money or assets with which to fund a defence before the commission can apply to the court to access the restrained assets. The amendment is designed to make that clear.

Amendment carried; clause as amended passed.

Clause 4 passed.

Clause 5.

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

Page 5, lines 1 to 3—Leave out subsection (3) and insert—

(3) An assisted person's liability to pay legal costs may be secured by a charge on property subject to a restraining order.

(4) If such a liability is secured on property subject to a restraining order and the property is later forfeited—

(a) the property is automatically released from the charge; but

(b) the administrator (of forfeited property under the Criminal Assets Confiscation Act 1996) must pay to the commission out of the forfeited property or the proceeds of its sale or conversion into money the lesser of—

(i) the amount secured by the charge at the time of the forfeiture;

(ii) the net proceeds of the forfeiture.

This amendment is also intended to be a clarification. The clause in the original bill posed a risk that the restraining order would be converted by the Criminal Assets Confiscation Act into a forfeiture order before the Legal Services Commission could realise the charge on the assets concerned. The intention of the bill is that the commission will have priority in recouping its expenditure in relation to the charged asset over any such consequent forfeiture order. The amendment is designed to ensure that that occurs.

Amendment carried; clause as amended passed.

Clause 6.

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

Page 5, line 5—Leave out all words in the clause after 'amended' in line 5 and insert:

(a) by striking out section 287;

(b) by striking out section 360;

(c) by striking out subsection (2) of section 363.

The effect of this amendment is the repeal of sections 360 and 363(2) of the Criminal Law Consolidation Act. In my second reading contribution I explained the reasons for seeking this amendment.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

LISTENING DEVICES (MISCELLANEOUS) AMENDMENT BILL

In committee.

(Continued from 13 March. Page 1021.)

Clause 1.

The Hon. CAROLYN PICKLES: Dealing with this bill certainly has been a lengthy process, and I think it is one that has been quite important. When I last spoke on this bill, we indicated whether we were supporting the amendment moved by the Hon. Ian Gilfillan in relation to support for a public interest advocate. During the break, the Legislative Review Committee sat and looked at this whole issue in some detail. As one might have expected with respect to this issue, there was a divided report. Certainly, the minority committee report agreed with the proposal for a public interest advocate and the Labor Party, in reviewing this whole issue, still supports the concept of a public interest advocate.

Progress reported; committee to sit again.

YOUTH COURT (JUDICIAL TENURE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 March. Page 1007.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The opposition opposes the second reading. While this bill may appear to be simply an insignificant piece of legislation, we believe that there are important principles at stake that deserve to be guarded. If we go back to about 1991, I believe, the Juvenile Justice Select Committee recommendation was that there should be a turnover of judges in the Youth Court, and we still support that view. The government, of course, has an opposite view: it wants to move to have a 10 year tenure.

I accept that the government may believe this to be a cost saving exercise—and I would be interested to know what costs the Attorney envisages. In his second reading explanation, he stated that the government is required to appoint a new judge or a new magistrate to the Youth Court every five years. There will soon be a surplus of judges in the District Court and in the Magistrates Court, all entitled to remain as judges and magistrates until age 70 years and 60 years respectively. This would represent a substantial cost to future governments in South Australia.

The Hon. K.T. Griffin interjecting:

The Hon. CAROLYN PICKLES: Maybe the Attorney will do the sums for us and tell us exactly what that will cost. I believe that different individuals bring with them different and varied experiences and, in my view, that is particularly important with respect to the Youth Court. I accept that there are always exceptions to the rule but I do not believe that we, as legislators, should legislate for the individual. I do not support the Attorney's bill.

I asked the Attorney briefly whether he had had any communication with the Law Society, and he indicated that he had not. However, although I have not had a substantial reply from the Law Society, I forwarded it a copy of this piece of legislation, and my understanding, as a result of a telephone call, is that it does not support a 10 year term but that it might look at the option of a five year term with a five year right of renewal. The Attorney might wish to make some comment about that, and we would be interested to hear his response to that issue. At this stage, we oppose the bill, but if it goes through we would certainly be looking at the possibility of making an amendment.

The Hon. T.G. CAMERON: I support the second reading. That does not necessarily mean that I will be supporting this bill at the third reading. However, as I have said to honourable members in this place before, I believe that matters should go beyond the second reading so that we can test the government on precisely what it is doing and subject its bill to proper scrutiny. I will leave it at that; any other contribution I wish to make I will do so in committee. I indicate that I support this bill proceeding to committee.

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

EXPIATION OF OFFENCES (TRIFLING OFFENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 March. Page 1074.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The opposition supports this bill. Certainly, in South Australia we have used the expiation system to some useful effect. There is, however, some view that the issuing of expiation notices may lessen the use of a caution or warning instead of formal action. We often hear criticism that expiation is merely a revenue-raising exercise. This bill, while not directly dealing with this particular observation, sets out a series of amendments to the Expiation Offences Act to achieve the following objective, and I refer to the Attorney's second reading explanation in which he states:

> An expiation notice should not be issued for an offence that is trifling; and
>
> The issuing authority must, on the application of a person to whom an expiation notice has been issued, at any time before the expiation notice becomes an enforcement order, review the circumstances under which it is alleged that the offence, the subject of the expiation notice, was committed in order to determine whether the allegation, if established, would constitute a trifling offence; and
>
> The decision whether or not an offence is trifling at these levels is not reviewable by any court, but, of course, the person concerned may choose to take the matter of trifling or not to the Magistrates Court by electing to be prosecuted in the normal way; and
>
> If the issuing authority determines that the allegation, if established, will constitute a trifling offence, it must be withdrawn.

I understand that the meaning of 'trifling' is well established in law and that, during consultation on the first draft of the bill, there was a significant consensus that there was a need to give some guidance to issuing authorities as to the meaning of 'trifling' in the context of this bill. I understand that using other words, such as 'minor', 'petty' and 'trivial', was considered but 'trifling' seemed to be the word that had the meaning that most legislators would understand, and clause 4, which amends section 4, sets out that definition. We do not believe that this is earth shattering legislation. The Attorney believes that it is important and, therefore, we support the legislation.

The Hon. T.G. CAMERON: This bill has been introduced to combat the growing fears that expiation notices were taking the proper place of cautions for trifling offences and being used as revenue raisers for the government. Heaven forbid that we would accuse this government of revenue raising. One has to look only at the protestations of the Minister for Police over the latest increase in speeding fines to see that this government is not serious about attacking revenue raising. However, this is not about speed cameras, this is another matter. I may come back to speed cameras a little later, or I may make some passing reference to the $25 million that the Adelaide City Council is raising from parking fines. Talk about revenue raising and extortion!

I will have a bit more to say about the Adelaide City Council's revenue-raising measures in relation to parking fines tomorrow when I deal with my private member's bill to insist that the Adelaide City Council install parking machines that provide change, the same as the state government parking machines do. I understand—

The Hon. Ian Gilfillan interjecting:

The Hon. T.G. CAMERON: Yes, you get change from those at the railway station but when you put $4 into the Adelaide City Council machines they keep the $1.80; yet when you speak to someone at the Adelaide City Council you are told, 'We have done it for the convenience of retailers.' What a load of arrant nonsense. My understanding is that the council is raising over $1 million a year from its parking machines, just because the council refuses to give change to motorists. I would hope that every member of this place supports my private member's bill to ensure that local government installs machines that give consumers their change—it is only fair.

Back to the bill before us. The definition of 'trifling' in law is that it is not a typical offence of the class prescribed; it is probably not deliberate; it is probably technical, casual, inadvertent with no deliberate intention to break the law; and it can involve overriding humanitarian or safety reasons for breaking the law. The bill states that a person authorised to issue expiation notices should not do so for trifling offences. It allows alleged offenders, if they believe they have been issued with an expiation notice for a trifling offence, to have a mechanism for review by the relevant issuing authority.

This is not available after the authority has issued the certificate of enforcement that demands payment for the offence, or once an alleged offender has made payment towards a notice. It provides that decisions made by authorities that an offence is not trifling are not reviewable in court, but they can still challenge in court the original decision to issue the expiation notice. If the issuing authority is satisfied that the offence is trifling, it must withdraw the expiation notice and cannot issue another one. SA First supports this

bill. I believe that it is a progressive move by the government to have this law on the books.

I think that all governments, whether Labor, Liberal, Democrat, or what have you, ought to be looking at issues such as this. It is all very well on a politician's salary of $120 000 a year, a $120 expiation notice hardly makes you blink; but try being on the unemployment benefit or getting $97 a week on a traineeship and getting hit with a $120 fine. This is a welcome move. It is a move in the right direction and I commend the government for it. I do not want to set up a process whereby reports etc., are prepared, but I seek a response from the Attorney as to whether, within six or 12 months down the track, he would be willing to give a brief verbal explanation to the Council about how the bill is proceeding. The Attorney nods in agreement so I will get that on the record.

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

DENTAL PRACTICE BILL

Adjourned debate on second reading.

(Continued from 13 March. Page 1018.)

The Hon. P. HOLLOWAY: I indicate that the opposition will support the second reading. My colleague in another place, Lea Stevens, has set out the opposition's position in considerable detail. There was quite a lengthy debate on this bill when it went through the House of Assembly so there is no need for me to go into such detail here.

Basically, this bill has come about as a result of a competition policy review of the Dentists Act. Whereas there has been quite a lot of legislation through this parliament as a consequence of the competition policy in many areas, it seems that the competition policy review of professions has been left until the end. I recall that a bill was passed some time ago in relation to nurses, and this bill is probably the second competition policy review specifically relating to a profession. It has certainly taken some time: the actual review was handed to the government back in February 1999. So, it is over two years since the government had the review in its possession.

This bill comes at a time of some crisis within our public dental health care system. I believe this crisis is a direct result of the commonwealth government's cuts to the dental scheme when it came to office in 1996. Recently, a report was released by the Australian Institute of Health and Welfare which I think underlines the crisis that we now face in dental care. The media release put out by the AIHW states:

> Complete tooth loss, or edentulism, decreased for Australians in the late 1990s, but dental problems in general increased, particularly for government concession card holders, according to a report published today by the Australian Institute of Health and Welfare.
>
> The report 'Oral Health and Access to Dental Care—1994-96 and 1991', shows that the mean number of missing teeth also decreased, as did denture use, but only among adults who were not government concession card holders.
>
> Director of the AIHW Dental Statistics and Research Unit, Professor John Spencer, said that the evidence indicated that card holders were experiencing more dental problems than before.
>
> Our survey figures show that health card holders in particular are experiencing more toothache, discomfort with dental appearance and avoidance of particular foods in 1999 than in 1994-96, Professor Spencer said.
>
> The report also shows that, while the overall percentage of adults visiting dentists changed little from 1994-96 to 1999, access to dental care by card holders has deteriorated.
>
> Of the eligible card holders who received dental care in 1999, less than 40 per cent had their last dental visit at a public clinic, while the remaining 60 per cent sought care at a private dentist at their own expense even though they were eligible for public treatment.

The media release continues:

> Affordability is an issue. In 1999, 39.3 per cent of card holders who last visited a public clinic said cost had prevented them from proceeding with recommended or wanted dental treatment in the previous 12 months.
>
> This was a marked increase on the 28.2 per cent figure for 1994-96. Card holders are less likely to have dental insurance to help cover costs.
>
> Professor Spencer said that it was also a concern that a slight reduction in the number of adults receiving fillings in the previous 12 months (49 per cent down to 46 per cent) was unlikely to be due to a reduction in dental disease. This was because the number of people receiving extractions had risen (from 14 per cent to 17 per cent).
>
> The rise in extractions was particularly pronounced in 25 to 44 year olds (14 per cent rising to 19 per cent) and amongst card holders (16 per cent to 23 per cent for private treatment, and 30 per cent to 33 per cent for publicly funded treatment).

The press release concludes:

> 'There is a need to intervene in the high rate of extractions in young adults and health card holders if the oral health of adults is to be improved', Professor Spencer said.

Those statistics summarise what was in the report, and I believe they have relevance for the bill before us. Whether we like it or not, they indicate that the cost of dental services (and the factors which affect the cost) are key determinants in the dental health of our society. I believe that the role of para-professionals in the dental profession—dental therapists, dental hygienists, dental technicians, dental prosthetists, and so on—is an important factor in constraining costs.

There has been considerable debate about the role of those para-professionals, as in other branches of medicine and the nursing profession. Historically, I think the Australian Dental Association has strenuously opposed any greater role for those para-professionals. However, we can understand why the dental profession has put these arguments forward. Certainly, it has taken a very conservative view towards the quality of dental health care and it has consistently argued that if we allow less qualified people to carry out more complex dental procedures it will put patient care at risk, and that has consistently been its argument.

I do not criticise dentists for that argument. Personally, I would prefer that the dental profession was conservative rather than adventurous in its attitude towards health care. Nevertheless, I believe the statistics I have quoted quite clearly indicate that, given that fewer and fewer people are able to visit the dentist because of the costs, if we are to improve the dental health of the community we cannot avoid coming to terms with reform in the profession to ensure the greater use of para-professionals. I think those statistics clearly underline that fact.

I accept that dentists should be at the apex of the dental profession, and there is no doubt that the best dental care is highly desirable. As the report points out, there is no doubt that a number of people have taken inferior options in relation to tooth extraction because they have neglected their dental health care. In my view, and I am sure the dental profession's view, it would be better if people had not only greater preventative dental health care but also access to those procedures that were more likely to protect and prolong the life of their teeth. Again I make the point that those statistics show that cost is certainly a factor in deterring people from

having the very best of dental health care, and we have to come to terms with that as a problem.

In relation to the history of what were once referred to as clinical dental technicians but who are now called 'dental prosthetists', one of the reforms that comes through in this bill is the change to allow clinical dental technicians (or dental prosthetists as they are now to be called) to make partial dentures. Dental prosthetists in other states such as Tasmania have had this power since 1957. For many years attempts have been made in this state to enable dental technicians to make partial dentures. I believe some attempts were made as early as the late 1970s.

In 1993 I took this matter through to caucus and gave notice of introducing a private member's bill. Ultimately, it was introduced by the then Minister for Health, Martyn Evans, but the election intervened and the bill lapsed. My colleague Michael Atkinson moved a bill in 1994 or 1995 to give effect to the same measure, but that bill was not successful. In 1996, when I came into this place, I introduced a bill to enable dental prosthetists to make partial dentures. The bill was finally voted on in 1997, but the election intervened and that bill did not go through both houses. In 1998 the Hon. Angus Redford moved a similar bill which aimed to give dental prosthetists the right to make partial dentures. That bill ultimately lapsed as well. So all those attempts over more than 20 years failed because of the vigorous opposition that the Dental Association raised against this measure.

This change that was so vigorously resisted over many years is now part of the broader changes to the Dentists Act. I indicated at the time that I did not necessarily see that giving the right to dental prosthetists to make partial dentures was necessarily the best dental option. I have made the point consistently (and this applies to my own dental health, I might say) that, if people have the option of having teeth extracted or having very expensive work such as crowns, bridges or root canal treatment—whatever it might be—it is in their best long-term interests that they should have that kind of dental intervention. However, it is simply not financially possible for many people to afford that level of treatment.

I think the reality is that, because people do tend to avoid seeing the dentist for financial or other reasons, they do neglect the state of their dental health and that means that ultimately they have to have their teeth extracted, though not necessarily all at once. For such people the options then boil down to having partial dentures fitted. I think it is quite clearly recognised that dental prosthetists who specialise in this area are able to make dentures at a significantly lower price than dentists who, of course, have a much broader range of activities in their profession. They do not specialise in this one area. This is one of the changes that I welcome and one that has been a long time coming.

There are a few other issues in this bill to which I will briefly refer. First of all, there are some changes in relation to board membership. These reflect the outcome of the competition policy review. The membership of the Dentists Board is now to be increased to 13 members and there will be a much broader membership, reflecting the different parts of the dental profession that will now be included under registration. We certainly welcome that. Furthermore, there are moves to allow dental therapists to operate in the private sector rather than in the public sector, to which they have been hitherto limited.

On the whole, I believe that the changes to the bill are positive developments. Some of them, as I have indicated, are long overdue. If any criticism is to be levelled at this bill, it is probably that it is unlikely to go far enough. I notice that in some of these areas other states have gone further and have consistently been further advanced than South Australia. Nevertheless, these changes are welcome and we warmly support the second reading of the bill.

In conclusion, I indicate that I have two amendments on file. One relates to the definition of putative spouse and the other relates to the role of dental therapists. I will describe those amendments in greater detail when we come to the committee stage. We welcome, at last, the completion of the review of the Dentists Act and we look forward to debating these changes during the committee stage.

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

PROSTITUTION (REGULATION) BILL

In committee.

(Continued from 15 March. Page 1088.)

Clause 6.

The Hon. A.J. REDFORD: I wish to make a couple of comments relating to the debate that took place last Thursday week. In brief terms, the intent of my amendment is, first, that it enables a banning order to be made and, secondly, that an applicant can obtain a banning order if a court finds a reasonable basis to suspect that proper grounds for making the order exist unless the defendant satisfies the court to the contrary.

The Attorney raised the issue that this might constitute a reversal of the burden of proof. I responded to the effect that that is not uncommon in a number of areas where knowledge of the facts that might found such an order are peculiar to the subject or the defendant of such a banning order. There was extensive discussion about that. When we finished, it was suggested that I look at my amendment. I have done so, and I have had some preliminary discussions with parliamentary counsel.

One of the issues raised was that some people within the community might regularly and persistently seek to obtain banning orders without any merit and that that would defeat the purpose of this legislation. I propose to instruct parliamentary counsel to draft a clause which will have two effects. First, it will prevent vexatious applications. 'Vexatious' is a well understood term within the law. A good example of it is found in section 39 of the Supreme Court Act under which an application can be made so that, if a person has persistently instituted vexatious proceedings, the court can prohibit that person from instituting further proceedings without leave of the court.

My second proposal is that, if there is a second or subsequent application for a banning order by an individual within 12 months, that person must have either the leave of the court or the approval of the Director of Public Prosecutions. I apologise that I do not have an amendment to this effect on file, but I propose to have one prepared within the next day or so. So, I just put that on record.

I would like to make one point abundantly clear in response to what the Attorney said: that is, that the existing law allows nearly a full page of advertisements to appear in our daily newspaper seven days a week—to the great benefit

of Mr Murdoch and News Limited. It seems to me that, based on that, nothing in the existing law seems to stop that practice.

Those who argue that the current law is all right need only look at those advertisements. In response to my comments, the Attorney said that those advertisements were equivocal. I say this: the Attorney must be the only person in Australia who would pick up the newspaper and look at those advertisements and think that there was anything equivocal about what they were advertising. Those who support the status quo need to have a fairly careful look at the current practices, because they are less than satisfactory.

The Hon. CAROLYN PICKLES: I thank the Hon. Mr Redford for indicating his proposed amendment. We have had a brief discussion about this. This issue certainly worried me the last time we dealt with this clause, because I can imagine that there will be some people in the community who would use this rather loose clause continually to try to subvert the intent of the legislation, if it passes. I presume that we will look at the Hon. Mr Redford's amendment if clause 6 is recommitted.

The Hon. A.J. Redford: Yes.

The Hon. CAROLYN PICKLES: It is the intention to do that, so we will deal with that clause when it is recommitted. At that time, the amendment will have been prepared and we will have a good look at it. I think it goes some way towards alleviating my concerns, but I would still like to look at it.

The Hon. T. CROTHERS: As members would be aware, I recently had to spend some time off sick. In fact, it almost reached the 10 days when I would have needed the permission of parliament. That fact was widely known in this chamber. What was not so widely known, however, was that a colleague of mine was keeping me abreast of the bills and amendments that were coming into parliament. As members would know, I have always been a libertarian and always voted for prostitution bills, but my mind was sharpened, given the grace of those 7½ days that I had to spend in my sick bed at home and three weeks in hospital. So, as a consequence of that—

The Hon. Diana Laidlaw: You mean sharper than normal.

The Hon. T. CROTHERS: I know who was involved, but I would not point my finger at any leader in this place. The point is that it taught me a very good lesson, because I then examined those amendments much more specifically and carefully, as I will continue to do regarding all other bills than I have done previously. Some amendments have been moved successfully by the Hon. Mr Redford which give the police more authority to intervene—an authority I did not want them to have. I wanted civilians to police the bill and, if they had any problems, they could have gone to the police. It is an open secret.

It does not matter how good a police force you have: it is only as good as it can be even if it has one or two corrupt officers. We know from the Barry Moyse saga and Sergeant 'Silver Blade' many years before that our police, given the amount of power you have to put in their hands, can involve themselves in money making activities outside their jurisdiction. The bulk of our police are honest, but I certainly know of cases where police have been putting the heavies on madams in the brothels to get an odd freebie or where they have intervened in the brothels to get protection money—here and in other states.

So, having spent that seven days, which all members know about I am sure, in my illness (but certainly not enough to stop me from discharging my parliamentary duties, even if I was doing it from home), I have made a determination—and I say this because it will stop me referring to the Redford amendment to clauses 19 and 22. I will not be supporting this prostitution bill, in spite of the fact that I have always been very liberal in my support of these matters. Luckily enough, I had that time off, even though I was sick, as it gave me the opportunity—as Comrade Pickles acknowledged—to peruse the bill with a view to having a much deeper look at it than had always been the case when I only looked at the bill here. I am one person who has to deal with all the bills that come across this parliament as the Independent Labour member. I certainly will not be supporting this bill in its present form.

The Hon. Diana Laidlaw: What are you doing on this clause?

The Hon. T. CROTHERS: I understand that clause 3 is being used as a test clause: I am simply using that clause to save me from speaking again. I will not be speaking again, but I will not be supporting, because of the test clause and the amendments—

The Hon. Diana Laidlaw: On the police powers?

The Hon. T. CROTHERS: Yes; thank you very much.

The Hon. K.T. GRIFFIN: Unfortunately, I missed the contribution of the Hon. Angus Redford a few minutes ago, but I understand that he was suggesting that he might give consideration to a further amendment similar to a provision in section 39 of the Supreme Court Act to deal with the issue of vexatious applications. The only concern I have with that is that the clause actually allows vexatious applications and it tends to encourage rather than deter. I made the point previously in relation to the Hon. Angus Redford's amendment to clause 6 that I think there are major difficulties with what he is proposing. The fact that any person can make an application for a banning order suggests to me, as I said when we last considered this amendment, open slather for not just vexatious applications but those which might be related more to extortion or blackmail than to substance. There is a difference between those two forms of applications.

Regarding the reasons why there was in the bill a provision for the DPP or the Attorney-General to approve the making of an application, as I said on the last occasion, I am not particularly keen for the Attorney-General to have the responsibility. I probably said in somewhat of a throwaway context that maybe police officers are okay but, upon reflection, given the history of prostitution law, there will always be a temptation for a police officer applying for a banning order to perhaps do it in such a way that it exerts an undue influence over a person in respect of whom such an application is being made. From the viewpoint of the police and the prospect of suspicion, they are probably better out of that and it is best left to an officer such as the DPP.

The other point I previously made about the Hon. Angus Redford's amendment is that the burden of proof is quite extraordinarily low and I do not know of it applying in any other area of the law but, under proposed subsection (5), if on an application under this section the court finds a reasonable basis to suspect that proper grounds for making the order exist, the court must make the order unless the defendant satisfies it to the contrary, that is, that sufficient grounds to make the order do not exist. That is broad in itself, but the court must make the order if it finds a reasonable basis to suspect that proper grounds for making the order exist. I believe that in the context of any form of occupational

licensing type legislation there ought to be a sensible burden of proof when it comes to dealing with things like a banning order. Even if it was on the balance of probabilities rather than the criminal burden of proof—

The ACTING CHAIRMAN (Hon.J.S.L. Dawkins): Order! There is too much audible conversation in the chamber.

The Hon. K.T. GRIFFIN: —that would certainly be a more acceptable balance. I come back to the point I made when I first started my contribution on the committee consideration of this bill: ultimately, it comes down to a choice between, in a sense, the current law or some tightening up of the current law—a criminal approach—or the legitimising of the business, and one should not be confusing the legitimisation of the business by introducing all sorts of onerous provisions that would not apply if there was any other business to which similar provisions would apply. That is the choice we all have to make. It is either lawful and legitimate in terms of the business that is carried on and therefore you treat it like any other business or it is illegal. I therefore reaffirm my opposition to the amendment.

The Hon. DIANA LAIDLAW: When we started debating this clause a week and a bit ago I asked a number of questions of the Hon. Angus Redford, as the mover. I indicated—and I still hold that view—that I support community involvement in terms of the banning orders. I did not explain at that time, but I will now, that I have amendments on file relating to planning and brothels in residential areas and I think that, for that reason, it is particularly important that the community, as the Hon. Trevor Crothers has said, has some role in this matter. But I remain uneasy about the reverse onus of proof measures, and I have discussed this with the Hon. Mr Redford. I will support his amendment on the basis that he is looking at further amendments, but I have given no commitment to those further amendments. It may be that my unease (which is noted on, I think, at page 1083 of *Hansard* of 15 March, so I will not go over it again) cannot be reconciled and that, ultimately, I will oppose the measure altogether. But I think that it is worthy of being kept alive and looking at other potential amendments. Therefore, I will support—albeit with some misgivings—this amendment moved by the Hon. Mr Redford.

The Hon. SANDRA KANCK: It is pretty clear to me that, when we have gone through the process of amending this bill, we will have to pause at the end of the committee stage and have a look at this bill, because we will have to work out whether it is internally consistent, at the very least. So, obviously, different clauses will be recommitted. I am pleased that the Hon. Mr Redford has given the undertakings that he has, but I really want to see what it is that we will have—in other words, I want to see it in writing. For that reason, recognising that the bill, or at least parts of it, will be recommitted when we reach the end of the committee stage, I will vote against it and I will consider what the Hon. Mr Redford has to offer when it is there on paper.

The committee divided on the clause:

AYES (9)

Crothers, T. G	Elliott, M. J.
Gilfillan, I.	Griffin, K. T. (teller)
Kanck, S. M.	Lawson, R. D.
Lucas, R. I.	Schaefer, C. V.
Stefani, J. F.	

NOES (12)

Cameron, T. G.	Davis, L. H.
Dawkins J. S. L.	Holloway, P.
Laidlaw D. V.	Pickles, C. A.
Redford A. J. (teller)	Roberts, R. R.
Roberts, T. G.	Sneath, R. K.
Xenophon, N.	Zollo, C.

Majority of 3 for the noes.

Clause thus negatived.

The committee divided on new clause 6:

AYES (11)

Davis, L. H.	Dawkins, J. S. L.
Holloway, P.	Laidlaw, D. V.
Pickles, C. A.	Redford, A. J. (teller)
Roberts, R. R.	Roberts, T. G.
Sneath, R. K.	Xenophon, N.
Zollo, C.	

NOES (10)

Cameron, T. G.	Crothers, T.
Elliott, M. J.	Gilfillan, I.
Griffin, K. T. (teller)	Kanck, S. M.
Lawson, R. D.	Lucas, R. I.
Schaeffer, C. V.	Stefani, J. F.

Majority of 1 for the ayes.

New clause thus inserted.

[Sitting suspended from 6 to 7.48 p.m.]

Clause 7.

The Hon. T.G. CAMERON: I move:

Page 8—
Line 20—Leave out '$35 000' and insert:
$50 000
Line 23—Leave out '$35 000' and insert:
$50 000

The Hon. DIANA LAIDLAW: I will explain why I am supporting the amendments. Both amendments relate to penalties: the first amendment at page eight, line 20, leaves out a penalty of $35 000 and inserts $50 000, and the further amendment to page eight, line 23, leaves out $35 000 and inserts $50 000.

Amendments carried.

The Hon. A.J. REDFORD: I move:

Page 8, after line 23—Insert:

(2a) If a person obtains or seeks to obtain sexual services as a client from a sex business knowing that a person carries on or is involved in the business in contravention of a banning order, the person is guilty of an offence.

Maximum penalty: $20 000 or four years imprisonment.

(2b) If a person obtains or seeks to obtain sexual services as a client from a sex business knowing that a person carries on or is involved in the business in contravention of a banning order, the person is guilty of an offence.

Maximum penalty: $20 000 or four years imprisonment.

I think this amendment is straightforward but I am happy to go into more detail, if required. The amendment imposes similar sanctions on customers who breach banning orders as to the operators of businesses.

The committee divided on the amendment:

AYES (12)

Davis, L. H.	Dawkins, J. S. L.
Elliott, M. J.	Holloway, P.
Kanck, S. M.	Laidlaw, D. V.
Pickles, C.A.	Redford, A. J. (teller)
Roberts, R. R.	Roberts, T.G.
Sneath, R. K.	Xenophon, N.

NOES (5)

Cameron, T. G. (teller)	Crothers, T.
Griffin K. T.	Lawson, R. D.
Stefani, J. F.	

PAIR(S)

Lucas, R. I.	Zollo, C.

Majority of 7 for the ayes.

Amendment thus carried; clause as amended passed.

Clause 8 passed.

Clause 9.

The Hon. DIANA LAIDLAW: I move:

Leave out this clause and insert:

Application of Development Act subject to Division

9. (1) The Development Act 1993 applies, subject to this Division, to a development involving the establishment of a brothel or a change in the use of land to use as a brothel.

(2) Regulations under the Development Act 1993 that may apply to exclude such a development from the application of that Act are to be disregarded.

I will explain the provision in clause 9 and the division overall. I highlight that we are moving to the planning issues. This relates to the application of the Development Act to this division. The division applies only to brothels, not to escort agencies, because it is only in brothels that the premises of the sex business are used to provide sexual services. It is intended that applications for development approval for brothels are assessed by reference to the exclusionary criteria in the Prostitution (Regulation) Bill and then by the same assessment criteria that would be applied to any other development proposal under the Development Act. The reason for application for approval for brothels being subject to both legislative regimes is their historically illegal status which makes them unique and a special case for which there is no precedent in planning terms.

I have an amendment on file which is very similar in wording but very different in intention from one that is to be moved by the Hon. Carmel Zollo. My amendment relates to home activity and in effect means that home activity in the existing planning system cannot be used for brothels. This clause is essentially a stepping stone to clause 10, and is related to the small brothel issues and the developments involving brothels. I am not sure if I have helped members through this but very clearly it is my intention, in moving this amendment, that we remove, under the assessment of a brothel application under the Development Act, its consideration as a home activity.

The Hon. CARMEL ZOLLO: I move:

Page 8, after line 33—Insert:

(2) Regulations under the Development Act 1993 excluding developments from the application of that Act do not apply to a development involving the establishment of a brothel or use of premises as a brothel.

For members' information, 'home activity' means a use of a site by a person resident on the site that does not detrimentally affect the amenity of the locality or any part of the locality and that does not require or involve any of the following: assistance by more than one person who is not a resident of the dwelling; use whether temporarily or permanently of a floor area exceeding 30 square metres; the imposition on the services provided by a public utility organisation of any demand or load greater than that which is ordinarily imposed by other users of the services of the locality; the display of goods in the window or about the dwelling or its curtilage; and the use of a vehicle exceeding three tonne tare in weight. In other words, it allows up to two people, one resident and one non-resident, to conduct activity from their homes.

Essentially, it would mean that prostitutes could operate from private homes in any residential area without needing to seek development approval. Whilst I do not agree with the legalisation of the business of prostitution, I certainly appreciate that many would say that this is the better of two evils: that is one or two women working in a so-called cottage industry, quietly plying their business as opposed to brothel trade, as the minister has pointed out. However, the concern many have is: what is to stop a pimp or madam setting up a quiet business, making regular appointments and making a living for themselves by organising prostitution, all without development approval? It has been suggested that it could become a very enterprising business. There is nothing to stop an enterprising madam or pimp renting or owning several houses at any one time, perhaps in different names, and running a viable business, all of which would defeat the intended purpose of this clause of the bill to allow for the quiet home activity provision and remove the larger business prostitution aspect of the trade.

The development regulations of 1993 are further referenced in clause 10(a) of the bill whereby the current home activity test would mean that a brothel would not constitute development. As pointed out by the Local Government Association, this is a weakening of the existing Development Act home activity provisions. In correspondence received from the LGA, they have pointed out that the filed amendments of the Minister of Transport and Urban Planning reduce the eligibility criteria to just two elements: that is, no more than two prostitutes shall be employed or engaged in the sex business and that the total floor area shall not exceed 30 metres. The LGA believes that this grossly underestimates the possible impacts on adjoining properties.

For the reason that the LGA rightly points out—that it does not have a position as to whether prostitution should be legalised—it sensibly suggests a replacement clause that persons must be residents of a dwelling. I appreciate that the person being a resident of the dwelling would go some way in assisting, but the concerns of the surrounding neighbours would not go away. There are the concerns of car parking, vehicle movements and hours of operation. Some would say that all this can be dealt with under the Summary Offences Act should they occur, but I do not believe it is as easy as that. They are occurring, because a bit more than home activity is occurring. Like other honourable members, I have received correspondence from several councils, and I will take the opportunity of reading parts of that correspondence into *Hansard*. A letter from the City of West Torrens states:

It is with great reluctance that council accepted brothels being allowed in commercial/industrial areas, which would remove them from the proximity of schools and residential development, accepting that, if they were to be legalised, this was the only alternative for appropriately locating them. However, this most recent proposal, I understand, will enable small brothels to establish anywhere they wish by virtue of their activities not being subject to the requirements of the Development Act.

I am writing to you as a member of the Legislative Council and advise council, as a responsible level of government, is totally opposed to the changes that would inevitably result in severe conflict and impact on residential areas in our city. I ask that you support our position. . .

The following correspondence is from the City of Mount Gambier, a regional council, and it states:

The information forwarded to council suggests that a brothel could be undertaken as a 'home activity', that is, two prostitutes employed or engaged in the sex business could operate from a residential property. Council, on behalf of the residents of Mount Gambier, is extremely concerned about this proposal, as it is

considered that this is totally opposed to the intent of the legislation to encourage brothels in commercial and industrial areas, and not to locate and operate in residential areas.

The letter continues in the same vein. I received the following letter from the City of Holdfast Bay:

The City of Holdfast Bay has become aware of recent amendments to the bill which is currently being debated. It is understood that these amendments. . . will have the effect of defining a 'small brothel' as sex business(es) in which up to two prostitutes conduct business and that 'small brothels' will be exempt from the 'planning approval' process which the act seeks to establish. I would like to record most strongly this council's objection to such a provision. . .

The Local Government Association has expressed its concern as, indeed, have the local government councils themselves. If this clause is left as it is, it would be sanctioning the running of business, not home activity, without developmental approval, and I ask members to support my amendment.

The Hon. A.J. REDFORD: I move:

Page 8, after line 33—Insert:

(2) If, immediately before the commencement of this section (the commencement date), premises were being unlawfully used as a brothel and the use of the premises as a brothel continues without a development authorisation after the commencement date, the Development Act 1993 applies, subject to this division, as if the operator of the relevant sex business had carried out a development involving the use of the premises as a brothel on the commencement date.

This amendment is to be considered in the context of my amendments to oppose the transitional provisions. The amendment provides for applications to be considered by DAC prior to the commencement of the act. The second effect of this amendment would be to make operators of a brothel who do not have planning concept subject to penalties under the Development Act as though it is an unauthorised development. It also emphasises the fact that any illegal activity prior to the commencement of this act will not be protected by this act. My first point is that I oppose the transitional provisions.

An honourable member interjecting:

The Hon. A.J. REDFORD: I will deal with the clause in a minute, if you like.

An honourable member interjecting:

The Hon. A.J. REDFORD: I will elucidate it for you. The net effect of the clause is that any activity that is currently illegal will not be protected by the passage of this bill. In other words, if people are currently operating brothels or engaging in this industry illegally, they will gain no comfort from the passage of this bill if it subsequently becomes law. The net effect of that is that, until such time as this bill becomes law, there will be no encouragement for people to get into this industry.

The second aspect of this clause is that it will enable people who might want to get approval (subsequent to the promulgation of this bill and its coming into effect) to make an application to DAC prior to the legislation coming into effect. So, in simple terms, if you are breaking the law now, the passage of this bill will not protect you from any prosecution that might take place relating to your current activities.

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: My advice from parliamentary counsel is that that is not the case. That is why this clause has been drafted in this fashion.

The Hon. DIANA LAIDLAW: I might be able to help. The Hon. Mr Redford's amendment deals with a totally different issue from the one which the Hon. Carmel Zollo and I have advanced: that is, the DAC assessment process for a small brothel. The issues that have been raised by the Hon. Mr Redford, which I support, relate to the transition provisions and, in my view, should be numbered (3) not (2) and considered as a separate matter after we have dealt with small brothels. I think that might help the debate.

In terms of the debate, I did not advance the full issues that arise from my amendment to clause 9, as did the Hon. Carmel Zollo when moving her amendment to clause 9. Therefore, I would like to take the opportunity to put my amendment to clause 9 in a broader context. This should be read in relation to proposed new clause 10A, which I have yet to move. I seek to provide that, when a brothel application comes before the Development Assessment Commission, it will not be considered as a home activity. One of the reasons for that is that the current definition of 'home activity' under the Development Act provides 'the use of a site by a person resident on the site'. So, it applies to just one person using that site as a base for a home activity.

The bill provides that there should be two prostitutes using that site. I and many others who have considered this issue propose this because of the safety issues for people working in the sex industry. If we hark back to the second reading speeches, many of us spoke about the practice of escorts and the dangerous manner in which they must operate because they are alone. They may have a 'protector', but that person would not be present at the time. We are trying to redress what we see as unsavoury practices in the big brothel industries in Sydney and Melbourne and to encourage what is probably practised today (but is probably not an offence) down any number of streets in Adelaide, and that is the operation of a small brothel. If we look technically at a small brothel operation under the current definition of a home activity, we would be saying legally that that operation could have just one person, one resident only, on that site.

Related to this concern is the fact that if it is a home activity they must be resident on that site and cannot then have another site from which they would be operating. They may wish to choose to have another site, because at their residence they may have a child and may not wish to conduct their business from that residence. We believe that it provides the person in the sex industry with the choice of not conducting their business from their home base but having another base.

There is also a concern in terms of the definition of 'home activity' under paragraph (a) that the use of the site does not detrimentally affect the amenity of the locality. 'Detrimentally affect' I understand is a term that has never been tested through the courts, is exceedingly broad and could be addressed in a very subjective manner and lead to the harassment of a legal business. For those reasons, my amendment seeks to remove the current definition of 'home activity' as the definition for the Development Assessment Commission to assess a small brothel. I wanted to highlight very clearly my position in moving these amendments related to proposed new clause 10A. I could highlight to the Hon. Mr Crothers and others that we are seeking through this measure to learn from experiences where other states have moved on this matter before we have and we do not wish to repeat the worst elements of those earlier reforms. In the Adelaide or South Australian context we are looking at a smaller base, less obtrusive, safer industry overall. How can we structure that?

There are provisions in the bill whereby a small brothel or any brothel should not be within 200 metres of a church, a child-care centre and a whole range of things. I am quite relaxed with that, although I see an amendment on file by the

Hon. Mr Cameron to amend the 200 metres to 100 metres. Either way, I am relaxed with that. There are further amendments to be moved by the Hon. Carmel Zollo and pushed by the Local Government Association that would see no brothel in a residential area. What I find highly objectionable about the combination of the provision in the bill and any ban on a brothel in a residential area is that we would be setting up by design red light centres for prostitution in Adelaide.

I think that that is completely out of character for Adelaide and the way in which we would wish to see this industry operate. Let us take the seat of Spence, or possibly the Ashford area: there would be only a few areas in Adelaide where the zoning would be appropriate that a brothel was not in a residential area or it was not within 200 metres of a church, a child-care centre and the like. I think—

An honourable member interjecting:

The Hon. DIANA LAIDLAW: Well, it may be the Wingfield dump. But we know that throughout Adelaide and other suburbs these activities are now taking place. They will be illegal activities, notwithstanding any legal operation for prostitution, and we are not doing the right thing by the community by telling the businessmen of the eastern suburbs, or whatever, that they have to go to the electorate of Spence, or to Wingfield, to have whatever they want to gain from participation with a prostitute.

I think that we have to look at this issue very seriously. I have said before that I think in North Adelaide, where I live, it would be hard to determine whether it was student accommodation now or whether it was the basis for a low-key brothel operation. It does not disturb me in the area of lower North Adelaide, where I live. I suspect that most of the people there quite enjoy the cosmopolitan lifestyle. It is a mixture of people, including those with some considerable income who live up the hill from me, pensioners, students, widows and homosexuals. We have a mixed community. I think in that sort of environment it would be wrong to say that, because it is a residential area, a small low-key brothel could not operate, and that anyone who wished to utilise a brothel in preference to what they can easily access now in terms of an escort agency would have to go to certain red light areas in Adelaide. I think that that prospect is quite odious, and I would not be entertaining it.

I think that for those councils to push such a line, to say that they do not want a home-based activity in a residential area, knowing that by such a measure they would be, essentially, excluding all small brothels from their area but concentrating them in another council area, is a completely selfish attitude by local councils and the LGA. If it is a legal activity it can be accommodated as a small-based activity, with many of the measures and safeguards, including the banning orders that we have provided for, that give peace of mind and protection to local residents. That is the context for the amendment that I move.

I should acknowledge, in moving this amendment, that I was a little distracted about some issues with two prostitutes working at the one site when I explained this amendment, but I think that my words and context describe what I would wish to see from any legalisation of prostitution in this state, acknowledging the illegal activities now, the discriminating way in which that focuses on women and the odious and unsafe nature of the escort world.

The Hon. T.G. CAMERON: I am a little confused. We are debating clause 9, but most of the debate has been about clause 10 and new clause 10A.

The Hon. DIANA LAIDLAW: I can explain that, because the Hon. Carmel Zollo and I have amendments to clause 9 which are very similar—I think just a word different—but they have a very different effect when applied to clause 10. I wanted to be fair and place the distinction on the record. I did not do so when I first moved it but, when the Hon. Carmel Zollo explained her amendment to clause 9 in the context of clause 10, I thought that the committee was entitled to know where I was heading with this, which is a very different direction.

The Hon. T.G. CAMERON: I thank the minister for her explanation. It was not my intention to speak to this clause of the bill, but I cannot resist the temptation to get up and support the amendment standing in the name of the Hon. Carmel Zollo: the temptation is too great for me. I find myself in agreement with most of what the Hon. Carmel Zollo said in relation to a move to establish one or two person brothel operations anywhere that anyone might want to set them up.

I will briefly set out some of my reasons for supporting the amendment of the Hon. Carmel Zollo and opposing that of the Hon. Di Laidlaw. I do not think it is a very wise move to set up brothels where only one or two persons work. If you look at the Queensland experience you will find that it is probably just setting up these women to be murdered or bashed at some stage. A woman might be working in her own home and neighbours may not be aware of what business is being transacted. What protection does the prostitute have if she is confronted by a man who wants to rape her, bash her or even kill her? I think the model of setting up brothels anywhere that you want them to be—secretly, almost—will place those women in grave danger. I ask the minister to acquaint herself with the experience in Queensland, where I think something like nine or 10 prostitutes have been murdered since that state introduced a concept very similar to the one that she is looking at.

I also have concerns about the single or double person business operating anywhere in regard to what kind of standards might apply in relation to upkeep or what might be contained in that brothel. It seems to me that the main reason that the Hon. Di Laidlaw supports these brothels is that she is concerned that we might set up red light areas. If the amendment that I intend to move to clause 10 is not supported, in my opinion it would immediately lead to the possibility of red light areas being set up in suburbs close to the metropolitan area, but I will deal with that a little later. I think the fears that the Hon. Di Laidlaw has expounded in relation to the creation of red light areas could easily be avoided. I think there was a clause in the bill that I introduced which would have prevented brothels being able to set up next to each other. It contained a reference that consent would not be given for the setting up of a brothel, if, in the opinion of the development board (I think it was), it would create the impression that this was a red light area. That would have been very difficult to obtain.

What members would need to consider is the possibility—and I submit that it is a remote possibility—that we would create red light areas. That has to be balanced against what I see as the two main problems in relation to having these home activity—I think they were called—brothels set up. I do not like it and I am not prepared to support it—and I will support the Hon. Carmel Zollo's amendment—because I do not think it offers any protection to individual home owners. I mean, heaven forbid, could members imagine the quandary that we would have if someone decided to set up a brothel

next to the home of the Attorney-General? I can imagine that the Attorney-General would just about spin out of control if he discovered that there was a brothel set up—

The Hon. J.F. Stefani interjecting:

The Hon. T.G. CAMERON: The Hon. Julian Stefani interjects—and it was a point I had down here. But the first you might know about it is when you cannot quite work out why all the cars are calling at that house at all hours of the morning. There would be no restrictions. You could be living in a quiet residential suburb. There could be two prostitutes working out of a house. For those who are not familiar with the kind of volumes that can go through, that could mean anywhere between 100 and possibly 250 cars calling—

The Hon. J.F. Stefani: A day?

The Hon. T.G. CAMERON: No, not a day. Heaven forbid, Julian; we are only talking about two prostitutes, give it a break. You must be very quick, that is all I can say. Seriously, there would be no restrictions and these cars could be turning up at 1, 2, 3, 4, or 5 o'clock in the morning. There would be no signage on the house. You could imagine what short shrift someone would get if they woke up the Attorney at 2 o'clock in the morning and said: 'I am looking for a lady; have I got the right house?' I do not know whether he would point out to them that it is the house next-door and they should go there. One could imagine what sort of reaction you would get from the normally mild mannered Attorney.

The Hon. J.F. Stefani interjecting:

The Hon. T.G. CAMERON: The Hon. Julian Stefani interjects and says, 'What about house values?' I do not know that I would like to be living in one of these mansions that some prospective members of parliament live in that could be worth up to $1 million. I would not like to have a $1 million house at Springfield and have a brothel set up in a house next-door to it. You might have some difficulty in selling that property or getting an appropriate value for it. It is a question of weighing up the argument of the Hon. Di Laidlaw as to the possibility of whether we will create a red light area against, first, creating a potentially dangerous situation for the prostitutes; and, secondly and more importantly, creating a host of public nuisance problems associated with the fact that the clients will not be respectful of the peace and quiet in a residential area.

People who turn up at these brothels often do so drunk. You could imagine wheelies being done, horns being blown as they careered off. If they knock on the front door and a little sign comes up saying, 'Sorry, we are busy; come back in half an hour', they are just as likely to sit in the car and wait. You will have the neighbours across the road ringing the police saying, 'There is a suspicious looking person.' Some of this might sound a little funny, but we will be dumping the problems associated with all of this in the hands of the South Australian police force.

We will be giving them potentially difficult situations with which to deal. They will not know whether a brothel is operating in that house. They will have to knock on the door at 2 o'clock in the morning to find out what is going on. Imagine the surprise if it is a hoax call and some 75 year old pensioner opens the door and asks them what they are doing there. There are too many potential dangers with this proposal. In summing up, you are placing the prostitutes at grave risk. There would be no development controls, there would be no standards and, more importantly, you would be creating a situation where a brothel could be set up in any suburb anywhere. Provided it was not near a school, or what have you, brothels could be set up at Springfield or Burnside—you name it, you could set up one of these home activity brothels there.

I am not prepared to support this clause. I made my views known on this issue when it was discussed by the Social Development Committee. This is not about feminism. This is not about giving women rights. We have an obligation here to make sure that we protect society. Let me remind all members that I make no apologies for being a supporter of prostitution reform, but I will support reform only if it does not dump a lot of other problems on other people's doorsteps in quiet residential neighbourhoods, while at the same time giving the police a set of problems that would be untenable for them.

I ask members to consider this scenario: the police get a telephone call that the house next-door is being used as a brothel. It does raise the question of how the police set about investigating that. They would have to call at the house. It is not clear from the amendments that are standing in the name of the Hon. Di Laidlaw how one might deal with that problem. Are only two people allowed to work in that home activity residence? Could 20 people work, rotating through the place? The amendment gives the impression that 100 people could be rostered, but provided only two people worked in the house at any one time you would be operating within the law. What burden of proof would we possibly be laying in the hands of the police force as they attempted to do something about it? Were there more than two people there or—

The Hon. A.J. Redford interjecting:

The Hon. T.G. CAMERON: The Hon. Angus Redford should not talk about hypocrisy when it comes to this issue, otherwise we might put some of his hypocrisy on this issue on the record. He would be best not to accuse others of being hypocritical in relation to this bill. I am opposed to the concept of setting up these home activity brothels. I will not support the clause, and if it passes I will not support the bill.

The Hon. R.K. SNEATH: This has developed into a bit of confusion. We are dealing with clause 9 and, at one stage, the Hon. Minister for Transport talked about clause 18 and some amendments to be moved by the Hon. Carmel Zollo. I would like to ask a question of the mover of two of the amendments. First, I ask whether there is any reason why the amendment moved by the Hon. Angus Redford could not be fixed up in, perhaps, clause 10, allowing clause 9 to stand as it is currently in the bill? Also, could the amendment of clause 9, moved by the Minister for Transport, be satisfied in clause 10, allowing clause 9 to stand as printed? I certainly would oppose the amendment moved by the Hon. Carmel Zollo.

The Hon. T. CROTHERS: Thank you, comrade chair—

The Hon. A.J. Redford interjecting:

The Hon. T. CROTHERS: Mr Chairman, I ask you to give me some protection from the Hon. Mr Redford.

The Hon. A.J. Redford interjecting:

The Hon. T. CROTHERS: You are interjecting and I am on my feet.

The Hon. A.J. Redford interjecting:

The CHAIRMAN: Order! The Hon. Mr Crothers has the floor.

The Hon. T. CROTHERS: Thank you, Mr Chairman. I support the Carmel Zollo amendment, because it seeks to strike out the fact that these small mini brothels can stand alone. I support the concept that the Leader of SA First, Terry Cameron, has put forward. As I said earlier, this is again an involvement of police resources of some considerable

magnitude. Given the burgeoning number of crimes that the 3 500 police are confronted with in this state, I believe that their time and resources would be best spent on things that are done with much more criminal intent. Apart from when drugs are used in prostitution, or it is used as a front for drug distribution, then, as I have said before, I think the police should not be involved simply because I know of policemen who would be putting it on the working girls for a freebie or talking to the brothel madam—

An honourable member: They wouldn't do that.

The Hon. T. CROTHERS: —or the senior of the two girls. I am talking about Inspector Barry Moyse, who was gaoled for peddling in cannabis and has just been released from the Mount Gambier gaol. He was actively involved, and he was the head of the Drug Squad. He was even involved in the growing of cannabis around the Gawler River area.

I remember the previous head of the Drug Squad (a Scotsman called Sergeant 'Silver Blade') who was quietly removed. I am led to believe from police sources that he was removed for a similar reason but was never charged with what Moyse was found guilty. So, corruption can happen here. We are very fortunate in South Australia: given the powers the police have, we have very little corruption—unlike Queensland, New South Wales, and Victoria.

An honourable member interjecting:

The Hon. T. CROTHERS: Yes, but I am suggesting that—unless drugs are involved. Prostitution is not a crime in that sense in contrast to murder, robbery, armed robbery, and people breaking into houses and murdering people, which the police have to deal with. We are a state with limited resources and to involve the police in prostitution, which I do not think in general terms is a serious crime—

An honourable member interjecting:

The Hon. T. CROTHERS: In general terms. I understand that it can be used in respect to drug distribution and, if that is the case, the police should be involved. However, by and large it is not a serious crime and, if we are to maximise the efficient use of the police in this state, their resources would best be applied to areas of serious crime that very often put the lives of the citizens of this state into jeopardy. For all those reasons, I will be supporting the Zollo amendment and—

The Hon. T.G. Cameron: You've kicked a few goals tonight, Carmel.

The Hon. T. CROTHERS: I congratulate Terry—

The Hon. Carmel Zollo interjecting:

The Hon. T. CROTHERS: You will get a few more kicks before you have finished, if you keep going. I am not surprised that the well thinking and well meaning leader of SA First should take the stance that he has taken. I believe that he and Carmel Zollo are correct and I support her amendment and oppose what is presently in front of us.

The Hon. R.K. SNEATH: I asked a couple of questions of two of the movers of the amendments—the Hon. Angus Redford and the—

The Hon. DIANA LAIDLAW: I had intended to answer the questions after most members had spoken. My amendment is in two parts, which I understand will be moved. If it goes down, I would strongly recommend that the next amendment put by the Hon. Carmel Zollo be amended slightly to add the words included in the first part of my amendment.

Members will notice that the words 'or a change' are in my amendment but are not in the Hon. Carmel Zollo's amendment and that is a Parliamentary Counsel technical proposal. If my amendment goes down, the Hon. Carmel Zollo's amendment, slightly amended, may pass, at which stage we would have clause 9(1) and then we would be putting the Hon. Angus Redford's amendment which would be subclause (2) rather than putting the Hon. Angus Redford's measure into clause 10.

The Hon. R.K. SNEATH: I want to know why it could not go in clause 10. It seems to be related fairly closely to clause 10.

The Hon. DIANA LAIDLAW: It could, if the honourable member wanted it to, but clause 9 is general in terms of the application of the Development Act. Clause 10 is about consents to development. In terms of the application, we are simply making a reference to the transitional provisions applying to the application, so it is really the broadbrush, involving the transitional provisions and when the status of these brothels before they are assessed should apply across the umbrella provisions of clause 9. Technically, I am not fussed whether it is in clause 9 or clause 10: it makes no difference. The essence of what the Hon. Angus Redford wants to move in relation to getting rid of the transitional clauses is the most important matter. If the honourable member feels strongly about it, he can get the Hon. Angus Redford to agree and it can go into clause 10, but I think it sits better in clause 9.

The Hon. Carmel Zollo: They are two separate issues.

The Hon. R.K. SNEATH: Clause 9 looks better to me—short and simple. I certainly support the amendment of the Hon. Angus Redford, but I think it would look better in the bill in clause 10. I think there are a couple of opportunities to put it in clause 10 in relevant places, which the Hon. Angus Redford might consider.

The Hon. A.J. REDFORD: Quite frankly, I do not care where it goes in the bill, whether it be in clause 9, clause 10 or clause 150 so long as what I am seeking to achieve gets up. The issue I am agitating with my amendment is not the same as the matter the minister or the Hon. Carmel Zollo are advocating. There are two different issues for those avid readers of *Hansard*. I suggest to the honourable member that, rather than go into a flurry of drafting at this hour, we support my amendment and we recommit it, or he and I can have discussions over the next day and recommit it down the track.

If there is a better way of drafting it, so that it looks better and neater in clause 10, the honourable member will not find me dying in the ditch. I am not that sort of lawyer in the sense of which 'i' you dot and which 't' you cross, so long as the desired outcome is achieved. Perhaps I might suggest that we support my clause, and that over the next day the honourable member and I see Parliamentary Counsel and come back, if we can, with a better suggestion and recommit it. It looks like we may be recommitting other clauses in any event.

The Hon. SANDRA KANCK: I would like to pose a couple of questions to the Hon. Carmel Zollo about her amendments. I think what she is attempting to say through this amendment is that she opposes any home activity. Is that putting it in a nutshell?

The Hon. Carmel Zollo: In residential areas.

The Hon. SANDRA KANCK: In residential areas. Well, if it is home I guess it is residential. It is not entirely 'home'; I understand that. I would also like to know from the Hon. Carmel Zollo whether, if we were to support her amendment, she would then support the bill.

The Hon. CARMEL ZOLLO: I have already answered that on several occasions. No, I will not support this bill. My

intention was, as I have said before, to improve the bill that we have before us in case it does pass.

The Hon. SANDRA KANCK: I must admit to some bemusement as to how this actually improves the bill. Ultimately, this plays into the hands of the big, glitzy neon sign operators of brothels.

The Hon. Diana Laidlaw: And red light districts.

The Hon. SANDRA KANCK: And red light districts—exactly. I do not understand why, if she is opposed to prostitution per se, she wants to play into the hands of that style of operation. Quite frankly, it seems to me to be a peculiar thing to do, and I really wonder if the intention is some form of mischiefmaking. I certainly will not be able to support it and will be supporting the Hon. Diana Laidlaw's amendment.

The Hon. CAROLYN PICKLES: I support the amendment moved by the Minister for Transport. It seems to me that this is a sensible amendment. It is the whole raison d'etre, I believe, of having a concept of a small brothel, which is something that I have always supported. As for what goes on by way of nuisance, etc., it is quite interesting to note that when this bill was being debated in the House of Assembly one of the women in the sex industry told me how they had been operating a small, discreet brothel quite close to the home of the Hon. Anne Levy, a former member of this place. Anne was unaware that a brothel was operating close to her. She said that they were very quiet neighbours and she never had any problems with them.

I think that is probably the situation with most of the small brothels in South Australia. At one stage when I was dealing with a bill that I had introduced, I had a list from the then Vice Squad of where brothels were located in South Australia. They had quite a comprehensive list and I made a bit of a tour of Adelaide at the time to find out where these were. Most of them were in residential areas, and most people were unaware that they operated.

It seems to me, as the Hon. Sandra Kanck has indicated, that it would be playing into the hands of the larger brothel owners, some of whose activities, quite frankly, leave a lot to be desired. I have always preferred to support what I term a cottage industry, as long as there are safety measures—and I believe these are implicit in the bill. I will be supporting the amendment moved by the Hon. Angus Redford. I do not really care which clause it goes in, as long as we support it.

The Hon. A.J. REDFORD: I was not going to say much on this clause but there was some challenge from the Hon. Terry Cameron that he was going to call me a hypocrite. I am not sure how he was going to do that, but I invite him to do so. I will put it in very simple terms. The Hon. Terry Cameron has said in his contribution that he does not like increased police powers, and the fact that we were going to increase police powers put a big question mark over whether or not he would support the third reading of this bill.

Then, in his argument in support of the Hon. Carmel Zollo's position he says, 'Of course, the big problem is if you allow all this sort of thing in the police will not have the power to do it.' He cannot have his cake and eat it too. The reality is that he opposed increased police powers—and unfortunately for him he was unsuccessful in that opposition. He then cannot turn around and argue in favour of the Hon. Carmel Zollo's proposal on the basis that the police do not have enough powers, because we have given the police sufficient powers to deal with it.

An honourable member interjecting:

The Hon. A.J. REDFORD: Yes, and the honourable member put his cards right on the table when he came in today—and I am grateful for his frankness—when he said that, because we are giving the police increased powers, as we did the other night, if this bill should be ultimately successful he will not support the bill. When we start to add up the numbers, if I was putting a bet on this bill I would suspect that it does not have a great future. I support what the Hon. Carolyn Pickles and the Hon. Sandra Kanck have said. With the Hon. Carmel Zollo's amendment, if this bill is successful—and, given the comments of the Hon. Terry Cameron and the Hon. Trevor Crothers, I doubt very much whether it will succeed—there will be only one form of this industry, and that will be a red light district. I know that is consistent with the bill that was introduced by the Hon. Terry Cameron in 1997.

But if there is to be this industry—and the reality is that there is this industry—most people, on either the 'No' side or the 'Yes' side, would prefer it to be done in a very quiet and unobtrusive fashion and in the absence of a red light district. If the Hon. Carmel Zollo's amendment succeeds, there will be only one manifestation of this industry, and that will be a red light district. That will make some of the evils that we currently live with, such as a page of advertisements in the paper every day, pale into insignificance.

The Hon. CARMEL ZOLLO: I just wish to clarify something for the Hon. Sandra Kanck. The intention of my amendment is that 'home activity' that involves prostitution should not be an activity that is excluded from development applications. Perhaps that will help the honourable member further as well, rather than saying that I am just being mischievous.

The Hon. P. HOLLOWAY: I intend to support the amendment. When we had our second reading debate on this I made the point that the current bill under which prostitution operates is certainly far from perfect. It is antiquated. However, it does have at least one advantage. Under the current act if brothels are operating in the suburbs—and they are; we would be silly if we said that they were not—they are illegal if they start creating a nuisance it is possible that they can be shut down straightaway. In spite of all its flaws, that is one of the reasons why I prefer the current act to the bill put before us.

Under the current act, if we are to have these brothels in residential areas and they create a nuisance, at least something can be done about them. I fear that, if we permit brothels to go into the suburbs, they will then lose the incentive not to be noisy and not to cause problems. At that stage, there will not necessarily be a lot we can do about it. I know there are provisions later in this bill that relate to nuisance, but they have almost no chance of working. While an activity is illegal there is at least some chance that just the police presence will act in a way to get rid of or deter that activity. The risk is that we will lose that.

An honourable member interjecting:

The Hon. P. HOLLOWAY: As I said, our current laws are far from perfect, but at least they do have that advantage, and it is for that reason that I intend to support the amendment moved by the Hon. Carmel Zollo.

The Hon. K.T. GRIFFIN: Planning law is an absolute maze. It is one area which I have tried to understand but which, frequently, I have been unsuccessful in doing so.

The Hon. Diana Laidlaw: And sometimes you even feel some pity for me, don't you?

The Hon. K.T. GRIFFIN: I feel a lot of sympathy for the Minister for Transport and Urban Planning because you cannot win. As I understand it, we are trying to remove brothels from the normal planning process and make them subject to a decision of the Development Assessment Commission. As part of that, the law presently provides that, if you have a home activity (as defined in the act) that is carried on from your residence (apart from prostitution), it is lawful, but if you—

The Hon. Carolyn Pickles interjecting:

The Hon. K.T. GRIFFIN: Yes, it is lawful and, if you create a nuisance, the general laws relating to noise control, nuisance and otherwise will apply to that activity. I have a lot of sympathy for the amendment proposed by the Hon. Carmel Zollo and the views of the Hon. Mr Cameron, because I agree: I would not like to have these sorts of activities next-door to me. However, let me put it in this context—and I come back to what I said earlier. We have a clear choice: either an activity which is illegal or, if the bill passes, an activity which is lawful.

If it is lawful, what is the justification for treating it differently from any other lawful business? That is the issue that has troubled me as I have addressed a number of these amendments. It might seem a bit strange that, in the light of my view about prostitution legislation, I might actually support amendments that go to the essence of the issue: that is, if it is to become a lawful business why do we put additional controls on this lawful business which we would not put on others? That is the context in which I have tried to look at this issue.

If one looks at it in that context, it seems to me that, notwithstanding the fact that my heart says that I do not want to have these places next to me as either a home activity or otherwise, I have no option but to come down in a purist line, I suppose, and ask: why do we treat them differently? In those circumstances, the amendment which the minister is moving maintains that status for a lawful business. In terms of the Hon. Mr Redford's amendment, it is really just a consequence of—

The Hon. P. Holloway: You can't sell cars from your front yard if you are in a residential area.

The Hon. K.T. GRIFFIN: No, but there is a home activity exemption.

Members interjecting:

The CHAIRMAN: Order!

The Hon. K.T. GRIFFIN: Under the Second-hand Motor Vehicle Dealers Act you cannot sell more than four vehicles in a year.

The Hon. P. Holloway: There are limitations.

The Hon. K.T. GRIFFIN: There are limitations, but where do you draw the line? The Hon. Carmel Zollo says that you draw the line up here so that everything has to go through the Development Assessment Commission; the minister says that you draw the line here and, if an amendment is made to modify the definition of 'home activity', that is where it ought to be. I do not like that, but as a matter of principle that is where we have to go. It is not for me to tell others how to vote, but that is where I think I should go in terms of maintaining a consistency of approach. As for the Hon. Angus Redford's amendment, it is really about transitional issues, and consequential upon his amendment passing is a proposition that he will put later with respect to schedule 1—that it be deleted. It is either one or the other. There are some difficulties with not having transitional arrangements in place but again that is a matter of judgment.

The Hon. R.I. LUCAS: If the Attorney-General has problems with planning law I certainly have a problem with planning law. I have a question for the minister for planning, if she or her adviser could help. If the Hon. Carmel Zollo's amendment is successful, will it stop small brothels in residential areas?

An honourable member interjecting:

The Hon. DIANA LAIDLAW: No, it would require, as the Attorney was pointing out, that every small brothel would be required to go to before DAC for planning approval. This relates to the Attorney saying that this is where the Hon. Carmel Zollo wants everything before DAC, right up to the top. I have suggested that smaller brothels not require DAC planning approval, but then banning orders and a whole range of other provisions in the bill, which the Hon. Angus Redford was seeking to tighten, would come into play. There are protections in relation to brothels that could be set up, as can other home-based activities today, whether it be carpentry, shops, plumbing or a whole range of things that can be run as a home activity without planning approval. I am seeking simply to amend the definition of 'home activity' so that it still would not require planning approval but would mean that a prostitute would not be required to work from home for it to be a small brothel.

If we just allow it to be a home activity in terms of the regulation now, it would mean that they would have to work from home and not seek planning approval. That is what I am trying to get rid of so that, if they have a child at home or if for some other reason they may not wish to work from home, it is still a small based activity and should not require formal planning approval.

The Hon. R.I. LUCAS: I thank the minister for that. If the legislation is successful with the Hon. Carmel Zollo's amendments, all these applications for a legal small brothel in a residential area will have to go to DAC. My knowledge of DAC has been in relation to major developments.

The Hon. Diana Laidlaw: Also for non-complying.

The Hon. R.I. LUCAS: Right. This would mean that every application for a small residential brothel would have to go to DAC. There is the issue then of the practical implications of that. On what basis would DAC say 'No' to an application for a small residential brothel? What would be the criteria? If it is a legal activity, as long as they do not have other than one or two workers at a home and do not have signs and whatever else it is, upon what basis would DAC say no to an application for a small residential brothel?

The Hon. DIANA LAIDLAW: There is a bit of both here, and that is why this area (it depends on how the vote goes later in terms of clause 10) may have to have some adjustment. The bill, as it came to us from the other place, has some controls. The amendments that I have on file have further controls in terms of the Development Assessment Commission's assessment of brothels.

The Hon. R.I. LUCAS: Can the minister give an example of why DAC would say no to an application? What is the sort of thing that DAC would look at and say, 'No, we will not approve it'?

The Hon. Diana Laidlaw: From a church?

The Hon. R.I. LUCAS: No, next-door to a house in a suburban street.

The Hon. DIANA LAIDLAW: It can impose conditions in a case that would be seen to involve inappropriate behaviour. I refer the honourable member to the banning orders. When we were dealing with the banning orders (and I do not have the amendments before me), as I remember, there were

provisions there which defined inappropriate behaviour where a banning order could apply, and DAC would say, 'This is inappropriate behaviour', as a condition of approval.

The Hon. R.I. LUCAS: How do you get a case of inappropriate behaviour if you are just opening up your business? You are living in a residential street, you have decided to go into the legal business of being a small residential brothel, you are not near a church or anything like that and you have not engaged in any inappropriate behaviour that would cause you to be banned; you just want to open your business and start. I am just trying to understand on what basis (I am happy to have a response from the Hon. Carmel Zollo, anyway) DAC would ever say that you cannot establish a small residential brothel in a suburban street.

The Hon. Carmel Zollo interjecting:

The Hon. R.I. Lucas: No, I am not wanting to know whether they exist, but on what basis they would say no.

The Hon. R.K. SNEATH: I have a question for the Attorney-General. If the Hon. Carmel Zollo's amendment did get up and DAC was in control of approval, what chances does the Attorney-General think that a home sewing set-up would have in obtaining approval over a legalised home brothel?

An honourable member interjecting:

The Hon. R.K. SNEATH: My question was directed to the Attorney-General.

The Hon. K.T. GRIFFIN: I am not the minister for ordering—

Members interjecting:

The ACTING CHAIRMAN (Hon. J.S.L. Dawkins): Order!

The Hon. DIANA LAIDLAW: I am happy to answer the question.

Members interjecting:

The ACTING CHAIRMAN: Order!

The Hon. DIANA LAIDLAW: I have been seeking advice. This matter would not normally come before DAC, because small activities do not. This is all new territory for everyone.

The Hon. R.I. Lucas: Including DAC, I would suspect.

The Hon. DIANA LAIDLAW: It would be—and I am about to possibly look for a new chairperson and a new board for DAC, and I am wondering who I will get, if you give us small brothels as well, let alone brothels overall.

The Hon. R.I. Lucas interjecting:

The Hon. DIANA LAIDLAW: Yes. I am advised that, while this would be foreign new territory for DAC, it would look at the same issues that it would look at in terms of any such application—issues such as parking, visual issues, size—the general issues. It is pretty broad, in terms of its independence, as to what DAC can impose as a condition of an application.

In my experience, it can vary on the basis of the submissions that are received in response to that application if community advice or whatever is sought. If issues—environmental or others—are raised, DAC has the licence to determine that that could be a condition. But it has some measures that it sees as standard planning matters, and it would also respond, if it thought the situation was grave enough, to other matters raised through the consultation process.

The Hon. R.I. LUCAS: I was almost seduced by the superficial attractiveness of the proposal by the Hon. Carmel Zollo. As I indicated in my second reading contribution, one of the areas about which I have significant concerns is the issue of brothels in residential areas generally. It is not just the issue of small residential brothels, but I highlighted in my second reading contribution the circumstance, as I understand it, where an industrial zone or a commercial zone—I forget the exact term—is separated by a road from a residential zone, and legal brothels can be across the road from family homes, separated only by the road that designates the difference between the residential zone and the industrial—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: It might be a boundary or it might be a road. So, while we are obviously talking here about small residential brothels, there is the concern that I highlighted in my second reading speech where a family home may be across the road from commercial premises, or whatever it happened to be. If this legislation is passed, those households will be potentially living across the road from legal brothels, even under the framework that we have. I will return to that issue in a moment.

I thought the Hon. Ms Zollo's amendment was going to stop small brothels but, having just listened to the explanation—as I said, I am not a planning expert—it will do nothing of the sort. All it means is that they will go to DAC, and my experience of DAC is—and I think the minister has outlined this—that it may well put planning guidelines on it. If I want to open a brothel next-door to the Hon. Mr Terry Roberts' house, wherever he happens to live, and it is a new activity for me in terms of that particular household brothel, DAC may well say, 'Okay, you have to do this; you have to do that; and you cannot have a red light flashing,' or whatever it might happen to be. These are the sorts of planning restrictions.

However, I cannot envisage any circumstance where DAC would say no to the small brothel. In the end, there may be other provisions to cover inappropriate behaviour. I do not understand the details of banning orders and all those sorts of things, but there might be further planning restrictions. However, if you are talking about establishing a small residential brothel, on the basis of what I have heard so far, I cannot envisage that DAC will ever say no. DAC may well put a range of conditions on it and say, 'You must not do this and you must not do that.'

So, as I said, I was almost seduced by the superficial attractiveness of the Hon. Carmel Zollo's amendment because I thought it was going to stop small residential brothels. However, the more we listen to it and the more we hear explanations as to the practical implications of it, in reality, it just means that there will be a few more layers of bureaucracy but in the end you will still have small residential brothels.

Frankly, it will mean that DAC, which is a body that should be handling major developments and other things that the minister has pointed out, will be spending three quarters of its waking existence looking at applications for small residential brothels. I indicated, I think in my second reading contribution, that in Victoria there were some 1 200—I forget the exact term used for it—home based brothels, basically. Some of the Victorian research suggests that there are 1 200 registered one-woman sex businesses in that state.

One would assume we would not have 1 200. Obviously, you would assume, we will have many hundreds of registered one and two person brothels in residential areas in South Australia. Working on that rough order of magnitude—Victoria is three or four times larger than our population—we might have, if we are only working pro rata, maybe 300 or

400 registered, legalised, small residential brothels spread all over metropolitan Adelaide and country South Australia.

The Hon. T.G. Roberts: With our ageing population, it might be fewer.

The Hon. R.I. LUCAS: I am not sure. Is the honourable member suggesting something about older South Australians; that is, they are not interested in this particular area? I certainly would not make that assumption, but I will not be diverted by interjections from the Hon. Terry Roberts. The concern I have remains in relation to the bill. Basically what we have in the amendment from the Hon. Carmel Zollo is not a mechanism to stop small brothels. It really is just a mechanism for further layers of bureaucracy and, as the Hon. Carmel Zollo said, it may well mean that you know where they are. That is not what I am driving at in relation to the legislation—

The Hon. Carmel Zollo interjecting:

The Hon. R.I. LUCAS: In the end, it would appear that supporting the Hon. Carmel Zollo's amendment will not stop small brothels. As I said, it will provide another layer in the bureaucracy in terms of getting through. My guess will be that, if the amendment was to get up and if the bill passes, all we would see is a continuing process—which eventually DAC would probably streamline I suppose just to survive—of approvals with some conditions for the operation of a brothel in a residential area. I indicated in my second reading contribution that, up until the time it actually came to the Legislative Council, this issue of brothels in residential areas had not been debated at all in the House of Assembly.

In the rather peremptory way in which the House of Assembly debated this whole bill this critical issue for many South Australians was not addressed at all, when you look at the debate in that house. Frankly, many issues were not debated in the House of Assembly as they rushed the legislation through in an extraordinary fashion. It has really only been as a result of the debate in this chamber, both the second reading debate and the committee stage, that this important issue for many South Australian home owners, families and councils has been properly aired, in terms of trying to ensure that people at least know what they will get if this bill passes out of the Legislative Council.

I suspect that, pro rata, if in Victoria 1 200 registered one person sex businesses or brothels is the go, we will get roughly our equivalent share of that in South Australia, spread around residential areas. We will have also an example, which I mentioned before, of a dividing line between a residential zone and a commercial industrial zone; that is, those people who live in those homes will face the prospect of having legalised brothels across the road from their home and their children. The novel thought about all of this is you cannot have a brothel within 100 metres or 200 metres of a school on the basis that there are children there, but you can have a brothel next-door to someone's house where they have two, four, five or 10 children.

What is the difference for the children who attend Sunday School on a weekend once a week (or whatever it might happen to be), because you cannot have it within 100 metres or 200 metres of a church, depending on various amendments, yet it is appropriate to have a brothel across the road separated by 10 metres of roadway from your children, or it is appropriate to have hundreds of these small home based brothels in residential areas throughout South Australia right next-door to your children?

I know that part of the response will be, 'We already have them in some areas', but we are talking about giving parliament's moral legitimacy to prostitution. We are giving a stamp of approval to an activity, to a business, that can be conducted legally in these areas on all occasions. That is the difference for some of us. I accept that my views are not shared by many others in the chamber, but that is the view of many of us. Ultimately, the majority in the parliament, if this bill passes the third reading, will give the stamp of moral legitimacy and approval to this operation. In the past, brothels have been located in residential areas, but they have been illegal—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: They still are but, in the end, as we have seen, research has shown a significant growth in registered one person businesses in Victoria. We will see a significant growth in legal small businesses conducting brothels in residential areas. I conclude by indicating that I do not support the whole bill, and everyone knows that, and I do not support this particular aspect. I think that, as more South Australian home owners become aware of this, there will be more opposition to this aspect of the legislation. I instance the very effective campaign conducted by the Labor Party against one of our former colleagues in the Legislative Council, Bernice Pfitzner.

The Labor Party, through Michael Atkinson, in a residential area in the western suburbs distributed quite inflammatory leaflets saying that the Liberal Party wanted brothels next-door to the home owners in the electorate of Spence because the Liberal Party did not want them in the eastern suburbs. Michael Atkinson and the Labor Party generally campaigned very effectively—

The Hon. Carolyn Pickles: Not true.

The Hon. R.I. LUCAS: It is true; it is absolutely true and you—

The Hon. J.F. Stefani interjecting:

The Hon. R.I. LUCAS: Exactly, every Greek Orthodox resident and all of the residents in that area were subjected to a very effective and politically clever campaign sanctioned by key people in the Labor Party, because Michael Atkinson did it with the authority and knowledge of the Labor Party. They ran a very clever campaign, which was very distressing to my former colleague Bernice Pfitzner. Frankly, in that particular case it was quite untrue. We have the situation now where a number of members in the House of Assembly are supporting exactly the sort of thing that Michael Atkinson in the Labor Party, with the support of his leadership—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: It did him a lot of good because he keeps telling us that his votes have gone into unheralded numbers.

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: Tom Koutsantonis and others. We have a situation where a number of members in the House of Assembly have supported this sort of legislation because, in the past, Michael Atkinson conducted a very clever and destructive campaign. I highlighted that point in my second reading contribution, and I highlight it again in indicating my strong opposition to the whole notion of small brothels, medium-sized brothels or big brothels anywhere near home owners and households in South Australia.

As I said, I oppose the total legislation and will vote against the third reading whatever happens; but I believe that this particular aspect will be horrifying to many South Australians over the coming 12 months when they become aware of what some members of parliament have wanted to

impose on those electorates and households during this prostitution debate.

The Hon. CARMEL ZOLLO: At the risk of confusing matters further, when I looked at the minister's amendments I had in the margin 'Support the minister's bottom part' which is similar to mine. I had written 'Same effect as mine. However, will then be in the hands of DAC.' I gather that the minister has just confirmed tonight that that would be the alternative. Is that correct? The Treasurer has just said that 'home activity' would then be treated as a development and would end up with the Development Assessment Commission. Is that correct? These are notes that I made for myself several weeks ago.

The Hon. Diana Laidlaw: Yes.

The Hon. CARMEL ZOLLO: As it has the same effect as my proposed new clause, I could withdraw mine. However, of course, I will not support your proposed new clause 10A. If that is understood, the minister's proposed new clause 9(2) has exactly the same effect as my amendment. If that is clear, and it is correct—from the wise counsel of Parliamentary Counsel—I am happy to withdraw my amendment because it does have that effect. However, of course, I will not be supporting proposed new clause 10A later on.

The CHAIRMAN: The honourable member should seek leave to withdraw her amendment.

The Hon. CARMEL ZOLLO: Before I do that, is that understanding correct? Do those amendments have exactly the same effect?

The Hon. DIANA LAIDLAW: It does the same thing.

The Hon. CARMEL ZOLLO: The minister is also confirming that it would have to go to the Development Assessment Commission, or some sort of—

The Hon. DIANA LAIDLAW: No, because my amendment is related to proposed new clause 10A, which means that it does not go to DAC.

The Hon. CARMEL ZOLLO: Perhaps it might be best dealt with differently then.

The CHAIRMAN: The honourable member has the call and should either seek leave to withdraw her amendment or leave it in.

The Hon. CARMEL ZOLLO: So, I should withdraw my amendment—

The CHAIRMAN: As long as the honourable member does not need the minister here, I will call another member.

The Hon. T. CROTHERS: I direct a question to the Hon. Mr Lucas. I had intended to support the Zollo amendment but he has put a position worthy of consideration in respect to not supporting the Zollo amendment by assuming that that happens because, in his view, the Zollo amendment does not make absolute provision for having brothels in residential areas, and he will vote against that.

What is his position with respect to clause 9? On the surface of it, this amendment of Zollo's is to clause 9. Obviously, the honourable member has moved it because she believes clause 9 allows for the type of brothel that the Treasurer is opposing to occur in residential areas. Will the Treasurer therefore oppose both the Zollo amendment and clause 9 as it is printed? I would be very appreciative if the Treasurer could answer that question.

The Hon. R.I. LUCAS: I am struggling to handle this one amendment at a time. I was trying to understand the Hon. Carmel Zollo's amendment and had to seek advice from the minister and her advisers. I will need to take advice from ministers and the Attorney-General, but my position is as I have outlined it: that is, I am opposing the whole bill. I am also opposing provisions which will allow brothels in residential areas. In the end, if that means that there are a number of other clauses—as the Hon. Mr Crothers has indicated, he spent 7½ days on his back reading the legislation and understanding it in some detail—that I have to oppose I will have a look at that as well, and listen to the debate. As I have explained, I start from a position and a premise: I will not go over it again. There may be some other clauses that I may have to oppose as well.

The Hon. T. CROTHERS: The Hon. Carmel Zollo's amendment seeks to prevent two-person brothels in residential areas. If the Hon. Mr Lucas opposes the Zollo amendment—her amendment to clause 9 would appear to me to allow for brothels in residential areas—he makes no logical sense at all in giving that smart answer he has given me. If we vote out the Zollo amendment, and the Hon. Mr Lucas is opposed to brothels in residential areas, will he then oppose clause 9, which on the surface—

The Hon. DIANA LAIDLAW: No, he will support clause 9.

Members interjecting:

The CHAIRMAN: Order!

The Hon. DIANA LAIDLAW: I think a few wise words have been spoken by the Attorney-General and the Treasurer tonight when they indicated the complexity of planning law.

The Hon. T. Crothers interjecting:

The Hon. DIANA LAIDLAW: Wait a moment; if you could be quiet for a moment I think I could help you through this. The Hon. Carmel Zollo has done us all a favour by indicating she will withdraw her amendment. Let me in the simplest terms just recap where we are with the bill as it came from the House of Assembly. The House of Assembly excluded brothels from residential areas, but it did not take note of the planning law which provides an exemption in terms of home-based activity in residential areas.

My amendment and the Hon. Carmel Zollo's amendment, but for different reasons, get rid of that exemption and provide some form of scrutiny. We come to that conclusion for very different reasons which are addressed in proposed new clause 10A. If the honourable member does not like my reasons he can vote against clause 10A, but all members should vote for what—

The Hon. T. Crothers interjecting:

The Hon. DIANA LAIDLAW: That is why we have been on our feet for some time explaining the context of clause 9 in relation to new clause 10A. The honourable member would then indicate that he is supporting this provision on the basis that he is opposing clause 10A.

The Hon. T. CROTHERS: I do not know; I have not heard the explanation for proposed new clause 10A.

The Hon. DIANA LAIDLAW: I gave an explanation at some length earlier, and I will not go over it again now. This debate is essentially on proposed new clause 10A and I think we all are in agreement—

The Hon. Carmel Zollo interjecting:

The Hon. DIANA LAIDLAW: You have changed your mind again.

The Hon. Carmel Zollo interjecting:

The Hon. DIANA LAIDLAW: I have explained it, but for some reason now perhaps the amendment may not be withdrawn—

An honourable member interjecting:

The Hon. DIANA LAIDLAW: I think it is unwise to seek an adjournment. We should try to clear it up tonight and at least get clause 9 out of the way.

The Hon. T.G. ROBERTS: I think this process is the wrong way around. A number of members are making contributions to refine a difficult bill which was given to us by another place and which on some contributions was not debated enough to get the detail clear for us in order to make any decisions on it without the acrimony we are experiencing. One of the contributors intended to look at making some amendments but to vote against the bill in the final stages. I know that a number of other members are going to do the same thing. The process we are going through now is a farce.

As I understand it, the numbers are not there for the bill to pass. I have been in this chamber for some considerable time, and in every session members introduce a bill into this chamber in relation to trying to get well-intentioned amendments to legislation that we already have on the statute book so that we have a humane application of legislation that protects the interests of those working in this industry. Every time there are individuals who make sure that that process is aborted. I have no problem with that, because that is what democracy is all about. However, it would be interesting if those people indicated their positions straightaway. And those people who mischievously introduce and support bills through certain stages for their own reasons, whatever they are, do not do this parliament any good, either, because every session we waste time debating an issue that the public knows we will not grapple with and come away with a reasonable solution.

When members make contributions and obviously have no intention of coming to a solution, the only way such a difficult problem can be dealt with is to refer it to a committee that has the intention of producing a draft that is close to a final position based on the input of people of goodwill who want to support and pass a bill. There may not be enough people in a particular parliament to do that, so—

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: No, I am not saying that. I think there are ways in which it is possible to get a better indication than we have now. We have a minister who has the goodwill to try to steer a bill through, with the undermining of that position being made clear through members' contributions. I think the hypocrisy should be cut short by those people indicating whether or not they are going to support the bill.

The contribution made by the Treasurer in relation to a payback, if you like, for the Hon. Michael Atkinson's behaviour in his electorate—and I can understand how you feel, because you have exposed it—

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: No. You have expressed an opinion that the hypocrisy shown in relation to that single position illustrates that where a political payback is concerned and political points—

The Hon. R.I. Lucas: It's all right for Atkinson, is it?

The Hon. T.G. ROBERTS: No. I am not agreeing with what he has done.

The Hon. R.I. Lucas: You disagree with that?

The Hon. T.G. ROBERTS: Certainly I disagree with the tactics if they are—

The Hon. R.I. Lucas: You didn't at the time.

The Hon. T.G. ROBERTS: I was not aware of them. There is another objection to the minister's broad-based statement in saying that it was a party position. It was not a party position. Rather, it was an individual member within a party and, as it is a conscience issue, I let him do whatever he likes in relation to his own conscience, as long as it is within the law. I was not consulted about his tactics.

When people of goodwill have to put together a bill that makes sense to the general public, it is incumbent on us to be honest enough, particularly in the final stages—

The Hon. T. Crothers interjecting:

The Hon. T.G. ROBERTS: Point them out! Point them out. We get back to a position where the honourable member states that 300 or 400 houses could be used in inner suburban areas. They are already being used in that way now; they are out there. I do not see the honourable member doing what the Hon. Mr Atkinson has done. Why are you not out there telling the people of South Australia that there are 400 brothels in suburban houses? Why does the honourable member not have a leaflet circulating?

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: You are prepared to stop the bill in this chamber but you are not prepared to argue your case in the public arena at the moment.

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: Some people have, but other people are changing their mind. That is the problem we have. So we waste a lot more of people's time. I have just wasted another 10 minutes of everybody's time with my contribution. But I think an honest position should be put forward by those people who are going to oppose the bill and let us know what is happening and where we are going, because we are wasting a hell of a lot of time at the moment.

The Hon. CAROLYN PICKLES: In relation to the comments made by the Treasurer, I would just like to get in my mind what it is that people are objecting to here. There are people who have entrenched views on that, and that is fair enough. At least they opposed the second reading and we all know where we stand with them. In that respect, I concur with the remarks made by the Hon. Terry Roberts. In the residences in which we live today all sorts of things are far more objectionable to our everyday life than having a couple of women working in a brothel living next-door. There are many brothels in South Australia of which people are totally unaware.

An honourable member: And some that they are, aware of too.

The Hon. CAROLYN PICKLES: Yes. You can live next-door to a pub and be absolutely driven crazy by drunken people every night coming in and out—

Members interjecting:

The CHAIRMAN: Order!

Members interjecting:

The Hon. CAROLYN PICKLES: Yes, but sometimes the use of a pub changes.

The Hon. T.G. Cameron: You're flogging a dead horse.

The Hon. CAROLYN PICKLES: I am expressing my views in the same way that you have, and done at great length, over a long period of time. And you keep changing your mind on this issue. One of the things I also find objectionable are very loud and noisy neighbours who come home at 4 o'clock in the morning.

An honourable member interjecting:

The Hon. CAROLYN PICKLES: Well, it probably is Liberal Party fund-raisers. I will come back to the comments the Hon. Mr Lucas made about my colleague in another place, the member for Spence—

Members interjecting:

The CHAIRMAN: Order!

The Hon. CAROLYN PICKLES: This certainly was not a party position on that issue. I do not agree with using what are essentially conscience issues for party political broadcasting. That is wrong, because we all have a very different view on this. I do not share the same views as Michael on this issue, and we in our party are allowed to express them openly, as we have done, and I do not think it moves the debate on any further by bringing up that issue here. But I would not canvass publicly in this place the views of members on my own side of the chamber who have different views from me, on any conscience issue. It is up to them to have those views. We have a decision of the caucus, a decision of the party, on which issues are conscience and which are not. It does not do anybody any good to use that in a political way. I believe that very strongly. I must say that I agree with the Hon. Terry Roberts that we seem to have reached an impasse. It is getting quite late at night. We should vote on this clause, and the minister might like to seek leave to report progress so that we can all sort out our own consciences overnight.

The Hon. M.J. ELLIOTT: I want to address this whole question of small brothels, particularly small brothels in suburban areas. The general approach I have taken on this bill is that I support the notion that we will set about allowing and regulating prostitution. I hope that in the process we set about creating the minimum harm possible both to people who are involved in prostitution and to the broader community. What concerns me about not allowing these very small micro-brothels to occur is that we could very quickly find ourselves in a situation like that in Victoria where prostitution is happening in two places. In Victoria, prostitution is largely happening either in very large big business brothels or, alternatively, in the totally unregulated area of escorts and street prostitution.

I hope that most members of this place will agree that the most dangerous place for a prostitute to be is either on the streets or working as an escort. If they are going to work as prostitutes, the greatest risks will be associated with those two areas. I think we need to do all that we can not to produce a model that tries to constrict prostitution so much. On the one hand, it makes it legal but regulated; on the other hand, it restricts it so much that there is still a flourishing amount of prostitution happening outside of what we seek to regulate—and that will be through escorts and street prostitution. Those are the riskiest and most dangerous ways for people to work in the business. If you try to prevent these small brothels and constrict things, that will be the most likely outcome.

In terms of people working as prostitutes, some people say that they wish they did not do it at all, but I will not make that judgment for someone else. If they decide to become involved in prostitution, I prefer that they not work on the streets or as escorts, because that is the riskiest and most dangerous type of prostitution. That is one of the outcomes of people trying to constrict where prostitution can actually occur. They will increasingly force it into large big business brothels, and a lot of people will not work in those but will work outside.

So, a formula is being proposed where a small number of people will get megarich out of prostitution and a large number of people will have all the problems that we already have. These are the sorts of problems that are happening in Victoria. People say that they do not want what happened in Victoria to happen here. It is not because Victoria decided to allow prostitution or regulate it that is the problem; it is the model that Victoria has adopted which has caused difficulties. We have to be very careful when people, for the right motives, try to do certain things; I think they have to think through the other consequences.

Let us address the risks of small brothels as they occur in the suburbs. I lived next-door to a brothel for two years without knowing it. It was only after I had left and I was talking to people that they said, 'Did you know that was a brothel next-door?'

The Hon. T.G. Cameron: I can understand why.

The Hon. M.J. ELLIOTT: I am an innocent person. The point that I make is that, on the whole, people who go into brothels do not drive up and down the street, toot the horn and say, 'Hey, I'm going to a brothel. Everyone look! I'm going in now.' People simply do not do that. There is not a great hullabaloo about it. They will not be in the backyard where children next-door might see. For the most part, the overwhelming majority of neighbours will not know that it is happening next-door. Sometimes—and this has been reported to me on several occasions—people think, 'Gee, those girls have a lot of friends.' Because many of them have regular clients, they see the same faces coming back, so they think that they have a steady flow of the same group of friends going through the place.

Many of these small brothels are not churning through customers at a great rate of knots in large numbers day after day—they have a fixed number of customers. In fact, if they are working for themselves, they do not need to work as much as some of the girls who work in brothels where half the money or even more is taken by the owner. I wonder why people want to force people into brothels where the owners get most of the kickbacks and the women have to do more tricks to get the money that they seek.

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: Not very easily.

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: It's a question of where.

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: No, it won't be that easy. I do not know what some people fear. The brothel will not create a public nuisance; that is absolute nonsense. There are many things that neighbours do that create a public nuisance and the biggest one is probably the barking dog. I am not sure whether people are afraid that some sort of rays emanate out and contaminate the neighbourhood. I was interested to hear that the Treasurer was happy to defend putting transmission towers on school properties and exposing kids to large amounts of radiation, where a number of scientists are expressing grave concern about the very real physical effects that might have, as distinct from somebody inside a house next-door doing something of which you do not approve—you cannot see, you cannot hear or anything else, but you object to that violently.

My kids were not affected in any way by the fact that there was a brothel next-door and were never at any risk because of the fact that it was there. I do not believe they were, but I believe that, if the school they were at had had a transmission tower on it beaming out microwaves, they would have been at very real risk. I want somebody to quantify what it is that they say these small brothels will actually do. They already exist.

The Hon. T.G. Cameron: I am not against small brothels but not in residential areas.

The Hon. M.J. ELLIOTT: They are there now.

The Hon. T.G. Cameron: It does not make it right because they are there. People are breaking into houses every day: that doesn't make it right.

The Hon. M.J. ELLIOTT: They are there now and they are not having an impact. Nobody has come into this place—

The Hon. P. Holloway interjecting:

The Hon. M.J. ELLIOTT: I am not sure that you were listening before. I made the point that just because they are legal you will not find that the behaviour of people using them, in terms of proclaiming that they are there—they will not put a loud speaker on top of the house and say, 'I am here'—will change.

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: That depends on what form this bill takes.

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: When I spoke during the second reading debate I also made clear that it is my belief that prostitution should not be a highly visible activity. I draw a distinction between—

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: I draw an analogy with a move of which I was a proponent in this place where we took the magazines appearing in supermarkets and service stations and insisted that they be covered. The covers that were becoming quite lurid should not be there for people who did not want them put in their face. I found it totally unacceptable that members of the community, who were simply walking into a store, were having things imposed upon them with which they did not agree. I feel the same about prostitution and its occurrence.

It is one thing to say that you will allow it to occur: it is quite another to say that you will allow it to put flashing lights and enormous signs out the front, proclaiming its presence for everyone all over the place. I have a strong view that, whilst you allow prostitution to occur, you seek to regulate it and it should not be in anybody's face. An ordinary member of the public going about their daily life should not be confronted by it. That view would be doubly true in a residential area.

The Hon. T.G. CAMERON: I respect the Hon. Mike Elliott's position and I respect the Hon. Sandra Kanck's position. If it is their position that small brothels should be allowed to be set up anywhere in the metropolitan area in residential areas, apartment buildings, strata title complexes and home unit complexes, they are entitled to that view, and they are entitled to argue that view. Let me tell honourable members, as someone who has been at the centre of this debate for some time now, I think I have received about 400 letters—largely thanks to a certain organisation, I suspect—and I think that about 99 per cent of them were against and two or three were in favour of it. There was a common theme running through the correspondence, and that was, 'We do not want brothels set up in residential areas.' So, if the Australian Democrats want to go out and campaign on setting up a brothel next-door to your house, then do so; they are entitled to do that. I will not be doing it, and I will not be supporting any amendment which will allow brothels to be set up in residential areas.

I would now like to come back to the bill, if I may, and I have a question for the Attorney-General. It was my understanding that, if I supported the Zollo amendment, I could oppose new clause 10A, and that would then mean that you were not allowed to set up small brothels in South Australia, whether it was through DAC or anyone else. If I am wrong in that assumption, I would like to be corrected, because I will withdraw my support for the Zollo amendment. I will not support any amendment which, by whatever circuitous route you want to take, will allow the setting up of brothels in residential areas, and I have been fairly constant on this—that is, that they should be set up in industrial and commercial areas. So, I seek some clarification from the Attorney-General here. If I supported the Carmel Zollo's amendment and opposed new clause 10A, would someone then still be able to lodge an application to DAC and, if it was stupid enough to do it, give them permission to set up a small brothel in a house next to anyone in a residential area?

The Hon. DIANA LAIDLAW: I am not the Attorney-General, nor have I ever wished to be. The bill as passed by the House of Assembly and before us now does not allow for brothels in residential areas.

The Hon. T.G. Cameron: Say it again?

The Hon. DIANA LAIDLAW: The bill as passed by the House of Assembly and before us now does not allow for brothels in residential areas.

The Hon. T.G. Cameron: So, support the existing bill but oppose your clause 10A.

The Hon. DIANA LAIDLAW: That is right. You would then find that you filled the loophole that was missed by the House of Assembly by those who did not wish to see brothels in residential areas, because the loophole is that they have said no to residential areas but they have forgotten that there is this exclusion in terms of home activities. That would be the course the honourable member would wish to take, as he has outlined his position. It is not the position I hold but that is how I would advise the honourable member if he wished to proceed as he has outlined.

The Hon. T.G. CAMERON: I am not sure whether the Carmel Zollo amendment is still in—it has been in and out.

The Hon. Carmel Zollo: It is in.

The Hon. T.G. CAMERON: I would like to place on the record my appreciation to the Hon. Mr Lucas for not being, as I was, seduced by the argument of the Hon. Carmel Zollo. I was left with the distinct impression that supporting her amendment would close the door on these small brothels. But that is not the case. Apparently, it may well open the door and put the matter in the hands of DAC—and who knows what it might do in a situation such as this? So, if the only way to oppose brothels being set up in residential areas is to support the bill as it is and then to oppose the Hon. Di Laidlaw's 10A amendment, I indicate to the committee that that will be my course of action.

Hon. Diana Laidlaw's amendment carried; Hon. A.J. Redford's amendment carried; clause as amended passed.

Progress reported; committee to sit again.

ADJOURNMENT

At 10.10 p.m. the Council adjourned until Wednesday 28 March at 2.15 p.m.