LEGISLATIVE COUNCIL

Tuesday 3 April 2001

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

ALICE SPRINGS TO DARWIN RAILWAY (FINANCIAL COMMITMENT) AMENDMENT BILL

His Excellency the Governor, by message, intimated his assent to the bill.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions on notice be distributed and printed in *Hansard*: Nos 10, 52, 59 and 60.

MINISTERS' PROTOCOL

10. **The Hon. P. HOLLOWAY:** What is the reason for the delay in providing an answer to the question asked in the Legislative Council on 4 May 2000 regarding the protocol applying to ministers and their staff in relation to the withdrawal of prosecutions?

The Hon. K.T. GRIFFIN: When this question was asked by the Hon. P. Holloway on 4 May 2000, I advised that I would take the question on notice, but if the honourable member wished to disclose to me the information upon which he relies to ask the question, perhaps an example that he wishes to rely upon, that might assist in more carefully and clearly responding to his question.

No information was provided to assist in answering the question. When the information is provided the question will be answered.

CAPITAL WORKS

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

1. As stated in the media during November 1999, did the Premier secure a list of unfinished capital works at the end of the 1998-99 financial year?

2. Did the Premier actually receive a report indicating the reasons for the uncompleted capital works spending?

3. If so, is it available for study in the public interest?

4. What action has been taken by government for various departments to complete capital works that created a surplus of $290 million at the end of the 1998-99 financial year?

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

The Treasurer has subsequently reported that most of the money originally estimated by the government at $290 million had since been spent on projects for which it had been earmarked. It should be noted that the reported figure of $290 million referred to recurrent spending as well as spending on capital works.

The Treasurer advised that planning and legal problems had been to blame for much of the underspent budgets. On many occasions underspending was a result of programs being rolled over into the following year.

The Treasurer reported that since June 30, 1999 a good number of projects to which the figure related had been commenced or completed.

SPEEDING OFFENCES

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

1. How many motorists were caught speeding in South Australia between 1 April 2000 and 30 June 2000 by:

(a) speed cameras;
(b) laser guns; and
(c) other means;

for the following speed zones:

60-70 km/h;
70-80 km/h;
80-90 km/h;
90-100 km/h;
100-110 km/h;
110 km/h and over?

2. Over the same period, how much revenue was raised from speeding fines in South Australia for each of these percentiles by:

(a) speed cameras;
(b) laser guns; and
(c) other means?

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has been advised by the Commissioner of Police of the following information:

The table below depicts the number of expiation notices issued between 1 April 2000 and 30 June 2000 in respect to speeding offences.

Speed Camera	58 903
Other means	12 840

The information supplied identifies expiation notices issued as a result of speed cameras and by other means. SAPOL information systems record speed related expiation notices as being generated by either speed camera or other means. Therefore the requested laser gun figures are incorporated in the 'other means'.

The table below depicts the number of expiation notices issued by speed cameras for the following speed zones between 1 April 2000 and 30 June 2000.

60-69 km/h	255
70-79 km/h	49 429
80-89 km/h	3 833
90-99 km/h	1 917
100-109 km/h	563
110 km/h and over	531

The table below depicts the total revenue received from speeding expiation notices issued between 1 April 2000 and 30 June 2000 in respect to speed cameras and other means.

Speed Cameras	$7 827 530
Other Means	$2 119 746

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

1. How many motorists were caught speeding in South Australia between 1 July 2000 and 30 September 2000 by:

(a) speed cameras;
(b) laser guns; and
(c)other means;

for the following speed zones:

60-70 km/h;
70-80 km/h;
80-90 km/h;
90-100 km/h;
100-110 km/h;
110 km/h and over?

2. Over the same period, how much revenue was raised from speeding fines in South Australia for each of these percentiles by:

(a) speed cameras;
(b) laser guns; and
(c) other means?

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has been advised by the Commissioner of Police of the following information:

The table below depicts the number of expiation notices issued between 1 July 2000 and 30 September 2000 in respect to speeding offences.

Speed Camera	53 602
Other means	15 523

The information supplied identifies expiation notices issued as a result of speed cameras and by other means. SAPOL information systems record speed related expiation notices as being generated by either speed camera or other means. Therefore the requested laser gun figures are incorporated in the 'other means'.

The table below depicts the number of expiation notices issued by speed cameras for the following speed zones between 1 July 2000 and 30 September 2000.

60-69 km/h	221
70-79 km/h	43 601
80-89 km/h	3 295
90-99 km/h	2 540
100-109 km/h	1 102
110 km/h and over	548

The table below depicts the total revenue received from speeding expiation notices issued between 1 July 2000 and 30 September 2000 in respect to speed cameras and other means.

Speed Cameras	$6 525 398
Other Means	$1 829 715

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

Regulations under the following Acts—
Alice Springs to Darwin Railway Act 1997—Access Provision
Public Corporations Act 1993—
Dissolution
RESI Energy
RESI Power
Transfer of Assets—Masters' Games

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

Board of the Botanic Gardens and State Herbarium—Report, 1999-2000
Regulation under the following Act—
Development Act 1993—System Improvement Program.

HARRIS SCARFE

The Hon. R.I. LUCAS (Treasurer): I seek leave to table a copy of a ministerial statement made by the Premier in another place today in relation to Harris Scarfe Ltd.

Leave granted.

DRY ZONE, CITY

The Hon. R.I. LUCAS (Treasurer): I seek leave to table a copy of a ministerial statement made by the Premier in another place today in relation to the Adelaide City Council dry zone.

Leave granted.

CHILD ABUSE

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to make a ministerial statement in relation to the interagency code of conduct for child abuse and agency training course.

Leave granted.

The Hon. K.T. GRIFFIN: Earlier this month a training course, believed to be a world first, started at the Adelaide Institute of TAFE. The course is the culmination of more than five years work and will significantly improve the capacity of this state's justice and health systems to deal with children who have been subjected to abuse or neglect.

The Interagency Code of Practice for Child Abuse arose out of my concern in the early to mid 1990s that there was little cooperation between agencies in dealing with children alleged to have been the victims of sexual abuse. There were numerous interviews by different agencies with such children to the point where the evidence was obviously tainted if and when the matter reached court, and also no-one was prepared to make an early decision that a matter was never likely to get to court.

The Interagency Child Abuse Assessment Panel (ICAAP) was established by me in 1996 to assist in developing better interagency communication in relation to the interviewing of children who were the alleged victims of child sexual abuse and likely to be involved in the justice system. The aim of the project was to develop, in one document, a multi-agency description of policies and practices relating to the interviewing of sexually abused children and their care givers. This involved identifying the individual agency components, dealing with issues of difference and, where there were gaps, seeking their closure.

A draft code was prepared at which time several of the agencies requested that it be expanded to include all forms of child abuse and neglect. This was done during 2000, together with ongoing updating, with the final code of practice being approved in February this year. The Interagency Code of Practice is a joint-agency statement of state government policies and practices and forms the basis for two certificate IV level courses run through the Department of Justice Studies at the Adelaide Institute of TAFE. The code covers all forms of child abuse and neglect and has been combined with a nationally accredited training course to ensure that the people dealing with young victims have the information they need and that, if a matter finally gets to court, the evidence is not tainted. In particular, the code of practice training course aims to:

- minimise any trauma for children and their non-offending care givers by being involved in the interagency process;
- minimise the number of interviews of the child; and
- to ensure quality interviewing, having regard to the child's welfare and legal and evidential requirements.

For police officers the course will involve 12 full days training. For those police officers who investigate child abuse allegations it will be compulsory and expands on current programs. For others who wish to obtain the qualification it will be seven days. The courses will be run on a 'rolling basis' over several years.

Participants in the training course include all the agencies that are a part of the Department of Justice (South Australia Police, Director of Public Prosecutions, Crown Solicitors Office), the Department of Human Services, Family and Youth Services, and Child Protection Services at the Flinders Medical Centre and the Women's and Children's Hospital.

The code of conduct will be printed and distributed to approximately 600 staff across six government agencies, and most of these people will also participate in the training course. The first training course started on 7 March for SA Police and 12 March for other agencies. I recently met with some of the staff undertaking this first course, and those students expressed to me their satisfaction in the course and their strong support for the underlying purpose of the training course—reducing the trauma faced by young victims, who have already been subjected to significant trauma in their young lives.

Being multi-agency based, it gives all areas of our system an insight into the services and procedures in each other's areas. Prosecutors learn more about police, police learn more about Family and Youth Services and so on. The project increases interagency contacts and co-operation. It has already helped to identify gaps and limitations in services and work practices in each agency, and they are being addressed for improvement. In the past, the interviewing process for children who have been victims of abuse or neglect imposed significant and unnecessary further trauma upon those children and alternative care and treatment was not being put in place at an early stage.

The Hon. Carolyn Pickles interjecting:

The Hon. K.T. GRIFFIN: No, you would not have seen it then. These children will receive better services and treatment, not just from one agency but from the moment they enter the system and then every step of the way through—from the first report to coping with testifying in court.

This is a very significant project in international terms. South Australia is leading the way in providing support and services to children who have been subjected to abuse and neglect, and this type of partnership approach is bringing tangible benefits right across our system. The whole of government approach, wherever possible, has been central to policy implementation for this state government. I commend all those involved in the development of this project. It is a tangible demonstration of the benefits of cooperation and collaboration across government in the provision of services and procedures.

QUESTION TIME

FESTIVAL OF ARTS

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

Leave granted.

The Hon. CAROLYN PICKLES: Speculation has been rife in the arts sector that the Festival of Arts for the year 2000 is facing a $1 million budget overrun, which was apparently caused by the previous festival. I also understand that the current festival is facing a similarly worrying budgetary position where it may have to go cap in hand to the government for additional funding. My questions are:

1. Can the minister advise what the precise budgetary situation is in relation to the 2000 festival and the future of the 2002 Festival of Arts?

2. Will the minister provide details about how the budgetary shortfall for the 2000 festival occurred?

3. How will the minister bail out the 2002 festival? Will it be with funds from her other portfolio areas and, if so, can she outline any cuts that will have to be made in these areas?

The Hon. DIANA LAIDLAW (Minister for the Arts): I am meeting with the board shortly to discuss these issues. I will bring back some advice following that meeting.

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: Today's media quotes Mr Peter Vaughan, the Chief Executive Officer of the key employer organisation, Business SA, as stating that electricity was the biggest issue facing South Australia because of its heavy reliance on the manufacturing industry. Mr Vaughan said:

> I am getting three to four calls a week questioning why they would be doing business here. The big companies' headquarters interstate are asking why they would stay in business in SA. There's a bloody nightmare coming up.

My question to the Treasurer is: was Mr Vaughan right about the possibility of companies leaving the state because of the high cost and the uncertainty of buying electricity in South Australia?

The Hon. R.I. LUCAS (Treasurer): I am not aware of any company advising that it will move interstate because of the electricity industry. As I think I indicated last week, companies would be well advised to look at what is occurring in Victoria and New South Wales before they even speculate about movement between states solely as a result of an issue relating to electricity.

At a recent national conference, BHP in Newcastle, New South Wales, highlighted that that company was facing a 50 per cent increase in electricity prices. We have been tracing through business associations in Victoria and, whilst it is fair to say that, so far, no individual company has put up its hand and identified itself, the reports that have come out of a number of these business associations in Victoria are that, similarly, as their two and three year contracts are now expiring, a number of those companies in Victoria are looking at increases in contract prices for electricity of, in some cases, between 50 and 100 per cent.

As we have highlighted before, these problems are confronting not only South Australian industry; they are problems which all companies in the three southern and south-eastern states are currently confronting because of supply and demand problems with the national electricity market. It is for those reasons and others that the Premier has highlighted the importance of establishing the task force in South Australia to see what actions can be implemented within the industry to try to see the objectives of the national market, which were originally espoused by Labor governments (both state and federal) and supported by Liberal governments over the years, brought to fruition.

Clearly the intentions of Premiers Bannon and Arnold and Prime Minister Keating were not to see increases in electricity prices under the national market; as indeed it was not the intention of Prime Minister Howard or Premiers Brown and Olsen to see increases across the south-east of Australia as a result of the introduction of the national market. Obviously it suits the political purposes of the opponents of the government (in whatever guise they might establish themselves in this parliament) to seek to highlight this as an issue only in relation to privatisation of the electricity industry in South Australia. The evidence, as I said, is that that is not the case.

We have recently been provided with some documented advice from NECA, the national regulatory body, in relation to prices during the recent summer. We hope to be able to release them to the media in the next few days, but certainly the early indications are that between this summer and last summer the increases in prices in Victoria and New South Wales in the spot price market were significantly greater than for South Australia. Admittedly, it is conceded that South Australia traditionally has operated from a higher base than Victoria and New South Wales. Nevertheless, if the important issue is that companies are wanting to add up what the projected increases in prices might be next year compared with this year, not only will they need to look at what is occurring in South Australia but, if they want to move to Victoria or New South Wales in particular, they will also need to look at what is occurring in those states as well.

The only other point I make is that companies do not make decisions only on the basis of one cost input: they look at the total cost of doing business in a particular location against another. When I was asked by a journalist this morning what my response was to the issue in relation to electricity pricing and what my response would be to Mr Vaughan, I indicated that I am sure the bottom line benefit of doing business in South Australia would be not only highlighted by the government but we would also hope by Mr Vaughan and people from Business SA.

In other words, if you are going to compare the cost of doing business, you need to look at the labour costs, the land costs, the industrial relations record of the particular states,

in particular South Australia and Victoria, transport costs and a variety of other issues in terms of cost inputs for those businesses; and electricity and other utility costs would be one of the issues that those companies would need to take into account. In the end, we believe that most companies will make rational judgments based on the total cost or bottom line judgments rather than just the issue of electricity pricing.

ROADS, ANANGU PITJANTJATJARA LANDS

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport a question on Anangu Pitjantjatjara lands road funding.

Leave granted.

The Hon. T.G. ROBERTS: In March last year there was a major flood in the north-western area of the state and a lot of infrastructure damage was caused, as well as a lot of inconvenience, and there was also potential for loss of life. Fortunately, the emergency services and the police cooperation prevented any loss of life, but a lot of inconvenience was caused to those remote communities which were isolated for some considerable time. They had to have food drops. As we all know, the roads do get damaged and suffer major infrastructure problems.

The areas close to the metropolitan area and regional areas after major disasters tend to be fixed in reasonable time frames, but in the case of this remote community—and I know it is difficult for governments of all persuasions to get a clear fix on an appropriate solution to some of those infrastructure problems, including roads—there is a shortfall of funding in both commonwealth and state funds to bring the roads back to the original standard that they were in before the floods. Of course, each remote region has a program of improvement. My questions are:

1. Is the minister aware of the funding situation as I have outlined, that is, a shortfall of some $175 000 in bringing the roads back to their original standards?

2. If not, will the minister investigate this issue as a matter of urgency as the remote communities rely on these roads, as does, in some cases, the tourist industry?

3. Will the minister discuss these matters with the stakeholders as soon as possible, with a view to resolution of these problems?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): Certainly, I will investigate the matter as the member has requested. In doing so, it would be helpful if the member would be more specific in identifying the roads and, perhaps, before I take this matter further with Transport SA, he could highlight the specific areas and the communities. Transport SA may be better informed than I am about some of the details. That information from the honourable member would be helpful.

UNEMPLOYMENT

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the leader of the government and Treasurer (Hon. Robert Lucas) a question about unemployment.

Leave granted.

The Hon. L.H. DAVIS: Yesterday there appeared in the *Advertiser*, on pages 10 and 11, a double page story about unemployment in South Australia. The headlines read as follows:

No part of the state spared in jobs crisis.

State government under pressure as jobless numbers continue to rise at an alarming rate with our youth the most disadvantaged.

Frustrating search in bid to make ends meet.

Regional leaders hit out over call centre comments.

Just give us a chance—Angela's plea to bosses.

One gets the impression from those unrelenting headlines that all is not well with employment in South Australia. But, interestingly, page 10 was taken up with a very large table headed 'Unemployment in your area', which detailed some 30 districts within metropolitan Adelaide and some 89 districts in regional and rural South Australia. That table detailed in numerical and percentage terms the number of unemployed in December 1999, and that same exercise was repeated for December 2000—in other words, there was a 12 month comparison from December 1999 to December 2000. These were obviously official ABS statistics, so one can take some notice and some comfort from the accuracy of this data.

I took the trouble to look at this table and it revealed that, in fact, in regional and rural South Australia, 79 of the 89 districts, or population centres, listed in this table had seen a significant reduction in population in the 12 month period from December 1999 to December 2000. In fact, the balance of South Australia, which is regional and rural South Australia, according to this table, indicated a reduction in unemployment from 8.3 per cent to 6.8 per cent in the 12 month period December 1999 to December 2000. That is a not insignificant reduction of some 18 per cent in that 12 month period. There is a similar story for metropolitan Adelaide, where unemployment figures over the 12 months had fallen from 8 per cent to 7.4 per cent, and about two-thirds of the 30 regions in metropolitan Adelaide also had enjoyed a significant reduction in unemployment.

In other words, there seemed to be a stark difference between the headlines which accompanied this two page article—which would have filled any reader with gloom and despondency—and the reality of the significantly improved reduction in unemployment, which was set out in the accompanying table to this article. My question to the minister is: did he see this article? Would he like to advise the Council as to how South Australia's unemployment rates have improved in recent times and, in particular, with respect to youth unemployment and with respect to South Australia's performance as against other states?

The Hon. R.I. LUCAS (Treasurer): I thank the honourable member for his question. I think all members of parliament, whatever their political persuasion, would have been shocked and astonished at the headline in the *Advertiser* series of articles.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Holloway says nothing ever shocks him about the *Advertiser*, but I am sure even he would have been shocked because, even given his partisan view of these issues, he would at least acknowledge, I hope, that there has been a significant improvement in the state's unemployment rate compared to the tragic days of Premier Bannon and Premier Arnold (especially when the Hon. Mike Rann was the minister of unemployment, as he then was).

As the Hon. Mr Davis has highlighted, the headline screamed out at South Australia's rise at an alarming rate, with our youth the most disadvantaged—'No part of the state spared in job crisis'. The lead paragraph in the article states:

The scourge of unemployment. . . continues to affect all of the state, new figures show.

I do not intend to repeat the detail of the Hon. Mr Davis's explanation, but one has only to compare the figures at the peak of unemployment in South Australia which, I think, was 12 or 12.3 per cent under Mike Rann when he was minister for unemployment. I think youth unemployment was somewhere between 42 and 44 per cent during the Bannon government. To be talking about that 12 per cent having been reduced to just over 7 per cent—I think that is the closest South Australia's unemployment rate has ever been to the national unemployment rate, certainly in the past (I am guessing here) seven to 10 years—

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: The Leader of the Australian Democrats would be horrified at the figures as well. The unemployment figures, as measured by the ABS for young people, have dropped from the peak of 42 to 44 per cent to almost half that level at some 22 per cent for young people in South Australia.

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: Yes; stopped the arrest of the outflow of population, as the Hon. Mr Crothers has indicated. These would be stories that the Democrats and the Labor Party would not want anyone to be hearing during this remaining 12 months of the electoral cycle. They perhaps would be the only ones. One suspects that the whingeing, whining opposition would be the only ones who would have been pleased with the headline in the *Advertiser*. We have spent a good part of the past two to three years as a cabinet travelling the length and breadth of South Australia from Peterborough to Ceduna to Mount Gambier.

The Hon. M.J. Elliott: Every marginal seat!

The Hon. R.I. LUCAS: Well, unlike the cabinet, the Hon. Mr Elliott, sadly, does not travel the length and breadth of South Australia listening to the concerns that are being raised, irrespective of the political complexion of the seat that the cabinet is visiting.

The stories of housing shortages in Naracoorte, Murray Bridge and in and around the Port Wakefield area; the pressures on infrastructure on the West Coast, particularly around Ceduna and Smoky Bay; and the strength of the local economy in the Riverland are all very strong indicators, contrary to 10 or 15 years ago, when rural and regional areas were in sad decline, of growth in the regional communities in South Australia. That is in strong part a tribute to the rescue and recovery package that this government has set about during the past seven years, after the tragic days of Bannon, Arnold and Labor.

I conclude by saying that, if seven years ago anyone had said in South Australian politics that South Australia's unemployment rate would be measurably better than Queensland's unemployment rate, people would have laughed at us. In 1993, people, especially young people, were leaving this state to head to Queensland because of the strong growth record of that state and its government. In the year 2000-01, South Australia's unemployment rate is measurably better than Queensland's—a complete reversal of the situation that was inherited in 1993. Nobody would have believed that in 1993. The harbingers of doom and gloom, like Messrs Elliott and Holloway, would have said that it is not possible for South Australia to be better than Queensland in terms of its employment/unemployment record.

In 2001, the proof of the pudding is that figure of 7.3 or so per cent unemployment in South Australia. I think that Queensland is somewhere in the mid 8 or high 8 per cent figure. There is a very significant difference, which can be brought home as a result of the policies this government has set in place over the past seven years repairing the tragic legacy left to this state by Bannon, Arnold and those who supported them.

BRIDGEWATER INN

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General a question about unruly behaviour at the Bridgewater Inn.

Leave granted.

An honourable member interjecting:

The Hon. IAN GILFILLAN: It is not a laughing matter to the people in Bridgewater, I can tell you that. Following the burning of playground equipment in the Lions Community Park at Bridgewater during the night of Saturday 10 March, my colleague Ted Dexter was contacted by a group of local residents. These people are almost at the end of their tether, so to speak, over the action of patrons at the local hotel, the Bridgewater Inn at 387 Mount Barker Road, Bridgewater.

Mr Dexter has advised me that increased noise and disturbance in the vicinity of the hotel has followed the interim variations to the extended licence granted provisionally to the hotel licensee in 1998, which allow the hotel to trade from 8 p.m. until midnight on Sundays. Despite assurances given to the residents by the licensee to the effect that he intended the hotel to be a family hotel with a quiet focus, the establishment has been given a much higher profile with the advertising of a nightclub specifically designed to attract patrons from Adelaide up the new freeway tunnel route.

The result has been almost continuous weekend disturbances to residents for the past two years. The Liquor Licensing Board has been advised that, from September 1999 to March 2001, numerous attempts have been made by residents to contact the licensee. There have been several police and ambulance callouts with subsequent police action, including arrests for underage drinking, false IDs, urinating in public, loitering and intoxication. The Liquor and Gaming Commission has on three occasions convened conciliation meetings between the residents' group and the hotel licensee, with no appreciable change to the licensee's structuring of the hotel's operations, despite his undertaking to do so.

In clear contravention of the licence terms, residents have continued to be subjected to multiple disturbances until 4.30 in the morning, with amplified music until 3 a.m. on Sunday mornings and on Sunday afternoons. These disturbances now include vandalism of local residential, commercial and community properties, the most recent of which was the burning of the equipment in the children's playground that I referred to in my explanation.

Most recently, a letter from the residents published in the local newspaper has resulted in their receiving a letter from solicitors acting for the licensee, implying his intention to take court action against them, claiming for aggravated and exemplary damages based on defamation. My questions to the Attorney-General are:

1. What community standards should be applied to a hotel operating adjacent to a residential area where houses are only 40 metres away?

2. What is the purpose of the official conciliation process when agreements entered into by the licensee can be ignored?

3. What course of action is available to the Liquor and Gaming Commission to ensure compliance with conditions of licence undertakings given by the licensee?

4. Is any action on this matter being undertaken by the Liquor and Gaming Commission and, if not, why not?

The Hon. K.T. GRIFFIN (Attorney-General): The Liquor Licensing Act 1997 passed by this parliament provides significantly improved mechanisms for dealing with neighbourhood disturbance by licensees. I know that a number of communities have availed themselves of the provisions of the act to deal with these sorts of incidents. I do not know the extent to which Mr Dexter has been reporting these matters to the Liquor and Gaming Commissioner, and I do not know to what extent other persons living within the vicinity of this hotel have taken the steps available to them under the act to make a complaint to the Liquor and Gaming Commissioner. Nor do I know the extent to which the local council might have been informed of these allegations and have been encouraged to take action itself, which it is entitled to do under the Liquor Licensing Act. I know that the Liquor and Gaming Commissioner is particularly diligent in addressing issues of neighbourhood disturbance by licensees. In this instance, I will ask him for a report as to the allegations that have been reported to him and what action has been taken.

The conciliation processes under the Liquor and Gaming Act are of particular value. Obviously, the licensee has to continue trading from the licensed premises within the locality and the residents will continue to live there. There is no point in maintaining a confrontation between residents and the licensee. My experience is that most licensees are generally conscious of the need to ensure that the amenity of the locality is not unduly disrupted. Undoubtedly, there will be some disruption on occasions but we like to see that kept to a minimum. In relation to the allegations relating to complaints, I will refer them to the Liquor and Gaming Commissioner and bring back a reply.

The honourable member asked a question about the purpose of conciliation agreements when the agreement, in fact, can be broken. As I have said, the whole purpose of a conciliation agreement is to try to ensure that both the residents and the licensee are able to go about their own affairs untroubled by each other, which means, of course, that, particularly on the part of the licensee, there will have to be some compromise.

The Hon. R.R. Roberts: Is there any enforcement capacity there?

The Hon. K.T. GRIFFIN: There is enforcement capacity. If the conciliation agreement is broken, action can be taken, particularly by the Liquor and Gaming Commissioner, as I recollect and, again, I will bring back some detail about that issue. With respect to the burning of children's playground equipment, from what the honourable member has said, I take it that he has evidence that that playground equipment was actually burnt by patrons of the Bridgewater Inn, although there may be some element of doubt, particularly if the licensee is threatening defamation proceedings.

It is all very well—rather, it may be that this vandalism has occurred: it is not all very well that it has occurred, because it should not be occurring—but it may be another thing to establish that it is either the fault of the licensee or caused by patrons from the licensed premises. That is something that I will need to take up with the Liquor and Gaming Commissioner and see if I can bring back some information that will help to advance the resolution of this issue.

As I have said, in all these sort of cases there is likely to be some tension but the object of the Liquor Licensing Act and the Liquor and Gaming Commissioner is to try to get a resolution that is acceptable to both residents and licensee. As I have said, I will take the questions on notice and bring back a reply.

The Hon. NICK XENOPHON: I have a supplementary question. Given the background of the complaints referred to, on how many occasions have Liquor and Gaming Commission staff attended the premises in order to monitor the veracity of residents' complaints and to discuss the issue with the licensee?

The Hon. K.T. GRIFFIN: I will take that question on notice and bring back a reply.

CRIME STATISTICS

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Attorney-General a question about the AAMI home theft index report.

Leave granted.

The Hon. J.S.L. DAWKINS: On Monday the AAMI insurance company released its home theft index report for the calendar year 2000. That report, which was widely covered by the media, claimed that South Australia has the highest rate of burglary in Australia. My questions are:

1. Will the Attorney-General advise what the basis for that claim is?

2. Will the Attorney also advise the Council whether or not the claims made in the report reflect findings in other statistical surveys?

The Hon. K.T. GRIFFIN (Attorney-General): The AAMI survey, which was referred to in the media yesterday, contains information with which I disagree and which can be demonstrated not to be an accurate reflection of the position in South Australia.

The Australian Associated Motor Insurances Limited periodically publishes reports which are, in so far as they relate to their policyholders' experience, most likely an accurate representation of the position. However, it must be remembered that it relates very largely to its policyholders' claims experience. It also refers to a national telephone survey of something like 620 people across Australia. The difficulty with that number across Australia is that South Australia's proportion of the national population is probably about 8 per cent, which means that about 40 people were interviewed by telephone, and that is not a large enough sample to give any accurate reflection of what the real position is in South Australia.

The other issue about the AAMI survey is that, where it relies on claims made under its policies by its policyholders, it is not clear whether the number of policyholders making claims or even the number of policyholders in toto accurately reflects the population distribution across Australia. It may do more business in South Australia than it does in other states or it may do more business in Sydney than it does in Adelaide. The basis upon which it seeks to draw conclusions which are applied across the whole of the state is, I believe, flawed.

The survey actually shows that the number of AAMI policyholders making a claim in South Australia and nationally fell in the year 2000. In South Australia it fell from 36.3 claims per 1 000 policyholders to 35.2 claims but, in the publicity that was given to the report, that fact was not reported.

The Australian Bureau of Statistics' crime and safety survey for South Australia was released last Friday. That is a survey by an independent organisation, which surveyed approximately 4 500 South Australians, and that is a very large survey base from which to draw conclusions affecting South Australia. The AAMI survey related to household crimes and personal crimes.

If one compares its findings with those of the Australian Bureau of Statistics' crime and safety survey, it is clear that the latter is to be preferred. That survey shows that 5.1 per cent of households in South Australia were victims of a break and enter. The most recent Australian Bureau of Statistics recorded crime report shows that South Australia has the third lowest rate of unlawful entry of all states and territories.

Over the past 10 years, during which the crime and safety surveys have been conducted by the Australian Bureau of Statistics, there has been a downward trend because, in 1991, 7 per cent of households reported to the ABS that they had been the victim of a break-in. Members should compare that with the figure to which I referred earlier of 5.1 per cent of households. So, some issues need to be addressed in respect of the AAMI report if that is to be relied upon for anything other than claims experience by policyholders of AAMI.

I commend the crime and safety survey to members because it contains a lot of useful information which puts the crime issue into an appropriate perspective. The survey found that less than 1 per cent of people aged over 65 reported being a victim of personal crime (assault, attempted assault and robbery). Young people aged between 15 and 24 comprise the group in the community most likely to be victimised, with almost 11 per cent reporting personal crime.

It is also interesting to note that just over 21 per cent of personal crimes were committed by a family member; just under 11 per cent by a family friend; just over 5 per cent by a neighbour; just under 7 per cent by a work or study colleague; and just over 10 per cent by an acquaintance. So, quite a significant proportion of those who suffer personal crime do so at the hands of persons whom they know.

Perceptions of crime remain much higher than actual crime. For example, just over 38 per cent of people reported break-ins as a crime problem for them whereas only 5.1 per cent reported actually experiencing a break-in. More than 43 per cent of the population reported that crime is not a perceived problem. People who have lived at the same address for five years or more are about half as likely to be subject to a break-in as someone in their first year (3.9 per cent compared with 7.7 per cent) and, as we would expect, non-metropolitan areas remain much less likely to be subject to a break-in (3.4 per cent of households).

The crime and safety survey by the Australian Bureau of Statistics, as I have indicated, has a very large sample base, and it contains a lot of useful information which puts into perspective the crime and safety situation and perceptions about crime, hopefully ensuring that we keep a very steady and balanced approach to this important issue.

WORKERS, ITINERANT

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Workplace Relations a question about itinerant workers and clause 6 of the Workers Rehabilitation and Compensation Act.

Leave granted.

The Hon. R.K. SNEATH: Section 6 of the Workers Rehabilitation and Compensation Act refers to workers coming from interstate to work and, as we have found in recent times, it prevents them from getting workers' compensation in South Australia when injured, or, in some instances, killed. Recently, the member for Gordon wrote to the Treasurer regarding a shearer working for a sheering contractor in the South-East. I do not know whether the Workplace Relations Minister is familiar with this letter, but his claim was knocked back because section 6(2) of the above mentioned act provides that such a nexus exists if the worker is usually employed in two or more states but is based in the state. Footnote 3 of section 6 provides that the worker is usually employed in a particular state if 10 per cent or more of the time he spends working in employment is spent in the state.

This worker had applied for interim payments as well (which had been granted by the insurance company) and had received a substantial amount of interim payments until a decision was made not in his favour. Therefore, WorkCover wrote to him requesting recovery of the interim payments. The worker was working in South Australia; the employer was paying the levy on behalf of the worker; yet when the claim was put in for a genuine injury (there were no problems with the worker's injury—it had been accepted that he was genuinely injured) the claim was knocked back on the basis of section 6. Tomorrow I hope to bring to the Council's attention an even worse instance of this and one in which the worker was killed. My questions are:

1. Is the minister aware of the difficulties faced by such workers as those employed in the fruit picking season and the shearing season, and interstate truck drivers and so on?

2. Will the minister give a commitment to have the act changed so that no worker can be injured or killed on the job and be left without workers' compensation?

The Hon. R.D. LAWSON (Minister for Workplace Relations): I am not aware of the details of the case which the honourable member mentioned, but I would be pleased to receive from him any information about that case and I will certainly take up the matter. However, bearing in mind the fact that a claim was accepted and apparently there has been a determination of the tribunal in relation to interim payments, I would not wish to make any comment at this juncture without knowing the full facts of the particular case because, as all members will be well aware, workers' compensation is a complex area and comments made, especially ill-advised and unthought out comments made by ministers or members of parliament, can create difficulties and also some confusion in the minds of workers. Rather than encourage that to happen from this answer, I will take on notice the honourable member's question and bring back a more considered reply. I will also undertake to speak to my colleague the Minister for Government Enterprises, who has responsibility for the WorkCover Corporation.

TRANSPORT, FARE EVASION

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

Leave granted.

The Hon. A.J. REDFORD: Over the past two days, newspapers in Melbourne have featured stories about rampant fare evasion on trams and trains, with claims that up to 15 per cent of tram passengers and 12 per cent of train passengers are travelling without tickets. Apparently, Melbourne's three private transport operators have become so alarmed that fare

evasion is out of control that recently they have held secret talks with the Victorian government on the measures to stop evasion and violence on trams and trains. It is reported that one proposal under consideration by the Victorian minister is an option for fare evaders to buy $80 worth of tickets instead of paying a $100 fine. It is a bit like a $20 punt: you pay your $4, and on five to one odds you might get your money back. This is gambling on a day-to-day basis.

I am aware that the South Australian government introduced a package of measures from last July to clamp down on fare evasion on the rail system. This morning (as has been the case every morning) I had my ticket checked as I got off the train, and on every occasion that that has occurred (and I would ask the minister to pass this back) the staff have been courteous and polite, and the commuters have accepted the ticket checking without complaint. My questions to the minister are:

1. What has been the outcome of the fare evasion counter measures in South Australia?

2. Would the government entertain introducing a scheme, such as the one now under consideration in Victoria (by the Victorian Labor government, I might add), whereby a person who evades the payment of a fare can opt to purchase a ticket rather than pay a fine for their offence?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank the honourable member not only for using public transport regularly and validating his tickets and helping us to increase patronage but also for finding that the system is working well—and I certainly will pass that advice back to TransAdelaide. I give a categoric 'No' to the suggestion that we would entertain the system with which the Victorian government has been presented and which it is considering, that is, to replace the system of fines for offences on the public transport system, particularly in terms of fare evasion, with the purchase of tickets. I instinctively disliked the system when I first heard about it yesterday, and I was interested to see the editorial in the Melbourne *Herald Sun* yesterday which, in part, reads:

> For the vast majority of Victorian commuters who do the right thing, the proposal is an insult. By removing the stigma and financial sanction from fare evasion, the system would prompt law-abiding travellers to wonder why they bother paying.

That is, essentially, my view and the reason why we would not entertain such a system in South Australia.

The reason why the fare evasion measures introduced by the government on 2 July last year have been so successful is that full fare paying passengers are relieved that others who have been freeloading on the system are now required to pay. While there were some teething troubles in terms of the issue of expiation notices and the appeal system, that has now been sorted out and, with the ticket barriers, the extra passenger service attendants and the on-the-spot expiation electronic system, we are doing exceedingly well in terms of keeping faith with the passengers overall.

We have an increased number of passengers not only because more are paying and validating but also the evidence is that people are returning or are using the train system for the first time because they perceive it as safer and more comfortable to do so, and that is excellent news. In fact, one of the complaints that I received the other day was that a woman had to sit next to someone else on the train. It was a foreign experience to her, because the trains have not been as heavily patronised as we would have wished over the years, and now she has to sit next to someone.

The Hon. A.J. Redford: In fact, this morning they were talking about hanging from the rafters and they were going to change times.

The Hon. DIANA LAIDLAW: We have to put on extra trains because of extra people?

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! The honourable member should not be interjecting.

The Hon. DIANA LAIDLAW: I highlight that we are certainly receiving extra revenue from people buying tickets. There certainly has been an increase in the number of people validating tickets, and that is good, because it will help us to gain a better knowledge of the trips taken on any given day and time of day, and that will help us to plan more frequent rail trips. I know that members of the work force are pleased that the work they do on public transport is being increasingly valued, because more people are paying and more money is going into the system.

Essentially, fare evasion on the rail system in South Australia has been eradicated. We still have some inner suburban problems with fare evasion and they will be addressed. More recently, the public transport board has engaged people to work on the buses to detect fare evasion. This is the first time we have done that in years. Finally, rather than adopting or even endorsing the Victorian options that the government over there is considering, Western Australia has taken South Australia's model as its approach to fare evasion in that state: a Labor government is following our lead.

TAB, TELEPHONE BETTING

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Government Enterprises, a question in relation to the TAB PhoneBet Express promotion.

Leave granted.

The Hon. NICK XENOPHON: The South Australian TAB, in a promotional brochure on the TAB PhoneBet Express service entitled 'A Faster PhoneBet is at Your Fingertips', refers to the TAB's new PhoneBet Express as 'surely the most convenient way to place a wager yet'. It goes on to say that a tone dial push button phone is all that is needed and states:

> Like regular PhoneBet, you have the convenience of calling from home, work, or wherever you may be. . . It is absolutely private because you don't have to read your bet out aloud. Your entire bet is made by pressing numbers on the phone.

The gambling counsellor of the Break Even Services has contacted me with concerns about this part of the service as potentially accelerating levels of problem gambling. My questions to the minister are:

1. How many copies of the brochure in question have been distributed, and to where?

2. Are any warnings on problem gambling given to participants of the TAB PhoneBet Express and, if not, has the TAB consulted with gambling counsellors and researchers on having such warnings available?

3. Given the reference in the material to having a bet from work, does the minister consider the invitation for employees, be they in the private or public sector, to have a bet at work to be desirable or not?

4. What guidelines are there for state public servants on placing a bet on the TAB during work time?

5. Is it not the case that TAB employees on PhoneBet are prohibited from placing a bet at work on either the SA TAB or any other TAB?

6. What research and advice has the South Australian TAB conducted and received on problem gambling, particularly in the context of its services and promotions?

The Hon. K.T. GRIFFIN (Attorney-General): I will refer the questions and bring back a reply.

OAK VALLEY AREA SCHOOL

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Treasurer, representing the Minister for Education and Children's Services, a question in relation to the Oak Valley Area School.

Leave granted.

The Hon. M.J. ELLIOTT: My question relates to facilities at the Oak Valley Area School in the Far West of this state. Currently, the Oak Valley Area School consists of a tiny office, several caravans and a tin shed, with no toilet facilities. Between 20 and 40 students attend this campus which is spread, I am told, over several kilometres. The appalling conditions and safety risks experienced at this school saw the minister outline plans for a new school at Oak Valley in May last year. The new school was intended to provide adequate facilities, child care and school services for up to 35 students. In May last year, the cost of this new school was estimated by the minister at around $1.2 million, while the budget (paper 5, page 36) set aside $800 000 to be spent by December last year to complete the project.

I am informed that by last summer there had been little local consultation and no progress had been made on the project. During summer the airconditioners in what passed as classrooms were ineffective and the heat and the noise were apparently so unbearable that the teachers conducted classes in their own homes in preference to using the school's so-called facilities. My questions to the Treasurer are:

1. Given that almost a year has passed since the minister detailed plans for a new school at Oak Valley and, indeed, $800 000 was set aside, what progress has been made?

2. Will the minister guarantee that the students and teachers at Oak Valley will not have to survive another summer of substandard, third world conditions?

3. Will the minister also guarantee that the $800 000 due to be spent by last December for a new school at Oak Valley will not be re-announced as a new project in the upcoming budget, as has been the habit of this state government?

The Hon. R.I. LUCAS (Treasurer): I will refer the honourable member's questions to the minister and bring back a reply.

WORKCOVER

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Workplace Relations a question on the subject of WorkCover.

Leave granted.

The Hon. R.R. ROBERTS: This week I received two pieces of correspondence, one from the Premier, which is very glossy and in full colour—it has the green, the purple and the red, like the Telly Tubbies. It talks about the state government's acclaimed record. The contribution that I was most interested in is on the back page, where it talks about WorkCover's $83 million boost to the South Australian economy. This turns out to be a cut in WorkCover payments by employers of $83 million, on top of a previous $25 million rebate for up to 50 000 employers across the state earlier this year.

The other piece of correspondence was from an injured worker who suffered a fairly extensive accident in 1988, for which he spent approximately 100 days in the Royal Adelaide Hospital with, basically, back injuries. He was then on a walking stick for a couple of years and has suffered traumatic experiences in respect of these matters ever since.

Five years ago WorkCover ceased income maintenance payments on the basis that he was unable to obtain income as a courier/delivery driver without consideration of his medical condition. One of the things that caused that, of course, was that when this government came to power in 1993 it changed the legislation, which has resulted in reduced payments for WorkCover insurance in South Australia.

What it also did was take away many of the conditions that were available to injured workers in South Australia. This employee was assessed as being able to get work as a courier/delivery driver, which is an absolute fallacy when you consider that he also has a document from Transport SA which says:

> I have reason to believe that you are suffering from a condition which impairs your ability to safely operate a motor vehicle. Therefore, I have no other alternative than to request the surrender of your current driver's licence.

It really makes a farce of the assessment that he is deemed to be able to get work as a courier. Because of that assessment, he has been unable to get any maintenance from WorkCover for that period of time. He is now so desperate that he is writing to all members of parliament seeking their assistance. My question to the Minister for Workplace Relations is: given that WorkCover has now got itself into a fairly buoyant situation, so much so that we can provide relief of some $108 million to employers, will the government now look at introducing some improved conditions for injured workers such as my constituent with the back injury?

The Hon. R.D. LAWSON (Minister for Disability Services): With regard to the Premier's announcing publicly the $83 million boost to the economy that will result from reduced WorkCover levies, that is a testament not only to the government but also to the WorkCover board and to all the staff at WorkCover, and to employers and employees in South Australia.

As a result of that cooperation between all sectors, we now have a far more efficient WorkCover system, one that is appropriately funded, as a result of the efforts of many people, the government included. The honourable member should be applauding the Premier's announcement that WorkCover premiums can be reduced in the future. With regard to the honourable member's statement—

The Hon. R.I. Lucas interjecting:

The Hon. R.D. LAWSON: I see that the Hon. Ron Roberts is stunned into silence when the Treasurer asks, 'Is the Australian Labor Party going to increase the premiums?' With regard to that particular worker, that worker has circulated the letter that he sent to the honourable member to other members of Parliament, and there has been some discussion about the particular case. As I understand it, the worker in question did accept a lump sum payment in, I think, about 1996, and certain consequences follow under the legislation from the acceptance of that payment.

However, I understand that the case in question is still an open file at WorkCover, and I would not in any way want to compromise a file of that kind. I am not aware of the

particular circumstances and certainly not aware of the circumstances relating to Transport SA's letter regarding the driver's licence. If the honourable member will give me a copy of that correspondence, I will certainly take up the issues in the appropriate quarters and bring back a more detailed response.

PROSTITUTION (REGULATION) BILL

In committee.

(Continued from 29 March. Page 1207.)

The Hon. DIANA LAIDLAW: We reported progress because we thought that the Hon. Robert Lucas may wish to say something on this issue of new clause 10A and small brothels. That was out of courtesy to him, because he was away when we last debated this bill. If he does not wish to speak, we can proceed to a vote.

The Hon. R.I. LUCAS: I do not intend to delay the committee. My views on this issue, in general terms, were made known many days ago when we first debated this issue on, I think, clause 9. I indicated a very strong view then—and, having read the *Hansard* debate of last Thursday, it really has not changed much, although there were a range of new interpretations of the proposed new clause, and so on, that had not been previously canvassed in relation to strata title units and a variety of other issues like that.

For those following the debate, I refer them to my previous comment; that is, I am a strong opponent of the legislation, but this aspect of it is the one I believe will cause most concern to members of the community. I accept the differing views in this chamber. I believe the notion of small brothels and what I believe will be a significant number of small brothels in residential areas will not only be a matter of significant concern as we go through the parliamentary debate, particularly if it goes back to the House of Assembly, but it will be an issue of great concern to local members. Certainly, when one looks at the House of Assembly debate it was not really an issue that was debated at great length at all.

The Hon. Sandra Kanck: They left it for us to fix up.

The Hon. R.I. LUCAS: I think it is partly that, and perhaps they did not pick up some of these issues. As the Hon. Diana Laidlaw has highlighted, whether they did this knowingly or not we do not really know, but I believe the provision that was allowed there under home—I was going to say 'home duties' but that is not right, is it? I refer to the home activities—rather than the home duties—provision—

The Hon. Diana Laidlaw: That is a very liberal way of looking at home duties.

The Hon. R.I. LUCAS: Yes, that is a very liberal way of looking at home duties. Under the home activities provision that the Minister for Planning outlined earlier, the House of Assembly left open the real prospect of small brothels within residential areas, anyway, within the construct of the bill as it left the House of Assembly. As I have said, that may have been well known by all members or some members. I do not know. It certainly was not a feature of the debate in the other place.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: Yes, they may well do so. I accept that there are people with a different view to mine in this chamber on that issue. I also understand from the *Hansard* record that the 200 metre provision has been changed to 100 metres. Is that right?

The Hon. Diana Laidlaw interjecting:

The Hon. R.I. LUCAS: So it is only in the Adelaide City Council. As it has been explained to me, the 200 metres has now been changed to 100 metres in the CBD of the Adelaide City Council. I was not party to that debate, but when we last debated this issue I believe I highlighted that it is a touch ironic that there is a provision—whether it is 100 metres or 200 metres—that a brothel, for example, must be kept away from a school, in particular, but with this provision and, as I said earlier, where there is a commercial or industrial zone separated by a suburban street from a residential zone, large brothels, or fully legalised brothels, can be located across the road from a residential area. In other words, in many parts of metropolitan Adelaide and, I guess, in regional communities, we could have households in a residential area separated by just a suburban street from an industrial zone where a brothel can be legally established under this bill. For all those reasons I remain opposed to the bill and, in particular, to this provision.

The Hon. R.D. LAWSON: In relation to the intent of this proposal, I know it is often spoken of in terms of small brothels being operated from private residences. A good deal of concern has been expressed about the possibility of that intruding upon the peace and enjoyment of the life of neighbours. Is it envisaged that this provision would also allow a brothel to be established in a shop in a strip shopping development or even a new shop in, say, the Marion shopping centre, where an establishment of this kind will be limited in area to 30 square metres but having only two persons engaged in the business? Would it not be anomalous to allow developments of that kind to occur?

The Hon. DIANA LAIDLAW: I am advised that the strip shopping and other examples that the honourable member has raised are possibilities. However, they are also possibilities now. It is an illegal activity but they are not found in those places at the moment because clients do not wish to go into a shopping centre for this service. They are not in the internalised shopping centres and malls now, and one cannot envisage that they will be in the future. A small operation could well be found in strip shopping areas in the future, as they may well be now. Earlier amendments provide that this is not restricted to a home activity. Therefore, while the options are possible, some who do not like various elements of this bill will always seek to put the worst complexion on it. However, I cannot imagine that a brothel will be established in a site where clients and others will feel uncomfortable coming and going. There would be no point setting up a business in that way, and I would also put in that category internalised shopping centres and malls.

The Hon. R.D. LAWSON: I am a little confused because I thought that the basis of this amendment was to equate activities of this kind with home activities. How it is achieved in the amendment is to remove a small brothel from the definition of 'development' and, therefore, no development approval is required and one could undertake it as a home activity. The minister, in her introductory remarks when moving the amendment, spoke of home activities. However, the bill does not speak of home activities but simply excludes from the definition of 'development' any small brothel, which means that you could seek to use the premises as a small

brothel and no development approval would be required. However, that is not the case now in relation to a strip shopping centre—an unfortunate expression—

The Hon. R.I. Lucas interjecting:

The Hon. R.D. LAWSON: Just a shopping centre. At the moment, one could not set up a brothel, small or otherwise, in a shopping centre because to do so would be undertaking a development, changing land use, and therefore it would be a development requiring approval. Contrary to what the minister was just saying, it is not my understanding that one could presently set up a small brothel in a shop or any other premises without planning approval.

The Hon. DIANA LAIDLAW: I do not follow the honourable member's argument. Because they are not legal now, they do not apply for development approval, but the honourable member just said that they would apply for development approval in a shopping centre of any nature. I do not think that I can advance the argument because, in the circumstances today, brothels being illegal, his case does not stand up.

The reason for the reference to small brothel in proposed new clause 10A, compared with the home activity definition in the regulations under the Development Act, is that my amendment deliberately leaves out the words 'use of a site by a person resident on the site'. I have highlighted before that the reason for that is that there may well be circumstances where a prostitute would not wish to use her home for this purpose but may wish to be involved in a small-based activity, but not on site and therefore not confined to her home.

The Hon. J.F. STEFANI: Will the minister advise whether this home activity or small brothels could operate in the Adelaide city area and in Adelaide's apartment buildings? A good number of apartments are being developed. Could that sort of activity occur within the complex of various high-rise apartments?

The Hon. DIANA LAIDLAW: Yes, just as they may well do now, but illegally, and just as an accountant, dressmaker or anyone else can legally undertake their business.

The committee divided on the new clause:

AYES (8)

Elliott, M. J.	Gilfillan, I.
Kanck, S. M.	Laidlaw, D. V. (teller)
Pickles, C. A.	Redford, A. J.
Roberts, T. G.	Sneath, R. K.

NOES (12)

Crothers, T.	Davis, L. H.
Dawkins, J. S. L.	Griffin, K. T.
Holloway, P.	Lawson, R. D.
Lucas, R. I.	Roberts, R. R.
Schaefer, C. V.	Stefani, J. F.
Xenophon, N.	Zollo, C. (teller)

Majority of 4 for the noes.

New clause thus negatived.

Clause 11.

The Hon. CAROLYN PICKLES: I move:

Page 9, line 36—Leave out 'presence or'.

Clause 11 of division 4 relates to nuisance. Subclause (1) provides:

> On a complaint under this section, the Magistrates Court may make a restraining order against the operator of a sex business if satisfied that an occupier of premises adjoining or in the vicinity of the brothel or other place at which the sex business is carried on has suffered nuisance by reason of the presence or operation of the sex business.

This amendment proposes to delete the reference to 'presence' in this division. The bill as it was originally tabled in the House of Assembly did not contain a reference to 'presence'; it referred only to 'conduct'. Following an amendment in the House of Assembly, the current bill contains a reference to both 'presence' and 'operation'. Complaints on the basis of conduct or operation, which may include excessive noise, are considered to be reasonable.

However, to include a nuisance complaint on the basis of an establishment's presence only could potentially make a legalised sex business unworkable. It would mean that just the mere fact that the business was there—and no other reason connected with it—would make it unworkable. I think it is reasonable for the clause to contain a complaint about conduct but not just the presence.

The Hon. DIANA LAIDLAW: I support the amendment.

Amendment carried; clause as amended passed.

Clause 12.

The Hon. DIANA LAIDLAW: I move:

Page 11—

Line 4—After 'sex business' insert ', or a person involved in a sex business,'.

After line 7—Insert:

(3) A person must not seek or accept payment for the grant of a franchise in connection with a sex business.

Maximum penalty: $20 000.

Under clause 12, an operator of a sex business is prevented from having more than one place of business. A person has a place of business if the sex business where the person is undertaking that business or in which the person is involved is carried on, at or from that place.

The first part of my amendment is designed to prevent those involved in a sex business from having more than one business. I believe it corrects an omission in the original draft which would have prevented operators from having more than one business but would have allowed one person who was involved in a sex business to run a chain of businesses.

The second part of my amendment relates to franchising. It is designed to prevent the development of substantial monopoly interests in sex businesses in South Australia by the use of franchises. The proprietor of a brothel could franchise the style, business methods and name of a brothel to another. The business conducted by a franchisee would be a separate commercial entity from that of a franchisor.

It is clear that a franchisor has no entitlement to profits or income from a franchisee's business. However, as currently worded, it is ambiguous as to whether the influence and the control exercised by a franchisor found in the terms of the franchisee agreement would be sufficient to bring the franchisor within the definition of 'person involved in a sex business' and subject to the prohibition of involvement in more than one business. The prohibition on franchising should make it quite explicit as a stand-alone clause. That is why I have moved this amendment.

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

Page 11, line 5—Leave out '$20 000' and insert '$100 000'.

The Hon. DIANA LAIDLAW: I support the Hon. Mr Cameron's amendment.

The Hon. A.J. REDFORD: I wonder about the term 'operator of a sex business', and I note that the definition says, 'an operator of a sex business means the person who carries on the business.' Is there any understanding of what is meant by the term 'carries on the business'? Will there be registration of a business name; will the authorities look behind that; and is there a body of case law that might assist

us in determining who might or might not be the person who carries on the business within the definition of 'operator' within this clause?

The Hon. DIANA LAIDLAW: I will have to take that question on notice. I will get back to the honourable member because I do not have that level of advice with me at the moment.

The Hon. Carolyn Pickles interjecting:

The Hon. A.J. REDFORD: The Leader of the Opposition makes a valid comment—and I just hope that it is on the *Hansard* record—that we should deal with this on the basis of recommittal.

The Hon. DIANA LAIDLAW: I can indicate that it does not require registration of a business name.

The Hon. A.J. REDFORD: I allude to the comments of the Hon. Terry Cameron and the Hon. Trevor Crothers last Thursday and indicate that I am not sure what was meant by the suggestion that a cleaner might be on the premises and having a say in the way in which the business is run. How will someone determine who is the operator of a sex business? What is the process for that determination? I suspect I know the answer, but I think it ought to be on the record.

The Hon. DIANA LAIDLAW: I endeavoured to make it clear last time, but for the record I point out that it will be the person responsible for operating the business.

The Hon. A.J. REDFORD: The nicest thing I can say about that answer, with the greatest respect to the minister, is that it is very circular. I would be interested to know, because one of the concerns I am asked about in the cards, letters and emails I receive—some of which are intelligent comments and some of which are not—is: how will you determine who or what is the operator of the business? What will the authorities look for in terms of a sham outfit? I am happy even if the Attorney responds.

The Hon. K.T. GRIFFIN: I would have thought that you take the clause as a whole. It provides:

> The operator of a sex business must not have more than one place of business.

If you insert 'or a person involved in a sex business' it provides:

> The operator of a sex business or a person involved in a sex business must not have more than one place of business.

I would have thought that that is very much related to the person who is involved in the running of the business as opposed to merely being a worker in the business. When the amendment goes in you take it as a whole. It relates to the conduct of a business, and you can have only one place of business. That is my interpretation of it, but it is a while since I looked carefully at that sort of detail. It seems to me to be fairly straightforward if you take it all in context.

The Hon. DIANA LAIDLAW: I do appreciate the Attorney's assistance, because I thought that I had gone through this at some length several days ago, but I respect that the whole issue of legalisation is complex, and so is the range of amendments and the hours in which we have been involved in the debate. However, I refer the Hon. Mr Redford to the context of the amendment to clause 12 (limitation on sex business) which provides:

> 12(1) The operator of a sex business—

and if my amendment is carried—

> or person involved in a sex business must not have more than one place of business.

The words 'a person involved in a sex business' refers to clause 3, the interpretation provision, where a person involved in a sex business is defined. In terms of the definition of a person involved in a sex business, clause 3(2) provides:

> For the purposes of this act, a person is involved in a sex business if the person is—
> (a) the manager of the business; or
> (b) a person who has a right to participate in, or a reasonable expectation of participating in, income or profits derived from the conduct of the business; or
> (c) a person who is in a position to influence or control the conduct of the business.

It is that definition and that range of persons whom we wanted to include in the ambit of the limitations on a sex business.

The Hon. A.J. REDFORD: I am grateful to the minister for the answer. I think the answer reflects the discussions we have had and I will support the clause and the amendment.

The Hon. Diana Laidlaw's first amendment carried; the Hon. Mr Cameron's amendment carried; the Hon. Diana Laidlaw's second amendment carried; clause as amended passed.

Clause 13 passed.

Clause 14.

The Hon. CAROLYN PICKLES: I move:

> Page 11, lines 15 to 32—Leave out this clause and insert:
> Advertising availability of sexual services
> 14. (1) A person must not advertise the availability of sexual services except by means of a permitted advertisement.
> Maximum penalty: $5 000
> (2) A permitted advertisement is—
> (a) an advertisement—
> (i) published—
> · in a newspaper, magazine or other periodic publication; or
> · in a commercial directory that is predominantly devoted to the advertisement of businesses that do not provide sexual services; or
> · on the internet; and
> (ii) in the case of a printed advertisement—occupying not more than 12 square centimetres; and
> (iii) stating that the services advertised are sexual services; and
> (iv) containing no photographic or pictorial material; and
> (v) containing no reference to the race, colour or ethnic origin of any prostitute; and
> (vi) containing no reference to the health or medical testing of any prostitute; and
> (vii) containing no reference to massage, relaxation, therapeutic, health or related or similar services; and
> (viii) conforming to other restrictions or requirements imposed by the regulations; or
> (b) an advertisement by way of oral recommendation given in the course of a private conversation; or
> (c) an advertisement of some other kind permitted by regulations.

The bill originally introduced in the House of Assembly permitted advertisements, although the provision was later removed, and it was removed from the bill as it came to this place. This amendment seeks to reinstate a very similar provision for advertising on the basis that a legal sex business is like any other legal business which requires a capacity to market services. Failure to permit advertising will have a detrimental effect on a sex business like any other.

The amendment proposes discrete advertising only: that is, not more than 12 square centimetres for printed advertising; and prevents pictorial or photographic material and references to a prostitute's race, colour, ethnic origin, health and medical testing status. Unlike the original bill, this amendment introduces a provision for internet advertising as a permitted advertisement.

I understand that there is a lot of sensitivity about this issue—and the Hon. Mr Redford alluded to it in an earlier

contribution: I think he made a comment along the lines that the Murdoch press at the present time probably makes a lot of money out of advertising what is, of course, an illegal industry. One might almost say that they are living off immoral earnings. However, I am taking the purist view on this—as has, I think, the Attorney, with respect to some other clauses, and I will be interested to hear his contribution on this clause.

If we are to legalise an industry, I believe that they should be allowed to advertise, as long as the advertisements are within the confines of the bill that was originally in the House of Assembly—which is exactly the same as my amendment. What I consider to be very unfortunate references to a person's race, colour or ethnic background, or whether they are healthy or unhealthy, I find to be quite offensive and, if it was a legal industry, they would contravene other legislation at the federal and state levels.

I have introduced a provision for internet advertising to be permitted, because that is now a way in which we are advertising, and it seems to me to be a valid way in which to advertise. I understand, of course, that there are people with violently opposing views to mine, and I make it quite clear that, if this amendment fails, I will not oppose the bill. I will still support the bill but I think that, if the bill gets through the third reading and becomes law, people in a valid business should be allowed to advertise.

The Hon. DIANA LAIDLAW: I want to recap where we are in terms of some of the amendments that have been passed and other provisions that have been knocked out, or knocked around, since this bill was first introduced. We have a situation of a bill in progress with circumstances where a person can apply for a small brothel through the planning system and, if approved, can establish in a residential area or elsewhere. I also think it is important to take into account, in looking at this advertising provision, what the bill now provides—which is not what I sought but what I accept in terms of having small brothels being exempt from the development system, subject to banning orders, nuisance and other arrangements. So, this would be a small brothel approved through the planning system.

I also think it is very important for honourable members to take into account that the bill before us deals with the sex business as a whole, including the escort agencies. I am not aware if other members of parliament have seen the print media in this state or the television after one—

The Hon. Caroline Schaefer interjecting:

The Hon. DIANA LAIDLAW: The Hon. Caroline Schaefer says they would have had to, unless they are blind. That is probably right, but some do not see what they do not wish to see. There is rampant advertising of the escort business today through the print and television media, in the phone books and even, I think, distressingly so, through some of the tourist publications; it is freely available. The Hon. Carolyn Pickles' amendment would cover that advertising as well as the general brothel advertising. I think it is important to understand that the amendment moved by the Hon. Carolyn Pickles does get rid of the pictorial element of the current advertising that we see, and I think that that would be an important advance over what currently appears. For those various reasons, I support the honourable member's amendment.

The Hon. SANDRA KANCK: I support the Hon. Carolyn Pickles' amendment. I believe that the bill in its current form will only advantage what I call the large glitzy style type of operations. The small one and two person operations require advertising in order to be able to survive—

The Hon. Diana Laidlaw interjecting:

The Hon. SANDRA KANCK: Exactly. If the bill remains in its current form, it means that people visiting this state, in particular, will call a taxi and say, 'Take me to a brothel.' Everyone knows Stormy's: Stormy's will be given a real leg-up by the bill in its current form, because that is the one that everyone knows. I think most people in Adelaide would be able to find it—

The Hon. A.J. Redford: Why would they know about Stormy's? This is illegal.

The Hon. SANDRA KANCK: I will not argue about whether it is legal or illegal. I think that most people in Adelaide know where Stormy's is. And the fact is that that is where most taxi drivers would probably go if they were asked by someone to take them to a brothel. They will not know where the one and two person operations are. I believe that we need to be promoting the quiet, subtle form of the brothel industry in this state. The bill as it stands, without being amended, will advantage only the glitzy style of operation.

An honourable member: Why?

The Hon. SANDRA KANCK: Because no-one will know where the one and two person operations are.

The Hon. T.G. Cameron interjecting:

The Hon. SANDRA KANCK: If the Hon. Carolyn Pickles' amendment gets up. I am talking about the bill as it currently stands, which I think, in regard to advertising, is very flawed, and it is for that reason that I support the Hon. Carolyn Pickles' amendment.

The CHAIRMAN: I think the Hon. Mr Redford has indicated that he is having an amendment distributed. Perhaps he had better outline his amendment first, and it will be distributed.

The Hon. A.J. REDFORD: I am a little concerned. I thought that I had filed an amendment last week, and I have discovered that it has not been filed. The amendment deals with toughening up the advertising provision that came to us from the other place. I am conscious of the fact that members may not have had a chance to consider my amendments—

The Hon. Diana Laidlaw interjecting:

The Hon. A.J. REDFORD: Yes, I did. I gave you a copy.

The Hon. Diana Laidlaw: I have not seen it. Sorry, I apologise.

The Hon. T.G. Cameron: What does it say?

The CHAIRMAN: Order!

The Hon. A.J. REDFORD: I will read it out—it goes for three pages.

The Hon. T.G. Cameron: We can adjourn the debate and consider your amendment.

The Hon. A.J. REDFORD: The honourable member is ahead of me, because I think that is what we might have to do.

The Hon. Diana Laidlaw: Have you moved it?

The Hon. A.J. REDFORD: No. I would like to move it.

The CHAIRMAN: The Hon. Mr Redford can move the amendment, and when we have the hard copy it will be distributed.

The Hon. A.J. REDFORD: Can I move it in the form—

The CHAIRMAN: The honourable member has already moved an amendment.

An honourable member interjecting:

The Hon. A.J. REDFORD: Yes, that is what I would like to do.

The Hon. Diana Laidlaw interjecting:

The Hon. A.J. REDFORD: I thought everyone had a copy of it; I am sorry.

The Hon. T.G. Cameron: What is it about?

The CHAIRMAN: Order!

The Hon. A.J. REDFORD: It is about advertising.

The Hon. T.G. Cameron: I have not seen it.

The CHAIRMAN: Order! The Hon. Mr Redford has the call at the moment.

The Hon. A.J. REDFORD: I do not quite understand. I thought that it had the name and the time and everything, and I assumed that that was the time it was lodged. Be that as it may, I want to increase the penalties in relation to advertising. I want to extend the ban on advertising to include issues relating to sponsorship. Port Power would not do this, but the Crows would do anything and, at the end of the day, I would hate to see them being sponsored by a little operation such as this.

Thirdly, I want to ensure that there is no advertising of employment in relation to this activity. I apologise, because I thought that the amendment had been filed. I was told two minutes ago that it has not been filed. They are the issues that I wanted to deal with. I am happy to report progress while members consider the amendment. If not, we can revisit it.

The Hon. T.G. CAMERON: Once again I am confused. I do not know the substance of the Hon. Angus Redford's amendment.

An honourable member interjecting:

The Hon. T.G. CAMERON: I am trying to help you out here, mate, if you would just shut up for a minute or two. I am disposed towards the amendment standing in the name of the Hon. Carolyn Pickles. Some very sound arguments have been made by all contributors in relation to the need for some form of advertising. I do not know whether I want to proceed until I have had the opportunity to peruse what the Hon. Angus Redford says in relation to this matter. I am just wondering whether there is any way we can accommodate that and still proceed.

The Hon. DIANA LAIDLAW: My understanding is that we must report progress now that an amendment has been moved. We cannot skip over the clause and go to other clauses. We have to deal with this one. In the circumstances, and to seek to accommodate the late amendment on file from the Hon. Angus Redford—and he will see how accommodating we all are and probably acknowledge that at some stage—we should report progress to consider the issues that he wants to raise.

The Hon. A.J. REDFORD: I oppose the amendment, and what I am seeking to do is to beef up the anti advertising clause from the lower house. We could probably deal with the amendment. If I am any judge of the numbers, it will get rolled and then we can deal with what is the better clause in terms of prohibiting advertising: the one that I have or the one that came from the lower house. Alternatively, we can just report progress and deal with it tomorrow.

Progress reported; committee to sit again.

STATUTES AMENDMENT (TRANSPORT PORTFOLIO) BILL

Adjourned debate on second reading.

(Continued from 14 March. Page 1045.)

The Hon. T.G. CAMERON: This bill amends the Harbors and Navigation Act 1993, the Motor Vehicles Act 1959 and the Road Traffic Act 1961. It makes numerous amendments, which will need the consideration of this chamber. It mirrors the provisions for carrying out breath tests for motorists in the Harbors and Navigation Act and regulations to ensure consistency of application.

The Road Traffic Act provides for a two hour window in which a breath test must be performed. However, delays in testing can result in non-compliance with this provision. The amendment provides that the test must be commenced within two hours of the event giving rise to the need for the alcotest or breath analysis. The bill also provides for a two hour requirement to apply to a breath analysis at a random breath testing station.

The bill provides that a police officer must inform a person of the right to a blood test instead of a breath test, and the penalties involved in failure to provide a breath or blood test. This prevents the possibility of a person being charged with refusing a breath test if they cannot comply for medical or other reasons but would be willing to undergo a blood test.

The bill makes provisions for testing procedures for alcotests or breath analysis to be provided in regulations. It is envisioned that two samples will be taken and the lower of the two shall be the official result—hardly something that motorists or someone driving a boat or ship can complain about. However, regulations are needed to keep up with the changes in technology for breath sampling. Currently, back calculations by expert witnesses are the only way to determine the actual concentration of alcohol in the blood at the time of the alleged offence. I understand that this is a costly process.

The bill makes provision for the presumption that the prescribed concentration of alcohol in the blood at the time of testing was present during the period between the alleged offence and the testing. Currently, the measurement of breath testing is grams of alcohol per 100 millilitres of blood. For prosecution purposes, this is changed through a formula, which leaves it open to the risk of error, and this change can be challenged in court.

Expressing breath test results in terms of breath concentration removes the risk. The concentration of alcohol in 100 millilitres of blood is equal to the concentration in 210 litres of breath. This keeps the .05 message the same, only it is now .05 grams of alcohol in 210 litres of breath. I am not quite sure whether everyone appreciates the substitution process that has taken place but, if they do not, I submit that it is the same.

The relevant offences will continue to be expressed in terms of blood alcohol. The bill introduces a deeming provision for the conversion of that reading to a reading that is meaningful in relation to the offences. The bill goes on to make minor amendments to comply with the Australian Road Rules in relation to breath tests for people who have consumed alcohol after a crash, and to update other obsolete references in the Road Traffic and Harbors and Navigation Acts.

It amends the Road Traffic Act to allow the regulations to prescribe a class of vehicles that the Registrar may refuse to register, either completely or pending investigation. This is to allow the regulations to specify that categories of wrecked vehicles in New South Wales are also precluded from being registered in South Australia, stopping us from becoming a 'shonky seller's dumping ground' for written-off vehicles. It also allows the definition of a written-off motor vehicle to be prescribed in regulations which, in my opinion, is a welcome change.

The bill also allows the nomination by a minister of a body corporate as the nominal defendant, that is, the person or body whose third party motor insurance is the subject of a claim. SA First supports these provisions and supports the bill.

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

LAKE EYRE BASIN (INTERGOVERNMENTAL AGREEMENT) BILL

Adjourned debate on second reading.

(Continued from 29 March. Page 1200.)

The Hon. R.I. LUCAS (Treasurer): I thank all members for their contributions and indications of support for the bill.

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

CITIZENS' RIGHT OF REPLY

Adjourned debate on motion of Hon. K.T. Griffin:

That, during the present session, the Council make available to any person who believes that he or she has been adversely referred to during proceedings of the Legislative Council the following procedure for seeking to have a response incorporated into *Hansard*—

I. Any person who has been referred to in the Legislative Council by name, or in another way so as to be readily identified, may make a submission in writing to the President—
   (a) claiming that he or she has been adversely affected in reputation or in respect of dealings or associations with others, or injured in profession, occupation or trade or in the holding of an office, or in respect of any financial credit or other status or that his or her privacy has been unreasonably invaded; and
   (b) requesting that his or her response be incorporated into *Hansard.*

II. The President shall consider the submission as soon as practicable.

III. The President shall reject any submission that is not made within a reasonable time.

IV. If the President has not rejected the submission under clause III, the President shall give notice of the submission to the member who referred in the Council to the person who has made the submission.

V. In considering the submission, the President—
   (a) may confer with the person who made the submission;
   (b) may confer with any member;
   (c) must confer with the member who referred in the Council to the person who has made the submission if it is possible to do so;
   but
   (d) may not take any evidence;
   (e) may not judge the truth of any statement made in the Council or the submission.

VI. If the President is of the opinion that—
   (a) the submission is trivial, frivolous, vexatious or offensive in character; or
   (b) the submission is not made in good faith; or
   (c) the submission has not been made within a reasonable time; or
   (d) the submission misrepresents the statements made by the member; or
   (e) there is some other good reason not to grant the request to incorporate a response into *Hansard,*

   the President shall refuse the request and inform the person who made it of the President's decision.

VII. The President shall not be obliged to inform the Council or any person of the reasons for any decision made pursuant to this resolution. The President's decision shall be final and no debate, reflection or vote shall be permitted in relation to the President's decision.

VIII. Unless the President refuses the request on one or more of the grounds set out in paragraph V of this resolution, the President shall report to the Council that in the President's opinion the response in terms agreed between him and the person making the request should be incorporated into *Hansard* and the response shall thereupon be incorporated into *Hansard*.

IX. A response—
   (a) must be succinct and strictly relevant to the question in issue;
   (b) must not contain anything offensive in character;
   (c) must not contain any matter the publication of which would have the effect of—
      (i) unreasonably adversely affecting or injuring a person, or unreasonably invading a person's privacy in the manner referred to in paragraph I of this resolution, or
      (ii) unreasonably aggravating any adverse effect, injury or invasion of privacy suffered by any person, or
      (iii) unreasonably aggravating any situation or circumstance,

   and
   (d) must not contain any matter the publication of which might prejudice—
      (i) the investigation of any alleged criminal offence,
      (ii) the fair trial of any current or pending criminal proceedings, or
      (iii) any civil proceedings in any court or tribunal.

X. In this resolution—
   (a) 'person' includes a corporation of any type and an unincorporated association;
   (b) 'Member' includes a former member of the Legislative Council.

(Continued from 15 March. Page 1073.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The opposition supports the sessional order regarding the citizens' right of reply. We tried this sessional order in the last session of parliament and have had one submission, I understand. On reflection, I feel that that submission came as a result of something that happened 12 years ago, and I note that the Attorney has moved an amendment to make sure that that does not happen again.

Quite frankly, although we did not have a right of reply, something that occurs when the members are no longer here is really rather unfair. My question to the Attorney relates to paragraph VII, which provides that the President should not be obliged to inform the Council or any person of the reasons for any decision made pursuant to this resolution, and that the President's decision shall be final and no debate, reflection or vote shall be permitted in relation to the President's decision.

If we were putting that measure in as a standing order, I might be more nervous about that paragraph, because what if the President gets it wrong? Since it is a sessional order, I am prepared to allow it to go through again, although the Attorney might like to explain why he has included an additional provision in this paragraph. I understand that the second sentence is a new part of the sessional order. In relation to one of the other amendments regarding corporations (paragraph X), is this a new paragraph?

The Hon. K.T. Griffin: No, it has been there since 1999.

The Hon. CAROLYN PICKLES: I know that we included it before, but why do we need to include a corporation? Sometimes corporations can find avenues of redress through litigation or other means. I know that on occasions—

indeed, quite often—companies are maligned in this place and I feel that they have an opportunity to have a say and give an answer, whereas individuals do not always have that opportunity. This was always aimed more at the individual.

The Hon. K.T. Griffin interjecting:

The Hon. CAROLYN PICKLES: The Acts Interpretation Act? I will wait for the Attorney-General's summing up. Another change inserts a new ground upon which the President may reject a submission if it misrepresents the statement by a member or members.

The Hon. K.T. Griffin: Which one is that?

The Hon. CAROLYN PICKLES: That is the fourth change. The minister is clarifying that issue. I am pleased that the change takes into account the fact that we have changed our standing orders to have gender inclusive rather than gender exclusive language, and I am pleased that the sessional order takes that into consideration.

While I do not necessarily think that this is a perfect or final template that we should use, since we are going ahead with this as a sessional order, the opposition is prepared to support it on this occasion. However, if were intending to put it into standing orders, it would be worthwhile for the Standing Orders Committee to meet and discuss it a little further to ensure that we have something that everyone can support completely and without any reservations. We have seen it work on the one occasion that it came before this chamber.

The Hon. A.J. Redford interjecting:

The Hon. CAROLYN PICKLES: Okay, two occasions. The one occasion that I am thinking about concerned Christies Beach.

The Hon. A.J. Redford interjecting:

The Hon. CAROLYN PICKLES: Yes, I recall that one now. It has been so long since we dealt with this. It is also interesting to note that, in this chamber, we can include a citizen's right of reply whereas the other place cannot manage to get it into either its sessional orders or its standing orders. However, I understand that the lower house has a committee looking at issues concerning the operation of the parliament, and I think it is a very good idea always to be self-critical. The parliament can always improve the way it is run. This has been a good first step. We supported it last time and we support these amendments. Perhaps the Attorney-General can comment, in particular, on paragraph VII: what if the President gets it wrong?

The Hon. SANDRA KANCK: I indicate the Democrats' support for this motion; we have supported it in the past and we will continue to do so. My colleague the Hon. Mike Elliott, who would have spoken on this motion, is unable to be here at this time but he indicates his strong support for it.

The Hon. K.T. GRIFFIN (Attorney-General): I thank honourable members for their indications of support for the motion. It has been in place in substantially the same form since 1999, and I believe it is a useful sessional order. It may well be that, as we refine it from experience, it will soon be appropriate to include it as a standing order rather than a sessional order. However, I think that including it in a sessional order has been good from the point of view of allowing it to develop and for refinements to be made with the benefit of experience.

I indicated in my speech in moving the motion that there are several modifications to what had been in the earlier sessional order and the Leader of the Opposition has identified those aspects. The issue in relation to paragraph VII relates to the President's decision. This sessional order is based on the President having the ultimate authority to make a decision in respect of an application by a member of parliament relating to assertions made in debate by a member of the Legislative Council. Ultimately, that has to be the decision of the President. If it is not the President's decision, or if it is the President's and is subsequently subject to challenge, it then raises questions about the confidence that the Council has in the President. It opens up the whole matter for debate and, I think, defeats the purpose of a statement inserted in *Hansard* which, of course, has to meet certain minimum standards: itself must not be critical of a member; itself must not be defamatory, and so on—and in abuse of parliamentary privilege.

In those circumstances, there is a requirement for the President to consult, and to consult particularly with the member who made the original statements about which the complaint has been laid, and to then make a decision. We may not all agree with what the President does or does not do but, having taken advice, ultimately it has to be the President's decision. As I have said, if that is opened up to debate, it defeats the purpose of the sessional order and allows the whole matter to be aired—both the good and the bad. I believe that would be something that even the complainant would be uncomfortable with, particularly because it opens up the opportunity for members to have a second go at the citizen who sought to have the right of reply inserted in *Hansard* and it exposes the whole issue to further debate. That is the rationale for it. I believe that we have to be very careful about giving the President the responsibility and discretion to exercise in accordance with the sessional order and then opening it up for debate.

It also has to be remembered that, if there are supporters of a particular citizen who has a complaint about what has been said about him or her (or, if a corporation, about it), that person can then seek to persuade a member to put a substantive motion on the *Notice Paper* in private members' time—and there is no shortage of opportunity to do that—and the matter can be debated. But this is very much a matter of last resort.

If the citizen is unable to persuade a member to take up the fight to move a substantive motion—or even as an issue of public importance in that five minute section where seven members have an opportunity on Wednesday afternoons after question time—or to raise a question of a minister, one has to then say, 'Maybe there is some problem with the citizen who is raising that issue.' There may not be, but this is very much a last resort in the steps that can be taken by a citizen to seek redress, particularly in relation to statements made about that person (or a corporation) in the parliament. I believe that covers the rationale for the additional sentence in paragraph VII.

The only other issue that the Leader of the Opposition has raised is the reference to a person, including a corporation, of any type and an unincorporated association. That has been included in the sessional order right from the start. It is not an uncommon provision. As the Hon. Angus Redford has said, the Acts Interpretation Act provides that he, she or it are, in a sense, synonymous and encompass the others. It is quite possible for a corporation to be defamed under parliamentary privilege, and wrongly so, and, for some reason, may not be able to persuade a member to pick up the matter in a matter of importance debate or a substantive motion. In those circumstances, it is not unheard of that a corporation might

then seek to use this sessional order, and I do not believe that corporations ought to be precluded from doing so.

Of course, as a consequence of the statements made in this Council, there may be a substantial material disadvantage suffered by the corporation. In those circumstances, it is appropriate for an appropriate response to be at least considered by the President for insertion in *Hansard*. I believe that deals with the issues raised by the Leader of the Opposition and deals with them satisfactorily. I commend the motion.

Motion carried.

POLICE SUPERANNUATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 March. Page 1201.)

The Hon. P. HOLLOWAY: I indicate that the opposition will support these amendments to the Police Superannuation Act. We are keen to support our police force in the very difficult job that the police undertake. This amendment bill contains a couple of reasonably significant changes to the superannuation scheme that covers our police officers as well as some fairly technical amendments, which I will briefly describe in a moment. On balance, they improve the conditions for our police officers and that is why we are very happy to support them.

One of the main purposes of the bill is to consolidate two different superannuation schemes for police officers. The police have always been covered under the Police Superannuation Act 1990 but, in 1988, when the commonwealth government introduced the superannuation guarantee levy in place of a salary increase, there was to be a 3 per cent productivity benefit paid by way of superannuation. At that time, the productivity benefit was given to police officers through the Police Occupational Superannuation Scheme, a separate scheme which received those 3 per cent salary increments.

Under this bill it is proposed to merge these two schemes. The reasons for doing that are obvious. At the moment, significant additional administrative work is involved, and there is also confusion for police officers regarding the benefits paid. So, the proposal is to consolidate the two schemes. We are assured that that will cause no extra cost to the government and will have no impact on officers who belong to the schemes, so we support this change.

Another of the amendments in this bill—and perhaps a very important one for police officers—involves the fact that the current act provides that any termination of services which occurs after a police officer turns 55 is deemed to be retirement due to age. That means that an age pension will apply to a police officer over the age of 55. Problems can arise if a police officer aged over 55 has his services terminated due to invalidity or ill health. That officer is then paid an age pension rather than a disability pension. We are told that, within the police force, some officers who may be suffering from ill health or some degree of invalidity are bringing their retirement forward to before the age of 55 so that they can get the higher invalidity benefit rather than be paid the age benefit after they turn 55.

The other point that it is important to make in relation to this issue is that disability benefits are payable up to the age of 60 for all other public servants in the state pension scheme. What is proposed here is to bring the police superannuation scheme into line with other state schemes so that police officers can retire due to invalidity up to the age of 60.

The next amendment in this bill relates to salary sacrifice schemes. Members would be aware that we made some changes in this area to the more general Public Service Superannuation Scheme some time back. This amendment will allow police officers who are members of the scheme to make additional voluntary contributions. These contributions will not be matched by employer contributions, and the balance of the contributions that are made by police officers will be available to members on termination of service, as is the case for other public servants. The opposition also supports this change.

The remaining amendments in the bill are fairly technical. They relate to changes that were made to the Superannuation Act recently when we debated that bill. There is an amendment to section 40 which enables the board to assume that a person's income from remunerative activities is received over a whole financial year rather than over the period during which they work. We discussed this matter when changes were made to the Superannuation Act last year. The benefit of this change is that it will enable people who are on an invalidity or retrenchment pension to seek short-term or part-time work without being unnecessarily penalised because of the income they receive. Again, the opposition supports this amendment.

The next amendment is to what are called the 'term certain' provisions. These provisions ensure that a person who is entitled to a pension—or a spouse who is entitled to a pension due to their spouse's death—will be guaranteed a minimum amount as a benefit from the scheme. Again, when discussing the Superannuation Act last year, it was pointed out that a number of people—in many cases, spouses—were entitled to fairly small payments under the superannuation scheme. Those amounts on a weekly basis were relatively small and there was a considerable administrative cost involved in paying those small amounts.

It is suggested here that, if the amount can be paid as a lump sum equivalent to 4½ years of pension less the value of any lump sum paid out, this 'term certain' arrangement will ensure greater certainty to members of the superannuation scheme and reduce the cost to the government by simplifying the accounting arrangements. We are told that, overall, there is no net increased cost to the government but, because we are paying the benefit once, it improves the benefits to the recipients of the scheme. So, again we support this amendment to the Police Superannuation Fund as we supported it more generally in respect of the Public Service scheme last year.

The final amendment is to the Superannuation Act itself. This mirrors the 'term certain' amendments which I have just described and ensures that there is conformity between the two acts (the state Superannuation Act and the Police Superannuation Act) in relation to that 'term certain' provision.

Finally, I indicate that the Police Association, the police department and the Police Superannuation Board have all indicated their support for the proposed amendments. The opposition is pleased to support them. As I have said, for a relatively small increase in cost, there are considerable benefits to police officers as a result of these changes to the scheme. We believe that our police force in this state, given the difficult job that it does, thoroughly deserves these additional benefits. The opposition supports the bill.

The Hon. M.J. ELLIOTT: I will not repeat the ground covered by both the minister and the shadow spokesperson during their contributions on what is covered by the bill. What is more important is the impact of the bill. I have spoken with the Police Association and been informed that it has been consulted about this bill. It is quite relaxed about the bill's contents. If anyone was going to ring alarm bells because of any difficulties with this bill, I am sure that the Police Association would have. Having looked at the bill and also been satisfied with it, the Democrats are happy to support the second reading.

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

SOFTWARE CENTRE INQUIRY (POWERS AND IMMUNITIES) BILL

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

ADJOURNMENT

At 4.59 p.m. the Council adjourned until Wednesday 4 April at 2.15 p.m.