LEGISLATIVE COUNCIL

Tuesday 1 May 2001

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

ASSENT TO BILLS

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

Community Titles (Miscellaneous) Amendment,
Expiation of Offences (Trifling Offences) Amendment,
Lake Eyre Basin (Intergovernmental Agreement),
Legal Assistance (Restrained Property) Amendment,
Police Superannuation (Miscellaneous) Amendment,
Software Centre Inquiry (Powers and Immunities),
Youth Court (Judicial Tenure) Amendment.

QUESTIONS

The PRESIDENT: I direct that written answers to the following questions on the *Notice Paper*, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 12, 64 and 75.

NORTH WESTERN ADELAIDE HEALTH SERVICES

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

1. As the North Western Adelaide Hospital Services at Oakden is being proposed for closure, where will the current clients, many of whom suffer from severe dementia, be placed?

2. What will happen to these clients if qualified staff leave because of the uncertainty of continued employment?

3. Can you give assurances these people will continue to receive the necessary psychiatric care?

4. What measures are being taken to assist those relatives, many of whom are also elderly, who may have to travel extra distances to visit those patients who may have to move?

5. Can you give assurances there will be proper consultation with relatives, and especially with the newly appointed Director of Mental Health SA, before any final decision is taken?

The Hon. R.D. LAWSON: The following information is provided:

1, 2 & 4. These questions are based on a false assumption. There has been no decision made to close the Oakden facility, which is an important part of State funded services providing inpatient and residential care to older people with complex needs.

3. Assurances can be given that people currently receiving services at Oakden will continue to receive appropriate care.

No change will be implemented in the structure of residential services at Oakden until full exploration of all options has occurred.

5. The newly appointed Director Mental Health Services has held a public forum to discuss issues relating to Oakden with interested parties, including relatives and friends of the residents.

If and when proposals to alter the services at Oakden are approved by the Government, the Department of Human Services will develop appropriate consultation strategies in collaboration with North Western Adelaide Health Service to address the concerns of interested parties including relatives.

SPEEDING OFFENCES

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

1. How many motorists were caught speeding in South Australia between 1 October 2000 and 31 December 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 October 2000 and 31 December 2000 in respect to speeding offences.

Speed Camera	56 136
Other means	13 401

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 October 2000 and 31 December 2000.

60-69 km/h	182
70-79 km/h	45 222
80-89 km/h	3 609
90-99 km/h	2 540
100-109 km/h	1 121
110 km/h and over	466

The table below depicts the total revenue received from speeding expiation notices issued between 1 October 2000 and 31 December 2000 in respect to speed cameras and other means.

Speed Cameras	$6 448 333
Other Means	$1 922 071

Between 1 October 2000 and 31 December 2000 there were 40 fatal crashes and 1 926 injury crashes.

STATE UPDATE

75. **The Hon. R.R. ROBERTS:**

1. Who paid for the production and delivery of the recently circulated State Update?

2. What was the total cost including consultant fees, if any?

3. Which consultants were used, if any?

4. To whom was it sent?

The Hon. R.I. LUCAS: The Premier has provided the following information:

The production and delivery of the recently circulated State Update was paid for by the Premier's Office. The total cost to produce the State Update was $3 729.83.

It must be kept in mind that it is not possible to be completely precise in the actual cost of production due to the varying amount of toner used at the printing stage, which is dependant on the amount of colour that is used in the layout.

This also accounts for the inability to provide completely accurate figures on the average cost of production for the State Update on a month by month basis as the amount of colour used in each month's publication varies considerably. Therefore, the most recent print run, being the March State Update, has been used. These costs should only be considered indicative, however, every endeavour has been made to be as precise as possible.

The State Update is prepared in house so there was no consultancy required.

The State Update is distributed monthly to business leaders, volunteer, service and community groups, including sporting and recreation groups, local government, libraries, members of parliament, state government departments and regional development authorities.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

Regulations under the following Acts—

Southern State Superannuation Act 1994—Carclew
Stamp Duties Act 1923—Adelaide CBD
Water Resources Act 1997—
Prescribed Watercourse
Surface Water Area

University of South Australia By-laws—Driving, Conduct, Ban

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

Rules of Court—
Supreme Court—Supreme Court Act—Interest Rate
South Australian Ports (Disposal of Maritime Assets) Act 2000—Transfer Order

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

Corporation By-laws—
Playford—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land.

QUESTION TIME

ELECTRICITY TASK FORCE

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

Leave granted.

The Hon. CAROLYN PICKLES: On 28 March the Premier announced the membership of a high level electricity task force to examine the rules of the national electricity market and to review it and, most importantly, recommend action that needs to be taken to improve it. Since then, at Easter the chair left for four weeks holiday overseas and the opposition has been advised that the task force may have met only twice. According to a weekend media report, the Premier has asked the task force to produce an interim report by as early as this week. My questions are:

1. Given the urgency of the electricity crisis facing business in this state and the importance placed on the results of the Premier's electricity task force, can the Treasurer explain why the chairman of his task force, Mr John Eastham, is on four weeks leave overseas until 11 May?

2. How many times has the task force met since its membership was announced in March?

The Hon. R.I. LUCAS (Treasurer): The task force met on two or three occasions in early April. The task force had briefings from a range of individuals, including Mr Rob Booth and others representing bodies such as NECA and NEMMCO. The task force agreed on a consultation plan, proposed visits and taking public submissions. It also determined the information gathering task that was to be undertaken by either officers or consultants on a technical advisory group that would provide advice to both the government and the task force.

Consultation began in early April, letters were sent to interested parties—I am not sure how many, but a significant number—and I understand that papers were put on the task force web site. I am told that in the middle of April an advertisement was put in all the major papers calling for submissions in terms of issues in relation to the national electricity market. The closing date for submissions is listed as 11 May (which is the middle of or late next week), which gave about three to four weeks for people to make submissions to the task force.

The task force believed it was important that people had an opportunity to put a point of view, and indeed to offer constructive suggestion (if there was to be constructive suggestion) about what changes, if any, might be needed to be made to the operations of the national market. I am advised that the chairman of the task force set in place all that activity and, when he was appointed, it was known that he was committed to being away from South Australia for a period, and it was on the basis that it would not delay the work of the task force. Certainly it was known to the government that he would be away for that particular period. In looking at the time frame that the task force had been given, it was the considered view that there were no problems with its meeting the time line that had been established originally, which from recollection was about three months, for a report by middle to late June. The Premier has—

The Hon. Carolyn Pickles: When is the report due?

The Hon. R.I. LUCAS: The original date that was set for the final report was, I think, about three months. I will need to check the precise wording used by the Premier at the time. He may well have said '90 days' or 'three months', but it was of that order. Subsequent to that, the Premier has asked the task force to produce an interim report by, I believe, 1 June. He goes to COAG on 8 June.

I know that the honourable member referred to a press report which stated that it was going to report this week. I am not sure where that press report has come from when we have called for public submissions that do not close until the middle of or late next week. I am not sure how you could complete your report before you have taken submissions from business organisations and others who may want to put a view to the task force about the operation.

I have had a report in the last 24 hours that officers working with the task force have been meeting with national market players interstate for the last three or four weeks. Work regarding a significant number of the key groups and organisations, time permitting in terms of face-to-face meetings, has been done by officers working for the task force. They are producing reports, which are then made available to the task force. With the wonderful joys of modern communication, which might be unfamiliar to the opposition, the Chairman of the task force is able to keep in contact regarding operations under the consultation period: that is going on at the moment.

The Chairman of the task force will be back prior to the close of submissions, which is around the middle or end of next week. He will be back in time for the series of task force meetings that will have to be held through May to determine what will go into an interim report and, ultimately, to conclude the meetings in June as to what goes into the final report that was requested by the Premier. If the honourable member's date is right—that it was at the end of March that this was first announced—the end of June would correspond with the time line I was talking about, which was a three-month approximate time line for the work of the task force.

The task force is working and working well. It is involved in an intensive but short period of consultation of only some three to four weeks, which is not an unreasonable period for something as significant as reviewing the national electricity market.

ELECTRICITY, PRICING

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: The Treasurer's mismanagement of his electricity responsibilities has caused not only

acute public and business anxiety but also major divisions within the minority Olsen government. The latest instalment in this sorry story of the Treasurer's mismanagement has been the arrival of power bills to 2 600 businesses that are, on average, 30 per cent higher and some as much as 100 per cent higher.

The Independent members for Chaffey (Karlene Maywald) and Gordon (Rory McEwen) have been particularly critical, calling for the Hon. Rob Lucas to be stripped of his responsibility for electricity, saying, 'We need to have someone else take over this issue', and that removal of Mr Lucas was, and I again quote, 'my preferred course of action'. My questions are:

1. What discussions has the Treasurer had with the Premier about his poor performance, and did the Premier express his full confidence in him?

2. Has the Treasurer had discussions with the member for Chaffey about her concerns and, if so, what was the outcome?

3. Given that the Premier went on the public record as long ago as 1996 warning of power shortages by the summer of 2000, and given that the Olsen government has had no fewer than three bodies advising it on how to prepare for the national market—the Electricity Reform and Sales Unit, the Energy Supply Industry Planning Council and the Office of Energy Policy (and, of course, it now has the task force)—what did these three bodies that I mentioned earlier advise, and why has the government failed to plan to avert the present electricity crisis?

4. Does the Treasurer have confidence in the key personnel of these bodies and, if so, does the Treasurer personally accept responsibility for this crisis?

5. Why did the Premier unequivocally promise cheaper electricity after privatisation, stating on 17 February 1998—the day he announced his privatisation—that 'fierce competition between private suppliers always results in prices dropping' when, in fact, 2 600 South Australian businesses face price rises of up to 80 per cent from 1 July and 750 000 domestic customers face similar price hikes from 1 January 2003?

6. Finally, given that when he was announcing electricity privatisation on 17 February 1998, the Premier said that it was essential to save South Australians from the risk of higher prices and, further, that 'we have to protect them from. . . higher power prices they cannot afford. That is our duty'—

The Hon. T. Crothers interjecting:

The Hon. P. HOLLOWAY: This is your friend, John Olsen. He said, 'We have to protect them from higher power prices they cannot afford. That is our duty', and, given that South Australian businesses now face electricity price rises of an average of 30 per cent, will the Treasurer now admit that the government has completely failed in its stated duty to South Australians?

The Hon. R.I. LUCAS (Treasurer): I thank the Hon. Mr Holloway for his 6 415 questions.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: He might want to listen to the answers. I would be happy to provide photocopies of some news articles which may or may not be of interest to the Hon. Mr Holloway. The first one to which I refer him is in the *Sydney Morning Herald* of 16 April. I note that this is a Labor government state which still has publicly owned electricity assets. The article is headed 'Carr may pay the price of power' and states:

> Surging power prices are threatening to create a political backlash for the state government. . .

This is the Carr Labor government, not a Liberal government.

Members interjecting:

The Hon. R.I. LUCAS: Who owns those assets?

Members interjecting:

The Hon. R.I. LUCAS: Let me continue:

> Surging power prices are threatening to create a political backlash for the state government in the wake of deregulation of the national electricity market.

I will not read all of this article.

Members interjecting:

The Hon. R.I. LUCAS: The article states further:

> By some estimates, electricity prices have more than doubled over the past 18 months, with little prospect of an early fall. The sustained upswing also threatens to trigger a backlash for the Carr government since it is committed to full deregulation of the electricity market from the start of next year.

I have a number of other articles that I am happy to photocopy for the honourable member. 'Electricity bill savings wiped' says a banner headline in the Melbourne *Herald Sun*. I refer the honourable member to one of the most recent editions of the *Electricity Week* newsletter, which is often quoted by the Australian Democrats and others. The *Electricity Week* newsletter states:

> Some of Victoria's biggest power users, preparing to renegotiate their electricity contracts, have been 'stunned' by suppliers' demands of $85/MWh or more, according to *The Weekly Times*. . . Some of the state's largest regional employers, including SPC, Vegco and Bonlac Foods, face major blow-outs in their electricity costs.

It states under the heading of 'No choice':

> Energy broker Peter Phillips, who has more than 50 clients across regional Australia, told *The Weekly Times* most manufacturers had no choice but to absorb the price increases.

It states further:

> One of Victoria's biggest regional employers, SPC, must negotiate its electricity contract in the next three months. 'We're going forward with some trepidation on this,' said SPC Operational Manager Mark Shadbolt.

I referred recently to some other examples from the Electricity Price Forecast Conference in March this year where a senior manager of BHP is quoted as saying:

> Last week I had the 'pleasure' of telling BHP management that the electricity price was going up 50 per cent.

There are literally dozens of those examples from New South Wales and Victoria. So, it is a convenient political excuse for the opposition to try to sheet home all the problems the market is currently facing to the decision to reduce the state's debt to the $3 billion that we have, and just to get the state out of the hock that the Labor Party had put us into. Another aspect which both Premier Carr and Premier Bracks have recently acknowledged is that the commitment was originally made by Prime Minister Keating and the premiers, including our Premiers Bannon and then Arnold, in the early 1990s to establish the national market. We were pleased to see in the weekend newspaper that the direct attribution of the establishment of the national electricity—

The Hon. P. Holloway interjecting:

The PRESIDENT: Order! The Hon. Paul Holloway will come to order.

The Hon. R.I. LUCAS: It is a bit unfair to call the *Advertiser 'Pravda'*, I would have thought.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Holloway says calling the *Advertiser 'Pravda'* is entirely accurate. It is fair

to say that the government has not been getting an easy ride from the *Advertiser* on electricity matters in recent times. I am intrigued that, even in that climate, through a senior member of the leadership group—someone clearly with the authority of Mike Rann, as a member of the leadership group—the opposition should—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —viciously attack the *Advertiser* by describing it as *Pravda*, as he has done this afternoon. Certainly, the government will not join with the Hon. Mr Holloway in the most intemperate language that he has used on behalf of the Labor leadership and clearly with the authority of Mike Rann in that vicious attack on the *Advertiser*.

In answer to two of the remaining questions that the honourable member raised, I refer him to similar questions he asked and the answers I gave two weeks ago in relation to the issues. Summarised very quickly, they are that, when Prime Minister Keating and Premier Bannon first thought of the national market, the objective was to see a competitive market and lower prices. That objective was shared by Premier Olsen and Prime Minister Howard. Clearly, it is not delivering that in states such as New South Wales, Victoria and South Australia. That is why the Premier is taking decisive action in getting agreement and taking up the issue at COAG, and today he has taken further decisive action in taking up the issue with the head of the ACCC and indicating that he will be taking up the matter of AGL's corporate objectives as the dominant incumbent retailer in South Australia.

In answer to the first and second questions, I do not reveal, never have revealed and I do not intend to reveal the productive nature of discussions that I might have with my leader and Premier. I am here at his disposal—a loyal supporter of the Premier—and will undertake to the best of my ability whatever tasks my Premier asks me to undertake on behalf of the party and the government. The nature of discussions that I might have on important decisions such as electricity or others such as the fortunes of the West Adelaide Football Club will remain confidential to the Premier and me. The nature of the discussions I had with the member for Chaffey similarly, unless otherwise required, remain confidential. I have not spoken to the member for Chaffey or had a meeting with her in the past week but, in the early part of the year, we did have some discussions on our shared concerns about the national electricity market.

The Hon. T. CROTHERS: Is the Treasurer aware that the total cost of electricity in California 10 years ago was $70 billion?

The PRESIDENT: Order! The honourable member should come straight to the point.

The Hon. T. CROTHERS: I am coming straight to the point.

The Hon. T.G. Roberts: No, you are not.

The Hon. T. CROTHERS: Well, you would say that. And is he aware that the cost of electricity—this is a fact—in California for the year 2000 was $700 billion?

The PRESIDENT: Order, the Hon. Mr Crothers! There is a point of order.

The Hon. CAROLYN PICKLES: I understand that the standing orders provide that the honourable member must come straight to the question.

Members interjecting:

The PRESIDENT: I listened very carefully. The honourable member—

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order, the Hon. Mr Davis! The point of order was directed to me, not to honourable members. I listened to the Hon. Mr Crothers and he started with a question and, although he was straying a little in the middle of it, he finished up with a question.

The Hon. R.I. LUCAS: We can have tremendous sympathy for the honourable member. He was being interjected upon all the time by the Hon. Terry Roberts, so it must have been hard for him to think of his supplementary question.

I have to confess that I do not have the exact figures of the Californian market but I am very happy to have the matter considered. I suspect that the Hon. Mr Crothers is probably not too far from the truth of the matter if he is quoting the figures as precisely as he has, but I am happy to take the issue on notice and see what response I can provide.

ELECTRICITY SUPPLY

The Hon. T.G. ROBERTS: I seek leave to give a brief explanation before asking the Treasurer a question on electricity generation and supply.

Leave granted.

An honourable member interjecting:

The Hon. T.G. ROBERTS: Is that being re-opened? On the weekend the press stated in an article that ATCO is still planning to build another power station at Osborne but is unable to secure adequate gas supplies to run that station. My question to the Treasurer is: when will work begin on the new $350 million 450 megawatt ATCO power station at Osborne given that the company has had approval to build the power station since February 1999?

The Hon. R.I. LUCAS (Treasurer): I do not know. If the member had read the Saturday *Advertiser* closely, he would have seen that there was no statement from me in the story. I was not a party to the story. It was obviously something that the *Advertiser* got as a scoop or as a story from industry sources, I guess. So, I do not know. I suggest that the question would be more appropriately directed to Mr Clive Armour or one of the other senior managers of the company as to their proposed time line.

The member will know that in all the recent discussions, whilst I have been aware of the planning approval, I have talked about the three companies that are looking at getting in peaking plant capacity before next summer and one of those that will have additional capacity for the following summer. We have talked about Australia National Power's plans for Pelican Point, which it has publicly announced in terms of the additional 300 megawatts of capacity. I have at least canvassed the SAMAG proposals, as you know, for an electricity generating power plant in association with the Mid North proposal. I have been asked by some members about alternative energy proposals—including the Hon. Terry Roberts—such as wind energy in the South-East and on the West Coast, and I place on the record—

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: Down in the South-East with the Hon. Terry Roberts. So there has been a fair bit of work undertaken in relation to wind energy and to a lesser degree biomass energy as well. But in all those discussions I have

not publicly raised the issue of Osborne, even though I have been aware that there has been planning approval for a while. So, in terms of timing, that is really an issue for the company, and the Saturday story contained no statement from the government or, indeed, me in relation to that proposal.

ELECTRICITY, LABOR PARTY POLICY

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the leader of the government, the Hon. Robert Lucas, a question on the subject of Labor policy.

Leave granted.

Members interjecting:

The Hon. L.H. DAVIS: Mr President, I would understand if you ruled that out as a contradiction in terms. The Labor Party opposition has said much about power supply issues in South Australia following the creation of the national electricity market. In particular, the Leader of the Opposition (Mike Rann), Mr Kevin Foley and Mr Paul Holloway bitterly opposed the Pelican Point power station. In fact, Mr Rann advocated—

The Hon. P. Holloway: Get your facts right.

The Hon. L.H. DAVIS: 'Bitterly opposed.' Do you want a stronger word than 'bitterly'?

The PRESIDENT: Order!

The Hon. L.H. DAVIS: They bitterly opposed the power station and, in fact, Mr Rann advocated that it should be located at Whyalla. Messrs Rann and Foley have also supported the Riverlink interconnector. Has the Treasurer examined the statements and claims of the Labor Party and, in particular, its claims about the Riverlink interconnector as the solution for ensuring that South Australia has adequate future power supplies?

The Hon. R.I. LUCAS (Treasurer): I thank the honourable member for his question, because the issue has started to be raised at last by some members of the media as to what is the Labor Party solution to the admitted problems that the national market, in all states, is experiencing.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Well, then why is there a problem in New South Wales where there has not been the private sale or lease of the electricity assets? The honourable member has no response to that. Anyway, let us not be diverted; we had that question earlier in question time. I want to refer to the Labor Party responses to what its policy was on fixing the problems of the national market.

Kevin Foley on Wednesday 18 April was asked what was the Labor Party solution to the problems of the national market, and what he said, without reading the whole of the interview, was that it was really about getting the Riverlink interconnector up and going. That was its solution, even though, as I said, it is half the size of Pelican Point Power Station. But the solution from the Labor Party was the Riverlink interconnector. The interviewer then said to Kevin Foley—and I want to quote the precise question and the precise answer, so that no-one can accuse me of misleading the Council:

> But that's just more talk. I mean, can you guarantee that something like that will go through within the first year?

And 'that' is the Riverlink interconnector. Can you guarantee that in the first year this will go through? What was Kevin Foley's response to their solution to the national market? 'No.' The Labor Party and Kevin Foley could not guarantee that the Riverlink interconnector would go through in the first year of a Labor—

The Hon. Diana Laidlaw: At least he was truthful.

The Hon. R.I. LUCAS: At least, as the Hon. Diana Laidlaw said, on this occasion he has given a truthful response in relation to that question, because he has entirely agreed with what the government has been saying for the last two years—contrary to what he has been saying, and others, I might say—and that is that this is not a decision for Riverlink that the South Australian government has the authority to take. It is a decision that has to be taken first by NEMMCO, as to whether or not it will be given regulated asset status or, in essence, a guaranteed subsidy or income of $10 million, $15 million or $20 million a year for the life of the asset. Kevin Foley's response was that he could not guarantee that it would be done in the first year, and yet that is their solution. The election is going to be held in March next year. He cannot guarantee that Riverlink will be done in the first year, so that takes us into the second quarter of year 2003. Very quiet. This is the Labor solution—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Yes, we do need power now. That is why we fast-tracked Pelican Point, because we have been saying, contrary to members opposite, that you cannot guarantee Riverlink. Your own spokesperson has now admitted that the government is right. No, he cannot guarantee it. Why can he not guarantee it? Because it is not a decision for the South Australian government. As much as they want to pretend (as they have been for the past two years), this is a decision that the state government had stopped. Now, at last, they have been caught out in a momentary lapse of answering the question correctly. In a momentary lapse, Kevin Foley has let the cat out of the bag: no, he cannot guarantee it, and a Labor government cannot guarantee it. It is contrary to what he has been saying for the past two years, and at last we now have the cat out of the bag in relation to Riverlink.

The state government's position has been to strongly support further interconnection into South Australia. We have provided major project status to Riverlink. If it ever gets approval from NEMMCO, once it gets it—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: No. Is the honourable member suggesting that we should have stopped MurrayLink? Frankly, the honourable member does not know what he is suggesting.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: We are still desperately looking for a policy—

The Hon. P. Holloway interjecting:

The PRESIDENT: Order, the Hon. Paul Holloway!

Members interjecting:

The PRESIDENT: Order, the Hon. Paul Holloway!

The Hon. R.I. LUCAS: We are still desperately looking for Labor policy. In a momentary lapse of answering the question correctly, Kevin Foley says no, he cannot guarantee the building of Riverlink.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The state government has said that, if Riverlink gets approval from NEMMCO, we will give it major project status, which will assist with the fast tracking of Riverlink—and it has to resolve a whole series of other technical issues as well, but that is an issue it has to resolve. But from the state government's—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: It should have resolved a lot of these issues some time ago. It is now being asked questions by the technical committees from NEMMCO which it still has not been able to answer, and it should have had those answers two years ago. Representatives sat down with the Hon. Terry Cameron, the Hon. Nick Xenophon and me in December 1998 and said that Riverlink could be built in 12 months, by the end of 1999. That was the commitment that was given. We did not believe them—and, luckily, we were in government and not the opposition, because the opposition—

The Hon. L.H. Davis: Danny Price did not deliver.

The Hon. R.I. LUCAS: Danny Price did not deliver, and the opposition was saying, 'Do not do Pelican Point first; you should do Riverlink first and then do Pelican Point afterwards.' If we had waited, this past summer—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Yes, you did. You are on the public record as having—

The Hon. P. Holloway: I didn't say it.

The Hon. R.I. LUCAS: The member is saying that he did not say it. I am saying the Labor Party. The member should not say, 'I did not say it. It was not me.' It was the Labor Party which put that position. If we had done it in that way—that is, Riverlink first then Pelican Point—we would have had neither Riverlink nor Pelican Point this past summer, and members opposite would have been delighted, because we would have had load shedding right across most of Adelaide, which would have suited them politically.

The other area where we provided assistance is that I have given special approval to the Transgrid proponents to enter land through the Riverland—if need be, against the landowner's consent—to assist it, in terms of its route preparation work, should it ever get approval. It has had that approval for 12 months and, as advised by the Independent Regulator, I wonder how many members would know how many properties Transgrid has entered, or how many occasions it has used that approval to start the work on its site. The answer, I am told by the regulator, is not one occasion. It has done nothing in 12 months of me giving it special approval to get on with the task of being ready. So, if it gets NEMMCO approval to go ahead, it would have done all the preparatory work, and it would have had the discussion with the landowners. How much work has it done? Nothing, according to the Independent Regulator's report to me.

The Hon. T.G. Cameron: Why?

The PRESIDENT: Order!

The Hon. R.I. LUCAS: That is a very good question from the Hon. Terry Cameron. Frankly, there are lots of conspiracy theories. I do not know—people would have to ask Transgrid—why it seeks to point the finger of blame at this government when, for 12 months—

Members interjecting:

The Hon. R.I. LUCAS: Exactly. For 12 months they had the authority to go ahead, and I have only just recently extended the approval to allow them to have further time to do this sort of work: they have still done nothing. The state government—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The state government supports further interconnection—

The Hon. P. Holloway interjecting:

The PRESIDENT: Order, the Hon. Paul Holloway!

The Hon. R.I. LUCAS: We support Murraylink. We are prepared to provide major project status and see Riverlink continue, if they can resolve all the issues that they have to resolve. We strongly support the Snowy to Victoria interconnector upgrade, which is 400 megawatts of power. In all those interconnection proposals we would certainly see a much stronger national electricity market if at least a good number of them anyway could be got up and going in the not too distant future.

HOUSING, EMERGENCY

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning, representing the Minister for Human Services, a question about adequate housing for women fleeing domestic violence.

Leave granted.

The Hon. SANDRA KANCK: I have been contacted by a representative of the domestic violence sector who says the current lack of shelter vacancies combined with limited public housing has put the sector under intolerable stress with no help in sight. The Domestic Violence Crisis Service has also contacted my office saying that, due to the shortage of shelter vacancies, the service has had to rely increasingly on motel accommodation for women and children for anywhere up to four weeks. Motel accommodation was intended for crisis situations lasting for a few days at most until a shelter vacancy arose but, largely because of the lack of long-term housing for women and their children, there are no shelter vacancies.

The reduction in Housing Trust stock has put immense pressure on the sector and, coupled with the lack of private rental properties, a vicious cycle has emerged. Women fleeing from domestic violence are competing for emergency accommodation with people who have been chronically homeless. With winter on its way, people in the sector say that things can only get worse. Domestic violence workers say that long-term motel accommodation offers no adequate supports and diverts money from more suitable measures.

In the year July 1999 to June 2000, DVCS placed 447 women and 703 children in motels for 1 243 nights at a cost of $74 580. By contrast, from July 2000 to February 2001, DVCS placed 378 women and 646 children for 1 316 nights at a cost of $78 960. Already in this eight month period we have exceeded the previous 12 months. People working in the sector say that this money could have gone a long way towards rental payments and bonds. My questions are:

1. What are the current numbers of women waiting on priority lists for emergency housing?

2. How long have they been waiting?

3. Will the government consider providing adequate staff and funding to the Women's Housing Association to deal with the shortage?

4. Will the government consider increasing Housing Trust stock to help address accommodation shortages?

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

TRANSPORT, PUBLIC

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Transport and

Urban Planning a question about increased public transport services.

Leave granted.

The Hon. J.S.L. DAWKINS: I noted a report in the most recent edition of the *Sunday Mail* relating to an announcement by the minister about additional bus, train and tram services to be introduced in stages this year. In particular, I took considerable interest in the changes that relate to the Gawler central train service which I utilise quite frequently. Those changes include weekend services between 7 a.m. and 7 p.m. on that line which will operate from key stations every half hour instead of hourly; and weekday evening services between 5 p.m. and 7 p.m. from the Adelaide station to Gawler will operate approximately every 15 minutes instead of half hourly. I also noted that the *Sunday Mail* article included very positive responses from a number of public transport commuters from a range of areas of Adelaide. My questions are:

1. Can the minister provide further details of the additional services to be introduced this year?

2. Can she also indicate the reasons for the staged introduction of the additional services?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): The announcement made last Sunday indicated that there will be new services, including 86 new train services, from 8 July this year, and further improvements, including additional services, from September, with the option for more services again before the end of the year.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: That certainly is an option, particularly with the additional train services and may well require the refurbishing of some trains, and certainly trams. The potential for additional rolling stock is certainly on the agenda. The improvements are being staged because, first, it has taken a year from the bus contract competitive tendering process to see that the estimate of $7 million average savings has been confirmed and, on that basis, the government is now confident to progress the new services, which will have an ongoing annual cost. Also, in introducing this range of new services, which have been called for by the public for some considerable time, we are to reinstate many of the weekend and night services slashed by the Labor Party in 1992, and there are rostering issues with the unions and also with the timetables. In relation to the timetables, within the contracts of Serco, Southlink and Torrens Transit we must adjust timetables and routes, in many instances, to bring the bus services into the key train stations to build up patronage and, therefore, to support the increased number of services.

I highlight, too, that the range of measures for the reinvestment of bus savings includes an issue that honourable members of various political persuasions have called for in this parliament over time. I remember that, in his heyday, the Hon. Terry Cameron, as shadow minister for transport in the Labor Party, and also the Hon. Sandra Kanck, called for the bus fares from the Adelaide Hills beyond Aldgate to be either reduced or brought into line with the metropolitan fares. The government is now able to announce that that will be so, again utilising the bus savings, and the Metrolink fares will be extended to Mount Barker, Lobethal and Echunga and all towns in between.

So, in summing up the honourable member's questions, I highlight the fact that, in terms of staging this, we have been able to confirm the savings. The government was not prepared to commit to ongoing expenditure for additional services or for the extension of the Metrolink until it had confirmed those savings because these expenditures are not just one-off but are ongoing. So, first, we needed to know that the savings would be ongoing, and that has been confirmed. Secondly, there are the timetables and, thirdly, the rosters, as part of the awards.

Finally, I say that all these additional services, including the extension of the Metrolink fares to parts of the Adelaide Hills, have been undertaken from savings within existing budgets. These savings have been made possible through changes to the Passenger Transport Act supported by this parliament and the way in which the parliament has facilitated competitive tendering.

So, we have maintained budgets and we have not slashed and cut services, which was the practice of Labor in 1982; we have actually used the same sum of money and rebuilt services that were slashed in the past. Included in these services are an additional 86 train trips from 8 July plus the Metro ticket extension of fares to the Adelaide Hills and additional services on trams and buses across the system.

The only improvement that we have not be able to make and confirm at this time is to the Outer Harbor line, and that is because of the re-sleepering program and the investment in new concrete sleepers. There is no point in calling for additional services on that line whilst that re-sleepering program is under way because that program, whilst it will deliver long-term gains in service reliability and comfort for passengers, will cause some interruptions in the interim.

TRANSPORT, PUBLIC

In reply to **Hon. P. HOLLOWAY** (15 November 2000).

The Hon. DIANA LAIDLAW: Further to the answer I provided to the honourable member on 15 November, I confirm that the private bus operators and TransAdelaide are paid a fee by the Passenger Transport Board to provide the Adelaide-Metro public transport services. The government collects all revenue from the sale of tickets on the Adelaide-Metro system—this includes buses, trains and trams.

As the public transport system in Adelaide operates on the basis of an integrated ticketing system, all cost savings for operating the Adelaide-Metro network that arose from the tax system changes (including the diesel fuel rebate for rail) were passed on to Metroticket consumers. This move was in line with the pricing guidelines established by the Australian Competition and Consumer Commission. These savings enabled the Government to limit the price rise, on average, to 2 per cent.

KANGAROO ISLAND

In reply to **Hon. IAN GILFILLAN** (5 October 2000).

The Hon. DIANA LAIDLAW: In response to the honourable member's question without notice regarding Kangaroo Island freight issues, I provide the following information, which includes information forwarded by the Minister for Government Enterprises:

In referring to a 'levy' on freight, it is assumed the honourable member is referring to the port charges applied by Ports Corporation to both ports. These charges are applied to freight, vehicles and passengers.

The state government has capped the Ports Corp SA charges for freight at $500 000 per annum.

These funds are used to maintain the ports and associated sea and land based infrastructure. In addition, in 1997-98 this government provided a grant of $2.5 million to Ports Corp to upgrade the ports of Cape Jervis and Penneshaw. These upgrades included the deepening of the harbors to 4m and the construction of a new breakwater at Penneshaw to accommodate the larger ferry now operating between those ports.

Other charges are imposed by Kangaroo Island Council, which charges Sealink a fee for all passengers and freight crossing the wharves. This was generating revenue of approximately $170 000 per annum but the Kangaroo Island Council has recently removed the freight aspect of this charge—saving Sealink approximately $50 000.

This government has provided considerable support to the Kangaroo Island community for some years now, including funding road infrastructure improvements valued at $22.5 million over the past five years and the current 10 year, annually reducing freight subsidy.

This subsidy, which is currently set at $4.00 per linear metre of freight, saved transport operators approximately $460 000 for the 12 month period from 1 April 1999 to 31 March 2000.

As the honourable member would be aware, the government has made a decision to transfer responsibility for the ports of Cape Jervis, Penneshaw and Kingscote to Transport SA. This transfer of responsibility is currently in progress. This is a reflection of the view that these ports are considered to be strategically important. Accordingly, a group has been formed comprising representation from a range of government departments and organisations representing Kangaroo Island. This group is considering a range of issues raised by the Kangaroo Island community including transport costs in general. This group is chaired by Mr Alan Herath of DAIS.

WATER SUPPLY, STREAKY BAY

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Environment and Heritage, a question about the Streaky Bay water supply.

Leave granted.

The Hon. T.G. CAMERON: I have received correspondence from the District Council of Streaky Bay calling for government action over the poor quality of its water supply. Poor quality water is a problem which the council has had to face for almost two decades, during which time it has undertaken an intensive campaign to implement a conservation program and a two-tiered water pricing system. It has had at least six reports done on how to solve the dilemma. However, the water condition is in its worst state ever.

The Department of Water Resources has advised that the sustainable yield from the local water basin (Robinson Lens) should not exceed 150 to 200 megalitres a year. The council anticipates an extraction of 250 megalitres in the coming year. Currently, Streaky Bay has been supplied with water which has a salinity level of over 1 800 parts per million. The council states that the lack of a reliable supply of potable water is adversely affecting development of the town.

The situation is becoming very serious and should not be allowed to continue as over 1 000 people, not including tourists and visitors, plus a number of farming properties are reliant on the Streaky Bay water supply for everyday needs. The council lays the reason for the problem of poor water supply at the feet of SA Water whom it accuses of inaction in advising the council of a solution to its water problems. My question is: will the government as a matter of urgency investigate all the issues surrounding the quality, salinity and sustainable yield of water from the Robinson Basin and take swift action to ensure that the people of Streaky Bay are able to access good quality water?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I understand that the matters raised by the honourable member are being addressed by the Minister for Government Enterprises and SA Water for the very reasons outlined by the honourable member, and I should be able to provide a prompt response to the questions raised.

YOUTH COURT

The Hon. CAROLINE SCHAEFER: I direct a question to the Attorney-General regarding Youth Court family conference volunteers. Will the Attorney supply details of his recent announcement that volunteers will be part of Youth Court conferences; what will their involvement be; and how will this affect the conferencing system?

The Hon. K.T. GRIFFIN (Attorney-General): The Youth Court under the current system came into operation on 1 January 1994. It was designed to provide an effective alternative to help divert young offenders away from crime. Importantly, in the family conference context it provides the opportunity for young offenders to face their victims and the consequences of their actions. That is a very innovative approach, which arose out of a select committee in the House of Assembly in the early 1990s. What came into effect as a result of the select committee and the then government's involvement in revising some of the recommendations was a system of informal and formal cautions by police—which system had some significant consequences—the family conference system and then the Youth Court. It set out to underpin some fairly important principles: that young offenders need to be dealt with in a way which clearly expresses community disapproval of their illegal behaviour but which does not crush them and gives them some hope for the future. We must recognise that, generally speaking, they have more of their life ahead of them than they have behind them. So, it is important to punish offending behaviour but also to rehabilitate so they can take their place in society normally in the future.

Since the introduction of the system we have seen a substantial fall in the number of juveniles being dealt with in the criminal justice system. The number of offences committed by young offenders has fallen by 13.5 per cent over the past five years and the number of juveniles coming into contact with the system has fallen by 9 per cent. About 1 800 young offenders are dealt with each year before a family conference. That allows the victim to confront the young person about the effect of the crime on the victim. It is interesting to note that in about 65 per cent of those family conferences the victims or their representatives are present, and they participate in the decision about what is an appropriate penalty. The surveys we have conducted indicate that among victims there is a high level of satisfaction with the process. It is interesting to note that in New South Wales that system has recently been extended—I think on a trial basis—to adult courts.

One of the outcomes from a family conference may be community service. That community service must be for the benefit of the victim; persons who are disadvantaged through age, illness, incapacity or any other adversity; an organisation that does not seek pecuniary profit for its members; or a public service administrative unit or instrumentality of the Crown or local government authority. A recent review of the family conference team by the Courts Administration Authority has identified a need to assist in the identification of community service opportunities. It recommended that courts look at alternative ways of publicising the Youth Court community service requirements and the need for community service placements. Given that this is the International Year of the Volunteer, the concept of involving volunteer effort in this process is a natural and practical step forward. So, a volunteer committee has been established in the Youth Court to re-energise the family conference community service program.

The organisation and arrangement of community service will still be dealt with by youth justice coordinators, but the committee of volunteers will play an important promotional role. They will look for new placement opportunities and

coordinate feedback and information to the courts. It is important that family conferencing use that community service wherever possible, as it is equally important that community service be available. There are something like 140 organisations which assist the Youth Court with the provision of community service, and the new committee of volunteers will assist these groups to identify new ways that each can utilise the community service placement.

So, we have in place now a new scheme involving volunteers helping the Youth Court to access community service options for young offenders directed towards ensuring, as much as possible, that young people who offend are given the best prospect for subsequently playing a useful role in society and are not burdened by a heavy load of permanent offending and reoffending.

PUBLIC SECTOR, LEGAL ADVICE

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General a question regarding the provision of legal services to state government authorities.

Leave granted.

The Hon. IAN GILFILLAN: Last year the Law Society of South Australia conducted a survey in South Australia of medium to large private law firms during the period 1997 to 2000. Of the 14 law firms that responded, a total of 114 staff members had been lost. These South Australians left our state to take up positions interstate or overseas. Of these, over half had been practising for only three years or less. The predominant reasons given for staff moving were significantly higher salaries—and I inform members, if they do not already know, that the Solicitor General in 1999 said that the rates charged in Adelaide law firms are the lowest in mainland Australia—career prospects and more exciting legal work.

For some time now, legal firms in the eastern states have been very active in targeting and recruiting talent in South Australia. The Law Society of South Australia has been quite active in attempting to stem this tide. In June 1999 the society released a report entitled 'Turning the Tide'. The report investigated ways in which corporate legal work could be returned to the legal profession in South Australia. The state government utilises private sector law firms and, to its credit, I understand it has a policy at least of giving preference to South Australian law firms. It allocates maximum hourly rates for the provision of various legal services from South Australian law firms. My questions to the Attorney are:

1. What are the current maximum hourly rates that the government will pay to the private legal sector for the provision of legal services to public sector agencies?

2. How much advice has the state government sought from interstate or overseas law firms during the past three years?

3. What has been the average hourly rate paid for legal advice from these sources?

4. How do the rates paid to these sources, interstate or overseas, compare to the maximum rates paid to South Australian law firms?

5. Why, in those circumstances, were South Australian firms not used in those cases?

The Hon. K.T. GRIFFIN (Attorney-General): There is no doubt that there are younger legal practitioners who are attracted to both the higher salaries and the diversity of work which might be available interstate or even overseas. My experience is that many young practitioners want to get that additional experience and at the same time enjoy a different environment in other parts of Australia or overseas. Many get the wanderlust and it is ideal if they can combine their wanderlust with working in different environments and gaining different experiences.

There is no doubt that working in a law firm in London will give a different experience from working in a law firm in Sydney, Melbourne or Adelaide, particularly in the commercial arena because London is one of the major financial and business centres of the world. There is no doubt that, for a while at least, some young practitioners prefer to go to either Melbourne or Sydney. Sydney, particularly, is a financial centre and has a diversity of work not necessarily available in South Australia.

I should say that I encourage businesses to take legal advice in Adelaide for a couple of reasons: in most instances, if not all, it is as equally competent as the advice that is given by the big firms interstate; there is not the cost involved, and it is certainly at a much lower cost than the advice can be obtained in New South Wales or Victoria; and there is the speed of delivery of that advice as well as the convenience factor.

If one gets advice from Sydney firms it invariably means getting on a plane, sitting in a legal office waiting room in Sydney, getting in for half an hour, being charged a fortune, getting on a plane and coming back to Adelaide when in fact that advice could have been obtained from one of the legal firms in South Australia.

As far as the government's practices are concerned, our priority is to give local firms legal work if work is to be briefed out to the private profession. However, in a number of our outsourcing and sale arrangements, because of the complexity of the issues as well as the international experience which in many instances has to be obtained, whilst we have endeavoured to insist that as much legal work as possible be done in South Australia by South Australian lawyers, it has been inevitable that we have had to get some legal advice from interstate and overseas legal firms.

The Hon. Ian Gilfillan: Do you pay them a higher hourly rate?

The Hon. K.T. GRIFFIN: My understanding is that that is all tendered for, and in some instances certainly a higher rate is paid. I do not have that detail at my fingertips. In fact, I doubt whether centrally that information would be available. When I became Attorney-General some consternation was expressed by the legal profession that it was not getting a very large share of the legal work cake from government. We did undertake a research program through the then Crown Solicitor, Brad Selway, to try to ascertain what legal work was being done by the private profession.

I think we got the results in about 1994-95 which indicated that a very substantial amount of legal work was in fact being done by the private sector. But there was also criticism that the total amount of legal fees being paid by government, which from my recollection was well over $10 million at that stage, had in some way or another to be pruned. We therefore introduced a panel system where we set a rate for different levels of work—commercial litigation and so on—and those agencies which had a manager of legal work would go out to the private profession identified on those panels at those maximum rates and manage their own legal representation. Other agencies that did not have those expertise had to work through the Crown Solicitor and in some instances were given the authority to brief out.

A substantial amount of legal work across government is now done by the private legal profession in South Australia. Also the Director of Public Prosecutions briefs out a number of prosecution cases, the Crown Solicitor retains private legal counsel in relation to a number of civil disputes, and in other agencies of government private practitioners are involved in representing the state government—and I think WorkCover is one of those and also the Motor Accident Commission, to name just two. I do not have at my fingertips the maximum hourly rates that currently are payable by the government. We now have a system where they are reviewed on an annual basis and are increased by an indexation factor.

The Hon. Ian Gilfillan: Are they the lowest in Australia?

The Hon. K.T. GRIFFIN: I do not know whether or not they are the lowest in Australia. They are certainly not as high as in Sydney or Melbourne. I cannot answer for what might be paid in Tasmania, the Northern Territory, Queensland or Western Australia. I will bring back for the honourable member details of the current maximum hourly rates that may be payable. I will endeavour to ascertain how much might be paid to interstate and overseas legal firms, but I doubt whether that information is kept by the Crown Solicitor, because there is no obligation to maintain a central register for that purpose. I think that addresses most of the issues raised by the honourable member. I will take the questions on notice and check—

The Hon. Ian Gilfillan interjecting:

The Hon. K.T. GRIFFIN: I will bring back some replies and, if I have overlooked particular issues, I will ensure that they are addressed as best I can. The Hon. Mr Gilfillan asked by interjection why interstate and overseas firms are used. I thought I answered that at the beginning, when I said that certainly, for very complex matters, we may have to seek interstate or overseas legal advice—just as we seek accounting and consulting advice.

The Hon. Ian Gilfillan: I am looking for the specifics—in cases where firms from interstate or overseas have been engaged, the reasons why they were engaged.

The Hon. K.T. GRIFFIN: Can I take that issue on notice? I am not sure that I can provide that information, because we do not keep it centrally. The Crown Solicitor is not required to sign off on every occasion, particularly if it is part of a sale or outsourcing process. I will take those questions on notice, and I will do the best I can to bring back information to the honourable member.

STATUTES AMENDMENT (AVOIDANCE OF DUPLICATION OF ENVIRONMENTAL PROCEDURES) BILL

Adjourned debate on second reading.

(Continued from 11 April. Page 1352.)

The Hon. T.G. CAMERON: This bill intends to make documents prepared for procedural purposes under the commonwealth Environment Protection and Biodiversity Conservation Act able to be accepted for state and local government purposes if they meet the substantive requirements of the relevant state acts. It gives relevant decision makers the right to accredit an EPBC act process for state purposes. It goes on to allow the documents that are prepared by the commonwealth act to then be adopted in whole or in part by those decision makers if they meet both the procedural and substantive requirements of the state act. However, state decision makers must consider the decisions made by commonwealth decision makers when considering documents for adoption. It provides for a document approved under a state act to be still considered valid, even if it is found to be invalid under the commonwealth act. As I understand it, the acts affected by this bill are the Development Act, the Environment Protection Act, the Mining Act and the Native Vegetation Act.

This legislation, while allowing each state to keep its own standards as to environmental procedures, enables people seeking a decision made under commonwealth and state acts to prepare one document if that document fulfils the substantive requirements of the act. However, it does allow the commonwealth to bring uniformity in practice and acts and streamline environmental procedures. SA First supports the bill.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank the Hon. Terry Cameron, the Hon. Mike Elliott and the Hon. Terry Roberts for their contribution to this bill and for their support overall. The Hon. Terry Roberts asked a question relating to procedure, specifically as to how a state authority would know what the commonwealth had required in terms of duplication of procedures. I am advised as follows.

The state government would become aware of a commonwealth assessment of an action under the EPBC Act if the action was under assessment in South Australia through information from the proponent and also information reported by the commonwealth in accordance with the requirements under the EPBC Act (Environmental Protection and Biodiversity Conservation Act 1999). There is an expectation that proponents would make a state authority aware of the commonwealth's assessment of an action, as it is in the proponent's interest, in respect of reducing duplication of procedures, for them to do so. In practice, the state government is also aware of proposals that are, or may become, actions subject to assessment under the EPBC Act through the legislative requirement of that act, and as follows.

First, when a proponent refers an action in South Australia to the commonwealth for determination on whether or not the action requires approval under the EPBC Act, the commonwealth must generally consult with the relevant state minister; secondly, when the commonwealth is deciding what form of assessment to adopt to assess a controlled action, the commonwealth is required to consult the relevant state minister; thirdly, the commonwealth must generally request the state government's certification of the state's assessment of the non-national environmentally significant matters involved in an action; fourthly, the commonwealth is required to obtain and consider any conditions that the state may have placed on an approval of an action under the state legislation that the commonwealth is assessing under the EPBC Act; and, finally, the commonwealth is required to provide the state with a copy of the approval issued under the EPBC Act upon request by the state.

At each of the above five levels, the information from the commonwealth is distributed through the South Australian government via a series of committees. The committees represent the departments of Environment and Heritage; Primary Industries and Resources; Transport, Urban Planning

and the Arts; Water Resources; Industry and Trade; and Premier and Cabinet.

Irrespective of how the state authority becomes aware of a proposal being involved in an EPBC assessment process as well as a state assessment process, I am advised that it is up to the proponent to initiate an integrated assessment process. It is the proponent's choice, for example, whether or not to seek to lodge its referral or preliminary information under the EPBC Act as an application under state legislation. If a proponent chooses not to lodge information that has been prepared for the purposes of the EPBC Act for the purposes of the relevant state act where it meets the substantive requirements of the state act, that is in fact the proponent's choice.

Finally, it should be noted that, where an approval has been issued for a proposal under the EPBC Act, the state authority must generally consider whether the conditions, if any, to be imposed on an approval for the proposal under the relevant state act should be consistent with the conditions, if any, attached to the approval under the EPBC Act, even if an integrated assessment process has not been pursued by the applicant or proponent.

In this regard, I reiterate that the state government will be aware that a proposal is subject to an EPBC assessment from the commonwealth government and a state authority can obtain a copy of an approval issued under the EPBC Act from the commonwealth upon request.

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

STATUES AMENDMENT (LOCAL GOVERNMENT) BILL

Adjourned debate on second reading.

(Continued from 11 April. Page 1356.)

The Hon. IAN GILFILLAN: I indicate Democrat support for the second reading of this bill. It comprises largely technical changes. These follow the review of the Local Government Act 1934 and the commencement of the Local Government Act 1999. I have received correspondence from the Local Government Association of South Australia which has expressed that it is supportive of the bill. A number of amendments are being proposed and they will be addressed in the committee stage. However, although not having analysed these amendments in detail, I do note with some interest that there is likely to be before us again the debating of the closure of Barton Terrace as it goes across the parklands. Members will be aware of my views on this and I would indicate that the Democrats will not be supporting any attempts to have Barton Terrace reopened. However, with that proviso on the amendment, as far as the basic bill goes we have full support for the second reading.

The Hon. T.G. CAMERON: This bill was introduced to transfer some of the remaining provisions of the Local Government Act 1934 following the transitional period of the Local Government Act 1999. The changes are minor and technical and will prevent gaps and overlaps in the administration of the act. Sewerage and drainage clauses are transferred to the Public and Environmental Health Act 1997 and updates the terminology to include changes in technology. The bill also transfers the exemption of Coober Pedy council from responsibility under the Food and Health Act to the Food Act 1985 and the Public and Environmental Health Act 1987. It also adds a sunset clause where the council must assume its responsibilities (if it is able to) by 30 June 2002.

It also transfers the parklands roads granting provision to the Highways Act. This provision allows a grant of up to $40 000 for the operating cost of roads that border the parklands but not rateable properties. The bill also goes on to change the terms of Local Government Finance Authority board members from two to three years, bringing it into line with the terms of council members. It makes technical changes to the Local Government Act 1999 such as legislating the regulation regarding certain situations for public consultation for grants of businesses over a public road. It seeks to clarify that easements are not community land and also clarifies the approval process for driveway crossings. It removes inconsistent clauses in relation to council subsidiaries and significant business activities. It requires alterations of model by-laws to be placed before both houses of parliament.

I have just become aware that the Hon. Nick Xenophon has some amendments on file. However, at this stage I am pleased to indicate that I will be supporting the second reading and supporting the bill subject to a perusal of the amendments standing in the name of the Hon. Nick Xenophon.

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

PROSTITUTION (REGULATION) BILL

In committee.

(Continued from 11 April. Page 1370.)

Clause 26.

The Hon. DIANA LAIDLAW: Mr Chairman, I draw your attention to the state of the committee.

A quorum having been formed:

The CHAIRMAN: Three amendments to clause 26 have been indicated—one from the Hon. Mr Cameron and two from the Minister for Transport. Can I have an indication from the Hon. Mr Cameron as to the first amendment to lines 8 and 9?

The Hon. T.G. CAMERON: Mr Chairman, I will not be moving the amendment standing in my name.

The Hon. DIANA LAIDLAW: I move:

Page 17—
Lines 11 and 12—Leave out paragraph (a).
Lines 15 to 21—Leave out subclause (4).

These amendments relate to the same matter. In clause 26, under the regulations, there is a power to incorporate or operate by reference to a specified code or standard and making the code or standard available to the public. Certifying copies of these documents is the responsibility of a registrar.

The reference to the registrar is a drafting error, in that it duplicates provisions in the Prostitution (Registration) Bill 1999, which was a bill that did not progress from the other place. Therefore, there is no current need for a code or standard under this bill and the effect of the amendment is simply to tidy up this matter.

Amendments carried; clause as amended passed.

New clause 27.

The Hon. CAROLYN PICKLES: I move:

After clause 26—insert:
Review of Act

27. The minister must cause—
(a) this act and its operation over its first two years to be reviewed, the results of which are to be embodied in a written report; and
(b) a copy of the report to be laid before both houses of parliament no later than 30 months after the commencement of this section.

This amendment seeks to create a review of the operation of the act over its first two years. It is proposed that a written report be laid before both houses of parliament no later than 30 months after the commencement of the act. Such a review will enable a thorough examination and highlight the positive aspects of the operation of the act, and it will also identify areas for improvement so that, if this bill does pass, there will be a review of the act over its first two years.

The Hon. DIANA LAIDLAW: I support the amendment. In discussions with other parties, including the Local Government Association, it has been an important consideration for their general support for many of the measures, notwithstanding some concerns about operations and the role of local council, that this matter be reviewed. I think that because of the nature of the reforms that are being proposed here it is important that members have the comfort that some review of the operation of the measure, if it passes this place and the other place, is undertaken.

The Hon. CARMEL ZOLLO: Should this legislation go ahead, I will support this sensible amendment.

New clause inserted.

Schedule 1.

The Hon. A.J REDFORD: I move:

That schedule 1 be deleted.

Clause (1) of schedule 1 provides, inter alia:

For the purposes of the Development Act 1993, development includes the continuing use of premises as a brothel after the commencement of the schedule. . .

It goes on to set out a procedure for approval under the Development Act. Subclause (5) provides:

The fact of establishing for the purposes of an application under the Development Act 1993 that a brothel was operating is not admissible in evidence against any person in proceedings for an offence or for the imposition of a penalty (other than proceedings in respect of the making of a false or misleading statement).

This transitional provision seeks to make legal that which today is illegal. No benefit or advantage should be given by the passage of this bill to those people who are currently breaking the law under the existing legislation. I think it is appropriate that we respect the rule of law. If someone is breaking the law today, we would expect the law to be applied in this case or in any other case. I am not sure whether there are any precedents for making that which is illegal today legal tomorrow in a retrospective way.

The other thing that concerns me is that there are a number of premises which I understand operate as brothels in this state today, quite illegally, and I would not like to see this provision or any other provision used as a statement to any court or any other body that might be making a decision that they have a legitimate expectation over and above that which might normally apply to receive some form of development approval. These premises commenced operating in an illegal fashion, they are illegal both in terms of the criminal law and also, I suspect, the Development Act, and I do not believe that they ought to be treated as a continuing use. They should apply for approval just like everyone else.

If we allow this schedule to remain in the bill, I think all sorts of problems will emerge. I draw the Hon. Terry Cameron's attention to one problem, to which he alluded quite rightly only a few weeks ago, in relation to a sex shop being near a school in Elizabeth. I am not sure where these brothels are—I do not think anyone is—and it would be inappropriate for them to secure any benefit over and above any other proprietor in the unlikely event that this legislation passes.

The Hon. DIANA LAIDLAW: I support the honourable member's opposition to schedule 1.

The Hon. K.T. Griffin interjecting:

The Hon. DIANA LAIDLAW: The Attorney expresses some surprise. When this matter was first brought to my attention, I expressed surprise that the government was even contemplating having in the bill a provision that businesses that have been illegal would automatically become illegal before they had progressed through a planning and development regime. The Attorney has argued consistently in respect of a number of measures that you should not provide a different standard for a legal business and that, if this bill proceeds through this place and the House of Assembly, we should not have a different standard for brothels being a legal business whether it be in terms of advertising and the like.

I put forward the same argument in respect of this matter. We would not allow any other business to start operating or to assume that it could operate without legal planning approvals. Therefore, I think that standard should be applied here, and I particularly believe that it should be applied when we are coming from a business base where it has been an illegal operation. So, I not only support the sentiments expressed by the honourable member but I encourage him strongly to adopt this stance from a planning perspective. I say that as Minister for Urban Planning and one who wishes to see reform in this area.

The Hon. CARMEL ZOLLO: I indicate my support for the Hon. Angus Redford's opposition to schedule 1.

The Hon. K.T. GRIFFIN: I expressed surprise at the minister's opposition to schedule 1 only because I understood that this was likely to be the best means by which we could get currently illegal brothels to come out of the woodwork and make an application for development approval. As it stands, if schedule 1 is deleted, there will be no transitional provisions, and no person currently operating a brothel will come forward for the purpose of applying for development approval.

Ultimately, this bill, having legalised the business, seeks to have all those premises which are conducted as brothels approved in accordance with the provisions of the Development Act. If they are not, will they still continue to carry on business underground for fear that, if they do make application, that fact will be used in evidence against them and in some way prejudice the operators of that business, even if, under the new law, with appropriate development approval they would be operating legally? That is the dilemma that we have. I am inclined to support the schedule as it is, on the basis that it is the lesser of two evils.

The Hon. T.G. CAMERON: I rise to indicate my support for schedule 1, 'Transitional provisions', as set out in the bill. It is my understanding that schedule 1 is a transitional provision only and that, whilst it does allow the existing brothel to continue operating, it is allowed to operate for only 28 days. Then, if you look at schedule 1, you see that the brothel would be required to conform with the act. So, my understanding of it is that, if a brothel was operating and it did not conform to the act—for example, if it was operating within 75 metres of a school—then it would get 28 days

extension, but its application would be knocked back by the development commission. My understanding is that this transitional provision originally flowed from a report from the Social Development Committee, and the intent of this section was to encourage all existing brothels to apply to the Development Assessment Commission for approval. This transitional schedule will allow them to operate for only 28 days. I think the Attorney has probably hit it on the head. Neither proposal is perfectly satisfactory; however, I see the existing schedule as acting as an incentive to encourage existing brothels to immediately apply for development approval.

If that brothel is aware at the time that it will not get development approval, all it will get is a further 28 days to operate. Well, it is operating illegally now, anyway. I do not know what the Hon. Angus Redford thinks these brothels will do if this schedule is deleted; I do not know whether he has deluded himself into believing that, by the removal of this schedule, all these illegal brothels will automatically close until such time as they have approval from the Development Assessment Commission. I see the removal of this schedule as creating a real dog's breakfast, and a mess not only for the police and subsequently for the courts—I can imagine it might be a feast for the lawyers—because we will create a situation where existing brothels that are operating illegally will have a choice. They may close down the moment this bill is promulgated and then apply to the Development Assessment Commission for approval, and then they will have to wait that one, two or however many months it is.

I do not believe they will do that for one moment; I do not believe the Hon. Angus Redford does, either. They will continue to operate and, because we have promulgated a new act, in doing so they will place themselves at risk under the existing act. So, we will create a situation where every brothel in Adelaide will have to close down. I do not know whether the Hon. Angus Redford has thought this through at all, but what will happen is this: those brothels that are acting legally at the moment in accordance with the act will not be able to afford to take the risk, because they want to operate a legal business down the track. So, they will have to close and apply to the Development Assessment Commission. But a brothel that knows that it is acting illegally and that it will not get Development Assessment Commission approval may well decide just to continue to leave its doors open anyway and, with most of the other brothels closed, they will do a right old business between when the act is promulgated and when sufficient other brothels have been able to get legal approval to operate.

So, it could well be that the brothels or people that the Hon. Angus Redford is hoping to attack by the removal of this schedule are the very ones that he will reward; that is, brothels which have operated illegally, which have flouted the law and which continue to flout the law, despite pressure from the police, and will continue to operate. They will stay open until such time as the police eventually get around to closing them. They know there is no point in their applying to the Development Assessment Commission for approval, because they will not get it.

The Hon. A.J. REDFORD: I will respond first to the Hon. Attorney's contribution. I acknowledge that there are two evils here. His view is that the lesser of two evils is to leave this transitional provision in; my view is that the lesser of two evils is not to. In his usually succinct contribution the Hon. Terry Cameron indicated that people would continue to flout the law. That may well be the case. The fact is that it is illegal now, and I do not think we ought to be sending any messages or raising any expectations that any activity outside this bill (should it pass) is likely to be approved because of previous illegal conduct. I think that would be a wrong message. I am sure that at the end of the day the prosecuting authorities will exercise their discretion prudently, cautiously and wisely, as they do today. I suspect that only in the most extreme cases would anybody benefit from the insertion of schedule 1.

The Hon. CAROLYN PICKLES: I indicate that I support the amendment moved by the Hon. Angus Redford to delete the schedule.

The committee divided on the schedule:

AYES (6)

Cameron, T. G.	Davis, L. H.
Griffin, K. T. (teller)	Lucas, R. I.
Schaefer, C. V.	Stefani, J. F.

NOES (11)

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

Majority of 5 for the noes; schedule thus negatived.

Schedule 2.

The Hon. DIANA LAIDLAW: I move:

Clause 1—
Page 19—
Line 8—Leave out 13(1)[6] or 14[7] and insert:
14(1)[6] or 15[7]
Lines 19 to 21—Leave out footnote 5 and insert:
[5] Section 12 of the Prostitution (Regulation) Act 1999 makes it an offence if the operator of a sex business, or a person involved in a sex business, has more than one place of business.
Line 22—Leave out 13(1) and insert:
14(1)
Line 24—Leave out 14 and insert:
15

All of the amendments relate to a renumbering which is required to tidy up the bill.

Amendments carried.

The Hon. DIANA LAIDLAW: I move:

Clause 2, page 19, line 32 to page 20, line 6—Leave out paragraphs (a) and (b).

This amendment relates to mandatory sentencing. I read with some interest the debate in the other place regarding amendments moved by the member for Hammond, Mr Lewis. He was very interested in issues of sexual servitude and buggery. He sought, and the other place agreed—inadvertently, it would appear from the record—to amend the Criminal Law Consolidation Act so that the new sexual servitude defences and the old offence of buggery by an adult in this bill attract a mandatory sentence of imprisonment. As I indicated, it is obvious from *Hansard* in the other place that members—I think due to the late hour—voted to support these amendments when it was not their intention to do so. That is why I said that the amendments were inadvertently voted on and passed by a majority of government and opposition members in the other place.

A number of people in this place and the other place have strong feelings about mandatory sentencing in general but particularly in relation to the offences alluded to by the member for Hammond. I move, with considerable enthusiasm, that paragraphs (a) and (b) be deleted.

The Hon. CAROLYN PICKLES: I support the amendment of the Minister for Transport. I was amazed that there was, on the face of it, such strong support for this provision in the other place, and I can only put it down to the lateness of the hour and perhaps members not understanding because they were tired and emotional. It was the early hours of the morning, I understand, but I think anyone who reads the rather extraordinary contribution by the member for Hammond would oppose it. I, too, have very strong views—

The Hon. A.J. Redford: It was a pretty average contribution from him. It was quite extraordinary.

The Hon. CAROLYN PICKLES: I am not sure about that: it raises some interesting concepts. I, too, have strong views about mandatory sentencing and I am pleased that the minister has sought to delete the two paragraphs.

Amendment carried.

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

Clause 5, page 21, line 10—Leave out paragraph (d) and insert:
(d) by striking out section 25;
(e) by striking out paragraph (b) of section 25A(2);
(f) by striking out sections 27 to 32 (inclusive).

Clause 5 of the schedule seeks to amend the Summary Offences Act by deleting certain things. First, it seeks to delete the definition of 'prostitute'. I have no problem with that because, in regard to those offences relating to prostitution that might be left in the Summary Offences Act, 'prostitution' is defined in this bill. Secondly, in section 13 of the Summary Offences Act it seeks to delete the word 'prostitutes'. Again, section 13 of that act creates the offence of consorting with a prostitute. If this legislation passes, one would have no objection to that.

The amendment then seeks to strike out section 21 of the Summary Offences Act which provides that an occupier of premises frequented by prostitutes, thieves and others without reasonable excuse is guilty of an offence, for which the penalty is $750. If this legislation passes, there would be premises where prostitutes would be permitted and there will be occupiers and other landlords and the like. If this bill passes, again it seems to me that that is unarguable.

The schedule then refers to section 25 of the regulation bill, which relates to soliciting in a public place or loitering in a public place for the purposes of prostitution and provides a maximum penalty of $750. It seems to me that soliciting publicly and soliciting or loitering for the purposes of soliciting publicly were not envisaged by the proponents of the bill. I cannot see any argument in favour of omitting or allowing soliciting in a street for the purposes of prostitution. If the bill is successful there will be other places where they can ply their trade and it seems to me that there is almost an unarguable case for the retention of section 25, namely, the offence of loitering for the purpose of prostitution.

Secondly, section 25A of the Summary Offences Act is to be struck out. I would like the offence relating to the publishing of an advertisement to the effect that a person is willing to employ or engage a prostitute to be retained. Finally, section 26, 'Living off the earnings of prostitution', would become legal under the bill. My amendment would make that illegal. I understand the arguments put by the Attorney-General on previous clauses that, if we are going to make this legal, we ought to allow people to live off the earnings of prostitution. My view is that it ought to be limited to owner/operator style businesses or partnerships or whatever. I note that on previous occasions the Attorney has said that if we are going to make this legal then everything ought to be legal: I acknowledge and understand that argument. I probably will not seek to divide, depending on the nature of the debate.

The Hon. K.T. GRIFFIN: I ask the Hon. Mr Redford to clarify a couple of points. In relation to soliciting, there is in fact an offence under clause 13 where a person must not in a public place or within view or hearing of a person in a public place offer to provide sexual services as a prostitute or ask another to provide sexual services as a prostitute. Regarding his comment about his observations about soliciting in the context of the schedule, I ask whether he could indicate how he sees clause 13 in the context of what he has just had to say about soliciting.

In relation to making it an offence to engage or employ an adult to be a prostitute, given that the bill does allow operators of lawful sex businesses to operate, presumably what he is seeking to do is to provide that it is not lawful to employ anybody. Is not that a contradiction of the general approach of the bill?

Thirdly, in relation to the offence of living off the earnings of prostitution, as I understand the bill so far proprietors of lawful businesses will be allowed to take the profits of their businesses in the same way as proprietors of any other lawful business. Does not then the intention to retain the criminal offence again act in direct contradiction of the objects of the bill?

The Hon. A.J. REDFORD: I do not want to labour this. I accept and acknowledge the Attorney's comment in relation to clause 13. When I raised that in terms of drafting the clause that was not drawn to my attention. So, I acknowledge the force of that. In that respect I will move only paragraphs (e) and (f), because I think the Attorney's point is valid.

Secondly, in relation to the question of living off the earnings of prostitution, we canvassed that quite extensively on a previous occasion I think in relation to the engagement or employment of an adult. If my recollection serves me correctly, I think we substantially debated those issues when we dealt with clauses 14 and 15, and I think I was unsuccessful on that occasion.

Finally, in relation to the question of living off the earnings of prostitution, I do not want to go through the debate over and over again. As I said, I understand what the Attorney is saying: he is saying that, if you are going to make this a legal business, then everything ought to be legal. I have a different view to the Attorney. There are examples where we do combine certain activity in certain circumstances. Just in this particular case I do not believe, given the exploitative nature of this business, that we should have men or other people who are not directly engaged in the business living off the earnings of prostitution. As I have said on numerous occasions, it is something I do not approve of and I am taking a pragmatic approach to this. I do not think I can advance the debate any further than we did when we spent a couple of hours on it a couple of weeks ago.

The CHAIRMAN: I understand that the Hon. Mr Redford is seeking leave to move his amendment in an amended form, and I understand leave has been granted. We should know exactly what it is.

The Hon. A.J. REDFORD: My amendment would now read:

Leave out paragraph (d) and insert:
(e) by striking out paragraph (b) of section 25A(2);
(f) by striking out sections 27 to 32 (inclusive).

The CHAIRMAN: Do members understand that? Those paragraphs will be renamed later.

The Hon. DIANA LAIDLAW: I do not support the honourable member's amendment, taking into account what has happened in the course of the bill over some weeks in this place. I appreciate the sentiment of the honourable member, but the fact is that the majority of members in this place did not support the provisions for small brothels and home brothels and the nature of brothels which I would instinctively feel more comfortable with, and for which I sought to make provision in the bill; that is, small brothels not having to undertake the planning processes through the Development Assessment Commission.

I think that we will now see less of that small brothel, because the development assessment approach may well preclude a large number of those brothels which are quietly operating now, but which are legally operating, from coming forward. It was always my intention that we would have those brothels, which operate, I think, harmlessly and quietly across the residential area, continuing to do so subject to provisions of noise and a whole range of restrictions in terms of advertising.

However, that has not been the outcome of debate in this place, and the reality is that, if this bill passes, essentially, it will be larger brothels that will operate and not those that I would wish to see operating as part of a legal business in South Australia. Therefore, the reality is that there will be procurement of another to become a prostitute, and a range of other matters, and I am voting this way not necessarily because I wish to see this approach, but because it is the only approach that can be accommodated by the bill in the form in which it is before us now. So, I vote out of a sense of reality rather than personal preference.

The Hon. P. HOLLOWAY: I support the Hon. Angus Redford's amendment. I believe that there is still a role for sections 25A and 26 of the Criminal Law Consolidation Act.

Amendment negatived; schedule as amended passed.

Long title.

The Hon. DIANA LAIDLAW: This is almost a process by exhaustion, but we have reached the final amendment on file as part of the committee stage. I move:

Leave out ', the Summary Offences Act 1953 and the Workers Rehabilitation and Compensation Act 1986' and insert:
and the Summary Offences Act 1953

The bill no longer contains amendments to the Workers Rehabilitation and Compensation Act 1986 and its title should be amended to reflect this.

Amendment carried; long title as amended passed.

Bill reported with amendments.

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

That the bill be recommitted on the next day of sitting.

Motion carried.

SUPERANNUATION, TRANSFER PAYMENTS

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a ministerial statement made this day in another place by the Minister for Government Enterprises on SA Ports Corporation.

Leave granted.

ADJOURNMENT

At 4.42 p.m. the Council adjourned until Wednesday 2 May at 2.15 p.m.