HOUSE OF ASSEMBLY

Thursday 28 October 1999

The SPEAKER (Hon. J.K.G. Oswald) took the chair at 10.30 a.m. and read prayers.

CITY OF ADELAIDE (DEVELOPMENT WITHIN PARK LANDS) AMENDMENT BILL

Mr LEWIS (Hammond) obtained leave and introduced a bill for an act to amend the City of Adelaide Act 1998. Read a first time.

Mr LEWIS: I move:

That this bill be now read a second time.

On 25 March the Public Works Committee submitted a report to the parliament on the botanic wine and rose development stage 2. We presented details of stage 2 which involved the construction of a national wine centre at the corner of Botanic and Hackney Roads at an estimated capital cost of $20 million. In that report, more particularly, we drew attention to the fact and recommended to the appropriate minister—but we were not sure who that was—that no structural change of a substantial nature to existing buildings or development, or alienation of Adelaide's parklands in any way in any park around the City of Adelaide originally surveyed and designated by Colonel William Light as parkland, be undertaken without the approval of each house of parliament and the Corporation of the City of Adelaide in session separately assembled.

So, regardless of whatever other measure any government may take, including the present government, to protect parkland in some form or other, it would be for all time put beyond the power of executive government to make decisions about the alienation of the parklands unless the parliament approved of it—both houses—and the Adelaide City Council approved of it. That would ensure that the kind of disquiet which has grown up over recent time (and I mean in the past couple of years or so) about these developments which have been undertaken by executive government, where executive government has overridden the city council, for better or for worse, such as in relation to the Memorial Drive development. The public has wanted to put an end to that; they do not approve of that process; they do not think it in any way appropriate.

At the time of writing this report (which I tabled yesterday) and adopting it in the committee, no minister had responded to our recommendation. Section 19 of the Parliamentary Committees Act, 'Reference of Committee report to minister for response', provides:

> (1) On a report being presented by a committee to its appointing House or Houses, the report or part of the report is, if the report contains a recommendation to that effect, referred by force of this section to the minister with responsibility in the area concerned for that minister's response.

That means that the committee does not have to determine which minister it is, who has to deal with it: the law provides that it is up to the government to decide which minister it is. Section 19 continues:

> (2) Where a report, or part of a report, is referred to the responsible minister under subsection (1), the minister must, within four months, respond to the report or part of the report and include in the response statements as to—
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> (a) which (if any) recommendations of the committee will be carried out and the manner in which they will be carried out; and
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> (b) which (if any) recommendations will not be carried out and the reasons for not carrying them out.
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> (3) The minister must cause a copy of the minister's response to a committee report to be laid before the committee's appointing House [in this case, the House of Assembly] within six sitting days after it is made.

The report was presented on 25 March. In my calculations, 25 April is one month; 25 May is two months; 25 June is three months; and 25 July is four months. But we have gone August, September and now October. How patient do we have to be? That is seven months. This is 28 October, not 25 October, so it is more than seven months and we have heard nowt—not one word. We have not even had an acknowledgment of the recommendation contained in the report. I do not know who is responsible, but I have reminded the ministry that there is a report—indeed, there are several; this is not the only one—which contains recommendations. They are nice people, I am sure, but they treat the committee with disdain and they treat this parliament appointing the committee with no less disdain by ignoring, first, the recommendations and, secondly, what the law provides in relation to those recommendations.

It is, I submit, understandable that the committee then decided that it ought to deal with the matter as is otherwise provided. It did not have to make the recommendation; the committee could have done straight away what we have done today, that is, attach a draft bill to the report. Well, we did that yesterday and members will have the opportunity of debating that on the next Wednesday of sitting, which is 10 November, if I am not mistaken.

I draw the attention of members to the Parliamentary Committees Act, which authorises the committee to attach a draft bill to a report. That would give effect to the recommendations the committee has made after hearing all the evidence that has been put to it, using its best endeavours to determine the public interest. No member of the general public anywhere would dispute the fact that this approach will prevent further ill-advised alienation of the vacant space in the parklands which Colonel William Light gave us and which is now such a famous part of the heritage of our beautiful capital city—the capital city, of course, being the seat of government.

Clearly, governments come and go and, like any other government, this government has an obligation along the way where it is administering affairs in the interests of that capital city and in the interests of that heritage to do what the public wants done, and that is protect the heritage, not rape it or be seen to be raping it. I do not imply that it is—after all, I am part of the government—but I do know that at present the public thinks the parklands are not safe. As members of parliament the only way we will convince the public that indeed the parklands are safe is for us to take unto ourselves the responsibility in future of determining whether or not to allow development, and to act in concert with the lawfully established first local government body in Australia, the Adelaide City Council. We will all need to pass a resolution accordingly agreeing to such development before that development can go ahead.

Anything less than that and the public will tell any of us who want to ask our electors that we are in cloud cuckoo land, that we are being arrogant by ignoring their wishes about our heritage and that we are abusing their trust. That is what they have told me. I do not find anyone or any organisation anywhere in the community opposing the unanimous recommendation of the committee to bring in this bill.

In the limited time available to me, let me explain what the clauses mean. The first is the short title. The second provides that the act will come into operation on the first day on which both houses of parliament are sitting after the day on which it is assented to by the Governor. If the bill goes through the Assembly and the Council it will become law when parliament next sits, unless the government does an unprecedented thing that has not happened since we have had democratically elected government in this parliament, and that is simply not present the act to the Governor in executive council for assent.

The Hon. G.M. Gunn interjecting:

Mr LEWIS: No, not that I am aware of. In any case, I would be pleased to discuss that with the member for Stuart to discover which case it was. It is not an act that requires proclamation; the clause automatically triggers operation. Clause 3 defines the Adelaide parklands as meaning the parklands of the City of Adelaide as they exist on 27 October 1999 (that was yesterday, when the committee met) and, as well, any other land previously included as part of the Adelaide parklands by public maps prepared by Colonel William Light. It includes any road that abuts those parklands and any footpath, verge or other similar area associated with such a road, whether or not the road or area is within the boundaries of the City of Adelaide.

Under clause 2 certain activities require parliamentary and council approval, and those activities are to make a change to an existing structure or to build any new structure which would cost $100 000 as at 27 October 1999, that amount to be indexed so that there is no necessity for us to revisit it in 10, 15 or 20 years. It excludes things such as temporary works that are required for events such as the Sensational Adelaide V8 car race, the horse event and other events where the structures are temporary. They are not there for more than three months: indeed, they are there for only a few weeks.

Altogether, the purpose of the legislation is quite clear. It provides the House with the opportunity to determine whether or not it wants to protect what the public sees as being best for the future of the parklands, and it will enable my party, the Liberal Party, as well as other parties—the Labor Party and whoever else and whatever else—to look at the contents of the legislation and decide what they think of it. I trust we will then give it swift passage, because it is something that the citizens of South Australia strongly support. I say in conclusion that it is quite separate from and independent of the proposal to create a land bank. I commend that proposal. This proposal in no way affects that proposal or is influenced by it. That is an entirely separate matter. I commend the measure to the House.

Ms THOMPSON secured the adjournment of the debate.

LIQUOR LICENSING (HOTELS NEAR SCHOOLS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 October. Page 208.)

The Hon. W.A. MATTHEW (Minister for Year 2000 Compliance): I am pleased to be able to speak to this bill in the House today. The bill was introduced in an endeavour to stop a proposal that has been lodged, in the first instance, before the Liquor Licensing Commission, and, in the second instance, before the City of Marion in an endeavour by the Hickinbotham group of companies to have hotel licensee, Mr Peter Hurley, establish a tavern in the area known as the Woodend shopping centre. The Woodend shopping centre was built and is owned by the Hickinbotham group and is located in the Woodend subdivision taking in the suburbs Sheidow Park and Trott Park. Those suburbs were developed by the Hickinbotham group of companies, and residents purchased their homes in that area in the belief that they would have a neighbourhood shopping centre, which, very conveniently, had been placed next to a school.

The school was the first of its type in South Australia in that it was built by the builder, Hickinbothams, and was leased back by government. It was a visionary endeavour, one that has been well received by the community. In the building of the school the dilemma often faced by schools in the pick-up and set-down of school students was recognised, and members of this chamber would be well aware that in schools in their area there is always what could almost be described as traffic chaos around schools. In a bid to alleviate that somewhat, the shopping centre was integrated with the school complex so that parents, in dropping their children off to school in the morning and in picking them up after school, park in the car park of the shopping centre.

Regrettably the shopping centre proved to be a non-viable operation at the time it was established and those who have had shops within it have progressively moved away. Its major tenant is a child-care centre and that, too, I am given to understand by its management, will shortly move away from that complex, leaving an empty shopping centre. The proposal is now to place a tavern on the site, and the liquor licence application advocates opening hours to 2 a.m. on three days a week and to midnight on the other four days a week and that it will have some 40 gaming machines. Because it is next to the school, the car park of the proposed tavern will be utilised by parents dropping children off to school and picking them up. I hope that no member of this parliament, regardless of political persuasion, would support such a proposal.

Mr Lewis: Who owns the ground of the car park?

The Hon. W.A. MATTHEW: The ground of the car park is owned by the Hickinbotham Group of companies, as well.

Mr Lewis: So the school makes use of that free of charge?

The Hon. W.A. MATTHEW: The school makes good use of that ground. The dilemma is that the proponents intend to change very much the nature of the school. The second dilemma is that, because it was a community shopping centre, homes are located very closely around it. I know that, as the member representing Hallett Cove, despite all the best intent and endeavour in the world by the owners, the Hallett Cove tavern is a problem for the local community. It brings to it an undesirable element and it brings around it intoxication and anti-social behaviour, and it brings to the streets of Hallett Cove vandalism and wanton destruction by marauding groups of up to 60 youths aged between 11 and 18, police tell me.

I do not want to see that happen in any other area and I am endeavouring to ensure that it stops happening in Hallett Cove. I pay tribute to our police who have undertaken their work in an excellent way to help the community combat the problem. We do not need that any more and we certainly do not need it next to a primary school. I support strongly the intent and the endeavour behind the introduction of this bill.

Another, broader issue is associated with this bill, and it concerns all of South Australia. I hope equally that no member of parliament would want to see a tavern or any licensed establishment, for that matter, appear next to schools around our state. I acknowledge that some venues are close

to schools, and some might even be relatively close by, but that is not to say that, because it is pre-existing, it is an appropriate activity. This bill does not attempt to redress that because it looks only at the establishment of new facilities.

Because the bill is simple and focuses on the liquor licensing law, it could lead to some unintended consequences, and it is the job of parliament to ensure that legislation is good legislation, which is why we debate legislation. While the bill is good in its intent and resolve, because it is introduced as a liquor licensing amendment and not as a planning amendment and because it is narrow, a number of consequences follow. Essentially the bill will stop a hotel from going next to a school. However, the bill will not stop a licensed club, and it could be argued that the proponents might put in a licensed club if, because of this bill, they lose out on the hotel.

We do not know that, and we do not know that there would not be a nightclub put next to another school somewhere else in the state. Those dilemmas need to be addressed and the argument could then be that, if we as a parliament tighten up the way in which the bill is written so that it covers more establishments, we may be able to solve the problem and make this bill effective in the way in which I am sure the member for Mitchell intends. But if we are so specific with our amendments that we cut out liquor licensing altogether, we could unintentionally create other problems.

I cite as examples the schools of Willunga and Tanunda, schools in wine producing regions. The schools, very sensibly, have encouraged their students to study in that way. The students have obtained a liquor licence through the school and actually grow the grapes and produce the wine, which the school sells as a fundraiser. We certainly would not want to stop that sensible activity, nor do we want to stop catering schools, which may be licensed, from operating in schools. Some dilemmas will occur and consequential amendments, regardless, will have to be made to planning regulation and, probably, to planning legislation. What I am putting to the House today is that we adjourn before completing the second reading.

The House is up for a fortnight, which gives us sufficient time behind the scenes to work through the issues so that on the Thursday when we come back we can resolve the matter by proceeding with sensible changes to ensure that the bill does what the member for Mitchell wants it to do. I think the member for Mitchell and I are agreed on what we want to see; that is, no poker machines, no hotel, no liquor next to the Woodend Primary School or next to any other school in this state for any new development. I hope that that would be the ultimate intent of all members of this place.

This issue has come about because the shopping centre has been empty and the area is zoned as a community centre zone. Because the Marion council, in its supplementary development plan, has not prohibited a licensed establishment, it has opened the gate, effectively, for this proposal to proceed. However, yesterday in another place the Minister for Planning made a statement that advised that Marion council does have the opportunity, through its processes, to put a stop to this proposal. Some members may argue that that is appealable, and it is, but one can never be sure of what will happen in the planning appeals court.

Nevertheless, Marion council also has an opportunity to squash this, and I am certainly encouraging it to do so, as is the minister responsible for planning in this state. Equally, the Liquor Licensing Commission will have a chance of stopping this. In the first week of November the Liquor Licensing Commission will have its interim hearing, and I have put forward my objection, as have many residents. Importantly, one of the objections going to the Liquor Licensing Commission is a petition against this proposal. That petition has been signed by more than 700 residents.

I represent the Woodend subdivision of the suburbs of Sheidow and Trott Park. At present, 1 472 people are registered on the electoral roll, so 700 signatures gathered on a petition in just a couple of weeks demonstrates to me a pretty strong resolve by that community. That is a great effort, and they have done it within that suburb; they have not gone outside. The proponents, in contrast, have gone outside as far afield as Reynella, and potentially beyond that, with pamphlet dropping, letterboxing and telephone surveying. To the Liquor Licensing Commission this petition is local.

The local residents, those affected, those who are supposed to go to the tavern, according to the proponents, are saying 'We don't want this in our community.' I urge the proponents, the Hickinbotham group and Mr Peter Hurley, to look at the power of this petition. If they believe that 90 per cent of the use of the tavern will come from local residents, this petition says that it will not. I look forward to working with the member for Mitchell behind closed doors so that we can resolve this matter through the parliamentary process.

Mr KOUTSANTONIS (Peake): Unfortunately, since this government took office in 1994 the only sort of developments we are seeing in South Australia are hotels with 40 poker machines spread across the state and spreading their reach. I wonder very much whether this pub would go ahead at all if the poker machines were not to be in the pub. I wonder whether there would be a development next to the school if there were not to be 40 poker machines in the pub. I wonder whether a developer would want to put a retail outlet for alcohol next to a school if there was not to be 40 poker machines. This is not about whether or not there should be poker machines in pubs; this is about whether there should be pubs and poker machines next to schools. I do not think there is a South Australian anywhere who would say that pubs belong next to schools.

The member for Mitchell has done a very good job in trying to contain the poker machine spread throughout South Australia. I believe the first thing the member for Mitchell did in this House was bring in a private member's bill to stop the introduction of a gaming house in the Marion shopping centre. That was unsuccessful, but I am sure this time the member for Mitchell will get it right because this time not only is the member for Mitchell and the local member fighting this but also the local residents are fighting it. This is something the so-called pokie barons cannot compete with: people power. This is when ordinary citizens, mums and dads are out in the community fighting and saying, 'We've had enough: we don't want a pub next to our school; we do not want, when dropping off our children to school, to walk over broken beer bottles and over debris that might be from pubs.' We know what happens in pub car parks. We have seen in all the pubs in all our electorates the sort of debris that is left in pub car parks.

I do not want my children walking through a pub car park to go to school. I am sure that none of the residents of Sheidow Park or Trott Park want their children walking through pub car parks when they go to school. I cannot see how any decent South Australian—

Mr Condous: You have to find someone to marry you.

Mr KOUTSANTONIS: That's right. One of my major problems is that no-one wants to marry me—but that is another issue. No decent South Australian would want their children to be walking through pub car parks. I cannot see why this land cannot be used for another form of development. I understand the shopping centre is no longer viable. I understand that it is not attractive for it to remain that way and the developers have moved in and are saying that they want a pub next to a school. I have not seen any argument at all put forward that would support the idea of a pub next to a school.

Let us think about that for a moment. If there is a pub next to a school, children go to the school on weekends for sporting events and people stay late for sports training and extracurricular activities. Maybe day care is available at the school. Car parks will be utilised by the community that uses the school and by the pub patrons. I am not saying that pub patrons by nature are unruly or dangerous, but sometimes at pubs you can have unruly characters or some people who are out to cause a bit of trouble.

Mr Lewis: Who owns the car park?

Mr KOUTSANTONIS: That is an interesting point. The question of who owns the car park is very important because if the car park is owned by the Hickinbotham Group, which wants to develop the pub—and I think it is—that is very sinister indeed. I would hate to think that the school will lose access to the car park simply because the developers want to put a pub next to the school. It is our duty in representing our constituents to ensure that we protect local residents from these clubs and associations moving in next to schools. No-one can say that a pub belongs to a school. I do not see how any member of the government can get up today and say that a pub belongs next to a school, whether or not the pub owns the car park. The principle is whether a pub belongs next to a school.

Mr Lewis interjecting:

Mr KOUTSANTONIS: That's a very interesting point. My old school, Adelaide High School, has a liquor licence used by old scholars, students and parents in the organisation of school carnivals, fetes and barbeques at which they sell beer to raise money for the school. We are talking not about a 24 hour operation but about schools using a liquor licence selectively to raise money for the students and for sports activities. The liquor is not on sale all the time. It is not on sale five days a week but only on weekends, which is fair enough. I do not think we should take away that right. In his bill, the member for Mitchell is careful to make provision for these sporting clubs and associations that have liquor licences so that they do not lose their right to raise money for their respective organisations. Many schools use liquor licences to raise money from parents by selling alcohol at fetes, school dances or sporting carnivals. This bill specifically makes such practices exempt from the legislation and enables them to continue.

We are saying that pubs do not belong next to schools. I am not sure whether the member for Hammond supports pubs next to schools. I do not think that any South Australian supports pubs next to schools. And I can see the member for Hartley shaking has head. I am sure the government cannot believe this is happening. It has twitched on it, and it is just unfortunate that it has been embarrassed by the member for Mitchell's introducing this bill. It is amazing that in the six years that we have had these sorts of scenarios before us something has not been done sooner. It is unfortunate that such legislation has to be achieved through a private member's bill. We would prefer that that was not the case, because this should have been government legislation. It should be the government taking the lead. However, what has happened is that the government has been caught with its pants down, because it has seen a flaw in its legislation—in the planning and liquor licensing legislation. It now has to be fixed up by a private member.

An honourable member interjecting:

Mr KOUTSANTONIS: I know that not one member of the government will vote against this bill, because not one member of the government would want to see a pub next to a school, particularly in their electorate. I am sure that those members will stand up to these developers and do what they can to have them moved elsewhere, to make sure that they develop their pub away from the school. We do not want to lose investment or jobs in this state, but we do not want to see pubs next to schools. I am sure that this government will do everything it can in this situation, because it has a track record of helping developers and being very generous towards them, especially those building soccer stadiums, for example. So I am sure this government will do everything it can to make sure that this pub is not erected next to a school, and I am sure every government member will vote accordingly.

There being a disturbance in the Speaker's gallery:

The SPEAKER: Order! I say to members of the gallery that there is to be no response from the gallery at any time. I ask that you remain silent.

The Hon. G.M. GUNN (Stuart): I do not know whether that was for me or for the previous speaker. I am not normally used to that sort of response when I get to my feet in this place. As I appear to have some friends, I will do nothing to make them think any different of me. Having listened to the Minister for Year 2000 Compliance—

Mr Hanna: Are you voting 'no' to the republic or to the Woodend tavern?

The Hon. G.M. GUNN: If you want to keep me, just be calm. I have listened carefully to what the minister had to say, and I am quite strongly inclined to support the view that he has put forward. I make it plain from the outset that I do not like poker machines. I did not support the proposal when a Labor Party member brought the bill to Parliament which unfortunately led to the introduction of poker machines. I am very much opposed to them, and I would not want to see them anywhere near a school or a number of other institutions. As someone who has a considerable number of schools in the constituency, I am aware of the fundraising activities in which they are engaged. However, I believe that it is quite a separate matter to have a temporary licence, or a licence for that purpose, from having a licensed facility permanently alongside a school.

I really think that this matter is best dealt with by planning laws, because today we are talking about a particular school but I guarantee that a similar situation will arise somewhere else in the not too distant future. We ought to make it very clear that, with respect to all future investments in the hotel industry, there is a set of guidelines in place to ensure that the community is properly protected against the activities that, unfortunately, often take place around licensed premises.

Mr Hanna: So, you will support the bill—

The Hon. G.M. GUNN: Just be a little calm. The honourable member normally gets himself agitated—

Ms Stevens: Not like you.

The Hon. G.M. GUNN: No, I am a calm fellow. I think it is very important to make sure that we protect our school students against any sort of activity that could be detrimental to them—and I know what happens in other circumstances. I believe it should be a matter of the highest priority that the planning laws be altered to show that this sort of development is not acceptable within a prescribed area around a school. I am not quite sure how far it should be, because we would be talking about all future developments. In terms of a licensed premises within 50 or 100 metres, I do not know whether there would be much that we could do about that. But we can certainly take some positive steps to ensure that this sort of circumstance is not repeated.

The member for Peake made a rather wild allegation in this place that the only development in which this government has been involved is poker machines. That is arrant nonsense. It is the sort of cheap throw away line that does not do anything for the standing of members of parliament in the community, and it is certainly not the sort of comment that will ensure that people such as I will support this proposal. So, I suggest to the honourable member that he really ought to get himself out into the real world, take off his political hat and use a bit of commonsense, and he will ensure that the objectives that his colleague has put forward receive very strong support in this chamber.

Ms Stevens interjecting:

The Hon. G.M. GUNN: The honourable member has been around for only a couple of years. Gauging by the way he is going on, he will not be here for much longer. However, I am very strongly inclined to support this measure, because I certainly would not like to have in my constituency the same sort of activity—and I understand the great difficulties and concerns of parents, school councils and teaching staff. Therefore, unless someone can point out a reason to the contrary, the views put forward by the minister have convinced me that I should support the course of action that he has suggested.

Ms BEDFORD (Florey): I want to say a few things in relation to this matter this morning, because in my own electorate of Florey we have a similar problem in as much as a development has been mooted which will involve poker machines and which, we believe, will completely change the amenity of our environment. We have been labelled as wowsers and old fogies, but this is about members of the community saying that they are not anti development: they are pro appropriate development. That is the sort of thing we have to look at and differentiate between. There are places for certain things. I am not familiar with the Sheidow Park area geographically—I have not made the day trip down south to look at the site—but I can assure the honourable member that, if he wants to make the day trip up north, I can show him ours.

The development with which we are faced is completely inappropriate for our situation. Our residents find that they have little recourse under planning laws. While we are fighting as hard as we possibly can in that arena, we have found that the legislation neither protects nor assists us with our concerns. We face the Liquor Licensing Commission and, even with the assistance of the most eloquent people fighting on our behalf, it may be that we will not succeed there, either. We will be faced with a development that splits our regional centre, takes it across a main road of six lanes and leaves the community left forever with whatever this white elephant delivers us.

One cannot prove what will happen: one must anticipate the problems and ensure that the legislation addresses those concerns and the concerns of the residents. It is up to parliament and the people in this place to ensure that those concerns are addressed. It is very important that we keep the avenues open for residents to oppose unwanted developments while keeping in mind that if a development is appropriate it will obviously go ahead—it will be welcomed by the community. I, and the people in the electorate of Florey, feel very strongly about this and we hope that there is a happy ending to this saga.

Mr WILLIAMS (MacKillop): I did not intend addressing this motion as it does not necessarily affect some of the schools in my electorate but I have some concerns that it may at some time in the future. I take note that the Minister for Year 2000 Compliance has informed the House of some warnings that there may be some unforeseen circumstances as a result of this type of legislation. I believe that my electorate is the pre-eminent wine producing area in the state and, indeed, the world. In addition, at least three schools in my electorate incorporate established vineyards, which have been used to train young South Australians so they can move into the wine industry.

At least one of those schools has the intention, I believe, to produce wine and, of course, there would be a desire to sell the wine. When we start putting legislation through this parliament which talks about not allowing industries in relation to the selling of alcohol and/or production adjacent to schools there is potential to harm at least some of the schools in my electorate.

Mr Hanna: My bill doesn't do that.

Mr WILLIAMS: The honourable member interjects and says that his bill does not do that. I take that remark on board and I accept that his bill, as it stands, does not do that, but I am very concerned about the precedent that this bill might set. I draw the attention of the House to another situation which has occurred in my electorate and which I think is rather fantastic for one of the smaller communities in this state. I refer to the Kingston Area School in the South-East. Some years ago—and I would love to be able to praise those persons by name who had the foresight but, unfortunately, I do not have their names to hand—the Kingston community showed foresight in building a new school and incorporating it with the major sporting bodies in the town.

The football, netball and tennis clubs and the school all share the same facilities. Plans have been prepared and funding has been obtained to build a heated swimming pool. The sporting bodies and the school share a major hall, a gymnasium and sporting grounds and, as part of those sporting grounds, the football club has licensed premises. Even though separate titles are involved it is cheek by jowl with the school.

Mr Hanna interjecting:

Mr WILLIAMS: Again, I take on board the interjection from the honourable member suggesting that his bill will not stop that. I reinforce the fears raised by the minister in relation to this bill and warn the House that there may be unforeseen circumstances. In doing so, I certainly support the principle of what the member is trying to achieve. I only question whether this is indeed the best way of achieving the end that he seeks to achieve. I put on record some of the fears I have, because I believe that the good work of many of the school communities in my electorate, work of which members in city electorates are probably unaware (and I

wanted to bring that to their attention), could be negated. So, I just sound a warning that there are many situations there of which we may not aware where schools are indeed involved in the industry, something which we do not normally associate with schools.

Mr MEIER secured the adjournment of the debate.

O'SULLIVAN BEACH PRIMARY SCHOOL

Mr HILL (Kaurna): I move:

That this House congratulates the students, staff and parents of the O'Sullivan Beach School for their outstanding achievement in winning a $10 000 award in the National Literacy Week awards for literacy and numeracy.

It is my great pleasure to move this motion. In September this year O'Sullivan Beach School was one of only 10 Australian schools to win one of the $10 000 major awards for literacy and numeracy achievement. These are commonwealth awards, which I believe were given out this year for the first time, to outstanding primary schools which have demonstrated excellent achievements in developing literacy and numeracy skills for their students as part of National Literacy Week. As I say, only 10 schools across Australia were awarded the first prize, O'Sullivan Beach being the only one in South Australia. However, I shall place on the record the six other schools in South Australia which did win prizes of $1 000: the Amata Anangu School at Amata; the Coober Pedy Area School, Coober Pedy; the Para Hills East Primary School at Para Hills; the Padara Christian School, Primary Campus, at Golden Grove; the Salisbury North West Schools at Salisbury North; and the Hills Montessori School at Aldgate. I congratulate all those schools as well.

The O'Sullivan Beach School is a disadvantaged school, with between 65 and 75 per cent of its students being on school card. So, that is an indication of the relatively high level of social need in that district. But the school does not see itself as a disadvantaged school—anything but that. It sees itself as a school with plenty of opportunities both in the local community and in the local environment. I must say that the school's locality is very pleasant as a creek runs nearby and there is plenty of open land and trees in the area. As the local member, I know the school very well. I have visited it on many occasions.

Every time I visit the school I am impressed by what we in education used to describe as the 'tone' of the school. It is a school with a very positive and very much education-directed tone. You can tell that by everything that happens in the school. Just walking through the corridors past the classrooms you can hear the sound of children busily at work. It is not dead quiet and it is not rowdy: it has that pleasant working sound, and everything is neat and orderly in the school, both inside and outside. It is a school which takes a great deal of pride in itself, and you can tell that about everything that the school does. The children, teachers and parents are all very much part of that deal.

The students are particularly polite and interested in learning. I put on the record a statement of Ms Linda Matthews, the Curriculum Project Officer, who worked in the education department on this award program. Three of the children—Gemma Edwards, Kira Mason and Robert Turley—went to Melbourne with the Principal, Ms Polmear, to collect the prize. The Literacy Coordinator from South Australia, Ms Linda Matthews, said this about them when she rang the school:

When I was in Melbourne I was particularly impressed with the students from O'Sullivan Beach. They were extremely well behaved and they actually interacted with the people at the presentation. They did not just stay in the safe areas provided with O'Sullivan Beach adults: they went up to different people and talked to them and were interested to say things. They were just great.

From my knowledge of the school, I know that is true of the children. I have shown a group of them around parliament, and they were actively involved in the process. I know that when I visit the school they are very keen to talk to you and to find out what is going on.

As I have said, there is a great sense of purpose in this school, and that is reflected in its physical environment which is always attractive and tidy. Parents are very much involved in the school, and the school council gives excellent leadership. Every time I have visited the school I have seen plenty of parents being involved in the classroom or around the school doing various things. That is a good sign that a school is working well.

The teachers are very committed and highly professional, and they work together as an effective team. They are all directed toward education and the learning of the children—they are keen and compassionate people. The school is given outstanding leadership by its principal, Ms Sue Polmear, who has a clear sense of direction in learning and is able to communicate that to teachers, parents and students and get them on side so that they work together for the positive outcome of the children.

As someone who was involved in education for a long time, particularly in advising schools where there is a high level of disadvantage, I know that that is the secret. If you can get a good positive relationship between the teaching staff and the parents, you know there will be a good outcome for the children. What makes that happen is having good educational leadership in the principal.

During my time in education, I worked with Greg Crafter, the then Minister for Education. The best thing that he did was to introduce merit based selection for principals to replace the old system—

Ms Stevens interjecting:

Mr HILL: That is how the member for Elizabeth got there—based on seniority where the same people kept taking the plum jobs without necessarily having to have one rigid educational thought. Changing the seniority system and bringing in a merit based system has—

Mr Lewis interjecting:

Mr HILL: For goodness sake, the putative governor-general on the back bench should keep quiet. The best thing to happen was the introduction of merit based selection, because many more women are now in a position of influence in schools. In primary schools, 80 per cent of teachers are women, but for principals it used to be the reverse: 80 per cent were male while 80 per cent of teaching staff were female. That tells us something about how fair the system was in the past.

We have much better principals in schools now because we have a merit based system and their positions are reviewed on a five or seven year basis so that there is a much better sense of educational leadership in schools. I certainly commend Ms Sue Polmear at O'Sullivan Beach School for her sense of direction and leadership. I think she is the key person in this institution who has enabled these very good outcomes for the students. One of the tricks that she uses is that every day she has a big jar of minties on her desk to reward positive behaviour amongst the children and the

teachers—and members of parliament who visit or anyone else really.

Members interjecting:

Mr HILL: She always says when she gives out a minty: 'It's moments like these.' The school has worked well to achieve this award. I must say that this school is not after awards: what it is after is learning outcomes. I will quote briefly from a document produced by the commonwealth entitled 'Literacy and Numeracy News' (Melbourne, 7 September 1999). It contains a description of each of these schools. I will read the description of O'Sullivan Beach School because this is what the school did to win the award and I think this should be placed on the permanent record of the parliament. The article states:

> Principal, Sue Polmear, explains that the school embarked on a journey of improvement because it wanted to: bridge and rise above the gaps created by poverty and disability; address the special needs of Aboriginal students—

there is a fairly large Aboriginal population at the school which is made to feel very much part of the school; it is not separated; Aboriginal children are affirmed and participate fully in the school—

> develop a whole school ethos, culture, spirit and identity; promote and encourage work ethic and work skills; link learning to life; encourage students and their parents to 'look over the hill' to other life options; maximise explicit teaching and practical learning opportunities—

that is the key to what they do: it is practical work, not just book learning—the kids do hands-on activities and then write and talk about them—

> challenge students to be risk-taking, self-motivated learners; create a first to final year approach to teaching and learning; and provide the best possible environment, facilities and resources for teaching and learning.

Ms Polmear goes on to say:

> We did not ignore our difficulties, problems or concerns. We did not go over the top of them and we did not go around them. We simply elevated our expectation of what we could do together to make our school a good school.

What a great statement. What a philosophy about what a school should be doing. It is something all schools should be doing. I know that all the schools in my electorate are attempting to do it—and they do it very well. The article continues:

> Part of the make-up of that 'good school' is the 'literacy for life' approach. This approach is reflected in the literacy and numeracy achievements between 1996 and 1998. Student achievement data suggests that the extraordinary effort being made to close the gap in students' literacy and numeracy knowledge and experience is achieving a real improvement in learning outcomes. The school's literacy initiative, which began in 1995, addresses all elements of the national literacy and numeracy plan. O'Sullivan Beach places a high priority on literacy integrated across the curriculum. Its literacy initiative is embraced by a large number of personnel as well as by community members.

In speaking with the principal about the school, I asked her, 'What did you do for numeracy?' She said, 'It is interesting; we concentrated on literacy and, as a result of doing that, the children's numeracy ability improved as well.' It just indicates that the key to all learning in all schools is literacy and, if we can develop those skills, everything else will follow. That is an interesting statement about what happened at O'Sullivan Beach. It states further:

> The school caters for large numbers of students from traditionally disadvantaged groups. There is a strong focus on providing assistance to those students who need extra help. The school's population profile is analysed regularly with a view to putting prevention strategies in place.

I would say congratulations to O'Sullivan Beach primary—keep it up!

The Hon. W.A. MATTHEW (Minister for Year 2000 Compliance): I am pleased to support the motion moved by the member for Kaurna and indeed to commend the member for Kaurna for bringing this important success to the attention of the House. As members who have served in this chamber for a number of years would be aware—although looking around me, few remain—I had the privilege of serving the O'Sullivan Beach community from 1989 to 1993 and also again seek that privilege at the next state election, most likely to be held in April 2002, as the area of O'Sullivan Beach has again been included in the electorate of Bright.

I had the opportunity to write to and congratulate the school for its fabulous effort in achieving this national recognition. As members would be aware, it is no small feat to receive this recognition at a national level. The competition for such recognition is indeed keen, and the students, parents, staff and particularly principal Sue Polmear can be very proud of what their school has achieved in not only this recognition but also the activity that has occurred within the school to achieve such recognition.

As the member for Kaurna so eloquently said, the school is placed in an area where some considerable disadvantages are experienced by students and the parents of those students. It is fair to say that sometimes conditions can be trying for both teachers and students at the school. I think they have demonstrated their ability to rise above all of that and create a unique sense of pride in that school.

I had the opportunity to see that first-hand recently at a combined southern schools afternoon. Sue Polmear and a couple of the students from O'Sullivan Beach school came up to me and thanked me for the letter I had sent to their school. One of the students was one of the enthusiastic students mentioned by the member for Kaurna who went interstate to receive their award. They were quite obviously chuffed and very proud of what they had achieved. I was pleased to see the pride that those students had, not only in respect of the award and the recognition of it but what they are doing at their school. Members of parliament know that it is all too easy to point to some schools and say, 'That is a tough school and things will not work out too well there.'

Sue Polmear has proved herself to be a very unique principal. She has taken on the job of managing and redirecting a school that in the past was pointed to by some as being a tough school, and she has engendered a respect among students, between students and teachers, and between parents and teachers, and a pride at a level that frankly I do not believe existed at the school prior to her arrival. I am very pleased to stand in this place and support the member's motion and, with him, commend it to the House.

Ms WHITE (Taylor): I support the motion of my colleague the member for Kaurna and congratulate the staff, the students and the parents of O'Sullivan Beach School for their outstanding achievement in winning this National Literacy and Numeracy Award, which formed part of National Literacy Week. I am very pleased that that award came with a $10 000 cheque. I also congratulate the Amata Anangu School, the Coober Pedy Area School, the Para Hills East Primary School, Pedare Christian School, the Salisbury North West schools and the Hills Montessori School, all of which are doing great things for students in the area of literacy programs. Those schools also received awards and

there was money associated with the awards—which always comes in handy.

All the schools that were recognised in South Australia demonstrated excellent achievement in developing for their students literacy and numeracy programs that really worked. The reason why they worked so well was that they were individual programs, which matched the needs of the student groups at those schools. I also mention, in particular, the work of the Salisbury North West Primary School with whose work I am most familiar in the literacy area.

I have with me some of the entries into the National Literacy Week project that the Salisbury North West Primary School embarked upon under the very good guidance of the principal, Ms Matheson (who is the primary principal) and Ms Katherine Holman (who is the junior primary principal). They do a wonderful job in guiding the students. I have a sample of the brochures that were produced: *Something Special in Salisbury*; *The Stunning Surroundings of Salisbury*; *One Stop Salisbury*; *See Australia's Best Kept Secret—Salisbury, South Australia*; *Super Salisbury*; *See the Sites of Salisbury*; *Super Fantastic Salisbury*; *Salisbury Something Special*; and *Salisbury—Simply Stunning Sites*. All members would know, if they come to Salisbury, that these are apt titles. They were produced by the students themselves. To take one example, *Salisbury Simply Stunning Sites* included such highlights as the St Kilda playground, the St Kilda mangrove trail, the Classic Jet Fighter Museum, the Greenfields Wetlands and Lake Windemere. Some members do not know where that is: it is at Salisbury North and according to this brochure it is:

> 'a large man-made lake. It is a fun place to ride a bike, have a picnic or play games. Lake Windemere is on Holstein Drive, Salisbury North. It's one of the best places to be—and it's FREE!!!

That brochure was produced by Kristal Walker and Aimee McCready, who are, respectively, year 6 and year 2 students. I also formally acknowledge all the students who participated in National Literacy Week: from year 2, Chantelle Craig, Aimee McCready and Jake Kennedy; from year 3, Cassie Lewis, Cameron Hill and Alicia Bradshaw; from year 4, Ben Haydon, Stacey Williamson and Rhys Wright; from year 5, Rebecca Walsh, Jessica Jones and Joshua Slater; from year 6, Tamyka, Robyn Carpenter, Kristal Walker and Stephen Norris; and from year 7, Justin McCoy, Ricky Gavin and Marisol Galleguillos.

Very well done! The whole project incorporated more than the school students alone. Apart from the project manager and assistant manager, Joanne Davis and Liz Sylvester, they gave credit to a number of people, everyone from Harold the bus driver to people to do with Parafield airport, Salisbury council, staff at some of the centres around Salisbury and a number of others. It was a great effort. The children put a lot of effort into the project and I cannot show you through words, but these brochures I speak of are very high quality, produced by the children themselves, and they really show off the skill of the students and their pride in their local community. Salisbury North is a suburb that has been in the news a lot this year in not always a very favourable tone, but the students at Salisbury North-West are very proud of our suburb and have put a lot of effort into producing something very positive that could easily be used by the local Salisbury council and other agencies to promote our area and all that we are proud of there.

The literacy program at Salisbury North-West has been showing very successful results. I was speaking to Liz Matheson some weeks ago and she was pointing out to me how successful it has been as the school tracked performance over the past couple of years. The school has witnessed marked improvement in students' literacy, understanding and numeracy as well. On a job very well done, congratulations Salisbury North-West; congratulations also to all those schools throughout South Australia that are doing very good things in the area of literacy, teaching and learning.

Motion carried.

FOUNDRY EMISSIONS

Ms KEY (Hanson): I move:

> That this House notes the increasing evidence linking foundry emissions with health concerns including asthma, respiratory ailments, reproductive hazards and cancer and calls on the government to take immediate steps to—
> (a) conduct health surveys and make available medical tests for residents located next to foundries in the western and north-western suburbs of Adelaide;
> (b) carry out an independent scientific study on atmospheric pollutants created by foundries in these areas;
> (c) establish an independent occupational health and safety audit into workers' exposure to toxic foundry chemicals; and
> (d) assist and encourage foundries to relocate to the Foundry Park precinct.

My motion today is quite obvious in its content; it is a matter of equity in the western and north-western suburbs. I reason I mention equity is that a number of problems have been identified in this House with regard to residents living next to industry. This has been an ongoing issue and, unfortunately, most of the complaints and issues that have been raised have fallen on deaf ears. Although I very much sympathise and support the residents around the Mount Barker Products foundry, it raises some concerns about issues and inquiries—

The SPEAKER: Order! I caution the honourable member on reference to the Mount Barker foundry, given a previous ruling from the chair. The chair has no problems with the motion in its broad context, but because of the litigation you should not refer to Mount Barker as such but talk in broader terms.

Ms KEY: Thank you, Mr Speaker, for your advice. I want to draw attention to different treatment among residents in South Australia on this issue, and I will try as best I can not to refer to the company in question. Needless to say, a company within the Premier's electorate came under some focus recently, and on the same sorts of issues that those of us who represent residents in the western and north-western suburbs have raised previously. I refer to *Hansard* of 28 September 1999 in which the Premier responding to a question from the Leader of the Opposition said:

> I repeat those statements which I made previously to the House and which I made publicly yesterday that the health of the residents will be the first priority.

He goes on to say that he did not need a lecture from the Leader of the Opposition that health is going to come first: 'The simple fact is that it is.' He also said:

> The government has been working with the various interested parties to look at how we might give encouragement to assist with the relocation. There is a fine line between health being paramount and not being compromised and how you put in place a series of steps that will enable the consideration of relocation, which does not see the company falter as a result, with 40 or 50 jobs put at risk.

Although it may seem unusual to members opposite, I agree with the very balanced point of view that the Premier has put forward in this instance. The Premier further said:

> A considerable amount of departmental resource and time has been given and committed to ensuring that each of those interests is looked at and given the appropriate amount of consideration. I come

back to the earlier point that the health of the residents will not be compromised in any solution to the circumstances.

This is my point. As I said, although I support what the Premier is saying—and I understand the sensitivity particularly when jobs are involved—it is really important that the health of residents does not become a commodity in a debate: it is paramount that the health of residents is considered. In a media release dated 29 January 1998, in relation to a company in the electorate of Hanson, the Premier also said:

Castalloy Manufacturing is a valuable export earner for South Australia and the company employs more than 500 people. That they have persevered and, more importantly, succeeded with this export market is a credit to the work force and to the management. Castalloy is the sole supplier of aluminium wheels to Harley Davidson. After 14 years the company has carved a niche market for itself which it continues to dominate. The production of the millionth wheel is a milestone which I am sure they'll build on.

I have also had advice today that Castalloy may be on the market and that a company called Iron Carbide (Australia) (previously known as Iron Carbide Holdings Pty Ltd) is looking at purchasing Castalloy. The point I am trying is make is that, if issues have been identified in one area of South Australia concerning residents living next door to foundries or industry, then it seems fair to me that residents in the western suburbs and also the north-western suburbs who find themselves in the same situation should have access to health testing. They should be reassured that some of the health concerns that they have raised—certainly with me in the electorate of Hanson: asthma, respiratory ailments, reproductive hazards and cancer—are looked at and that residents can be assured that the companies bordering their homes have nothing to do with their health, and that they have the misfortune of having bad health and it is not connected to their environment.

I understand that the residents in the Camden Park, Plympton and North Plympton area have been raising issues since 1993. A number of tests were carried out in 1993 and, as I understand it, nothing has happened as a result of those tests being done. I am also aware that other groups have been campaigning for quite a while. A group of residents in the electorate of Peake have been campaigning for a long time on the issues of noise, emissions and the smell coming from an engineering firm called Mason and Cox (now Henesley Pty Ltd). Although I am pleased to say that Henesley is prepared to meet with the residents on a regular basis, basically nothing much has happened with regard to the complaints residents have raised.

In the case of Castalloy Manufacturing, as I said, the residents have been campaigning for a long time to no avail. Some tests have been undertaken and some discussions held, but for some reason Castalloy has decided that it will consult with the West Torrens council and that it does not have any reason to consult with the residents directly. As a result of the problems encountered by residents of the western suburbs in the electorate of Hanson, a group has been set up called the Western Suburbs Residents Environmental Association, and I declare that the secretary and now chair of that organisation is my husband, Kevin Purse. He has been drawn into this issue as a result of a lot of campaigning that has been going on because of the government's inaction. He was elected unanimously to the position of secretary, even though he had not nominated, and then most recently he became chair of that organisation. This association is looking at ongoing exposure by residents in Camden Park, North Plympton, Plympton and Novar Gardens to air, odour and noise pollution from the foundry operated by Cast Alloy Manufacturing in Mooringe Avenue, North Plympton. The group has been set up as a result of inaction by the government to its many inquiries, letters, petitions, and so on, which have fallen on deaf ears.

The Western Suburbs Residents Environmental Association is very aware of the sensitive issue of employment in the area and by no means is it trying to damage Cast Alloy in any way. The group sees it as a very important company in South Australia and it understands that a minimum of 500 people work at that plant. I am pleased to say that they are members of the Australian Workers Union, and we are very mindful of the fact that those workers need to be protected and not be taken out of a job. However, we argue that a foundry park has been set up with the precise view of having those sorts of industries in one precinct, and it is of great concern that there does not seem to be any action with regard to relocating that company. I balance what I am saying about the company because we believe that it is a major contributor. The Premier's comments about the uniqueness and the perseverance of Cast Alloy is something that I would support but we do have a dilemma that needs to be addressed.

As a result of the concerns of residents living next to industry around South Australia, a group called the People's Environment Protection Alliance has been set up. Some 24 organisations, different environment groups, have joined the People's EPA. I was pleased to be part of a demonstration that was held a couple of Sundays ago out the front of Parliament House at which some 1 000 people assembled to talk about the concerns they have with the lack of action on environmental issues. I can proudly say that, as a member of the audience, I was very impressed by the speakers. I was certainly impressed by my husband's speech, but that goes without saying.

In the main, the speakers had never been involved in any campaigning or similar activities before and had never been in an association or community group other than for matters that affect their family such as sporting groups or activities in which their children are involved. It was a very strong rally at which people gave a balanced view about the issues involved with living next to industry. They also outlined the action that they expect on the part of the government with regard to their grievances. It was a very positive rally that one could feel very comfortable at. A number of people at the rally, including members of the Western Suburbs Residents Environmental Association, had never been to a rally before. The usual criticism that is often attached to people who have concerns in the community that they are serial protesters certainly could not have been attached to this rally.

I want to acknowledge some of the other groups that have been in contact with me. With the establishment of the Western Suburbs Residents Environment Association, a number of other groups have contacted me.

Mr MEIER (Goyder): I move:

That Orders of the Day: Other Motions be considered after Notices of Motion: Other Motions have been completed.

Motion carried.

Ms KEY: I would like to acknowledge the Mount Barker Clean Air Group, and a number of people who have joined the People's Environment Protection Alliance as community organisations. To underline the sorts of issues that people have been demonstrating about, as I noted, I cite a letter I received from someone in Mount Barker who identifies the

same sorts of issues that residents in the seat of Hanson have identified. I will not give the author's name, but this is very typical of the sort of thing I receive in my electorate office. The letter reads:

My wife, and my son Thomas who goes to the Mount Barker Waldorf school, suffered severe shortness of breath, nausea, headaches and dizziness due to the toxic fumes emanating from the foundry. Hundreds of other residents, Waldorf pupils and factory workers experienced the same effects, the EPA was notified and there was a general outcry.

Many people who have not experienced the emissions from foundries would think that that was an exaggerated claim. Having gone down to Mooringe Avenue with the residents in my electorate, I can say that this is the sort of problem that they have been identifying for a number of years. Most of the residents who live directly around that foundry must have airconditioning, since they cannot open their windows and doors because the stench is so strong. It is particularly bad at about 6 o'clock at night and also exacerbated sometimes by which way the wind is blowing.

Many of the very houseproud residents of that area complain that they are continually cleaning up dust which has a sticky, smelly aspect to it and which they believe comes from the foundry. Their quality of life is very much affected by living next to this foundry. If residents are in the position of having good airconditioning, most of them report to me that they have to clean the filters of their airconditioner on a weekly basis because the airconditioner does not work after a period of time, particularly when the production of the foundry is at its highest. So, they have to change weekly the filters that one would normally change every six months or yearly, depending on usage of the airconditioner. The residents cannot use their rain water tanks. One resident reported that she thought she was doing a great thing for the birds in her aviary by giving them rain water, but she basically killed them.

Mr MEIER secured the adjournment of the debate.

EAST TIMOR

Ms BEDFORD (Florey): I move:

That this House—

(a) calls on the federal government to take those steps required to counter the destabilisation of the ungoverned province of East Timor in the lead up to independence;

(b) commends the United Nations for the establishment of an international inquiry into gross human rights violations and atrocities in East Timor;

(c) calls on the United Nations to—

i. organise an immediate United Nations supervised repatriation of East Timorese refugees from West Timor and other parts of Indonesia; and

ii. demand the immediate withdrawal of all Indonesian military and militia personnel from East Timor;

(d) calls on the United Nations and the Australian Government to—

i. urgently increase the emergency release of food and other humanitarian supplies to refugees in remote areas of East Timor to prevent starvation; and

ii. urge all governments, the World Bank and the IMF to ensure that economic assistance to Indonesia supports democratic and economic reform;

(e) commends the Australian Government for providing sanctuary to East Timorese refugees;

(f) calls on the Australian Government to—

i. expand that sanctuary to East Timorese refugees who are being targeted by the Indonesian military and militias;

ii. suspend military co-operation with Indonesia;

iii. immediately cease its de jure recognition of Indonesia's occupation of East Timor;

iv. thank the East Timorese people for their great sacrifice and support during World War II and welcome the decision of the Indonesian Government in recognising the referendum outcome, which granted autonomy and Independence to East Timor; and

v. make a commitment to assisting reconstruction in East Timor.

Whilst it is an honour to move this motion, it is several weeks since we first attempted to do so and history has changed some of the things happening in East Timor. Although I am not the author of this motion, I am more than happy to commend it to the House, because I think that it encompasses the range of issues within the events of the last catastrophic months in East Timor and the ills that have befallen the East Timorese people.

In the past 25 years of history, troubles have continued to dog the East Timorese. I want to pay particular tribute to the fighting spirit of the East Timorese people and praise them for refusing to accept anything other than their independence in the face of what appeared to be insurmountable odds. I also praise the people of Adelaide, especially those who have campaigned tirelessly as friends of East Timor finally to see the day that East Timor achieved independence. While there have already been celebrations to mark this momentous event here in Adelaide, around Australia and indeed around the world, including in East Timor, they have been muted by the fact that the country has been devastated and effectively razed and the people traumatised almost beyond our understanding in Australia. It will take many months before life even remotely resembles what we would call bearable and many years before the community will be able to rebuild not only the landscape but also their shattered lives and again become a functional community and country.

In closing, I salute the work of Peter Cosgrove and the men and women of the Australian defence forces. The scope and scale of the logistical exercise that they have so magnificently planned and put into action, and the wonderful job which they have done since their arrival and which they continue to do now on the ground as they wait for the international forces to come in to assist them is a great credit to them all and to their families here at home who are supporting them during their tour of duty.

Mr HAMILTON-SMITH secured the adjournment of the debate.

HIGHER EDUCATION

Adjourned debate on motion of Ms White:

That this house notes federal Minister Kemp's recent attempt to replace HECS with a student loans system despite Liberal election promises to the contrary, recognises the impact this would have in disfranchising all but the most affluent students from participation in higher education in this state, and opposes any plans to deregulate university fees, implement voucher subsidies for university education or introduce education student loans at market interest rates.

(Continued from 21 October. Page 217.)

Mr HAMILTON-SMITH (Waite): This motion refers to a matter put by federal Minister Kemp some time ago regarding a new student loan system in our universities. It has since been made abundantly clear that the Prime Minister and the federal government do not seek to implement Minister Kemp's proposal. Therefore, the motion is to a degree now superfluous and no longer relevant. A debate on the matter has been conducted in the public domain and in the federal

parliament, and it would seem that this matter can now be dealt with by the house and removed from the *Notice Paper*.

Motion carried.

[Sitting suspended from 12.2 to 2 p.m.]

HILLS FACE ZONE

A petition signed by 613 residents of South Australia requesting that the House urge the government to support the rezoning of TransportSA land at Seacombe Heights as hills face zone and kept as open space was presented by Mr Hanna.

Petition received.

SUPPLEMENTARY AUDITOR-GENERAL'S REPORTS

The SPEAKER: I lay on the table the supplementary reports for 1998-99 of the Auditor-General on:

Civil proceedings for defamation against ministers of the Crown: payment of damages and costs from public funds;

Electricity business disposal process in South Australia: arrangements for the probity audit and other matters; some audit observations;

Intellectual property management.

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

That the reports be published.

Motion carried.

JOINT PARLIAMENTARY SERVICE REPORT

The SPEAKER: I lay on the table the report of the Joint Parliamentary Service for 1998-99.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Government Enterprises (Hon. M.H. Armitage)—

Construction Industry Long Service Leave Board—Report, 1998-99

By the Minister for Industry and Trade (Hon. I.F. Evans)—

SA Country Fire Service—Report, 1998-99

South Australia Police—Report, 1998-99.

JOINT COMMITTEE ON TRANSPORT SAFETY

Mr SCALZI (Hartley): I bring up the report of the Joint Committee on Transport Safety and Driver Safety Training and Testing and move:

That the report be received.

Motion carried.

QUESTION TIME

QUEEN ELIZABETH HOSPITAL

The Hon. M.D. RANN (Leader of the Opposition): Given that the Minister for Human Services has ruled out closing the intensive care unit at the Queen Elizabeth Hospital, will the minister now rule out closing the renal unit at the QEH? The opposition has a copy of a letter written by the director of the renal unit to the head of medicine at the Queen Elizabeth Hospital opposing the plan to close the renal unit at the QEH and base all renal medicine for the north west at the Royal Adelaide Hospital. The letter says that the renal unit at the QEH is responsible for 400 dialysis and transplant patients and 3 000 general nephrology patients and is a major unit by national and international standards. The letter also states:

> . . . whatever the outcome of the renal consultative group, there is no doubt that a renal unit is going to be needed at either the Lyell McEwin or the QEH or preferably both. The failure to recognise this downgrades the North West Health Services to being an organisation of two minor hospitals and condemns people with renal disease in its area to a deterioration of services and considerable geographical disadvantage.

The Hon. DEAN BROWN (Minister for Human Services): I am able to indicate to the House that I had some discussions earlier this week with a number of people at the hospital, with the consultant and with some of the people from the Department of Human Services about the proposed redevelopment of the Queen Elizabeth Hospital. I expect that a proposal will go to the board of the hospital next week, and I expect it to be no more than a straight swap of 200 new beds for 200 old beds. I am therefore able to say to the Leader of the Opposition that certainly in terms of the discussion, although the board has not yet considered it, I understand that the proposal that will come to me will be that they go ahead and simply build new beds at the Queen Elizabeth Hospital.

The SPEAKER: I have been advised that questions for the Premier will be taken by the Deputy Premier; questions for the Minister for Government Enterprises by the Minister for Education, Children's Services and Training; questions for the Minister for Local Government by the Minister for Industry and Trade; and questions for the Minister for Youth by the Minister for Education, Children's Services and Training.

ANNUAL REPORTS

Mr SCALZI (Hartley): Will the Minister for Police respond to the South Australia Police annual report and to the Crime and Justice in South Australia 1998 report that were both released today?

The Hon. R.L. BROKENSHIRE (Minister for Police): I note the honourable member's interest in our police department and also in community issues in his own electorate. As members know, today the SAPOL annual report was tabled in parliament. The report highlights the enormous number of tasks carried out 24 hours a day, seven days a week, 365 days a year by our South Australian police force. As police minister, I thank our police officers right across South Australia for the excellent work that they do in terms of the difficult taskings that often confront them.

Thanks to the ongoing reforms over a couple of years, including the Focus 21 program, particularly with respect to its local service area models where police officers at the coalface now have far more input into policing issues than they had before, some very positive, progressive and responsive police service work has been highlighted in that report. I am pleased now to say that the major amount of the reform processes have been completed or, if not completed, are now being implemented.

Further reforms under the new police act will start to show enormous benefits for not only our police officers but also the

community of South Australia in the near future. We will sweep away the old, archaic 1950s style of police act and bring in benefits to all parties under the new act. Essentially, these improvements will allow the South Australian police to operate and deliver better services to all South Australians.

The SAPOL annual report provides an important record of crime over the past 12 months, not only the incidence of crime but what police have done to tackle it. The report states that the number of offences recorded by South Australian police rose between 1997-98 and 1998-99 by 9 per cent. This was reported to the House some time ago when the Australian Bureau of Statistics crime report was published showing increases in crime across jurisdictions generally in Australia. It was interesting to note from that report that much of that indicated increase in crime throughout Australia involved the illicit drug trade.

The crime and justice area of South Australia also reported an increase, particularly in robberies. That is of concern to us as a government and to me as police minister, and it is the reason why major initiatives have been put forward over a period. I believe that we are starting to see some of the benefits of those initiatives.

The report reinforces the work that we are doing when it comes to crime prevention and police recruitment. This year, over 150 officers will go through the academy. As I have already said to members, there is a significant ongoing recruitment program over the next few years. On top of that, we have heard the report from the Premier that a task force of all the key stakeholders has been set up to look at the issues concerning justice in South Australia. This task force will involve the South Australian Police Association and members of the justice portfolio and it will be chaired by the police commissioner. It is important that we look holistically at additional police resources and how they tie in with justice issues generally in South Australia.

I acknowledge that crime figures are up, but the government is getting on with the job of doing the best it can to put forward all possible resources to support all those who are involved in keeping the community safe. I also acknowledge the great work done by Neighbourhood Watch and other fantastic community organisations which work with the police to keep our state safe.

Clearly, South Australia is not alone when it comes to the illicit drug trade, but the fact is that we have to work hard on that. That is why the Premier is heading a comprehensive drug strategy to combat illicit drug trafficking, and further tough law enforcement will be put into place to combat drug traffickers. The problem of drugs is one for the whole community not just the police and the government. I urge all members of the community to continue to work with the justice department, the government and the police department to ensure that we further improve the situation when it comes to crime and law and order.

QUEEN ELIZABETH HOSPITAL

Ms STEVENS (Elizabeth): My question is directed to the Minister for Human Services. Given the minister's answer to the previous question and given that the minister has ruled out the closure of the new intensive care unit at the Queen Elizabeth Hospital and said that it will continue 'as it is today', will the minister confirm that he has overruled his department's plan substantially to downgrade the unit, and will a straight swap mean that the number of beds and services at the Queen Elizabeth Hospital will remain at the present level? On Friday 22 October 1999, the minister ruled out the closure of the intensive care unit at the Queen Elizabeth Hospital and said:

> The intensive care unit will continue at the hospital as it is today.

The options paper for the Queen Elizabeth Hospital states that: gastroenterology patients requiring intensive care would transfer to the Royal Adelaide Hospital; surgery patients requiring intensive care would transfer to the Adelaide or Lyell McEwin hospitals; trauma retrieval would transfer to the Royal Adelaide Hospital; neurosurgery would transfer to the Royal Adelaide Hospital; and orthopaedic trauma patients requiring intensive care would transfer to the Royal Adelaide Hospital or the Women's and Children's Hospital.

The Hon. DEAN BROWN (Minister for Human Services): First, let me again tell the House that that options paper was drawn up by one particular person without broad consultation with others, and was put up as one range of options. What the opposition leaked out was an options paper drawn up by one person and put out as a range of options back on 16 September. I have consistently said since then that there would be consultation, and I stressed that point. I said, 'Look, do not get too excited about the options paper because it is no more than someone's view of the range of options that could be looked at.'

The specific question was in terms of the number of beds. If the honourable member listened to the answer I gave to the first question, which she invariably does not do, or (as I suspect happened) she had her question prepared and regardless of what I had said in the first answer, she was still going to ask the question, she would know that I said I understand that the board of the hospital is likely to consider a proposal next week which will build 200 new beds at the Queen Elizabeth Hospital to replace 200 existing beds. I think that is fairly clear: 200 new beds to replace 200 existing beds.

The SPEAKER: The honourable member for Stuart.

Members interjecting:

MURRAY RIVER

The Hon. G.M. GUNN (Stuart): That is your problem if you can't understand, no-one else's. Can the Deputy Premier explain to the House the importance of the River Murray to the state's economy, and particularly in relation to regional development, and what action is the state taking to protect this valuable resource?

The Hon. R.G. KERIN (Deputy Premier): There is absolutely no doubt of the importance of the whole Murray-Darling Basin system to South Australia, indeed Australia, but to us it is absolutely vital in a whole range of ways. The member mentioned regional development. Certainly it is vital from that point of view, particularly to the Riverland but also increasingly to other areas. What we have seen in the Riverland with viticulture, horticulture and an increasing range of crops all the time, is an enormous boost to that area. There is no doubt that, like the Riverland, the regional areas of the state are starting to use our water a lot better, and that is really leading a massive turnaround in the fortunes of some of our regional areas.

South Australia has a history in recent years of attacking the problems. Certainly the irrigation scheme at Loxton, whereby the South Australian government committed $16 million and then constantly pressured the federal government to match that and worked out the balance with the community, will have an enormous impact. Not only will

it improve the river by having less salt go back in but also through the savings of water will increase the amount of development we can have in Loxton. Like Waikerie, Renmark, Berri and the whole Riverland, Loxton is exporting more product to the world bringing about some terrific prosperity.

The importance of the river also goes a lot further than just regional development. Many towns and businesses, including Adelaide especially, are largely reliant on it. The member for Stuart would no doubt acknowledge the importance to the Upper Spencer Gulf and many other rural areas of water coming from the Murray. Also with respect to tourism, as we have seen this week on channel 9, it has an enormous impact.

The South Australian government has an extremely active involvement in the management of the Murray-Darling system, whether that be through the Murray-Darling Basin Commission, the ministerial council and also the Murray-Darling Association and the Community Advisory Committee. With respect to all of those bodies, South Australia is a strong advocate and provides a very strong presence at those forums. There is no doubt that we do present South Australia's case very strongly. Obviously one of the things we continue to have to do is take strong issue with both New South Wales and Queensland regarding their attitude to Murray-Darling issues and their lack of will to put in place mechanisms which will assist to ensure the future of the system.

In the past Victoria has been a very good ally. I think the minister for the environment would agree that Victoria has been very strong and has tended to take the bigger picture, and we certainly hope the new government will continue in the same way rather than go with their New South Wales and Queensland colleagues on the important issues.

We are certainly committed to efficient and sustainable use of the water, which we treat as a very valuable resource. Unfortunately, not everyone upstream sees it the same way. Although there has been some progress in promoting more efficient use in those states, unfortunately there are still some grave concerns. One of those is New South Wales's low security policy towards the provision of irrigation water, which means that the New South Wales irrigators are continually agitating for extra releases from the Snowy Mountains scheme. That problem has been brought about by many years of weak policy implementation by successive New South Wales governments. We still have people who are calling for the abolition of the cap. The cap is the one ray of hope for the Murray-Darling Basin system, and for people to call for its abolition is absolute nonsense.

The Hon. G.M. Gunn: They're irresponsible.

The Hon. R.G. KERIN: They are certainly irresponsible. The wasteful use of water, particularly in New South Wales, with flood irrigation, leaky channels, the use of enormous quantities of water compared to other uses, and crops of extremely low economic value, diminishes the resource and certainly the value of the system to the nation. Only last week we saw once again New South Wales irrigators holding a major rally at Albury and calling for more water to be made available to them.

The proposed release of water from the Snowy River in Victoria really means that New South Wales and Victoria have to come to an arrangement whereby, if they are to send that water down the Snowy, somehow they must take less water out of the system on this side of the range.

At the moment the Murray-Darling is very precariously balanced. Over quite a few years I have had the opportunity to travel through some of the areas in the upper basin. Certainly, through land care groups and others, the people on the ground make enormous efforts to do something about the problems that are being caused but, at both a policy and an on-ground level, New South Wales and Queensland have an enormous way to go.

We have increasing demands on the environment for irrigation and urban water, yet there is no more water there, and all states need to realise that. New South Wales in particular is overstepping the mark and requires some strong political leadership on the issue. Surely the salinity audit which came out last week is a wake-up call for some of these people. There is absolutely no doubt that many of those irrigators up top have had the theory that if it flows past their place they can use it, and let the people farther downstream worry. The salinity audit might bring some sanity into the argument, now that many of these people realise that many problems will be caused in those areas; it is not just a simple matter of the salinity of the river but also of enormous areas of farming land going out to salinity.

Today the Premier is meeting with the Prime Minister and, once again, he will strongly put South Australia's case that the contentious issues regarding the Murray River need to be dealt with at the COAG level. I assure the House that the government recognises that the Murray-Darling is the lifeblood not only of South Australia but also of the other states (I wish they would realise that sometimes), and we will continue our strong commitment to ensure that it is managed sustainably, not only for this state but for Australia.

We certainly have much at stake. We have only to look at what has happened in the Riverland over the past few years; those who have visited up there will have noticed some enormous changes. That prosperity has been brought about through responsible use of the water and rehabilitation, and environmental programs have certainly been a big part of that. The better use of that water is absolutely vital to jobs, and we have seen that in many parts of the state.

This morning I heard Paul Holloway, the opposition spokesperson on regional development issues, talking about the stagnation of employment in regional South Australia. That is very wrong; it is a negative way to look at it. Talking down regional South Australia is not good; it does not help confidence. We certainly do not gild the lily. I pointed out to the House yesterday that some regions and industries are still missing out badly on the progress that other areas have made. In quite a few areas across the state labour and housing are major problems, but there is an enormous amount happening, rather than stagnation occurring.

We have talked about the electorate of Chaffey and what is happening in the Riverland. We have the Lameroo and Pinnaroo developments with horticulture in the electorate of Hammond, and in the electorates of MacKillop and Gordon we have viticulture, dairying and a lot of other good projects. Aquaculture is taking off in the area of the member for Flinders and employing many people. In the area of the member for Giles we have seen what is happening with the expansion of Roxby. In my own area and the area of the member for Schubert there is a lot of viticulture. A lot is happening in many parts of the state.

Unfortunately, the same cannot be said for some regions. For instance, we are working hard to make more happen in the Upper Spencer Gulf area. There is a lot happening and to talk it down is not what regional South Australia needs at the moment.

PUELS, Ms K.

Mr WRIGHT (Lee): My question is directed to the Minister for Tourism. Was the termination payment of the recently departed Chief Executive Officer of the Entertainment Centre, Ms Karen Puels, larger than to which she was entitled under her contract? What was her total termination package payout; and why was her employment terminated after just one year in the job? The opposition has been informed that Ms Puels had her contract terminated by the Minister for Tourism. This is the second chief executive officer whose employment has been terminated suddenly and without notice by the Minister for Tourism within the past 12 months.

The Hon. J. HALL (Minister for Tourism): First, I say that Ms Puels' contract was not terminated by the Minister for Tourism. The member for Lee would have seen a report in the paper several days ago, I think, that there had been an announcement by the chairman of the board of the Entertainment Centre and Ms Puels saying that she was completing her term as Chief Executive Officer of the Adelaide Entertainment Centre, but that she was staying on until the end of the year and that she was going to work with the board to assist in the transition process to a new chief executive.

In relation to the two aspects of the specific question asked by the member for Lee, I will have to have a discussion with the chairman of the Entertainment Centre and bring back a detailed report. However, at this stage, certainly I will seek to get some more details, but I would reiterate that her contract was not terminated by me.

MURRAY RIVER

Mr VENNING (Schubert): My question is directed to the Minister for Environment and Heritage. What is the government doing to ensure the continued sustainability of the Murray River for irrigation, recreation and drinking water? The sustainability of this vital natural resource is paramount to the future of this state.

The Hon. D.C. KOTZ (Minister for Environment and Heritage): I certainly thank the honourable member for his question and acknowledge his continued interest in all matters relating to water from the Murray River and its sustainability.

Mr Atkinson interjecting:

The Hon. D.C. KOTZ: Thank you. Let none of us in this chamber be under an illusion about the absolute link between the health of the Murray River and the health of this state: the two go hand in hand—and that is a partnership that has been well recognised by this government. Under the leadership of this Liberal Government we have seen more money spent on rehabilitating and restoring the Murray River than ever before in history, as a consequence of state based funds matching natural heritage trust grants. For all its grandiose talk and feigned indignation, the Labor Party when in government was never able to match the commitment that this Liberal Government has given to conservation and the restoration of the environment.

South Australia relies very heavily, as we all know, on the quality and quantity of the water that reaches our borders from the Queensland, New South Wales and Victorian jurisdictions. We should all be concerned about the recent findings of the independent audit commission report into salinity issues in the basin. It certainly sounded a wake-up call to all Australians, and it was particularly distressing to find that New South Wales' water diversions have exceeded the agreed Murray-Darling Basin cap in several of their river valleys. New South Wales, as members heard the Deputy Premier say just a moment ago, certainly does take a higher risk strategy with its allocation of water in the basin compared with both Victoria and South Australia.

The rice industry, I believe, is a very good example. This is a low value return crop in relation to the huge amount of water used and is heavily dependent on seasonal flows. Unfortunately this has not prevented large amounts of capital being invested in the Murray and Murrumbidgee valleys and throughout the tributaries of the Upper Darling. This is placing great pressure on successive New South Wales governments to extract every drop of water they can from the basin. As to the recent calls for further flows from the Snowy River, the South Australian government has made its position very clear. We will not accept any reduction in flows or alteration to the pattern of flows in the River Murray in South Australia that results from the provision of environmental flows in the Snowy River and/or the corporatisation of the Snowy Mountains Authority for enhanced electricity generation. This is non-negotiable. This government will not budge from its position to protect what is rightfully ours.

The water that flows down the Murray into South Australia is vital for the future of our state. I assure the House, all its members and all South Australians that we are determined to protect it. Unfortunately South Australia's position is not helped by the opposition. The contribution by the member for Kaurna to this whole issue was announced in a press release yesterday, with the suggestion that we should bus in interstate journalists, take them on a road show and send them on their way. Supposedly following this little jolt the entire issue would then be resolved.

If the member for Kaurna is suggesting that the government has not taken its case to the interstate media, he is entirely wrong. Had the member really had a genuine interest in this whole matter he would have known that on Monday the Premier put the case for South Australia on the nationally telecast *Today Show* during his visit to Renmark. On the previous Friday in Canberra at the salinity audit launch, the South Australian position received important coverage by the national press, including the country wide program. It would seem the member for Kaurna is again the Johnny-come-lately on yet another important environmental issue.

The contribution of the member for Kaurna was both inane and disappointing. It was disappointing because it failed to recognise the strong action already taken by the government in putting the case for South Australia, but this government does more than just talk. We are currently working on major salt interception schemes along the Murray that will not only directly act to improve water quality but also help to improve irrigation practices for the long-term; specifically Waikerie stage 2, Qualco-Sunlands and the Loxton-Bookpurnong project should all be completed within a five year period. We have established the River Murray Catchment Water Management Board to concentrate solely on improving the health of our major waterway and we are continuing to work with the River Murray Darling Basin Commission, the commonwealth government and the local irrigation community to look for other innovative ways of improving water quality.

But the pressure must be kept on our interstate colleagues. The New South Wales government has difficulty with the proposed schedule F on the Murray Darling basin agreement. This schedule provides the detail of each jurisdiction's commitment to the cap. The maintenance of the cap, as we

heard the Deputy Premier reiterate, is crucial to the long-term health of the River Murray. Schedule F has been drafted so that if a state exceeds the cap in the terms of the definition, then that state should pay back in subsequent years the amount by which it exceeded the cap. But New South Wales still has to accept the need for payback. As I advised the delegates to the Australian National Committee on Irrigation and Drainage Conference yesterday in Mount Gambier, we put our interstate colleagues on notice. It is essential to the South Australian economy and the environment that the current flows in the River Murray are both maintained and improved. We will not accept investment in eastern seaboard industry at the expense of South Australian jobs and the long-term health of our waterway. This is a government that is committed to ensuring the sustainability of the River Murray.

We have the runs on the board in terms of investment and we will continue to work for the future of the Murray. This is in stark contrast to the opposition's environment policy, which mentions these issues only once and even then it is so weak and so devoid of any real understanding that the really should have been left out altogether. If the Labor Party cannot support Australia's case in what is a really vital and important issue for South Australia, then it has know right to put itself forward as an alternative government.

I would also like to ask, in terms of the Labor Party's contribution to the environment during its term of government: what was its contribution to the environment? Except for a short three years, a Labor government managed the economy and the environment of this state for nearly a quarter of a century. At the end of that time, what was the contribution made by the Labor Party?

In the dying days of the Bannon government, in August 1993, the Labor Party produced its own state of the environment report—remember, this is after 25 years of Labor government and management (or should I say mismanagement) of this state—

Mr Atkinson interjecting:

The Hon. D.C. KOTZ: Except for three years between 1979 and 1982. In the last 10 years of the Labor government's mismanagement (as was pointed out very strongly through the royal commission, when we found that we had billions of dollars of deficit in this state), the one part of that deficit that was never really brought to the fore was the billion dollar deficit in the environment. This is clearly stated in the state of the environment report put out during the term of that Labor government. It states, through a report in the *Advertiser* on 17 August:

> The South Australian environment is being battered by declining water quality, increasing salinity problems, rabbits devouring the native landscape and destruction of marine life. Total loss of productivity from soil erosion and loss, and salinity and damage caused by feral animals, is estimated at more than $1 billion over the past five years. A major state government report—five years in the making—reveals astonishing levels of land degradation, salinity and water pollution.

Where have we heard all that before? That was the inheritance of a Liberal government—a Liberal government has had to take up the whole process of strategic works towards improving the environment in South Australia, and it has done that. It would be very supportive of the opposition at least to acknowledge that, during the term of this government, more money has been spent on more projects than ever in the history of any other government, improving the very mess that was left to us in 1993.

ETSA LEASE

Mr FOLEY (Hart): My question is directed to the Acting Premier. Why did the government fail properly to secure sensitive information concerning the ETSA lease when the Treasurer advised the initial probity auditor that it would be inappropriate for him to continue because of a very close relationship with an entity that had indicated an interest in bidding for ETSA? Today the Auditor-General has stated that since the initial probity auditor was relieved of his role by the Treasurer:

> No evidence has been made available to audit that there was any other direction given to the initial probity auditor concerning the perceived or actual conflict of interest arising in the event the initial probity auditor acts for the entity in the disposal process, nor was there any request to maintain confidentiality in respect of other documentation or information relating to the disposal process that may be in the possession of the initial probity auditor at that time.

The Hon. R.G. KERIN (Deputy Premier): I will ensure that I obtain a detailed answer from the Treasurer with respect to that matter. Obviously, because of the whole probity matter, we are not all involved in this on a day by day basis. The Treasurer has obviously mentioned some of the difficulties that are involved but, as far as the detail is concerned, I will have to obtain a considered answer to what is quite a complex question.

TODAY SHOW

Mrs PENFOLD (Flinders): Can the Minister for Tourism provide to the House information on the tourism locations and feature stories that are being shown on Channel 9's *Today* show during direct telecasts each day of the week, and will the minister further outline to the House what response these broadcasts are receiving?

The Hon. J. HALL (Minister for Tourism): I thank the member for Flinders for her question because, indeed, her electorate is one of the electorates that has benefited enormously in terms of exposure to the Channel Nine program. The benefits generally for the South Australian tourism industry from Channel Nine broadcasting here for the entire week are very considerable. I pay tribute to the professional team at the Tourism Commission, because I believe it has been one of our best marketing initiatives for many years. I am sure that members of the House know that the Channel Nine *Today* show is one of the most popular on television. It has a viewing audience of about half a million five days a week, and that viewing audience is predominantly based on the eastern seaboard.

I am delighted to report that the program's ratings increased on the first three days of this week to 560 000. Certainly, the initial results of several of the cooperative marketing partners have been quite overwhelming and are worth sharing with the House. A program such as this has enormous potential to do long-term good for any particular state. For those who may have been watching the program, which is telecast between 7 and 9 o'clock each morning, the South Australia regional areas and tourism products that have been featured are quite considerable.

While they have been telecasting from the River Murray they have also been doing crosses and taped programs across the rest of South Australia. These programs include whale watching at the Head of the Bight, the Adelaide Central Market (that is still to be viewed) and Kangaroo Island. They have been to the Barossa Valley and the Flinders Ranges. Today, they are at Portee station, and Monty is doing a live

cross from Iron Duke Ore mine. I know that the members for Flinders and Giles would be particularly interested in that telecast. Tomorrow, they are broadcasting from Goolwa, and Monty is doing his live cross from Coffin Bay where he will visit an oyster farm as well as talking about some of the spectacular scenery over there.

In addition to those particular telecasts, they have run programs (Monty in particular) from Lake Gardiner and Baird Bay. Tomorrow, they are telecasting from the mouth of the Murray. They are doing programs from Hindmarsh Island and also looking at the historic Goolwa township. They are doing features on Wilpena Pound, the Prairie Hotel, Henley Square at Henley Beach, Grange, Football Park, Elder Park, the River Torrens, Adelaide Oval, the Oxford Hotel and Yorke Peninsula. They have done a film segment on the Gipsy Caravan programs, and I have some results that we can talk about in that respect.

I believe that programs such as this are particularly important, because for an investment of $230 000 by the South Australian Tourism Commission we have had quite an extraordinary amount of return in terms of marketing dollars. I am reliably informed that if, for example, we spent $230 000 on television commercials it would have given us 10 or 12 prime television advertisements in the Sydney market. It is estimated that the coverage of this program is worth around $4 million in terms of ongoing publicity and promotion for our state. It seems to me that that is an extraordinarily good investment.

In addition to the South Australian Tourism Commission, Traveland and Ansett have made similar contributions, as have a number of the tourism operators and industry people here in South Australia. It is a great result so far, and I certainly look forward to reporting to the House some of the ongoing results that I hope we can achieve. Further, the Traveland group has been receiving about 40 000 telephone calls each day on its 'Win a Trip to South Australia' competition line, which is particularly significant. Traveland reports to us that that is more than the response it received when running a similar competition line on a program out of Ireland. So, I think that augurs well for us in the future. It is also worth reporting to the House that a similar program by the *Today* show in Tasmania resulted in a 40 per cent increase in tourism inquiries and a significant increase in tourism follow-up. Again, I think that is very important.

As we know, the tourism industry generally is doing particularly well at the moment. I hope that programs such as this, complemented by programs such as the 'Secrets' domestic marketing campaign (stage three of which will be launched in about eight days' time), continue to grow this important industry.

I think this is relevant—and I am sure that the member for Giles would be aware of this—that the *Whyalla News* reports that tourism is on the move in Whyalla, and it cites some interesting figures about the increases that are taking place. *The Loxton News* talks about the increase in tourism in the Riverland and states that it is pleased with the responses it is getting.

I think this is worth reporting because it is particularly relevant. Whilst the Channel 9 *Today* show is doing great things for South Australia, another local program called *Discover* is being run on Channel 7. I am sure the House would like to know that that program is currently attracting 41.5 per cent of the total viewing audience in South Australia which is 117 000—

Mr CLARKE: Mr Speaker, I rise on a point of order. The minister could make use of a ministerial statement for this monologue or travelogue, or whatever you want to call it.

The SPEAKER: Order! There is no point of order. I have no control over the minister's reply provided she does not start to debate the subject.

The Hon. J. HALL: The exciting thing about the *Discover* program, in which I think members ought to be interested, is that the Asia TV service has picked up this program. That is significant, because it is a locally made program and it is about to be broadcast to between 13 million and 14 million households throughout Asia in November.

Given that this is a new program, we ought to be proud of the achievement of Channel 7, because it will take prime time slots throughout Asia and it is conservatively estimated that it will be televised in 34 countries. I think that is pretty special. I cannot list all the countries yet, but I would like to in the future. However, I do know that some of the countries in which this program will be televised are our key markets of Malaysia, Singapore, Hong Kong, Taiwan, the Philippines, and some of the more populated parts of China. I think Channel 7 ought to be congratulated for its great success, and I know it will lead to more exciting things for the South Australian tourism industry.

ELECTRICITY, PRIVATISATION

Mr FOLEY (Hart): I understand why they would want to avoid questions on probity, but it will not work. My question is directed to the Acting Premier. Why did the government fail to implement proper probity procedures in respect of the ETSA lease and undertake proper background checks of its probity auditors given the significance of the state's largest asset sale and particularly given the scandal that involved the lack of probity into the state's water contract? The Auditor-General says in his report today that the powers of the probity auditor are not sufficient. He states:

> The limited scope of the role of the probity auditor means that under the current arrangements it is not possible for a comprehensive and defensible probity review to be undertaken on the entire disposal process.

He goes on to say:

> This must by implication potentially expose the state to increased liability.

The Hon. R.G. KERIN (Deputy Premier): The member for Hart's question contains quite a few assertions. Obviously, I have not had the opportunity to read the Auditor-General's report. Once again, I will obtain an answer but, as I said, quite a few assertions have been made and, without having read the report, I am not too sure how accurate they are. However, I will get an answer from the Treasurer.

ETSA LEASE

Mr FOLEY (Hart): My question is again directed to the Acting Premier.

Ms Stevens interjecting:

Mr FOLEY: He has to catch a plane, I think. The Premier lets this one go, but not the Minister for Industry. Will the government give an assurance that it will immediately implement all the recommendations of the Auditor-General's report into the inadequate probity process put in place by the Government for the lease of ETSA, and amend the Electricity Corporations (Restructuring and Disposal) Act this session as recommended by the auditor? With your leave and that of

the House, including the member for Newland, I will explain this very important question.

The Hon. D.C. Kotz interjecting:

Mr FOLEY: If the member is not worried about the probity of ETSA, I am.

The SPEAKER: Order! The member for Hart will come back to his question.

Mr FOLEY: We on this side will protect the probity if the government will not.

Members interjecting:

The SPEAKER: Order! The Minister for Police will remain silent.

Mr FOLEY: Probity may not be important to you, minister, but it is to us.

Members interjecting:

The SPEAKER: If the member does not complete his question, I will withdraw leave.

Mr FOLEY: In the report it says—

Members interjecting:

The SPEAKER: Order!

Mr FOLEY: Thank you, sir, for your protection. The Auditor-General's report states:

> It is possible that matters of probity concern may arise during the period of the Christmas recess. Unless there is an amendment to the disposal act to provide for the Auditor-General to be able to present to the presiding officers of the parliament a report that can then be made available to the members of each house of parliament within a stipulated time period, there is the possibility that matters that may be capable of legislative correction will not be able to be legislatively dealt with in a timely way.

He goes on to say in his conclusion:

> Should my interpretation of my responsibilities be accepted by the government and the parliament, in my opinion it would be constructive to provide a mechanism to deal with serious and material probity issues that, if they were to remain uncorrected, could destabilise and undermine the process for the sale/lease of the electricity businesses.

The Hon. R.G. KERIN (Deputy Premier): Certainly, what is in there would require us to have a look at that. Obviously the member has raised serious issues. We need to go away and read the Auditor-General's report and give it full consideration. If in fact we find that it is necessary, we will do so.

TRAINING INITIATIVES

Mr LEWIS (Hammond): Can the Minister for Education, Children's Services and Training tell us about any initiatives he has introduced that are meeting the needs of country schools and communities?

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): I thank the member for his question and his interest in regional training. This government is committed to ensuring that we generate maximum training opportunities for our people in regional communities. In fact, to give the House some figures, 7 455 training and apprenticeship places have been created already this year in regional South Australia. That compares with 6 425 for the whole of last year. So, just over 1 000 more training and apprenticeship positions have been delivered in 10 months this year as against the 12 months of last year. Some $13.5 million has been committed to regional training and apprenticeships in 1999-2000. Some 600 new training places are set to be created in regional areas of the state, and $1.6 million will be committed to providing these training places.

The training is to be offered by local brokers in regions such as the Spencer Gulf, South-East and Murraylands. Local brokers are able to design training packages which are specific to the businesses that are in their areas and to be able to tailor-make those training needs for those local businesses. They can also focus on the training pool that they have with local people and also local jobs to try to stop the drift of our young people from those regional areas to the metropolitan area.

The training that is offered will tap into areas of employment growth in the regions such as hospitality, information technology, sport and recreation, viticulture and horticulture. It is a significant initiative in line with the Regional Development Task Force whose report has come down recently. As the House is aware, the government also recognises the needs identified by the regional summit which is currently being held in Canberra and which the Premier is attending today. It is very pleasing to see that an additional 1 000 training and apprenticeship places have been created in just 10 months over the past year, relative to the previous 12 months. I reiterate the commitment of this government to ensuring that our regional people, both young and older people who are seeking retraining or positions within the work force, receive due attention from this government and the facilitation of training places.

DEFENCE COMMITTEE

The Hon. M.D. RANN (Leader of the Opposition): Given the vital importance of the defence and electronics industry to our state's economic future, will the Minister for Industry and Trade explain why the government's high level defence advisory group chaired by Mr John Cambridge has not met since the October 1997 election? The minister will recall that with great fanfare the Premier established the committee, comprised of leading national figures in defence industry and policy, to give the government high level advice on how to position itself in the future to win important defence projects for our state.

The committee, chaired by John Cambridge, included Vice Admiral Rob Walls, the former deputy chief of the Australian defence force; leading Australian computer scientist, Les Bourne; Peter Smith, the former chief executive of British Aerospace and AWA Defence Industries; and Scott Allison, the former Acting Chief Defence Scientist at DSTO and other experts. A great deal was made of the establishment of this committee in the lead-up to the election and the importance of the industry to our state's future. Given the significant issues facing the Submarine Corporation, the DSTO and pending defence projects, why has this committee not met now for more than two years?

The Hon. I.F. EVANS (Minister for Industry and Trade): A number of strategies are in place with regard to defence and electronics. The Leader of the Opposition would be aware that the government has helped establish the electronics industry group, so different strategies are in place rather than just having the one group to which the leader refers. Other strategies we have raised previously in the House include the defence teaming centre. The Premier and I as minister have met with the industry a number of times, including meetings with British Aerospace and the Australian Submarine Corporation, and we have been overseas and met with various industry groups and companies about future investment in South Australia. So, we have tackled it in a

slightly different way from that which the Leader of the Opposition has outlined.

SMOKING, YOUTH

Mr CONDOUS (Colton): In view of the government's policy to reduce the prevalence of smoking by 20 per cent over the next five years, will the Minister for Human Services inform the House what steps been taken to combat the sale of cigarettes to children?

The Hon. DEAN BROWN (Minister for Human Services): The government is very concerned about the extent to which young people in particular are continuing to smoke; in fact, 80 per cent of the new smokers in our community are under the age of 20. If you look at the incidence of smoking, particularly involving people in the age group of 17 to 18 years, you will see that up to 30 per cent of those young people are now known to have smoked in the previous week. As a result of that, the government undertook a program to educate retailers about the requirements of the law and the stipulation that it is illegal to sell cigarettes to minors—people under the age of 18. The second phase of that was to test whether or not retailers were selling cigarettes to people under 18 years of age. We used a number of 15 and 16 year olds, who had been appropriately trained and were supervised, to go out and see if they could buy cigarettes. We were very concerned to find that in the metropolitan area 20 per cent of the retail outlets tested sold cigarettes to minors; and, in the country, 35 per cent of the retail outlets sold cigarettes to minors. They are very high percentages indeed.

First, we have sent letters to the retailers who did the right thing and asked these young people their age—because the young people were required and trained to give accurate answers in terms of their age—and who did not sell the cigarettes, congratulating them on the stance they have taken. To the others we have sent warnings, because retailers who sell cigarettes to minors face a fine, on the first occasion, of up to $5 000 and, on the second occasion, can actually lose their tobacco licence. Therefore, we give a general warning again to retailers in South Australia that it is illegal to sell cigarettes to minors.

They have a responsibility to protect young people. They have a responsibility to ask their age and for some identification, and that is all we are asking. If retailers take those precautions, they are then protected, but there is an obligation on retailers to take some action when they suspect that someone might be under the age of 18. That is part of the strategy we have to reduce the incidence of smoking particularly amongst young people in our community. Again I remind young people that about 30 per cent of all cancers and about 25 per cent of all heart disease can be directly related to smoking, and so the human cost, the personal cost, is extremely high indeed. For goodness sake, let us reduce the incidence of smoking. I would ask again for retailers to take a responsible stance and make sure they ask the young people for their age and some identification.

CAR INDUSTRY

The Hon. M.D. RANN (Leader of the Opposition): My question again is directed to the Minister for Industry and Trade. Given the national stockpile of 100 000 unsold cars and news that Mitsubishi intends to add three days to its Christmas close down, is the minister concerned about the continued failure of the Howard government to introduce transitional tax arrangements for the automotive industry to end the current buyers' strike ahead of the introduction of the goods and services tax; and what does the government now intend to do to keep up the pressure on the Howard government about a drop in wholesale sales tax?

Today I received a letter from Senator Bill Heffernan on behalf of the Prime Minister which advises that the commonwealth is monitoring the position in relation to the buyers' strike and its impact on the industry but does not intend to take any action at this stage.

The Hon. I.F. EVANS (Minister for Industry and Trade): The important part of the Leader of the Opposition's question is the last three or four words 'at this stage'. We have been continually pressuring the federal government, lobbying the federal government, on behalf of the local car industry in relation to the issue raised by the Leader of the Opposition. This issue was again raised through the Premier's Automotive 21 group which met in the past seven to 10 days. The Premier is in Canberra again today. The issue is continually being put before the federal government at different levels by the state government and, like the Leader of the Opposition, we are using every avenue possible to try to get the federal government to continue to look at the issue.

Clearly there is an issue for the local car industry in relation to the transitional arrangements with the GST. We are encouraging the federal government to continue to look at that to see whether it can take some action that will make those transitional arrangements easier on the local car industry.

CHILD SAFETY DAY

The Hon. R.B. SUCH (Fisher): Given that today is child safety day, will the Minister for Police, Correctional Services and Emergency Services outline what the police and emergency services are doing to protect children in South Australia?

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I thank the member for Fisher for his interest in what is a most important subject because not only is today child safety day but this week is children's week. I am sure that all members would agree that our most precious resource is our young people, the future Australians who will take on lots of responsibilities during the continuing growth of our country and our state. Today I was privileged to be able to be involved in the launch of children's safety day at our Lady of the Manger School, a Catholic school, at Findon. It was fantastic to see the good spirit, the commitment and enthusiasm of those young people who have spent a lot of time learning about the importance of feeling safe and the importance of general safety.

I was pleased to see that we had a number of police officers there as well as the Metropolitan Fire Service, State Emergency Services, people from St John and people from Safety House. One of the initiatives in which police, together with those from safety houses, are heavily involved in ensuring that schools, homes, shopping centres and, I hope (and I have written to many of my colleagues on this), offices of members of Parliament have the opportunity of registering as a safety house so that young people are well educated that, if they are subjected to any fear or harassment, they can go to a safety house and be well looked after. I encourage all

members in this House to contact me if they would like to be involved in that program.

One of the other important initiatives for young people that I also launched recently was on behalf of Police Legacy. I congratulate them for the great work they do. They have put together a children's handbook known as 'A guide to safety'. This comprehensive and practical guide talks about safety in the community, drug awareness and a range of other initiatives. I also recently launched a video on behalf of the MFS called 'Kids: Stop the Home Fires Burning'. It is an important video, costing only $6; it is a good quality production and the proceeds from that, thanks to the goodwill of the Metropolitan Fire Service officers, will go to the Women's and Children's Hospital and other important organisations that support young

people.

That video talks about what young people should do in a home, namely, stop, drop and roll if they happen to be engulfed in flames. It explains how to check a door if they know there is a fire inside, and it gives advice on whether they should then go out of the bedroom into the other part of the house or exit via a window. It talks about how those young people should report that incident to adults and dial 000. So, many initiatives are included in the video.

The police have the stars and stripes program and deputy koala. They do extensive school visits and have a children's road safety program. Police rangers is another very important initiative for youngsters in the 13 to 18 years of age group. Finally, and most importantly, to help young people develop good safe practices and help them to develop as good adults, we have the blue light camps and discos and other blue light initiatives now run by the police, primarily in their own time. In answer to the honourable member's question, a lot of good work is going on with children when it comes to safety in the community.

ADDRESS IN REPLY

The SPEAKER: I have to inform the House that His Excellency the Governor will be prepared to receive the House for the purpose of presenting the Address in Reply at 3.15 this afternoon. I ask the mover and seconder of the motion and such other members as care to accompany me to proceed to Government House for the purposes of presenting the address.

[Sitting suspended from 3.8 to 3.47 p.m.]

The SPEAKER: I have to inform the House that, accompanied by the mover and seconder of the Address in Reply to the Governor's opening speech and by other members, I proceeded to Government House and there presented to His Excellency the Address adopted by the House on 19 October, to which His Excellency was pleased to make the following reply:

To the honourable Speaker and members of the House of Assembly, I thank you for the Address in Reply to the speech with which I opened the third session of the forty-ninth parliament. I am confident that you will give your best consideration to all matters placed before you. I pray for God's blessing upon your deliberations.

GRIEVANCE DEBATE

The SPEAKER: The question before the chair is that the House note grievances.

Ms STEVENS (Elizabeth): It gives me great pleasure to speak for a few moments this afternoon about an event over the weekend that I was very pleased and honoured to be invited to attend. That event was the Ngarrindjeri Ngrilkulun '99, the Raukkan Centenary Corroboree, held at Raukkan over last weekend. It was the first major cultural event to be held at this former mission in 100 years. I was invited, with other guests, to accompany Aboriginal elders on a boat trip from Tailem Bend to Raukkan and then to participate over the weekend in the festival. We were able to attend only on Saturday, but it was a really impressive occasion.

The event commenced in the morning, at 8 o'clock, at Tailem Bend. Elders and special guests cruised down the Murray River on the *Lady Mannum* river boat until we reached Raukkan. Elders from many different parts of Australia were present at the ceremony and on the boat. The Aboriginal VIPs who attended included Mr Henry Rankine, OAM, the Chairperson of McLeay Community Council, and Mrs Jean Rankine; Mr David Rathman, Mr Brian Dixon and Mrs Denny Dixon; the South Australian Council of Elders Interim Working Party chair, Mr Brian Butler; Mr Denis Goldsmith; Mrs Mona Tur; Mrs Noelene Casey; Ms Marjory Tripp, a member of the Ministerial Advisory Board on Ageing and International Year of Older Persons Ambassador; Mr Vince Copley; and other VIPs invited by the Point McLeay Community Council. Over 130 elders came together for this event from all over Australia.

When we arrived at Raukkan, there was a commencing ceremony led by Tal-Kin-Jeri to welcome all the elders and invited guests and, following that welcome, the festival began. There was a combination of traditional and contemporary performances in music and dance by indigenous Australians, and performers also came from countries such as the Cook Islands, New Zealand and Papua New Guinea. There were also other cultural ceremonies, workshops, demonstrations of traditional crafts and a bush tucker feast prepared by the Raukkan community. I met a number of Aboriginal people with whom I had worked (and still know) in the northern suburbs, and they were really impressed with the proceedings. The event provided a unique opportunity to celebrate cultural identity and promote reconciliation and healing with indigenous and non-indigenous people in South Australia and beyond. It was a wonderful event, and I congratulate the federal government, which provided the funding for it.

Most moving for me were the comments that I heard from a number of Aboriginal people that it was great to be attending an event that was not a funeral, and that this was one of the rare times they had got together in such numbers to celebrate joyfully rather than to be grieving.

I would also like to mention an initiative of the state government, and that is the establishment of the South Australian Council of Aboriginal Elders. That is a great

initiative, and I congratulate the Minister for the Ageing. I also congratulate the Council for the Ageing for auspicing this group, which is drawing membership from all over the state. It began as a result of the first Aboriginal Elders' Conference last year in Coober Pedy and its interim chair, Brian Butler, and executive officer, Zell Dodd, are working with the group to establish a constitution. I believe that it will be a really important initiative for South Australia in that it will enable Aboriginal elders, through that council, to be advocates for their own community and for older people in their own community, and to be a direct link with government. I will watch with interest the progress of this initiative, and I look forward to the outcome.

Mr CONDOUS (Colton): I would like to raise an issue that is currently causing an enormous amount of concern in the community, especially to the parents of some 300 to 400 young men and women (or I could say boys and girls) who play soccer for the West Adelaide Junior Soccer Club. They play at a ground which is referred to in the Adelaide City Council's parks and recreation plan of the parklands as B27, which is opposite the Clipsal site in Park Terrace.

The present problem is that, because of the demise of the Adelaide Sharks, Bruce Mulvaney, a prominent and well respected accountant in Adelaide, has been appointed as receiver. He believes that the West Adelaide Junior Soccer Club belongs to the entity that ran the Adelaide Sharks national team. Accordingly, he believes that all the assets of the juniors belong to the liquidator. He considers that the parklands area known as B27, where the children have been training over the years, is an asset of the liquidator and that it has a value of X thousands of dollars. This value is by no means nominal; in fact, he is talking in the vicinity of up to $20 000. He believes the lease of B27—

The SPEAKER: Order! Could I ask members either to enter the gallery or return to their seats.

Mr CONDOUS: —is an asset of the Adelaide City Council and should not deny the liquidator from exercising its right to renew the permit. Mulvaney also believes that once the permit is secure the liquidator will be able to market the lease of park B27 and accept the highest bid for the assets. Their view is that they are realising assets for the creditors. In my 25 years on the Adelaide City Council it was very clear that no leases are granted to any of these bodies. They are permits which are renewed on an annual basis and cannot be taken into valuation to repay creditors. For example, if the South Australian Jockey Club decided tomorrow to leave Victoria Park racecourse it would have absolutely nothing to sell, because although it is on a lease its permit would go back to the council. The council would then have the right either to decide whether to give the permit to somebody else or to relinquish it completely and return the area to parklands.

On the other hand, the parents are concerned and are keen to salvage the junior soccer club at the earliest possible convenience by taking over the permit to be granted by the Adelaide City Council. The Adelaide City Council is more than willing to give the permit to the juniors because it realises the importance of recreational sport to some 300 to 400 young boys and girls who play soccer. I believe that Mulvaney has it all wrong: he is stopping the parents who already have paid the permit. The cheque was returned by the council since it was felt that they first had to get a legal opinion because of Mulvaney's threat.

Because of the Sydney Olympics, the soccer trials this year will commence two months earlier (by the end of February), whereas normally they commence in April. I want the Minister for Local Government to take up this issue with the Lord Mayor, because it is quite clear that there is no asset to sell. Mulvaney has nothing to sell. The Sharks are in liquidation. The permit for that club must now go back to the Adelaide City Council, and the Adelaide City Council should then have the right to grant that permit to the West Adelaide Junior Soccer Club.

If the Minister for Local Government works with the Adelaide City Council, this issue could be resolved very quickly, and the young players of the future could get down to training for next season, coaches could consolidate their position and the good players would know that they will have quality coaches so that they can continue playing for the West Adelaide Junior Soccer Club. It is somewhat mercenary for Bruce Mulvaney to deprive some 300 to 400 children of the right to play on that ground. The matter should be resolved immediately.

Mr WRIGHT (Lee): Last week in this parliament I asked the minister responsible for the TAB, the Hon. Michael Armitage, whether the government had provided advice to the racing industry that it should plan in 1998-99 for at least the same moneys it received in 1997-98. The minister's answer was, 'First, the assurance was given by the TAB.' Last week in this parliament during questions in respect of the Auditor-General's Report the TAB minister acknowledged and admitted that the racing industry was advised by this government that at a minimum it could plan for the same moneys it received in 1997-98. But what we actually find, through no fault of the racing industry, is that in 1998-99, all of a sudden, out of the blue, the racing industry received $2.1 million less than it received in the previous financial year.

Despite all the assurances, promises and guarantees from this government about what planning could take place in the racing industry, another promise was broken by this government. The Liberal government has admitted another broken promise in respect of the racing industry. On top of everything else, the TAB minister has taken away $2.1 million from this racing industry. Those involved just shrug their shoulders and say, 'What can we do about it?' Unless this government steps in and does something immediately, the frustration that currently exists in the racing industry will continue. It is all very well for the racing industry to be frustrated by RIDA, by venue rationalisation where this government will not bring down its recommendations, by the apparent corporatisation of the racing industry, by playing tricks with regard to the new appointments of people to SATRA and by playing tricks with regard to Teletrac, but the core of the real problem in the racing industry is whether this government will sit on its hands once again and not assure the racing industry that it will guarantee the funds so that stake money will not be reduced.

Unless the government does that, this state will continue to go down the tube with respect to racing. The TAB minister acknowledged that the racing industry should at least plan for what it received in 1997-98. All of a sudden, out of the blue, in 1998-99, through no fault of its own, it received $2.1 million less in money. Unless this government steps forward and makes sure that it injects some money into the racing industry, stake money will be reduced. That is the last thing that we in this state can afford with regard to the racing industry. It is like an albatross or a sledgehammer sitting over

the racing industry while we wait in doubt and in suspense for some leadership and direction from this government.

What more can John Olsen do to the racing industry? Why does he not care about the racing industry? Why is there no direction and leadership to the racing industry? Why is it that the government management of the TAB is gagged? Why is it that the previous Chairman resigned and walked away from this government and from the TAB? Why is it that at the same time another member of the TAB board walked away from the government and the TAB? The reason is very simple: because this government, which has shown no leadership or direction to racing for at least the past three years, has sat on its hands for two years while the racing industry waited for some leadership and direction with respect to the sale of the TAB. For two years we have waited for a decision and a recommendation.

What is this government doing about the sale of the TAB? While Queensland and the Northern Territory move to privatise and while New South Wales and Victoria have already gone down that track, this state and this government do nothing. This government sits on its hands. This government is in shackles when it comes to the racing industry. This government, whether it be through the Minister for Racing or the minister for the TAB, shows no direction when it comes to the racing industry. On top of that, the Minister would not confirm or deny whether over $5 million has been spent on consultancies during the privatisation of the TAB.

The Hon. R.B. SUCH (Fisher): I rise today to highlight a matter which I believe is very important. Ultimately, I believe that the role of parliament is to act as a watchdog for our citizenry. In particular, I refer to a personnel matter at the Women's and Children's Hospital. I will not reveal the person's name but will refer to her as Ms S.C. I seek the intervention of the CEO of the Department of Human Services, Ms Christine Charles, in this matter to ensure that a grave injustice is not imposed on one of the senior members of the nursing staff there. This woman has been told that if she does not resign she will be dismissed in the next few days.

The issue relates to an accusation that Ms S.C. has accessed the car park a short time prior to her car parking card entitlement, which is 4 p.m. Those in the hospital say that they have a video showing that on one occasion she entered the car park at 3.17 p.m. The hospital claims that she has been doing this for 14 months, but at no time during that period has it said that her behaviour was inappropriate or unacceptable. She admits that on some occasions, probably about 10, she did access the car park early. The hospital alleges that this is fraud.

This person has had almost 30 years service at that hospital. She is a highly respected senior member of the nursing staff. She is under tremendous pressure: she has a family member with a significant illness and a son doing year 12, and she faces the prospect of having to resign or be dismissed.

Initially, the matter went before Commissioner Huxter. This is no reflection on him, but I must say that the Australian Nursing Federation did not adequately represent this woman at that hearing—it did not do it well—and in the meeting with the staff initially where she fainted and had to be attended to by a doctor the ANF representation was totally inappropriate. In fact, the ANF representative said, 'I have to leave in 15 minutes,' and the hospital administration indicated that the representative had better stay because, in effect, it was about to dismiss this person.

I am the first to admit that there are always two sides to a story, but the hospital says that it tested her car parking card during September and found it to be okay. Part of this woman's case is that her car parking card previously did not work on all occasions. The fact that it worked on some days in September is no guarantee that it worked earlier in the year.

Mr ATKINSON: I rise on a point of order, Mr Speaker. Given your strict ruling on sub judice during question time last week, I wonder whether the member for Fisher can give an assurance that the matter before the courts has finished and the appeal period expired.

The SPEAKER: Order! I ask the member to give that assurance because the House has a fairly strict code in this area.

The Hon. R.B. SUCH: This matter may go to court for a full hearing. The question of due process was dealt with by Commissioner Huxter and that aspect of the matter has concluded. However, the matter has not yet gone to a full trial. That is an option that may happen.

Mr Atkinson: Well—

The Hon. R.B. SUCH: It is not before the court at this stage. That is an option. I seek justice for this woman—a fair go, fair play, natural justice—and I ask the CEO of the department to investigate. The hospital refuses to meet with her and her lawyer so that she can rebut the allegations. It will not allow the Human Services Commission's human relations officer to be involved. I think it is appropriate that the CEO of the department intervene to make sure that natural justice is offered to this employee. The minister himself cannot directly intervene; only the CEO can.

I do not have time to go into all the details of the case, but I appeal to Gail Gago and her people to look at the role of the ANF in this case. I also appeal to Christine Charles to intervene to make sure that there is no miscarriage of justice, so that this woman can get on with her life and not be treated in a way which I think is unacceptable and which reflects badly on this excellent hospital and the nursing profession.

Ms BEDFORD (Florey): Each day, teachers go to work and capably perform the duties of arguably the most demanding and important profession. Tomorrow (29 October) marks International Teachers Day. I especially congratulate all teachers and acknowledge the important role they play in ensuring that children have educational opportunities that provide them with skills for lifelong learning. We can all use this day to recognise the outstanding service that teachers provide in our communities. I provide morning tea to all staff in my local schools each year in gratitude for their service. I urge all members to do something similar in order to demonstrate the value we place on nurturing and encouraging our children.

Sadly, the teaching profession is rarely recognised for its important contribution to our nation. As my former husband, sisters and brothers-in-law are all teachers, I understand only too well the contribution that they make. Working with young people is not only rewarding but is also of immense service to our community. Without an education which is enjoyable, stimulating and encouraging and which aims at the highest standards to fulfil the full potential of each child, our society would be measurably diminished.

I believe that the public education system performs these vital functions and contributes to developing a robust and

effective democracy. As members of parliament we should have a special interest in the role of the education system to foster the next generation of Australians. After all, people need to be well informed to understand elections and voting and how democracy works.

The next few years will be a challenging time for public education. The Liberal Government's conservative agenda—privatisation by stealth, which we know as Partnerships 21—and the constant attack on all Australians' working rights and conditions makes this a tumultuous time for all. The recent release of the Auditor-General's report which details the dismissal of a former chief executive makes clear that we are facing a concerted campaign by the government to totally change one of the most successful public education systems in the world.

Teachers are not asking for anything more than a fair go when they stand up for their rights and the educational welfare of their students. It is a false economy not to listen to the experts in the field when they are telling us what would be in the best interests of our students: reduced class sizes, increased staffing, realistic funding and greater access to essential resources. As a community we must demand adequate resourcing of the education system to free up our skilled and dedicated work force of teachers to do what they do best: provide a quality education for our students.

Despite the government's anti-public service philosophy and the changes to industrial relations law to favour the employer, there are some blessings. In this state, the Liberals do not control the upper house. Many of the proposed changes to the Education Act may well not happen. There is increasing concern over proposals emerging from the supposed consultation process. The Minister for Education has already made some disturbing remarks with regard to teacher registration and the possibility of school councils being able to employ educational staff. The AEU journal states:

> If passed this could lead to full-scale devolution, something even the Kennett government couldn't manage [in Victoria].

Opinion polls continue to show that the community is very concerned about the provision of quality public education. I remind the minister that, at the polls that matter most to us in this place, any further cost cutting will see his government shown that the community can and should have a say and that their votes will go against this government to prove their dissatisfaction of its performance.

In South Australia, we are lucky to have a strong union committed to maintaining a quality public education system. The AEU will continue to resist any attempts to dismantle or diminish the system. Their unity and participation with parents and school communities will be important in these difficult times. I proudly support the AEU's national campaign to protect education workers from the increasing pressures of work overload.

At all levels of the public education system in all states and territories of Australia, teachers and other education workers are suffering from excessive and growing demands on their working time. Full-time teachers are commonly working in excess of 50 hours a week, and injuries related to stress and fatigue are at the highest levels of any industry. Most concerning is the fact that overwork is having a detrimental effect on professionalism. Too much time is spent on peripheral activities.

It is only the commitment of education workers to their students and their work that has enabled standards to be maintained. Tomorrow is their chance to celebrate this amazing commitment and high professional standard. Australian students deserve no less, and their teachers deserve the highest praise for the work they do.

The Hon. J. HALL (Minister for Tourism): Every year, 259 000 South Australians donate 40 million hours of their time to volunteer, charity and community organisations. This is our volunteer work force. Over recent weeks, we have all been aware that the Premier has hosted a series of volunteer summits to recognise their valuable work and to discuss ways to build an even stronger volunteer force in South Australia.

Over many years I have had the privilege of seeing at first hand the work that many of these volunteers do with numerous organisations in my electorate of Coles, most recently at the annual festa in honour of the Madonna di Montevergine held on the last Sunday of September at the St Francis of Assisi Church at Newton.

Members of this chamber have heard me speak of this festa on previous occasions, and each time I have had the pleasure to report on bigger and better things. This year was no different as this event continues to exceed all expectations. The celebration, held on the fourth Sunday in September, encompasses a four kilometre procession, a mass and a social program that goes well into the night. Overall, it is estimated that some 12 000 people participated throughout the day's and evening's events, with a significant number of visitors coming from Melbourne and Canberra.

It is a great credit to the organising committee and obviously the reputation of the festa itself that it has the capacity to draw interstate devotees who are prepared to travel overnight on a bus, walk the four kilometres of the procession the next day, then proceed to the mass and the full day's events, and then spend another night on the bus to return home—all to be part of this very special celebration.

I have no doubt that the weather plays a major part in attracting people to any event, and this year in the electorate of Coles, for the Montevergine Feast, the weather was perfect. Therefore, we had an extra large turnout. Obviously the weather itself cannot take all the credit, because I know that the hard work and dedicated effort by everyone involved also played a hugely important part. Domenic Zollo and Josie Fantasia, in their principal roles as President and Secretary, gave untiringly of their time. Obviously it goes without saying that the many committee members and volunteers gave unselfishly of their time for many weeks, and it was this amicable and combined effort that ensured the enormous success of the day.

As most members would know, South Australia is the proud home of some 151 multicultural communities. They are unquestionably a most integral and vibrant part of our state, and among their ranks there can be no questioning the importance and influence of the Italian community. This festa is one of the very special highlights in my electorate every year. Throughout the participation over the years, I have been very proud to see it go from strength to strength to the point that it has now attained the very distinct honour of fitting into the category of a major event. It is without question the largest religious festival in our state.

However, with success also brings new expectations and new challenges. Obviously one of the many challenges now facing the committee is to maintain the status and momentum this event has achieved, while at the same time not losing sight of the very significant religious importance. The committee was very honoured to have Father Cairo visit from

Italy. I am sure he also gave the committee some food for thought in relation to attracting and involving young people in these religious celebrations, for without young people to carry on and maintain these very important cultural traditions and religious celebrations into the next millennium, the continued success of special events such as this may not necessarily be guaranteed.

I am extremely confident that with the strength of the Italian community and with the strength of the religious organisations within the Italian community, and the professionalism of the organisers, the Festa of Montevergine has an enormously important future. It has great potential to grow, not only as a religious festival but as a major event for South Australia. So, as both the local member and the Minister for Tourism, I look forward to assisting wherever possible to make this growth a reality. I pay particular tribute to the enormous work done by the Italian community in the electorates of Coles and Hartley in making sure that religious festivals such as this continue to be important parts of the calendar of events out in our area. There are many religious festivals that take place on an annual basis, and I am constantly heartened by the great support they enjoy from very many people.

SITTINGS AND BUSINESS

The Hon. J. HALL (Minister for Tourism): I move:

That the House at its rising adjourn until Tuesday 9 November at 2 p.m.

Motion carried.

OFFICE FOR THE AGEING (ADVISORY BOARD) AMENDMENT BILL

Received from the Legislative Council and read a first time.

HERITAGE (DELEGATION BY MINISTER) AMENDMENT BILL

The Hon. D.C. KOTZ (Minister for Environment and Heritage) obtained leave and introduced a bill for an act to amend the Heritage Act 1993. Read a first time.

The Hon. D.C. KOTZ: I move:

That this bill be now read a second time.

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

Leave granted.

While the current *Heritage Act* allows the State Heritage Authority to delegate some of its powers, there are no provisions in the Act to allow the Minister to delegate her powers as Minister responsible for administering the Act. This issue was highlighted by a decision of the Environment, Resources and Development Court last year where the Court held that the Minister had no power to delegate her functions under this, or any other Act.

This Bill proposes some simple amendments to remedy this situation.

One of the roles of the Minister responsible for administering the *Heritage Act 1993* is to advise the relevant planning authority on the impact that any development is likely to have on a place listed in the State Heritage Register. The procedure followed is detailed in Schedule 8 of the *Development Act 1993*.

Section 4(1) of the *Development Act* defines "development" in relation to a State heritage place as being:

the demolition, removal, conversion, alteration or painting of, or addition to, the place, or any other work that could materially affect the heritage value of the place

Section 37 of the *Development Act* allows for development affecting a heritage place to be defined as a prescribed class of development, and Schedule 8 indicates that the class of development is that:

which directly affects a State heritage place, or development which in the opinion of the relevant authority materially affects the context within which the State heritage place is situated.

It had been a long standing practice of Heritage South Australia, formerly the State Heritage Branch, of the Department for Environment, Heritage and Aboriginal Affairs to assess Development Applications relating to State Heritage places on behalf of the Minister for Environment and Heritage, believing that an instrument of delegation approved by the responsible Minister on 1 February 1994, two weeks after the proclamation of the Development and Heritage Acts on 15 January, was valid.

This delegation also extended to Heritage Advisers, who are contracted to the Department for Environment, Heritage and Aboriginal Affairs on a part-time basis and jointly funded by State and Local governments.

In March 1998 the Environment, Resources and Development Court found that the instrument of delegation was not valid and noted that the *Heritage Act 1993* did not provide for the Minister administering the *Heritage Act* to delegate her powers under that Act or any other Act.

As a result this Bill has been drafted to allow for proper delegation of the Minister's powers, and to thereby expedite the development approval process.

Provisions have been included which require contracted Heritage Advisers to disclose any direct or indirect personal or pecuniary interest in any matter which they may have delegation from the responsible Minister. A register of delegations will also be kept to ensure a high level of transparency relating to delegations and disclosures made.

Since the Environment, Resources and Development Court finding, I as Minister have had to personally sign all responses to Development Applications, including responses of 'no comment'. The passage of this Bill will allow an appropriate regime of delegations to be implemented.

I commend the bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Insertion of s. 41A

A new section 41A is inserted into the principal Act allowing the Minister to delegate to any person or body duties, functions or powers under the principal Act or duties, functions or powers under another Act that are assigned to the Minister for the time being administering the principal Act.

The new section includes a provision that is intended to prevent conflicts of interest in relation to delegates who are not public sector employees. Under subsection (4) where such a delegate has a direct or indirect personal or pecuniary interest in any matter in relation to which it is proposed that he or she perform a duty or function or exercise a power, the delegate must disclose the nature of the interest in writing to the Minister and not perform the duty or function, or exercise the power, until the Minister responds to the disclosure. Subsections (5) and (6) of this proposed new section provide for a register to be made publicly accessible, of all delegations and disclosures of interest made under the section and any responses by the Minister to those disclosures.

Clause 4: Amendment of s. 44—Evidence

This clause inserts an evidentiary provision to facilitate proof of a delegation by the Minister.

Mr HILL secured the adjournment of the debate.

SUMMARY OFFENCES (PROSTITUTION) AMENDMENT BILL

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services) obtained leave and introduced a bill for an act to amend the Summary Offences Act 1953 and to make a related amendment to the Criminal Law Consolidation Act 1935. Read a first time.

The Hon. R.L. BROKENSHIRE: I move:

That this bill be now read a second time.

This bill is being introduced as one of a series of alternative bills to reform the law relating to prostitution. The other bills

are the Prostitution (Licensing) Bill 1999, the Prostitution (Registration) Bill 1999, and the Prostitution (Regulation) Bill 1999. They reflect the government's undertaking to provide government resources to develop workable alternative models to address the concerns expressed by many, including the police commissioner, in a report prepared for him in August 1998 when it was argued that the current law relating to prostitution was unworkable and was in need of reform one way or another.

The bills were developed by a cabinet committee of ministers whose portfolios were likely to be affected by prostitution law reform, namely, the Attorney-General, the Minister for Human Services, the Minister for the Status of Women (who is also the Minister for Transport and Urban Planning), the Minister for Local Government and myself, as the Minister for Police, Correctional Services and Emergency Services, who was also chair. The committee was asked to consider the issues arising from the police commissioner's report and to develop alternative models for legislative reform without indicating a preference for any model. The committee and senior officers and advisers from each of the portfolios met over a period of 18 months. It considered reform models in place in other states and territories consulting with the relevant interstate officers. It consulted with the Liquor and Gaming Commissioner, the Commissioner of Consumer Affairs, representatives of the Director of Public Prosecutions and SAPOL's vice and gaming squads, as well as taking into account the view of the therapeutic massage sector. Most significantly, it was granted access to public submissions to the parliament's Social Development Committee inquiry into prostitution which reported in August 1996.

Members will exercise a conscience vote on these bills. The government has no view as to which, if any, model is to be preferred. The intention is to propose a cognate debate on the four bills and ultimately to ascertain which, if any, is to be preferred at the second reading stage. Obviously within the wider community, as much as in the parliament, there will be varying and divergent views both on what needs to be done about prostitution law and on what is contained in it. While four alternatives are introduced today, it is acknowledged that there will be differing views on the content, and amendments may well be proposed. This is a controversial area of both the law and human social relationships. This bill is what is known as a 'criminal sanctions model' under which prostitution becomes unlawful and related activities continue to be unlawful.

The general object of this bill is, if parliament so decides, to continue the illegality of the prostitution industry in all of its forms but to make that illegality enforceable. Under the other bills, prostitution may to varying degrees be lawful and is regulated by special planning, advertising and public health provisions and subject to the same state and commonwealth regulation as any other lawful industry. In each of these bills it is not lawful to conduct or to take part in a prostitution business as a child or an incorporated body. In summary, these bills take the following approaches to prostitution law reform:

- The Prostitution (Licensing) Bill creates a new regime under which it is only lawful to operate, participate in or use the services of a prostitution business if it meets licensing and registration standards. Lawful prostitution businesses are under the discipline of a state appointed board.
- The Prostitution (Registration) Bill creates a new regime under which it is only lawful to operate, participate in or use the services of a prostitution business if both the business and its operator are registered.
- The Prostitution (Regulation) Bill creates a new regime where it is lawful for an adult person who has not been convicted of a prescribed offence to operate or participate in a prostitution business.

I seek leave to have the remainder of the second reading report and the detailed explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

This Bill, the Summary Offences (Prostitution) Amendment Bill, amends the *Summary Offences Act 1953* by repealing the present laws penalising conduct associated with prostitution. It replaces them with criminal offences that more effectively criminalise the manner in which the business of prostitution is now conducted. The Bill also makes consequential amendments to the *Criminal Law Consolidation Act 1935* to abolish as unnecessary all common law offences relating to prostitution. The mechanism by which this is achieved is by placing these offences in Schedule 11 of the *Criminal Law Consolidation Act.*

CURRENT LAW

Currently the law penalises certain conduct associated with prostitution.

Under the *Summary Offences Act 1953* there are a number of offences relating to prostitution:

- consorting with reputed prostitutes (s13)
- permitting premises to be frequented by reputed prostitutes (s21)
- soliciting for the purposes of prostitution (s25)
- living on the earnings of prostitution (s26)
- keeping and managing brothels (s28)
- permitting premises to be used as brothels (s29). Landlords who continue to allow lessees convicted of this offence to use the premises as brothels may also be charged with this offence (s31).

Prosecutions must be authorised in writing by the Commissioner of Police or a superintendent or inspector of police (s30). The Act gives police specific powers of search and entry of places reasonably suspected of being brothels (s32).

Current legislation also refers to obsolete common law prostitution offences. The only reference is in 270 of the *Criminal Law Consolidation Act 1935*, which provides a statutory penalty of imprisonment for the common law offence of keeping a common bawdy house.

The prostitution offences under the *Criminal Law Consolidation Act 1935* are to be repealed and replaced by the *Criminal Law Consolidation (Sexual Servitude) Amendment Bill 1999*, which was introduced into the Legislative Council on 21 October 1999.

REASONS FOR REFORM

The present law, contained in the *Summary Offences Act* and the *Criminal Law Consolidation Act,* is outdated:

- it does not address police concerns about the difficulty of enforcing the law against an illicit industry that has over time developed ways of circumventing laws written many years ago
- it is discriminatory in penalising only one participant in the prostitution transaction—the prostitute—and not the client, without whom there would be no prostitution
- it does not differentiate in penalty between the person managing and taking the profits from a prostitution business and the worker
- it does not always reach the people who really control the business
- it does not protect children from exposure to prostitution.

This Bill addresses all these issues.

THE CONTENT OF THE BILL

The new offences created by clause 6 of the Bill to replace the old offences are:

- engaging in prostitution
- receiving or making payment for sexual services
- offering to provide or asking another to provide sexual services (soliciting)
- employing, engaging, causing or permitting another person to work or continue to work as a prostitute
- being involved in a business in which others work as prostitutes
- using or permitting premises to be used for prostitution
- obtaining the proceeds of prostitution
- advertising prostitution
- permitting a child to be in premises being used for prostitution.

Authority to prosecute is granted to any member of the police force and to the Director of Public Prosecutions (DPP) or a person

authorised by the DPP. No other person may prosecute. Under clause 7 of the Bill, police retain the power to enter and search a place they reasonably suspect of being used for prostitution (new s32).

The Bill contains provisions that are common to all four alternative Bills:

- the definitions of 'child', 'client', 'payment', 'premises', 'prostitute', 'prostitution' and 'sexual services';
- soliciting offences which penalise both prostitute and customer;
- the offence of permitting a child to be in premises being used for prostitution.

Under all the Bills, prostitution is defined as 'the provision of sexual services for payment'. A sexual service is 'an act involving physical contact (including indirect contact by means of an inanimate object) between two or more persons that is intended to provide sexual gratification for one or more of those persons . . .'. This definition is wide enough to catch most sexual services known to be offered by prostitutes, without also catching activities such as stripping. For activities that appear to fit the definition but are of a class not intended to be covered by the Act, there is provision for exclusion by regulation.

All four Bills focus on the *act* of prostitution, not where it takes place, in order better to cover prostitution services arranged through escort agencies. Each participant in the act of prostitution is made culpable. All the Bills include a new offence of soliciting, under which both prostitute and client are liable. This Bill also makes the client and the prostitute equally liable for engaging in unlawful prostitution and receiving or making payment for it. Payment is no longer limited to cash and may include any form of payment. The Prostitution (Licensing) Bill and the Prostitution (Registration) Bill contain the same provision, applying to prostitution activities which take place illegally outside the legal structure contemplated by each.

Like the other Bills, this Bill protects children from exposure to prostitution by making it an offence to permit a child to be in premises being used for prostitution. A person charged with this offence is presumed to have known that the victim was a child. In defence the person may prove that he or she believed on reasonable grounds that the victim had reached the age of 18 years.

All the Bills abolish the offence of habitually consorting with a reputed prostitute, for the same reason. That offence was designed as a vagrancy offence, not a prostitution offence. It was intended to prevent criminals and other 'undesirables', including reputed prostitutes, from gathering together and planning unlawful acts. People otherwise innocent of any criminal activity, such as the immediate family and friends of a reputed prostitute, may be convicted of the offence. This Bill replaces this offence with the offences of involvement in a sex business or of employing, causing or permitting another to work as a prostitute. The other Bills do not replace the offence, because being a prostitute is not in itself unlawful under those Bills.

Like the other Bills, this Bill repeals existing offences of permitting premises to be frequented by reputed prostitutes, and of being in such premises. Liability under the present law is confined to occupiers of premises. The new offence created by this Bill extends liability to any user or person who permits use of premises for prostitution. As under the present law, a lessor may terminate a lease where the lessor has been found guilty of an offence of using or permitting premises to be used for prostitution. Failure to do so, or re-letting the premises to or for the benefit of the former lessee, carries a rebuttable presumption of guilt. The Prostitution (Licensing) and Prostitution (Registration) Bills make it unlawful to use or permit others to use premises as brothels if the premises are not registered.

In all the Bills, the heaviest sanctions for unlawful prostitution are imposed on those who run prostitution businesses or who have a real interest in or influence over the business. The Bills define involvement in a prostitution business in a way that catches not only those whose involvement is obvious, like the manager, but those who conceal their involvement. Common methods of concealment caught by the definition include having an employee appear to be owner, or running the business behind a corporate facade. Under all the Bills, it is a defence to an 'involvement' offence that the person did not know or could not reasonably be expected to have known that the business involved prostitution.

Under this Bill, those deemed to be 'involved in the business' include the manager, anyone who has a right to participate in or has a reasonable expectation of participating in income or profits derived from the business, anyone who is in a position to influence or control the conduct of the business and, if the business is a body corporate, the director, executive officer and the secretary of that body.

The Bill prohibits all advertisements promoting a prostitution service or recruiting for it. The prohibition covers advertising in print; on radio, television or using other audio visual means; by film or video recording; by notices, signs, circulars or pamphlets; and by computer, microfilm or other processes not in writing. It is a defence to an advertising offence that the person did not commit it intentionally or took reasonable care not to commit the offence. The other Bills prohibit such advertising only where is it not in a permitted form, because under those Bills prostitution may be lawful in some circumstances.

Maximum penalties for offences under this Bill are as follows:

- a fine of $10 000 or imprisonment for 2 years for advertising prostitution and for permitting a child to be in premises being used for prostitution
- a fine of $2500 or imprisonment for 6 months for first offences of causing another to work as a prostitute, of being involved in a business where others work as prostitutes, and of using or permitting premises to be used for prostitution, and for the offence of obtaining the proceeds of prostitution
- a fine of $5000 or imprisonment for 1 year for second or subsequent offences of causing another to work as a prostitute, of being involved in a business where others work as prostitutes, and of using or permitting premises to be used for prostitution
- a fine of $1250 or an expiation fee of $160 for the offence of engaging in prostitution and the offence of making or receiving payment for sexual services
- a fine of $750 or an expiation fee of $105 for the offence of offering to provide or asking another to provide sexual services for payment.

This Bill makes it clear that anyone who takes part in prostitution commits a criminal offence, whether client, prostitute, manager or anyone with an interest in the business. It covers all forms of prostitution and any kind of payment. It prohibits advertising of and recruitment for prostitution, and protects children from exposure to prostitution activities.

I welcome discussion on this Bill and on the other Bills being introduced with it. The views of Honourable Members on possible amendments or proposals for other models would be appreciated.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 4—Interpretation

The amendment removes the definition of prostitute. New clause 25 contains relevant definitions relating to prostitution for the purposes of the inserted provisions.

Clause 4: Amendment of s. 13—Consorting

The amendment removes the offence of consorting with prostitutes.

Clause 5: Amendment of s. 21—Permitting premises to be frequented by thieves, etc.

The amendment removes the offence of permitting premises to be frequented by prostitutes.

Clause 6: Substitution of ss. 25 to 31

This clause inserts a new Division dealing with prostitution.

25. Definitions relating to prostitution

This clause contains definitions for the purposes of the new Division.

Prostitution is defined as the provision of sexual services for payment.

Sexual services is defined as an act involving physical contact (including indirect contact by means of an inanimate object) between 2 or more persons that is intended to provide sexual gratification for 1 or more of those persons. Provision is made for the regulations to exclude classes of acts from the definition.

26. Prohibition of prostitution and related transactions

This clause makes it an offence—

- for the prostitute and the client to engage in prostitution;
- for a person to make or receive a payment for sexual services;
- for a person to offer to provide sexual services for payment or to ask another to provide sexual services for payment.

Each of the offences is expiable.

27. Prohibition of business activities involving prostitution

This clause makes it an offence—

- for a person to employ, engage, or cause or permit another to work or to continue to work, as a prostitute;
- for a person to be involved in a business in which others work as prostitutes.

For the purposes of the clause, a person is involved in a business if—

- the person is the manager of the business;
- the person has a right to participate in, or a reasonable expectation of participating in, income or profits derived from the business;
- the person is in a position to influence or control the conduct of the business;
- in the case of a business carried on by a body corporate—the person is a director, executive officer or secretary of the body corporate.

These offences are considered more serious, with imprisonment a potential penalty. A second or subsequent offence involves an increase in maximum penalty.

28. Use of premises for prostitution

This clause makes it an offence for a person to use premises or permit premises to be used for prostitution or for a business involving prostitution.

Rights to terminate a lease of premises being used for prostitution are provided.

29. Obtaining the proceeds of prostitution

This clause makes it an offence to have an arrangement with a prostitute under which the person receives, on a regular or systematic basis, the proceeds of sexual services provided by the prostitute.

30. Advertising of prostitution prohibited

All advertising of prostitution is prohibited.

31. Children not to be in premises being used for prostitution

This clause makes it an offence for a person, without reasonable excuse, to permit a child to enter or remain in premises being used for prostitution.

31A. Prosecutions

This clause restricts prosecutions to the DPP, a member of the police force or a person authorised in writing by the DPP.

Clause 7: Amendment of s. 32—Power of police to enter premises suspected of being used for prostitution

Section 32 is amended to omit the reference to a brothel (a term that will not be used in the principal Act following these amendments) and substitute a reference to premises being used for prostitution.

SCHEDULE

Amendment of Criminal Law Consolidation Act 1935

These amendments abolish common law offences relating to prostitution.

Mr ATKINSON secured the adjournment of the debate.

PROSTITUTION (REGULATION) BILL

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services) obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935, the Industrial and Employee Relations Act 1994, the Summary Offences Act 1953 and the Workers Rehabilitation and Compensation Act 1986; and for other purposes. Read a first time.

The Hon. R.L. BROKENSHIRE: I move:

That this bill be now read a second time.

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

Leave granted.

INTRODUCTION

This Bill has been introduced as one of a series of alternative Bills to reform the law of prostitution. The other Bills are

- the Summary Offences (Prostitution) Amendment Bill 1999
- the Prostitution (Licensing) Bill 1999
- the Prostitution (Registration) Bill 1999.

Members will exercise a conscience vote on each of these Bills. The context in which the four Bills have been developed and introduced has already been outlined in the second reading speech on the Summary Offences (Prostitution) Amendment Bill. The Government has no preferred option.

This Bill proposes what is known as a 'regulation' or 'negative licensing' model, under which would be lawful for a person to be involved in a prostitution business if he or she is an adult who has not been convicted of a prescribed offence, and has not been banned from the industry by a Court order. It is the least regulatory of the three Bills which make prostitution lawful under some circumstances.

This Bill repeals the provisions in the *Summary Offences Act 1953* which deal with prostitution, and makes consequential amendments to the *Criminal Law Consolidation Act 1935* to abolish as unnecessary all common law offences relating to prostitution. The mechanism by which this is achieved is by placing these offences in Schedule 11 of the *Criminal Law Consolidation Act.*

THE CURRENT LAW

Currently the law penalises certain conduct associated with prostitution.

Under the *Summary Offences Act 1953* there are a number of offences relating to prostitution:

- consorting with reputed prostitutes (s13)
- permitting premises to be frequented by reputed prostitutes (s21)
- soliciting for the purposes of prostitution (s25)
- living on the earnings of prostitution (s26)
- keeping and managing brothels (s28)
- permitting premises to be used as brothels (s29). Landlords who continue to allow lessees convicted of this offence to use the premises as brothels may also be charged with this offence (s31).

Prosecutions must be authorised in writing by the Commissioner of Police or a superintendent or inspector of police (s30). The Act gives police specific powers of search and entry of places reasonably suspected of being brothels (s32).

Current legislation also refers to obsolete common law prostitution offences. The only reference is in 270 of the *Criminal Law Consolidation Act 1935*, which provides a statutory penalty of imprisonment for the common law offence of keeping a common bawdy house.

The prostitution offences under the *Criminal Law Consolidation Act 1935* are to be repealed and replaced by the *Criminal Law Consolidation (Sexual Servitude) Amendment Bill 1999*, which was introduced into the Legislative Council on 21 October 1999.

REASONS FOR REFORM

The present law, contained in the *Summary Offences Act* and the *Criminal Law Consolidation Act*, is outdated:

- it does not address police concerns about the difficulty of enforcing the law against an illicit industry that has over time developed ways of circumventing laws written many years ago
- it is discriminatory in penalising only one participant in the prostitution transaction—the prostitute—and not the client, without whom there would be no prostitution
- it does not differentiate in penalty between the person managing and taking the profits from a prostitution business and the worker
- it does not always reach the people who really control the business, nor control monopolistic practices
- it does not protect children from exposure to prostitution

Control of sexually transmissible disease, the protection of children from exposure to commercial sexual services, the protection of those who may work in an illicit industry from exploitation and unsafe working conditions, and effective control of land and building use through planning and development laws are all important issues that may be difficult to address if the prostitution industry continues to be unlawful.

THE CONTENT OF THIS BILL

The approach taken in this Bill is to legalise the prostitution industry, thus making all prostitution lawful if conducted by an adult person who has not been convicted of a prescribed offence, and has not been banned from the industry by a Court order. As a lawful industry under this Bill, a sex business would be subject to all the controls which apply to other businesses, as well as some extra controls relating to advertising, planning and sexual health, and it would be lawful to use and pay for the services of a prostitute.

The Bill contains some provisions that are common to all four alternative Bills:

- the definitions of 'child', 'client', 'payment', 'premises', 'prostitute', 'prostitution' and 'sexual services';
- soliciting offences which penalise both prostitute and customer;
- the offence of permitting a child to be in premises being used for prostitution.

It also contains provisions in common with the Prostitution (Licensing) and the Prostitution (Registration) Bills. These are:

- the base qualification for a person involved in a lawful sex business being that they are a natural person (that is to say, not a company), and over 18 years of age
- the definitions of 'brothel', 'operator of a sex business', 'payment', 'prescribed offence', 'public place', and 'involvement in a sex business'
- planning provisions which ensure that developments involving lawful sex businesses are regulated by the Development Assessment Commission
- restrictions on the location of lawful brothels to ensure they are not near places of worship or places frequented by children
- nuisance provisions which give neighbours a right to apply to the Court for an order against the operator of a lawful brothel
- the offence of failure to comply with a health code of conduct
- the offence of advertising prostitution services in a form that is not permitted
- the offence of advertising to recruit prostitutes
- amendment of the *Industrial and Employee Relations Act 1994* to ensure that people who provide sexual services in a lawful sex business have the status of employees
- amendment of the *Workers Rehabilitation and Compensation Act 1986* so that prescribed work includes providing sexual services in the course of a lawful sex business
- Occupational Health Safety and Welfare legislation will apply automatically.

The Bill uses the same definition of prostitution as the other Bills, namely that prostitution is 'the provision of sexual services for payment'. A sexual service is 'an act involving physical contact (including indirect contact by means of an inanimate object) between two or more persons that is intended to provide sexual gratification for one or more of those persons . . .'. This definition is wide enough to catch most sexual services known to be offered by prostitutes, without also catching activities such as stripping. For activities that appear to fit the definition but are of a class not intended to be covered by the Act, there is provision for exclusion by regulation.

All four Bills focus on the *act* of prostitution, not where it takes place, in order better to cover prostitution services arranged through escort agencies. Provision for criminal sanctions is still necessary to deal with any unlawful prostitution activity. Each participant in a prohibited sexual service for payment is made culpable. All the Bills include a new offence of soliciting, for which both the prostitute and the client are liable. Payment is no longer limited to cash and may include any form of payment.

Like the other Bills, this Bill protects children from exposure to prostitution by making it an offence to permit a child to be in premises being used for prostitution. A person charged with this offence is presumed to have known that the victim was a child. In defence the person may prove that he or she believed on reasonable grounds that the victim had reached the age of 18 years.

All the Bills abolish the offence of habitually consorting with a reputed prostitute, for the same reason. That offence was designed as a vagrancy offence, not a prostitution offence. It was intended to prevent criminals and other 'undesirables', including reputed prostitutes, from gathering together and planning unlawful acts. People otherwise innocent of any criminal activity, such as the immediate family and friends of a reputed prostitute, may be convicted of the offence. This Bill does not replace the offence because it does not make it unlawful to be a prostitute.

Like the other Bills, this Bill also repeals existing offences of permitting premises to be frequented by reputed prostitutes, and of being in such premises. Liability under the present law is confined to occupiers of premises. This Bill does not replace these offences, although it is possible for use of premises for prostitution to be the subject of a banning order.

In all the Bills, the heaviest sanctions for unlawful prostitution are imposed on those who own or operate sex businesses, or who have a real interest in or influence over the business. The Bills define involvement in a sex business to catch not only those whose involvement is obvious, like the manager, but those who conceal their involvement. Common methods of concealment caught by the definition include having an employee appear to be the owner, or running the business behind a corporate facade. Under all the Bills, it is a defence to an 'involvement' offence that the person did not know or could not reasonably be expected to have known that the business involved prostitution.

This Bill, and the Prostitution (Licensing) and Prostitution (Registration) Bills, use the definition of involvement not only to identify those who may offend against the Act, but to identity those whose lawful activities may be regulated. In contrast, the Summary Offences (Prostitution) Amendment Bill uses the definition only to identify those liable for offences against the Act. For this reason these Bills exclude from the definition prostitutes whose only financial involvement with a sex business is in receiving a wage or a proportion of the fee for their own services. In this way the Bill aims to make the people who actually control the industry, and not the workers, responsible for its management.

This Bill makes prostitution lawful, but excludes certain people from carrying on or being involved in a sex business. Those excluded are bodies corporate, children, or anyone who has been convicted of a prescribed offence (described below). These requirements are designed to discourage criminal involvement in the industry and to prevent control of the industry by big operators and corporations.

Prescribed offences are the kinds of offences often linked with the worst aspects of the current illicit industry. They include offences of violence and intimidation, sexual offences involving children or child pornography, offences involving illegal drugs and money laundering, offences involving dealing with stolen goods, and offences involving illegal immigration. It does not matter where or when the offence was committed.

A person may be prohibited from carrying on or being involved in a sex business by a Court banning order. Grounds for a banning order are that the person has acted unlawfully in carrying on or being involved in a sex business, or if they are in some other respect not a suitable person to be involved in a sex business. This assessment must take into account the character and reputation of the person and their known associates.

The terms of the banning order may provide for a permanent, temporary, or conditional ban. The order may take effect at a future time, and regulate the person's conduct or business in the interim period. An application for a banning order may be made by the prosecutor in a case in which the person was convicted of a prescribed offence or in proceedings taken in the District Court by the Attorney-General or the Director of Public Prosecutions or a person authorised by either of them. The person against whom a banning order is sought must be given reasonable notice of the application for the order.

There are heavy penalties for contravention of a banning order (the maximum is $35 000 or 7 years imprisonment), in addition to the Court's powers to punish for contempt. The Court must notify the Minister whenever it makes or revokes a banning order, and the Minister must keep details of the order in a register kept available for public inspection.

Common to this Bill and the other Bills that allow lawful prostitution are provisions that make it unlawful to use premises as a brothel without approval from the Development Assessment Commission. The Commission may not approve premises to be used as a lawful brothel

- if the area is zoned for residential use under the applicable local Development Plan or is part of an area to be encouraged for residential use under the Plan
- if the brothel is located within 200 metres of a school, child care centre, playground, church or community centre
- if the brothel has more than 8 rooms to be used for prostitution (this prevents the growth of large brothels, often associated with other criminal activities)
- if, with other brothels, it may tend to establish a red light area
- if approval would not be consistent with criteria prescribed by regulation.

It is anticipated that small brothels operated in a person's home may not require development approval if they can demonstrate that they are a 'home activity' under Schedule 3 of the *Development Regulations 1993.* Schedule 3 sets out acts and activities which are not developments for the purposes of the *Development Act 1993.* To be in this category, the activity must be conducted in a person's home and use no more than one non-resident worker. The premises must be of no more than 30 square metres floor space, and the use must not to be detrimental to the amenity of the area. The amenity of the area will be judged according to the usual planning criteria that apply to that commonly used test.

Under the Bill, brothels that come under the *Development Act 1993* are treated as Category 2 developments, which means that there are no third party appeal rights from the Commission's decision. The Bill makes transitional provision for existing brothels. It is recognised that development control issues are of a contentious nature and there are a number of options for addressing these issues.

Other neighbourhood issues are addressed by giving occupiers of nearby premises the right to apply to the Magistrates Court for a nuisance order against the operator of a sex business.

Like the other Bills allowing lawful prostitution, this Bill makes it an offence to advertise the availability of sexual services unless by permitted advertisement. This provision is not only to control methods of advertising but to prevent the masking of sex businesses by misleading advertising. Advertising standards prescribe the type of media used, the information contained in the advertisement, and the size of the advertisement. There must be a specific statement in the advertisement that it is for sexual services. Premises used as brothels may not have any external sign identifying them as such unless in the form prescribed by regulation. It is an offence to recruit people for prostitution by advertisement.

As in the other Bills that allow lawful prostitution, it is an offence for an operator to fail to comply with the code of health conduct prescribed by the regulations. The code would contain provisions designed to protect prostitutes and clients from the transmission of sexually transmissible disease (STD). It may require the use of condoms, prohibit STD infected prostitutes or clients from engaging in high risk activities, and ensure appropriate medical treatment and management of STD infected prostitutes.

The Bill provides for prosecutions to be brought only by the Director of Public Prosecutions (DPP) or a person authorised by the DPP, or by a police officer. Maximum penalties range from $35 000 or 7 years imprisonment for contravention of a banning order to a fine of $750 with an expiation fee of $105 for soliciting. Some offences are expiable. Offences of conducting a sex business when a body corporate or a child or when convicted of a prescribed offence carry a $20 000 fine that escalates at a rate of $100 per day after that date if the offences continues for more than 100 days.

In common with all the Bills, this Bill seeks to ensure that users as well as providers of prostitution services are responsible for their actions, that children are protected from exposure to the industry, and that all forms of prostitution and payment for prostitution are covered. In common with the Prostitution (Licensing) Bill and the Prostitution (Registration) Bills, the Bill addresses planning issues, public health issues, the masking of sex businesses in advertising, and the involvement of criminal elements in the industry. It seeks to guarantee workers in lawful sex businesses the same industrial and occupational health and safety rights as other workers.

What is unique to this Bill is that as long as a person is over 18 years of age and has not been convicted of a prescribed offence, they may lawfully conduct or work for a sex business unless and until they are banned from doing so by Court order. Under all the other Bills, prostitution is treated as unlawful, and, in the case of the Prostitution (Licensing) and Prostitution (Registration) Bills, unless the people involved meet certain standards. Under this Bill there are no registration or licensing requirements. Instead the Minister maintains a register of those excluded from the industry, which is available for public inspection. The cost to the Government in administering this scheme would be minimal, in contrast to the cost of policing and enforcing laws which make prostitution unlawful or unlawful when unlicensed or unregistered.

I welcome discussion on this Bill and on the other Bills being introduced with it. The views of Honourable Members on possible amendments or proposals for other models would be appreciated.

EXPLANATION OF CLAUSES

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause contains definitions for the purposes of the measure.

A sex business is defined as a business of providing or arranging for the provision of sexual services for payment. Consequently, the term covers both brothels and escort agencies.

Prostitution is defined as the provision of sexual services for payment.

Sexual services is defined as an act involving physical contact (including indirect contact by means of an inanimate object) between 2 or more persons that is intended to provide sexual gratification for 1 or more of those persons. Provision is made for the regulations to exclude classes of acts from the definition.

A brothel is defined as premises used on a systematic or regular basis for prostitution.

PART 2

SEX BUSINESSES

DIVISION 1—EXCLUSIONS

Clause 4: Persons excluded from carrying on or being involved in sex business

There are no registration or licensing requirements in this measure. The form of regulation in this measure is known as negative licensing.

This clause prohibits bodies corporate from carrying on or being involved in a sex business.

Natural persons are prohibited from carrying on or being involved in a sex business if they have been found guilty of a prescribed offence. Prescribed offence is defined in clause 3 to encompass offences of violence and intimidation, sexual offences involving children or child pornography, offences involving illegal drugs and money laundering, offences involving dealing with stolen goods, and offences involving illegal immigration.

A child is prohibited from carrying on or being involved in a sex business.

Clause 3(2) defines when a person is involved in a sex business for the purposes of the measure, namely, if the person is the manager of the business, a person who has a right to participate in, or a reasonable expectation of participating in, income or profits derived from the conduct of the business, or a person who is in a position to influence or control the conduct of the business.

DIVISION 2—BANNING ORDERS

Clause 5: Grounds for prohibiting person carrying on or being involved in sex business

This clause sets out the grounds on which a person can be banned from the sex industry as follows:

- if the person or any other person has acted unlawfully in the course of carrying on, or being involved in, a sex business; or
- the person is not in some other respect a suitable person to carry on, or to be involved in, a sex business.

For these purposes an employee or person engaged in any other capacity in a business is to be considered to be a person involved in the business.

In assessing the grounds, the character and reputation of the person and the person's known associates is to be considered, together with any other relevant matter other than summary offences relating to prostitution committed before the commencement of the measure.

Clause 6: Power to make banning order

The District Court may make a banning order on the application of the Attorney-General or the DPP or a person authorised by the Attorney-General or DPP. The order may be permanent, for a specified period, until the fulfilment of stipulated conditions or until further order.

Clause 7: Contravention of banning order

This clause makes it an offence to contravene a banning order. In the case of an order banning a person from being involved in a sex business, the clause also makes it an offence for the person who carries on the business if the order is contravened by the person to whom it is directed.

Clause 8: Register of banning orders

The Minister is to keep a register of banning orders available for public inspection.

DIVISION 3—PLANNING ISSUES

Clause 9: Relationship of Division and Development Act

This clause requires this Division to be construed as if it were consolidated with, and formed part of, the Development Act.

Clause 10: Developments involving brothels

This clause requires a development involving the establishment of a brothel or use of premises as a brothel to be approved by the Development Assessment Commission.

Such a development is not to be approved if—

- the part of a local government area in which the premises are, or are to be, situated—
- is zoned or set apart under the Development Plan for residential use; or
- is a part of the local government area in which residential use is, according to the Development Plan, to be encouraged; or
- the premises are situated within 200 metres of a school or other place used for the education, care or recreation of children, a church or other place of worship or a community centre; or
- the premises would have more than 8 rooms available for the provision of sexual services; or
- in the opinion of the Development Assessment Commission the premises would, in conjunction with other brothels in the area, tend to establish a red light district *ie* an inappropriately high concentration of brothels in the same area; or
- approval would not be consistent with criteria prescribed by the regulations.

The development is to be regarded as a Category 2 development which means that notice will be given to the owner or occupier of each piece of adjacent land and the application will be available for public inspection but there will be no third party appeals.

DIVISION 4—NUISANCE

Clause 11: Order against operator of sex business for nuisance

An occupier of premises adjoining or in the vicinity of a brothel or other place at which a sex business is carried on may apply to the Magistrates Court for an order—

- restraining the operator of a sex business from engaging in the conduct constituting the nuisance; or
- requiring the operator of the sex business to take specified action to prevent or minimise the nuisance.

PART 3
OFFENCES

Clause 12: Offences in a public place

This clause makes it an offence, in a public place, to offer to provide or to ask another to provide sexual services as a prostitute.

Clause 13: Advertising availability of sexual services

This clause restricts the types of advertisements that may be used in the sex industry to attract clients.

Clause 14: Advertising for prostitutes

This clause prohibits advertising for prostitutes.

Clause 15: Prohibition against identifying premises as brothel

This clause enables the regulations to impose restrictions and requirements on signs, symbols or other things that may be used to identify a brothel.

Clause 16: Children not to be in brothel etc.

This clause makes it an offence for any person, without reasonable excuse, to permit a child to enter or remain in a brothel.

Clause 17: Code of conduct relating to sexually transmissible diseases

This clause enables the regulations to prescribe a code of conduct containing provisions designed to protect prostitutes and clients against the transmission of sexually transmissible diseases.

PART 4
MISCELLANEOUS

Clause 18: Offences by body corporate

This is a standard clause making directors, executive officers and secretaries criminally responsible in relation to offences committed by bodies corporate.

Clause 19: Prosecutions

This clause restricts prosecutions to the DPP, a member of the police force or a person authorised in writing by the DPP.

Clause 20: Regulations

This clause provides general regulation making power.

SCHEDULE 1
Transitional Provisions

Schedule 1 contains transitional provisions relating to development approvals. It requires applications for approval to be made in relation to existing brothels within 28 days after the commencement of the Schedule.

SCHEDULE 2
Related Amendments
Part 1—Amendment of Criminal Law Consolidation Act 1935

These amendments abolish common law offences relating to prostitution.

Part 2—Amendment of Industrial and Employee Relations Act 1994

These amendments ensure that prostitutes may be employees for the purposes of the industrial law.

Part 3—Amendment of Summary Offences Act 1953

These amendments remove the offences relating to prostitution.

Part 4—Amendment of Workers Rehabilitation and Compensation Act 1986

These amendments ensure that prostitutes may be covered by the workers rehabilitation and compensation scheme.

Mr ATKINSON secured the adjournment of the debate.

PROSTITUTION (LICENSING) BILL

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services) obtained leave and introduced a bill for an act to provide for the registration of sex businesses and the licensing of operators and managers of sex businesses; to regulate prostitution; to amend the Criminal Law Consolidation Act 1935, the Industrial and Employee Relations Act 1994, the Summary Offences Act 1953 and the Workers Rehabilitation and Compensation Act 1986; and for other purposes. Read a first time.

The Hon. R.L. BROKENSHIRE: I move:

That this bill be now read a second time.

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

Leave granted.

INTRODUCTION

This Bill has been introduced as one of a series of alternative Bills to reform the law of prostitution. The other Bills are

- the Summary Offences (Prostitution) Amendment Bill 1999
- the Prostitution (Registration) Bill 1999
- the Prostitution (Regulation) Bill 1999.

Members will exercise a conscience vote on each of these Bills. The context in which the four Bills have been developed and introduced has already been outlined in the second reading speech on the Summary Offences (Prostitution) Amendment Bill. The Government has no preferred option.

This Bill proposes what is known as a 'licensing' model, under which prostitution is unlawful except when the business is registered and its operator licensed. There is another model under which prostitution is unlawful unless conducted through a registered business by a registered operator (the Prostitution (Registration) Bill). The State has no licensing function under that Bill. Under a further model, it is lawful for an adult person who has not been convicted of a prescribed offence to conduct a prostitution business (the Prostitution (Regulation) Bill). The Summary Offences (Prostitution) Amendment Bill makes prostitution and prostitution related activities unlawful in all circumstances.

This Bill creates a new regime under which it would be lawful to operate, participate in or use the services of a prostitution business if it meets licensing and registration standards. It repeals the provisions in the *Summary Offences Act 1953* which deal with prostitution, and makes consequential amendments to the *Criminal Law Consolidation Act 1935* to abolish as unnecessary all common law offences relating to prostitution. The mechanism by which this is achieved is by placing these offences in Schedule 11 of the *Criminal Law Consolidation Act.*

CURRENT LAW

Currently the law penalises certain conduct associated with prostitution.

Under the *Summary Offences Act 1953* there are a number of offences relating to prostitution:

- consorting with reputed prostitutes (s13)
- permitting premises to be frequented by reputed prostitutes (s21)
- soliciting for the purposes of prostitution (s25)
- living on the earnings of prostitution (s26)
- keeping and managing brothels (s28)
- permitting premises to be used as brothels (s29). Landlords who continue to allow lessees convicted of this offence to use the premises as brothels may also be charged with this offence (s31).

Prosecutions must be authorised in writing by the Commissioner of Police or a superintendent or inspector of police (s30). The Act gives police specific powers of search and entry of places reasonably suspected of being brothels (s32).

Current legislation also refers to obsolete common law prostitution offences. The only reference is in 270 of the *Criminal Law Consolidation Act 1935*, which provides a statutory penalty of imprisonment for the common law offence of keeping a common bawdy house.

The prostitution offences under the *Criminal Law Consolidation Act 1935* are to be repealed and replaced by the *Criminal Law Consolidation (Sexual Servitude) Amendment Bill 1999*, which was introduced into the Legislative Council on 21 October 1999.

REASONS FOR REFORM

The present law, contained in the *Summary Offences Act* and the *Criminal Law Consolidation Act*, is outdated:

- it does not address police concerns about the difficulty of enforcing the law against an illicit industry that has over time developed ways of circumventing laws written many years ago
- it is discriminatory in penalising only one participant in the prostitution transaction—the prostitute—and not the client, without whom there would be no prostitution

- it does not differentiate in penalty between the person managing and taking the profits from a prostitution business and the worker
- it does not always reach the people who really control the business, nor control monopolistic practices
- it does not protect children from exposure to prostitution.

Control of sexually transmissible disease, the protection of children from exposure to commercial sexual services, the protection of those who may work in an illicit industry from exploitation and unsafe working conditions, and effective control of land and building use through planning and development laws are all important issues that may be difficult to address if the prostitution industry continues to be unlawful.

THE CONTENT OF THE BILL

The approach taken in this Bill is to establish a system under which a sex business may operate lawfully if registered and the operator licensed. The Bill makes it an offence to conduct an unregistered sex business, to provide or use services provided by an unregistered sex business, or to operate or manage a prostitution business when unlicensed. Operators are responsible for ensuring that the sex business is conducted in compliance with the Act.

The Bill contains some provisions that are common to all four alternative Bills:

- the definitions of 'child', 'client', 'payment', 'premises', 'prostitute', 'prostitution' and 'sexual services';
- soliciting offences which penalise both prostitute and customer;
- the offence of permitting a child to be in premises being used for prostitution.

It also contains provisions in common with the Prostitution (Registration) and the Prostitution (Regulation) Bills. These are:

- the base qualification for a person involved in a lawful sex business being that they are a natural person (that is to say, not a company), and over 18 years of age
- the definitions of 'brothel', 'operator of a sex business', 'payment', 'prescribed offence', 'public place', and 'involvement in a sex business'
- planning provisions which ensure that developments involving lawful sex businesses are regulated by the Development Assessment Commission
- restrictions on the location of lawful brothels to ensure they are not near places of worship or places frequented by children
- nuisance provisions which give neighbours a right to apply to the Court for an order against the operator of a lawful brothel
- the offence of failure to comply with a health code of conduct
- the offence of advertising prostitution services in a form that is not permitted
- the offence of advertising to recruit prostitutes
- amendment of the *Industrial and Employee Relations Act 1994* to ensure that people who provide sexual services in a lawful sex business have the status of employees
- amendment of the *Workers Rehabilitation and Compensation Act 1986* so that prescribed work includes providing sexual services in the course of a lawful sex business
- Occupational Health Safety and Welfare legislation will apply automatically.

The Bill uses the same definition of prostitution as the other Bills, namely that prostitution is 'the provision of sexual services for payment'. A sexual service is 'an act involving physical contact (including indirect contact by means of an inanimate object) between two or more persons that is intended to provide sexual gratification for one or more of those persons . . .'. This definition is wide enough to catch most sexual services known to be offered by prostitutes, without also catching activities such as stripping. For activities that appear to fit the definition but are of a class not intended to be covered by the Act, there is provision for exclusion by regulation.

All four Bills focus on the *act* of prostitution, not where it takes place, in order better to cover prostitution services arranged through escort agencies. Provision for criminal sanctions is still necessary to deal with any unlawful prostitution activity. Each participant in an unlawful sexual service for payment is made culpable. All the Bills include a new offence of soliciting, for which both the prostitute and the client are liable. This Bill also makes the client and the prostitute equally liable for engaging in unlawful prostitution and for receiving or making payment for it. The Summary Offences (Prostitution) Amendment Bill and the Prostitution (Registration) Bill contain corresponding provisions in relation to prostitution activities which are unlawful under their respective schemes. Payment is no longer limited to cash and may include any form of payment.

Like the other Bills, this Bill protects children from exposure to prostitution by making it an offence to permit a child to be in premises being used for prostitution. A person charged with this offence is presumed to have known that the victim was a child. In defence the person may prove that he or she believed on reasonable grounds that the victim had reached the age of 18 years.

All the Bills abolish the offence of habitually consorting with a reputed prostitute, for the same reason. That offence was designed as a vagrancy offence, not a prostitution offence. It was intended to prevent criminals and other 'undesirables', including reputed prostitutes, from gathering together and planning unlawful acts. People otherwise innocent of any criminal activity, such as the immediate family and friends of a reputed prostitute, may be convicted of the offence. This Bill does not replace the offence because it allows people to work lawfully as prostitutes in registered businesses.

Like the other Bills, this Bill also repeals existing offences of permitting premises to be frequented by reputed prostitutes, and of being in such premises. Liability under the present law is confined to occupiers of premises. The new offence created by this Bill extends liability to any user or person who permits the use of premises for prostitution. This Bill and the Prostitution (Registration) Bill make it unlawful to use or permit others to provide sexual services as part of a business if the premises are not registered as a brothel. Under the Prostitution (Regulation) Bill such activity is lawful unless it is the subject of a banning order. Under the Summary Offences (Prostitution) Amendment Bill it is an offence in any circumstances.

In all the Bills, the heaviest sanctions for unlawful prostitution are imposed on those who own or operate prostitution businesses, or who have a real interest in or influence over the business. The Bills define involvement in a prostitution business to catch not only those whose involvement is obvious, like the manager, but those who conceal their involvement. Common methods of concealment caught by the definition include having an employee appear to be the owner, or running the business behind a corporate facade. Under all the Bills, it is a defence to an 'involvement' offence that the person did not know or could not reasonably be expected to have known that the business involved prostitution.

This Bill, and the Prostitution (Registration) and Prostitution (Regulation) Bills, use the definition of involvement not only to identify those who may offend against the Act, but to identity those whose lawful activities may be regulated. In contrast, the Summary Offences (Prostitution) Amendment Bill uses the definition only to identify those liable for offences against the Act. For this reason these Bills exclude from the definition prostitutes whose only financial involvement with the business is in receiving a wage or a proportion of the fee for their own services. In this way the Bill aims to make the people who actually control the licensed industry, and not the workers, responsible for its management.

The Bill establishes a Commercial Sex Licensing Board and a Registrar of Sex Businesses to regulate and control the prostitution industry. This immediately raises the question of the extent to which Government should be involved in licensing or regulation if one of the licensing or regulatory models is to be preferred.

The Registrar is a public servant and must be the chief executive officer of the Board. To be lawful, a sex business must be registered and its operator licensed. People commit an offence if they operate, work in, use or pay for prostitution services from an unlicensed and unregistered sex business.

A sex business is eligible for registration and its operator for licensing if the applicant satisfies the Board that the operator, manager, and every other person involved in it are suitable to be involved in a sex business. To be suitable, a person must be an adult, a natural person (that is, not a company), and an Australian citizen or permanent resident, and must not be involved in any other sex business. In addition an applicant must satisfy the Board as to the character and reputation of all those involved in the business, and that of their known associates. These threshold requirements are designed to discourage the involvement of Australian and overseas criminals, and to prevent the control of the lawful industry by big operators. Before determining a person's suitability, the Board must obtain a report on that person from the Commissioner of Police.

An applicant must supply the Board with details of everyone involved in the sex business, the name of the business, and all addresses from which it is to be conducted. Upon registration, this information is recorded in a public Register of Sex Businesses, except where classified as restricted information under the Regulations.

Registration is for one year, during which the certificate of registration must be displayed prominently inside each brothel or any premises from which the sex business is conducted. To renew the

registration and licence, the applicant must satisfy the Board of continuing suitability. Once registration lapses or is cancelled, so does any licence issued in connection with the business. Registration fees are $200 for the initial application and $100 for annual renewal or a fee prescribed by regulation.

If the people involved in a registered sex business change, the licensed operator must let the Board know. To approve a change, the Board must be satisfied of the new people's suitability. The Board then cancels the licence of the outgoing operator or manager and issues a new one to the incoming person.

Once licensed, an operator may be disciplined by the Board if he or she or anyone else acts unlawfully in the course of the sex business. A manager, on the other hand, may only be disciplined for his or her own behaviour. Prostitutes whose only financial connection with a sex business is in receiving a wage or a proportion of the fee for their services are not subject to disciplinary action.

Grounds for disciplinary action include a finding of guilt of a prescribed offence (described below) or in some other respect not being a suitable person to be involved in a sex business. In assessing suitability for disciplinary purposes, the Board may take into account the character and reputation of the person and their known associates. It may ask the police to investigate and report on any matter that might constitute grounds for disciplinary action.

Prescribed offences are the kinds of offences often linked with the worst aspects of the current illicit industry. They include offences of violence and intimidation, sexual offences involving children or child pornography, offences involving illegal drugs and money laundering, offences involving dealing with stolen goods, and offences involving illegal immigration. It does not matter where or when the offence was committed.

The Board has a range of disciplinary sanctions. It may reprimand the defendant and/or impose a fine of no more than $10 000, and/or impose licence conditions, and/or revoke the licence. The Bill requires the Board to give a person reasonable notice of a disciplinary hearing, and a reasonable opportunity to make representations to it.

Common to this Bill and the other Bills that allow lawful prostitution are provisions that make it unlawful to use premises as a brothel without approval from the Development Assessment Commission. The Commission may not approve premises to be used as a brothel

- if the area is zoned for residential use under the applicable local Development Plan or is part of an area to be encouraged for residential use under the Plan
- if the brothel is located within 200 metres of a school, child care centre, playground, church or community centre
- if the brothel has more than 8 rooms to be used for prostitution (this prevents the growth of large brothels, often associated with other criminal activities)
- if, with other brothels, it may tend to establish a red light area
- if approval would not be consistent with criteria prescribed by regulation.

It is anticipated that small brothels operated in a person's home may not require development approval if they can demonstrate that they are a 'home activity' under Schedule 3 of the *Development Regulations 1993*. Schedule 3 sets out acts and activities which are not developments for the purposes of the *Development Act 1993*. To be in this category, the activity must be conducted in a person's home and use no more than one non-resident worker. The premises must be of no more than 30 square metres floor space, and the use must not to be detrimental to the amenity of the area. The amenity of the area will be judged according to the usual planning criteria that apply to that commonly used test.

Under the Bill, brothels that come under the *Development Act 1993* are treated as Category 2 developments, which means that there are no third party appeal rights from the Commission's decision. The Bill makes transitional provision for existing brothels. It is recognised that development control issues are of a contentious nature and there are a number of options for addressing these issues.

Other neighbourhood issues are addressed by giving occupiers of nearby premises the right to apply to the Magistrates Court for a nuisance order against the operator of a licensed sex business.

Like the other Bills allowing lawful prostitution, this Bill makes it an offence to advertise the availability of lawful sexual services unless by permitted advertisement. This provision is not only to control methods of advertising but to prevent the masking of sex businesses by misleading advertising. Advertising standards prescribe the type of media used, the information contained in the advertisement, and the size of the advertisement. There must be a specific statement in the advertisement that it is for sexual services. Premises used as brothels may not have any external sign identifying them as such unless in the form prescribed by regulation. It is an offence to recruit people for prostitution by advertisement.

Once licensed, premises used for prostitution must display their registration certificate and all licences issued in connection with the sex business prominently inside the building near all entrances. This allows clients to know whether they are acting lawfully in using the services offered in those premises.

As in the other Bills that allow lawful prostitution, it is an offence for an operator to fail to comply with the code of health conduct prescribed by the regulations. The code would contain provisions designed to protect prostitutes and clients from the transmission of sexually transmissible disease (STD). It may require the use of condoms, prohibit STD infected prostitutes or clients from engaging in high risk activities, and ensure appropriate medical treatment and management of STD infected prostitutes.

The Bill provides for prosecutions to be brought only by the Director of Public Prosecutions (DPP) or a person authorised by the DPP, a police officer, or the Registrar or person authorised by the Registrar. Maximum penalties range from $10 000 or imprisonment for 2 years for offences such as carrying on a sex business when it is unregistered and the operator unlicensed, or permitting a child to enter a brothel, to $750 with an expiation fee of $105 for soliciting. Some offences are expiable. Offences of conducting unregistered businesses carry a fine that escalates at a rate of $100 per day after that date if the offence continues for more than 100 days.

In common with all the Bills, this Bill seeks to ensure that users as well as providers of prostitution services are responsible for their actions, that children are protected from exposure to the industry, and that all forms of prostitution and payment for prostitution are covered. In common with the Prostitution (Registration) Bill and the Prostitution (Regulation) Bills, the Bill addresses planning issues, public health issues, the masking of sex businesses in advertising, and the involvement of criminal elements in the industry. It seeks to guarantee workers in lawful sex businesses the same industrial and occupational health and safety rights as other workers.

What is unique to this Bill is the level of State involvement in setting and monitoring standards for the prostitution industry, and in the imposition of a disciplinary process.

I welcome discussion on this Bill and on the other Bills being introduced with it. The views of Honourable Members on possible amendments or proposals for other models would be appreciated.

EXPLANATION OF CLAUSES

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause contains definitions for the purposes of the measure.

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Prostitution is defined as the provision of sexual services for payment.

Sexual services is defined as an act involving physical contact (including indirect contact by means of an inanimate object) between 2 or more persons that is intended to provide sexual gratification for 1 or more of those persons. Provision is made for the regulations to exclude classes of acts from the definition.

A brothel is defined as premises used on a systematic or regular basis for prostitution.

PART 2

COMMERCIAL SEX LICENSING BOARD

DIVISION 1—ESTABLISHMENT OF COMMERCIAL SEX LICENSING BOARD

Clause 4: Establishment of the Commercial Sex Licensing Board

The Board consists of 3 members appointed by the Minister. One is to be a legal practitioner, another a person with expertise in community health and the other a person with expertise in community welfare.

Clause 5: Term and conditions of office

Members are to be appointed for up to 3 years at a time. The grounds for removal from office are set out in this clause.

Clause 6: Deputies

The Minister may appoint deputies of members.

Clause 7: Procedure at meetings

Two members constitute a quorum of the Board.

Clause 8: Conflict of interest

This clause guards against members with a potential conflict of interest in relation to a matter before the Board participating in any discussion or decision of the Board.

DIVISION 2—THE REGISTRAR AND THE REGISTER

Clause 9: Registrar

A public servant is to be the Registrar. The Registrar is to be the chief executive of the Board.

Clause 10: Register of sex businesses

The register of sex businesses is to be kept in two parts, one available for public inspection and the other confidential.

The regulations will spell out the information that is to be kept confidential.

Clause 11: Inspection of register

The confidential part of the register is still to be available for inspection by police officers, public servants and persons of a class specified by regulation, in the latter case if the Registrar is satisfied that inspection is necessary in the ordinary course of the person's duties.

PART 3

REGISTRATION AND LICENSING

DIVISION 1—OBLIGATION TO BE LICENSED

Clause 12: Obligation for business to be registered and operator/manager licensed

This clause requires registration of sex businesses and licensing of operators and managers of sex businesses. In addition, premises from which the business is carried on, and premises used on a regular or systematic basis for the purposes of prostitution in the course of the business, must be registered.

DIVISION 2—REGISTRATION AND LICENSING

Clause 13: Application to register or renew registration of sex business

This clause sets out the information required to be included in an application and fixes the application fee.

Clause 14: Eligibility for registration

A sex business can only be registered if—

- the operator is a suitable person to be the operator of the sex business;
- each manager is a suitable person to be a manager of the sex business;
- each person involved in the sex business is a suitable person to be involved in the business.

Clause 15: Suitability to be operator, manager etc.

A police report must be obtained in relation to each person whose suitability must be assessed.

A person cannot be regarded as suitable if the person is a child, a body corporate or involved in another sex business or is not an Australian citizen or permanent resident of Australia.

In assessing suitability, the Board may have regard to the character and reputation of the person and the person's known associates is to be considered, together with any other relevant matter other than summary offences relating to prostitution committed before the commencement of the measure.

Clause 16: Grant or renewal of registration

This clause provides for registration or renewal of registration of the sex business and for the allocation of a registration number and issue of a certificate of registration and licences to the operator and each manager.

Clause 17: Registration and licence conditions

The Board may impose conditions on the registration of a sex business.

Clause 18: Term of registration

The term of registration is 1 year.

If the registration of a sex business is cancelled or lapses, any licence issued in connection with the business is cancelled or lapses.

Clause 19: Approval of changes in the operation, management etc. of a sex business

This clause provides for the Board to approve changes in relation to the persons involved in a sex business in any capacity.

PART 4

REGULATION OF PROSTITUTION

DIVISION 1—DISCIPLINARY ACTION

Clause 20: Grounds for disciplinary action

This clause sets out the grounds on which the Board may take disciplinary action against the operator or manager of a sex business or a person involved in a sex business as follows:

- in the case of the operator—
- if the operator or any other person acts unlawfully in the course of the business;
- if the operator has been found guilty of a prescribed offence;
- if the operator is not in some other respect a suitable person to be involved in a sex business;
- in the case of the manager—
- if the manager fails to exercise the manager's responsibilities for the management of the sex business properly;
- if the manager has been found guilty of a prescribed offence;
- if the manager is not in some other respect a suitable person to be involved in a sex business;
- in the case of any other person involved in the sex business—
- if the person has been found guilty of a prescribed offence;
- if the person is not in some other respect a suitable person to be involved in a sex business.

In assessing the grounds, consideration must be given to the character and reputation of the person and the person's known associates and other relevant matters, but not any summary offences relating to prostitution committed before the commencement of the measure.

Prescribed offence is defined in clause 3 to encompass offences of violence and intimidation, sexual offences involving children or child pornography, offences involving illegal drugs and money laundering, offences involving dealing with stolen goods, and offences involving illegal immigration.

Clause 21: Power to take disciplinary action

In taking disciplinary action, the Board may reprimand the defendant, impose a fine not exceeding $10 000 or if the defendant is licensed as the operator or manager of a registered sex business, impose licence conditions or revoke the licence.

If the operator's licence is revoked, registration of the sex business is automatically revoked.

Clause 22: Appeal against disciplinary order

An appeal lies to the District Court against disciplinary action taken by the Board.

DIVISION 2—PLANNING ISSUES

Clause 23: Relationship of Division and Development Act

This clause requires this Division to be construed as if it were consolidated with, and formed part of, the Development Act.

Clause 24: Developments involving brothels

This clause requires a development involving the establishment of a brothel or use of premises as a brothel to be approved by the Development Assessment Commission.

Such a development is not to be approved if—

- the part of a local government area in which the premises are, or are to be, situated—
- is zoned or set apart under the Development Plan for residential use; or
- is a part of the local government area in which residential use is, according to the Development Plan, to be encouraged; or
- the premises are situated within 200 metres of a school or other place used for the education, care or recreation of children, a church or other place of worship or a community centre; or
- the premises would have more than 8 rooms available for the provision of sexual services; or
- in the opinion of the Development Assessment Commission the premises would, in conjunction with other brothels in the area, tend to establish a red light district *ie* an inappropriately high concentration of brothels in the same area; or
- approval would not be consistent with criteria prescribed by the regulations.

The development is to be regarded as a Category 2 development which means that notice will be given to the owner or occupier of each piece of adjacent land and the application will be available for public inspection but there will be no third party appeals.

DIVISION 3—NUISANCE

Clause 25: Order against operator of sex business for nuisance

An occupier of premises adjoining or in the vicinity of a brothel or other place at which a sex business is carried on may apply to the Magistrates Court for an order—

- restraining the operator of a sex business from engaging in the conduct constituting the nuisance; or
- requiring the operator of the sex business to take specified action to prevent or minimise the nuisance.

PART 5

OFFENCES

Clause 26: Prohibition of illicit prostitution

This clause makes a prostitute and client guilty of an offence if the relevant sexual service is not provided in the course of a registered sex business or is provided in an unregistered brothel. The client is

provided with a defence if he or she believed on reasonable grounds that the prostitution was not illicit.

The clause also makes it an offence to make or receive payment in respect of illicit prostitution.

Clause 27: Offences in a public place

This clause makes it an offence, in a public place, to offer to provide or to ask another to provide sexual services as a prostitute.

Clause 28: Advertising availability of sexual services

This clause restricts the types of advertisements that may be used in the sex industry to attract clients.

Clause 29: Advertising for prostitutes

This clause prohibits advertising for prostitutes.

Clause 30: Prohibition against identifying premises as brothel

This clause enables the regulations to impose restrictions and requirements on signs, symbols or other things that may be used to identify a brothel.

Clause 31: Display of registration certificate and licences

This clause requires a copy of the certificate of registration of a sex business and each licence issued in connection with the business to be displayed in each brothel or other premises from which the business is carried on.

Clause 32: Children not to be in brothel etc.

This clause makes it an offence for any person, without reasonable excuse, to permit a child to enter or remain in a brothel.

Clause 33: Code of conduct relating to sexually transmissible diseases

This clause enables the regulations to prescribe a code of conduct containing provisions designed to protect prostitutes and clients against the transmission of sexually transmissible diseases.

PART 6

MISCELLANEOUS

Clause 34: Power to enter and search suspected unregistered brothel

This clause enables an authorised officer (*ie* a superintendent or inspector of police or a police officer authorised by the Commissioner of Police to exercise the powers of an authorised officer under the measure) to enter and search, at any reasonable time, unregistered premises that the officer suspects on reasonable grounds are being used as a brothel.

The officer may use reasonable force to do so.

Clause 35: False or misleading information

This clause makes it an offence to provide information under the measure knowing it to be false or misleading in a material particular or to omit information with intention to mislead.

Clause 36: Offences by body corporate

This is a standard clause making directors, executive officers and secretaries criminally responsible in relation to offences committed by bodies corporate.

Clause 37: Prosecutions

This clause restricts prosecutions to the DPP, a member of the police force, a person authorised in writing by the DPP, the Registrar or a person authorised in writing by the Registrar.

Clause 38: Confidentiality

This clause makes it an offence for personal information obtained in the course of the administration of the Act to be divulged except in stated circumstances.

Clause 39: Evidence

This clause provides evidentiary aids relating to registration under the measure.

Clause 40: Regulations

This clause provides general regulation making power.

SCHEDULE 1

Transitional Provisions

Schedule 1 contains transitional provisions relating to development approvals. It requires applications for approval to be made in relation to existing brothels within 28 days after the commencement of the Schedule.

SCHEDULE 2

Related Amendments

Part 1—Amendment of Criminal Law Consolidation Act 1935

These amendments abolish common law offences relating to prostitution.

Part 2—Amendment of Industrial and Employee Relations Act 1994

These amendments ensure that prostitutes may be employees for the purposes of the industrial law.

Part 3—Amendment of Summary Offences Act 1953

These amendments remove the offences relating to prostitution.

Part 4—Amendment of Workers Rehabilitation and Compensation Act 1986

These amendments ensure that prostitutes may be covered by the workers rehabilitation and compensation scheme.

Mr ATKINSON secured the adjournment of the debate.

PROSTITUTION (REGISTRATION) BILL

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services) obtained leave and introduced a bill for an act to provide a register of sex businesses; to regulate prostitution; to amend the Criminal Law Consolidation Act 1935, the Industrial and Employee Relations Act 1994, the Summary Offences Act 1953 and the Workers Rehabilitation and Compensation Act 1986; and for other purposes. Read a first time.

The Hon. R.L. BROKENSHIRE: I move:

That this Bill be now read a second time.

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

Leave granted.

INTRODUCTION

This Bill has been introduced as one of a series of alternative Bills to reform the law of prostitution. The other Bills are

- the Summary Offences (Prostitution) Amendment Bill 1999
- the Prostitution (Licensing) Bill 1999
- the Prostitution (Regulation) Bill 1999.

Members will exercise a conscience vote on each of these Bills. The context in which the four Bills have been developed and introduced has already been outlined in the second reading speech on the Summary Offences (Prostitution) Amendment Bill. The Government has no preferred option.

This Bill proposes what is known as a 'registration' model, under which prostitution is unlawful unless conducted through a registered business by a registered operator. There is another model under which prostitution is unlawful except when the business is registered and its operator licensed, but that model also involves a system of State licensing of all lawful businesses (the Prostitution (Licensing) Bill). Under a further model, it is lawful for an adult person who has not been convicted of a prescribed offence to conduct a prostitution business (the Prostitution (Regulation) Bill). The Summary Offences (Prostitution) Amendment Bill makes prostitution and prostitution related activities unlawful in all circumstances.

This Bill creates a new regime under which it would be lawful to operate, participate in or use the services of a sex business if both the business and its operator are registered. It repeals the provisions in the *Summary Offences Act 1953* which deal with prostitution, and makes consequential amendments to the *Criminal Law Consolidation Act 1935* to abolish as unnecessary all common law offences relating to prostitution. The mechanism by which this is achieved is by placing these offences in Schedule 11 of the *Criminal Law Consolidation Act.*

THE CURRENT LAW

Currently the law penalises certain conduct associated with prostitution.

Under the *Summary Offences Act 1953* there are a number of offences relating to prostitution:

- consorting with reputed prostitutes (s13)
- permitting premises to be frequented by reputed prostitutes (s21)
- soliciting for the purposes of prostitution (s25)
- living on the earnings of prostitution (s26)
- keeping and managing brothels (s28)
- permitting premises to be used as brothels (s29). Landlords who continue to allow lessees convicted of this offence to use the premises as brothels may also be charged with this offence (s31).

Prosecutions must be authorised in writing by the Commissioner of Police or a superintendent or inspector of police (s30). The Act gives police specific powers of search and entry of places reasonably suspected of being brothels (s32).

Current legislation also refers to obsolete common law prostitution offences. The only reference is in 270 of the *Criminal Law Consolidation Act 1935*, which provides a statutory penalty of imprisonment for the common law offence of keeping a common bawdy house.

The prostitution offences under the *Criminal Law Consolidation Act 1935* are to be repealed and replaced by the *Criminal Law Consolidation (Sexual Servitude) Amendment Bill 1999*, which was introduced into the Legislative Council on 21 October 1999.

REASONS FOR REFORM

The present law, contained in the *Summary Offences Act* and the *Criminal Law Consolidation Act*, is outdated:

- it does not address police concerns about the difficulty of enforcing the law against an illicit industry that has over time developed ways of circumventing laws written many years ago
- it is discriminatory in penalising only one participant in the prostitution transaction—the prostitute—and not the client, without whom there would be no prostitution
- it does not differentiate in penalty between the person managing and taking the profits from a prostitution business and the worker
- it does not always reach the people who really control the business, nor control monopolistic practices
- it does not protect children from exposure to prostitution.

Control of sexually transmissible disease, the protection of children from exposure to commercial sexual services, the protection of those who may work in an illicit industry from exploitation and unsafe working conditions, and effective control of land and building use through planning and development laws are all important issues that may be difficult to address if the prostitution industry continues to be unlawful.

THE CONTENT OF THE BILL

The approach taken in this Bill is to establish a system under which a sex business may operate lawfully if registered. The Bill makes it an offence to conduct an unregistered sex business, to provide or use services provided by an unregistered sex business or in an unregistered brothel, or to operate a sex business as an unregistered operator.

The Bill contains some provisions that are common to all four alternative Bills:

- the definitions of 'child', 'client', 'payment', 'premises', 'prostitute', 'prostitution' and 'sexual services';
- soliciting offences which penalise both prostitute and customer;
- the offence of permitting a child to be in premises being used for prostitution.

It also contains provisions in common with the Prostitution (Licensing) and the Prostitution (Regulation) Bills. These are:

- the base qualification for a person involved in a lawful sex business being that they are a natural person (that is to say, not a company), and over 18 years of age
- the definitions of 'brothel', 'operator of a sex business', 'payment', 'prescribed offence', 'public place', and 'involvement in a sex business'
- planning provisions which ensure that developments involving lawful sex businesses are regulated by the Development Assessment Commission
- restrictions on the location of lawful brothels to ensure they are not near places of worship or places frequented by children
- nuisance provisions which give neighbours a right to apply to the Court for an order against the operator of a lawful brothel
- the offence of failure to comply with a health code of conduct
- the offence of advertising prostitution services in a form that is not permitted
- the offence of advertising to recruit prostitutes
- amendment of the *Industrial and Employee Relations Act 1994* to ensure that people who provide sexual services in a lawful sex business have the status of employees
- amendment of the *Workers Rehabilitation and Compensation Act 1986* so that prescribed work includes providing sexual services in the course of a lawful sex business
- Occupational Health Safety and Welfare legislation will apply automatically.

The Bill uses the same definition of prostitution as the other Bills, namely that prostitution is 'the provision of sexual services for payment'. A sexual service is 'an act involving physical contact (including indirect contact by means of an inanimate object) between two or more persons that is intended to provide sexual gratification for one or more of those persons . . .'. This definition is wide enough to catch most sexual services known to be offered by prostitutes, without also catching activities such as stripping. For activities that appear to fit the definition but are of a class not intended to be covered by the Act, there is provision for exclusion by regulation.

All four Bills focus on the *act* of prostitution, not where it takes place, in order better to cover prostitution services arranged through escort agencies. Provision for criminal sanctions is still necessary to deal with any unlawful prostitution activity. Each participant in a prohibited sexual service for payment is made culpable. All the Bills include a new offence of soliciting, for which both the prostitute and the client are liable. This Bill also makes the client and the prostitute equally liable for engaging in unlawful prostitution and for receiving or making payment for it. The Prostitution (Licensing) Bill and the Summary Offences (Prostitution) Amendment Bill contain corresponding provisions in relation to prostitution activities which are unlawful under their respective schemes. Payment is no longer limited to cash and may include any form of payment.

Like the other Bills, this Bill protects children from exposure to prostitution by making it an offence to permit a child to be in premises being used for prostitution. A person charged with this offence is presumed to have known that the victim was a child. In defence the person may prove that he or she believed on reasonable grounds that the victim had reached the age of 18 years.

All the Bills abolish the offence of habitually consorting with a reputed prostitute, for the same reason. That offence was designed as a vagrancy offence, not a prostitution offence. It was intended to prevent criminals and other 'undesirables', including reputed prostitutes, from gathering together and planning unlawful acts. People otherwise innocent of any criminal activity, such as the immediate family and friends of a reputed prostitute, may be convicted of the offence. This Bill does not replace the offence because it allows people to work lawfully as prostitutes in registered businesses.

Like the other Bills, this Bill also repeals existing offences of permitting premises to be frequented by reputed prostitutes, and of being in such premises. Liability under the present law is confined to occupiers of premises. The new offence created by this Bill extends liability to any user or person who permits the use of premises for prostitution. This Bill and the Prostitution (Licensing) Bill make it unlawful to use or permit others to use premises to provide sexual services as part of a business if the premises are not registered as a brothel. Under the Prostitution (Regulation) Bill such activity is lawful unless it is the subject of a banning order. Under the Summary Offences (Prostitution) Amendment Bill it is an offence in any circumstances.

In all the Bills, the heaviest sanctions for unlawful prostitution are imposed on those who own or operate sex businesses, or who have a real interest in or influence over the business. The Bills define involvement in a sex business in a way that catches not only those whose involvement is obvious, like the manager, but those who conceal their involvement. Common methods of concealment caught by the definition include having an employee appear to be the owner, or running the business behind a corporate facade. Under all the Bills, it is a defence to an 'involvement' offence that the person did not know or could not reasonably be expected to have known that the business involved prostitution.

This Bill, and the Prostitution (Licensing) and Prostitution (Regulation) Bills, use the definition of involvement not only to identify those who may offend against the Act, but to identity those whose lawful activities may be regulated. In contrast, the Summary Offences (Prostitution) Amendment Bill uses the definition only to identify those liable for offences against the Act. For this reason these Bills exclude from the definition prostitutes whose only financial involvement with a sex business is in receiving a wage or a proportion of the fee for their own services. In this way the Bill aims to make the people who actually control the industry, and not the workers, responsible for its management.

This Bill establishes a Registrar of Sex Businesses, who is a public servant, to administer a Register of Sex Businesses. This immediately raises the question of the extent to which Government should be involved in licensing or regulation if one of the licensing or regulatory models is to be preferred.

To be lawful, a sex business and its operator must be registered. People commit an offence if they operate, work in, use or pay for prostitution services from an unregistered sex business.

A sex business is eligible for registration if the operator and the people involved in the business are adults, natural persons (that is to say, not a company), and not involved in any other sex business. These requirements are designed to discourage control of the lawful industry by big operators and corporations. The application for registration must contain details of everyone involved in the business, the name of the business, and all addresses from which it is to be conducted.

Upon receipt of a correctly completed application that fulfils the eligibility criteria, and the registration fee, the Registrar must grant registration and issue a registration number and a certificate of registration to the sex business. Registration is for one year,

renewable annually. The registration fee is $200 for an initial application, and $100 for renewal or a fee prescribed by regulation.

Upon registration, the information provided in the application is recorded in the public Register of Sex Businesses, except where classified as restricted information under the Regulations.

Once registered, premises used for prostitution must display their registration certificate prominently inside the building near all entrances. This allows clients to know whether they are acting lawfully in using the services offered in those premises. Displays of false registration attract a maximum penalty of $10 000 or 2 years imprisonment.

The operator or a registered sex business must let the Registrar know of any changes in circumstances affecting the business as required by the regulations.

An operator or owner or employee of a sex business may be prohibited from carrying on or being involved in a sex business by a Court banning order. Grounds for a banning order are that the person has acted unlawfully in carrying on or being involved in the sex business, or has been convicted of a prescribed offence (described below) or is in some other respect not a suitable person to be involved in a sex business. In assessing suitability for banning purposes, the character and reputation of the person and their known associates must be taken into account.

Prescribed offences are the kinds of offences often linked with the worst aspects of the current illicit industry. They include offences of violence and intimidation, sexual offences involving children or child pornography, offences involving illegal drugs and money laundering, offences involving dealing with stolen goods, and offences involving illegal immigration. It does not matter where or when the offence was committed.

The terms of the banning order may provide for a permanent, temporary, or conditional ban. The order may take effect at a future time, and regulate the person's conduct or business in the interim period. An application for a banning order may be made by the prosecutor in a case in which the person was convicted of a prescribed offence or in proceedings taken in the District Court by the Attorney-General or the Director of Public Prosecutions or a person authorised by either of them. The person against whom a banning order is sought must be given reasonable notice of the application for the order.

A banning order prohibiting an operator from carrying on a sex business cancels the registration of the operator and the business. There are heavy penalties for contravention of a banning order (the maximum is $35 000 or 7 years imprisonment), in addition to the Court's powers to punish for contempt. The Court must notify the Registrar of Sex Businesses whenever it makes or revokes a banning order, and the Registrar must record these details in the unrestricted part of the Register of Sex Businesses.

Common to this Bill and the other Bills that allow lawful prostitution are provisions that make it unlawful to use premises as a brothel without approval from the Development Assessment Commission. The Commission may not approve premises to be used as a lawful brothel

- if the area is zoned for residential use under the applicable local Development Plan or is part of an area to be encouraged for residential use under the Plan
- if the brothel is located within 200 metres of a school, child care centre, playground, church or community centre
- if the brothel has more than 8 rooms to be used for prostitution (this prevents the growth of large brothels, often associated with other criminal activities)
- if, with other brothels, it may tend to establish a red light area
- if approval would not be consistent with criteria prescribed by regulation.

It is anticipated that small brothels operated in a person's home may not require development approval if they can demonstrate that they are a 'home activity' under Schedule 3 of the *Development Regulations 1993*. Schedule 3 sets out acts and activities which are not developments for the purposes of the *Development Act 1993*. To be in this category, the activity must be conducted in a person's home and use no more than one non-resident worker. The premises must be of no more than 30 square metres floor space, and the use must not to be detrimental to the amenity of the area. The amenity of the area will be judged according to the usual planning criteria that apply to that commonly used test.

Under the Bill, brothels that come under the *Development Act 1993* are treated as Category 2 developments, which means that there are no third party appeal rights from the Commission's decision. The Bill makes transitional provision for existing brothels. It is recognised that development control issues are of a contentious nature and there are a number of options for addressing these issues.

Other neighbourhood issues are addressed by giving occupiers of nearby premises the right to apply to the Magistrates Court for a nuisance order against the operator of a registered sex business.

Like the other Bills allowing lawful prostitution, this Bill makes it an offence to advertise the availability of sexual services unless by permitted advertisement. This provision is not only to control methods of advertising but to prevent the masking of sex businesses by misleading advertising. Advertising standards prescribe the type of media used, the information contained in the advertisement, and the size of the advertisement. There must be a specific statement in the advertisement that it is for sexual services. Premises used as brothels may not have any external sign identifying them as such unless in the form prescribed by regulation. It is an offence to recruit people for prostitution by advertisement.

As in the other Bills that allow lawful prostitution, it is an offence for an operator to fail to comply with the code of health conduct prescribed by the regulations. The code would contain provisions designed to protect prostitutes and clients from the transmission of sexually transmissible disease (STD). It may require the use of condoms, prohibit STD infected prostitutes or clients from engaging in high risk activities, and ensure appropriate medical treatment and management of STD infected prostitutes.

The Bill provides for prosecutions to be brought only by the Director of Public Prosecutions (DPP) or a person authorised by the DPP, or by a police officer. Maximum penalties range from $35 000 or 7 years imprisonment for contravention of a banning order to a fine of $750 with an expiation fee of $105 for soliciting. Some offences are expiable. Offences of conducting unregistered businesses carry a fine that escalates at a rate of $100 per day after that date if the offences continues for more than 100 days.

In common with all the Bills, this Bill seeks to ensure that users as well as providers of prostitution services are responsible for their actions, that children are protected from exposure to the industry, and that all forms of prostitution and payment for prostitution are covered. In common with the Prostitution (Licensing) Bill and the Prostitution (Regulation) Bills, the Bill addresses planning issues, public health issues, the masking of sex businesses in advertising, and the involvement of criminal elements in the industry. It seeks to guarantee workers in lawful sex businesses the same industrial and occupational health and safety rights as other workers.

What is unique to this Bill is that all that is required for prostitution to be lawful is for the sex business and its operator to be registered. By simply maintaining a register the State does not make any representation that the people registered to conduct the sex business are suitable to do so. To be registered, a person need only meet the statutory requirements of being an adult, not being a company, not being subject to a banning order, and not being registered in relation to any other sex business.

I welcome discussion on this Bill and on the other Bills being introduced with it. The views of Honourable Members on possible amendments or proposals for other models would be appreciated.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause contains definitions for the purposes of the measure.

A sex business is defined as a business of providing or arranging for the provision of sexual services for payment. Consequently, the term covers both brothels and escort agencies.

Prostitution is defined as the provision of sexual services for payment.

Sexual services is defined as an act involving physical contact (including indirect contact by means of an inanimate object) between 2 or more persons that is intended to provide sexual gratification for 1 or more of those persons. Provision is made for the regulations to exclude classes of acts from the definition.

A brothel is defined as premises used on a systematic or regular basis for prostitution.

PART 2

COMMERCIAL SEX

DIVISION 1—OBLIGATION TO BE REGISTERED

Clause 4: Obligation to be registered

This clause requires registration of sex businesses. In addition, the operator of the business, premises from which the business is carried

on, and premises used on a regular or systematic basis for the purposes of prostitution in the course of the business, must be registered.

DIVISION 2—THE REGISTRAR AND THE REGISTER

Clause 5: Registrar

A public servant is to be the Registrar.

Clause 6: Register of sex businesses

The register of sex businesses is to be kept in two parts, one available for public inspection and the other confidential.

The regulations will spell out the information that is to be kept confidential.

Clause 7: Inspection of register

The confidential part of the register is still to be available for inspection by police officers, public servants and persons of a class specified by regulation, in the latter case if the Registrar is satisfied that inspection is necessary in the ordinary course of the person's duties.

DIVISION 3—THE REGISTRATION PROCESS

Clause 8: Application to register or renew registration of sex business

This clause sets out the information required to be included in an application and fixes the application fee.

Clause 9: Eligibility for registration

A sex business cannot be registered if—

- the operator is a child, a body corporate or a person who is registered as the operator of, or a person involved in, another sex business;
- a person involved in the sex business includes a child, a body corporate or a person who is registered as the operator of, or a person involved in, another sex business.

Clause 10: Grant or renewal of registration

This clause provides for registration or renewal of registration and for the allocation of a registration number and the issue of a certificate of registration.

Clause 11: Term of registration

The term of registration is 1 year.

Clause 12: Display of registration certificate

The registration certificate must be displayed in each brothel and in other premises from which a sex business is carried on.

Clause 13: Notification of changes

The Registrar is to be informed of changes in circumstances affecting a registered sex business as required by the regulations.

DIVISION 4—BANNING ORDERS

Clause 14: Grounds for prohibiting person carrying on or being involved in sex business

This clause sets out the grounds on which a person can be banned from the sex industry as follows:

- if the person or any other person has acted unlawfully in the course of carrying on, or being involved in, a sex business; or
- the person has been found guilty of a prescribed offence (Prescribed offence is defined in clause 3 to encompass offences of violence and intimidation, sexual offences involving children or child pornography, offences involving illegal drugs and money laundering, offences involving dealing with stolen goods, and offences involving illegal immigration.); or
- the person is not in some other respect a suitable person to carry on, or to be involved in, a sex business.

For these purposes an employee or person engaged in any other capacity in a business is to be considered to be a person involved in the business.

In assessing the grounds, the character and reputation of the person and the person's known associates is to be considered, together with any other relevant matter other than summary offences relating to prostitution committed before the commencement of the measure.

Clause 15: Power to make banning order

The District Court may make a banning order on the application of the Attorney-General or the DPP or a person authorised by the Attorney-General or DPP.

In addition, the Supreme Court, District Court or Magistrates Court may make a banning order on the application of the prosecutor in proceedings in which the person against whom the order is sought was convicted of a prescribed offence.

The order may be permanent, for a specified period, until the fulfilment of stipulated conditions or until further order.

Clause 16: Effect of banning order on registration

A banning order cancels the registration of the operator and the sex business.

Clause 17: Contravention of banning order

This clause makes it an offence to contravene a banning order. In the case of an order banning a person from being involved in a sex business, the clause also makes it an offence for the person who carries on the business if the order is contravened by the person to whom it is directed.

Clause 18: Registrar to record details of banning orders etc. in register

The Registrar is required to enter details of banning orders (and decisions revoking banning orders) in the register.

DIVISION 5—PLANNING ISSUES

Clause 19: Relationship of Division and Development Act

This clause requires this Division to be construed as if it were consolidated with, and formed part of, the Development Act.

Clause 20: Developments involving brothels

This clause requires a development involving the establishment of a brothel or use of premises as a brothel to be approved by the Development Assessment Commission.

Such a development is not to be approved if—

- the part of a local government area in which the premises are, or are to be, situated—
- is zoned or set apart under the Development Plan for residential use; or
- is a part of the local government area in which residential use is, according to the Development Plan, to be encouraged; or
- the premises are situated within 200 metres of a school or other place used for the education, care or recreation of children, a church or other place of worship or a community centre; or
- the premises would have more than 8 rooms available for the provision of sexual services; or
- in the opinion of the Development Assessment Commission the premises would, in conjunction with other brothels in the area, tend to establish a red light district *ie* an inappropriately high concentration of brothels in the same area; or
- approval would not be consistent with criteria prescribed by the regulations.

The development is to be regarded as a Category 2 development which means that notice will be given to the owner or occupier of each piece of adjacent land and the application will be available for public inspection but there will be no third party appeals.

DIVISION 6—NUISANCE

Clause 21: Order against operator of sex business for nuisance

An occupier of premises adjoining or in the vicinity of a brothel or other place at which a sex business is carried on may apply to the Magistrates Court for an order—

- restraining the operator of a sex business from engaging in the conduct constituting the nuisance; or
- requiring the operator of the sex business to take specified action to prevent or minimise the nuisance.

PART 3

OFFENCES

Clause 22: Prohibition of illicit prostitution

This clause makes a prostitute and client guilty of an offence if the relevant sexual service is not provided in the course of a registered sex business or is provided in an unregistered brothel. The client is provided with a defence if he or she believed on reasonable grounds that the prostitution was not illicit.

The clause also makes it an offence to make or receive payment in respect of illicit prostitution.

Clause 23: Offences in a public place

This clause makes it an offence, in a public place, to offer to provide or to ask another to provide sexual services as a prostitute.

Clause 24: Advertising availability of sexual services

This clause restricts the types of advertisements that may be used in the sex industry to attract clients.

Clause 25: Advertising for prostitutes

This clause prohibits advertising for prostitutes.

Clause 26: Prohibition against identifying premises as brothel

This clause enables the regulations to impose restrictions and requirements on signs, symbols or other things that may be used to identify a brothel.

Clause 27: Children not to be in brothel etc.

This clause makes it an offence for any person, without reasonable excuse, to permit a child to enter or remain in a brothel.

Clause 28: Code of conduct relating to sexually transmissible diseases

This clause enables the regulations to prescribe a code of conduct containing provisions designed to protect prostitutes and clients against the transmission of sexually transmissible diseases.

PART 4
MISCELLANEOUS

Clause 29: Power to enter and search suspected unregistered brothel

This clause enables an authorised officer (*ie* a superintendent or inspector of police or a police officer authorised by the Commissioner of Police to exercise the powers of an authorised officer under the measure) to enter and search, at any reasonable time, unregistered premises that the officer suspects on reasonable grounds are being used as a brothel.

The officer may use reasonable force to do so.

Clause 30: False or misleading information

This clause makes it an offence to provide information under the measure knowing it to be false or misleading in a material particular or to omit information with intention to mislead.

Clause 31: Offences by body corporate

This is a standard clause making directors, executive officers and secretaries criminally responsible in relation to offences committed by bodies corporate.

Clause 32: Prosecutions

This clause restricts prosecutions to the DPP, a member of the police force or a person authorised in writing by the DPP.

Clause 33: Confidentiality

This clause makes it an offence for personal information obtained in the course of the administration of the Act to be divulged except in stated circumstances.

Clause 34: Evidence

This clause provides evidentiary aids relating to registration under the measure.

Clause 35: Regulations

This clause provides general regulation making power.

SCHEDULE 1
Transitional Provisions

Schedule 1 contains transitional provisions relating to development approvals. It requires applications for approval to be made in relation to existing brothels within 28 days after the commencement of the Schedule.

SCHEDULE 2
Related Amendments
Part 1—Amendment of Criminal Law Consolidation Act 1935

These amendments abolish common law offences relating to prostitution.

Part 2—Amendment of Industrial and Employee Relations Act 1994

These amendments ensure that prostitutes may be employees for the purposes of the industrial law.

Part 3—Amendment of Summary Offences Act 1953

These amendments remove the offences relating to prostitution.

Part 4—Amendment of Workers Rehabilitation and Compensation Act 1986

These amendments ensure that prostitutes may be covered by the workers rehabilitation and compensation scheme.

Mr ATKINSON secured the adjournment of the debate.

WHALING ACT REPEAL BILL

Adjourned debate on second reading.

(Continued from 19 October. Page 135.)

Mr HILL (Kaurna): The opposition supports this bill, which seeks to repeal an act that was passed in this House in 1937 and never proclaimed. It is a piece of legislation that has been sitting on the books for over 60 years without ever having caused harm or given protection to any whale. I understand from speaking briefly to the minister and her staff that the original act sought to regulate the whaling industry in a benign way for the time. It included amongst its provisions the prohibition on taking a whale if it had a calf with it. We have come a long way since that time, although it is interesting to reflect that in the 1930s there was a movement to protect whales. I had not realised that the international movement to protect whales went back that far. It took until 1979 for legislation to be introduced for Australia to say it was opposed to whaling—

An honourable member interjecting:

Mr HILL: My colleagues says, 'Thanks to Phoebe Fraser', but I was going to pay tribute to Malcolm Fraser, who was then Prime Minister, agreed with this proposition and introduced this very good legislation. At the time when Malcolm Fraser was Prime Minister I used to think he was to the right of Genghis Khan, but now that I reflect back on some of his positions—in favour of the republic, a very positive attitude about apartheid, very good on Aboriginal affairs and whaling—I now realise that he was the second most radical Prime Minister we have had since Gough Whitlam was Prime Minister. It is interesting how times change.

I will take a few minutes to put a little on the record about the whaling industry. I am indebted to a publication which the Parliamentary Library supplied to me entitled *A Global Whale Sanctuary*, which is a paper put out by Greenpeace. Even though we have worldwide bans on whaling we know it still occurs. In fact, 1 100 whales were hunted for profit in 1998, as Norway and Japan which are the remaining whaling nations keep pushing for a full scale return to commercial whaling, and the catch increases every year.

Blue whales, which are the largest whales in existence, were almost annihilated by commercial hunting. There may be now fewer than 1 000 left. Hunting has also devastated fin whales, once thought to number half a million in the Southern Hemisphere alone. Whales are protected by two international whale sanctuaries, the Indian Ocean Whale Sanctuary, which was established in 1979 to protect whales in their breeding and calving grounds, and the Southern Ocean Whale Sanctuary, which was established in 1994 and which covers all the water surrounding Antarctica and which protects three-quarters of the world's whales and their feeding grounds.

There are proposals for two further sanctuaries, namely, the South Pacific whale sanctuary and the South Atlantic sanctuary. These new sanctuaries would begin where the Southern Ocean sanctuary ends and, because whales rarely cross the equator (as I have been informed by this publication), the establishment of these sanctuaries would mean that pretty well all the whales of the Southern Hemisphere could live their entire lives free from being hunted or being whaled by the nations of Japan and Norway. Sadly, though, Japan is pressing to abolish the Southern Ocean sanctuary just five years after it was established.

That is really all I want to say. It is an interesting piece of legislation, and I gather it arose only because the government was hunting through and looking at what needed to be reviewed in terms of the competition policy, and this was one of the things that popped up. If it had not been for that, I guess we would never have known. The opposition certainly supports it.

The Hon. D.C. KOTZ (Minister for Environment and Heritage): I thank the shadow spokesperson for the opposition for his support in his contribution for the repeal of this bill. The comments he has made are quite correct. Some nations still indulge in the taking of whale. It is now a matter of international convention, although those conventions do continue to be broken, and that is a very sad thing to be seen on the world stage. We can only hope that, with the intervention of our own federal and state politicians throughout Australia, they will continue to push the effort to succeed in ensuring that those conventions are upheld.

I would like to add that protection for marine animals in South Australian waters is now principally covered by the

National Parks and Wildlife Act 1972. Several species of whale are listed in schedules 7 and 9 of the National Parks and Wildlife Act 1997, those being endangered and rare respectively. Pursuant to section 51 of the National Parks and Wildlife Act 1972, taking a species listed in these schedules incurs either a fine of $30 000 or two years' imprisonment. However, given that the Whaling Act was never proclaimed and, as the member for Kaurna has correctly said, was drafted to apply to the provisions of the convention for the regulation of whaling 1931, which was abandoned in 1937 in favour of the international agreement for the regulation of whaling, there is certainly no gain in leaving this act in existence.

Bill read a second time.

The Hon. D.C. KOTZ (Minister for Environment and Heritage): I move:

That this bill be now read a third time.

The Hon. M.D. RANN (Leader of the Opposition): I congratulate the minister personally and the government for this historic piece of legislation. The fact is that I judged the minister harshly when I saw the item on the *Notice Paper* about a bill to repeal the Whaling Act. I naturally assumed that harpoons were once again going to appear at Victor Harbor. I am delighted to see that the process of going through the legislation by various officers of various departments to ensure that it is relevant and efficient and up to date is proceeding apace.

We have had to deal with this a number of times over the years when there was legislation on the books which prohibited and made the wearing of slippers at night in public places a criminal act, and so on. It is very important to ensure that, if we are to be taken seriously, the statute books are cleaned up. I remember when I was the minister responsible for deregulation that the deregulation adviser, on many occasions, came to me with acts that were totally defunct and irrelevant to people's lives.

If this parliament, as we move into a new century, is to be relevant to the day-to-day realities of people's existence and if it is also to regain the respect that a parliament deserves, we must ensure not only that our processes and procedures are improved but also that there is transparency in the system, accountability and, most of all, that what legislation we pass is relevant.

I did not know that the 1937 Whaling Act was still on the statute book. It apparently flowed on some years later (somewhat tardily I thought) from decisions made by the League of Nations and indeed by the Australian parliament. It seems that, by the time the legislation was passed, it was redundant, and that is why it was not proclaimed. It is interesting that these days governors would remind ministers at Executive Council if there was legislation that had been passed that still had not been proclaimed, because there could be some kind of public as well as political penalty for not doing so.

Certainly it is important symbolically because all of us are delighted to see the southern right whale return to our coastline, and anyone who has had the experience of either going to the Head of the Bight to see the whales and their calves or going to the Fleurieu Peninsula and to Victor Harbor to see the whales in their various acts of breeding and birth knows that it is not only of massive tourism importance but also hugely enjoyed by young people. Indeed, it is one of the growing delights of living in South Australia.

We all fear the actions of governments in Japan, which, for years, have got away with murdering the minke whales, pretending it is for research when we know in fact that those whales end up on dinner tables in Japan. And, when we hear of moves at the international whaling commission to try slowly but surely to reintroduce whaling, what has happened today in this parliament is important in ensuring that whaling is not only part of our history that is best forgotten, long lost and never to be revived, but also it ensures that our statute book recognises that whaling in South Australian waters is totally unacceptable. I congratulate the minister and her government in taking this step.

Bill read a third time.

PREVENTION OF CRUELTY TO ANIMALS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 October. Page 137.)

Mr HILL (Kaurna): Once again the opposition supports this bill. I have had the opportunity to be briefed by government officers on this matter, and I understand clearly what the bill is about, and I thank them for that. I have also had an opportunity to speak to the RSPCA, which informs me that it is happy with the provisions in the bill.

As a bit of background, moves to legislate against cruelty to animals were first made in the British parliament in the first couple of decades of the 19th century. When these provisions were introduced, they originally provoked laughter and ridicule, according to Professor Peter Singer in the weekend article in the press titled 'Beastly behaviour'.

Britain eventually became the first country in the world to legislate against beating an animal. At the same time, the Society for the Prevention of Cruelty to Animals was established by a group which included a group of anti-slavery activists, and it eventually became the Royal Society with the support of Queen Victoria. In its earlier days, the society, according to Singer, was much more radical than it is today. Its first secretary, a fellow called Lewis Gompertz, was a vegetarian, you will be pleased to know, Mr Deputy Speaker, who in the days before the motor car refused to travel in a horse drawn carriage—such were his principles and commitment to animal welfare.

The amendments before us are as a result again of the application of the competition principles to the legislation of South Australia. The bill makes a number of amendments which seem to be based on commonsense, and I will go through them briefly for the record. The bill dispenses with the provision relating to the position of chief inspector—a position which has not been used for something like 10 years.

The role of the Animal Welfare Advisory Committee is strengthened. There is greater flexibility in the construction of various forms. The number of members of the Animals Ethics Committee has been increased from four to five. When I worked in the Education Department there was a famous gazette publication that referred to the 'Animal Ethnics Committee' that was established by the director-general, although I believe that this is not what is being created here. The inspectors are to be appointed by the minister rather than by the Governor. There is an upgrade in the powers of inspectors to enable them to seize animals for evidence and to make video and audio tapes for evidence.

There is an extension of the provision for inspectors to give directions about non-working animals as well as working

animals, so your retired horse or pensioner puppy can now be protected! The RSPCA can also sell or dispose of animals where they have been seized by the RSPCA because they were suffering unnecessary pain. The bill also clarifies the law and the position of the forfeiture of classes of animals where one has been forfeited as a result of a conviction. To explain this provision, there was a lack of clarity: if someone had been cruel to a particular animal but had a whole lot of animals of a similar class, the law was unclear whether the whole lot could be confiscated or just that one. I understand that the amendment seeks to allow the whole class of animals to be taken. Therefore, if somebody beats one dog they are not allowed to keep their other dogs—they have to get rid of the lot. The member for Torrens obviously strongly agrees with that. I support the amendments and commend the government on the bill.

The Hon. M.D. RANN (Leader of the Opposition): When I was a young boy in England my brother was a member of the Royal Society for the Protection of Birds, as was my maternal grandfather. This measure is very important in terms of making sure that we in the parliament send a clear message to the community that cruelty to animals is totally unacceptable. Winston Churchill once said that it is how we treat prisoners that determines whether we are a civilised society. Other leaders have said that it is how we treat the elderly that determines how we are judged as a civilised society. But, when you go to countries where they treat animals cruelly with impunity, you know that you are not in a civilised society. I have been doing an analysis of this legislation and I am pleased that the shadow minister for environment has been educating me on these matters.

I was looking at the existing provisions for chief inspector, and obviously the reason for the amendment is that when the act was drafted it was envisaged that a chief inspector would be a public servant who would act as a liaison between government and the RSPCA. It does not specify any role or responsibilities to the position and has never been used and therefore is unnecessary. So, the minister is quite right to introduce legislation that revokes the position. There have been changes to the functions of the Animal Welfare Advisory Committee. The development of codes of practice under the existing provisions is not specifically included in the functions of the committee. The amendment we are considering today creates a provision specifically enabling the committee to formulate codes, and the development of codes of practice and their recommendation to the minister is an important function of the Animal Welfare Advisory Committee. This amendment reflects the central role of codes in the committee's duties.

Overall it involves issues relating to evidence and the use of animals as evidence. Under the existing provisions, if an inspector suspects on reasonable grounds that an offence against this act has been committed, the inspector may seize and remove from the premises or vehicle any object that may afford evidence of the offence of cruelty to an animal. The recommendation that has been included as an amendment to the act is to amend the section to state that an object that can be removed can include an animal. Even if there is no evidence of cruelty, inspectors may need to confiscate an animal as evidence, particularly if the people concerned are the subject of a court order preventing them from owning the animal. An animal probably is an object for the purposes of the act, but this amendment obviously clarifies the provision.

In a range of areas the act has been substantially improved by the amendments currently before the parliament. It is interesting that, in terms of the powers in relation to seized, surrendered or forfeited animals, under the current act there is no provision for the RSPCA to sell or otherwise dispose of animals that have been seized, abandoned or deserted. Now the recommended addition to the act that we are considering is that the RSPCA may dispose of the animal if, after reasonable inquiries, the RSPCA is unable to locate the owner or, if the owner is found, if that person does not claim the animal within three working days of being handed written notice advising of the animal's whereabouts.

Overall it is an improvement to the legislation, one which, as the shadow minister says, is important because of the Labor Party's strong commitment against cruelty to animals. We have to make a stand in the community; we have to send out the message that cruelty to animals is simply not acceptable, whether they are working animals or whether, as this act would now include subject to the amendments we are considering being passed, we also include non-working animals. The minister was not sure whether it would cover ferrets. The member for Torrens is one of my key advisers on matters relating to animals. I know that no-one in this parliament has been more vigilant in opposing cruelty to animals and, therefore, I am delighted again to support the minister and the government in ensuring the swift passage of this legislation. I am sure the minister has probably enjoyed my analysis of the bill before us.

Mrs GERAGHTY (Torrens): I too am delighted to support the bill. I have had Rhodesian ridgebacks for 14 years and been involved in various dog commitments, including the Rhodesian Ridgeback Club of South Australia, which I helped form. It is an issue that that club has been looking at for quite some time, namely, cruelty to animals and the fact that the bill was not all inclusive. Although I have not had an opportunity recently to speak to the executive of the club, I know that they will be absolutely delighted about this measure. Many are involved in trying to rehouse dogs that have been abandoned, or they have had to deal with animals which have been most cruelly treated. It is a very devastating thing to see what happens in some cases. I certainly support the bill and look forward to its becoming law as quickly as possible so that we can deal with these people who are cruel and mean to creatures that cannot defend themselves. Congratulations to all those concerned with the introduction of this measure.

The Hon. D.C. KOTZ (Minister for Environment and Heritage): I thank the members of the opposition for their contributions and the absolutely magnanimous contribution of the Leader of the Opposition. I was highly amazed at his analysis of the act that identified many of the areas which have concerned all of us for some time and which these amendments now address. I know that most people have great feeling and considerable passion when it comes to those who inflict cruelty upon animals. It is not surprising, therefore, that this bill engenders a great deal of interest from many different community groups.

I think it is also pleasing to note that this has been a very sound act in terms of legislation and in terms of the processes that enable administration of all the aspects of prevention to cruelty to animals and, in the 15 years that this act has been in place, it has, in fact, become a model for other states. However, after 15 years, there are many things that change.

There were certainly sundry administrative and other minor matters that obviously required attention, and these amendments to the bill do just that. What I saw as an important change was the recognition that, although regulation is the administrative means to enable an act of parliament to become a practical application out on the ground, there were a couple of areas here that may have suggested that the mere fact that they were in regulation did not give them the same support or the same importance as something that may, in fact, end up in a legislative act .So, there are areas here where regulations of the past have now been put into a legislative framework. I believe that that in itself gives those regulations an even greater importance and, therefore, strengthens the act throughout. Once again, I thank members for their contributions and for their support for this bill.

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

ADJOURNMENT DEBATE

The Hon. D.C. KOTZ (Minister for Environment and Heritage): I move:

That the House do now adjourn.

Mr CLARKE (Ross Smith): In the first part of my grievance this afternoon I want to deal with the republic, since this is the last opportunity that any of us will have to speak on this matter while parliament is sitting before the historic vote is taken Saturday week in a referendum as to whether or not Australia becomes a republic. I would like to express my disappointment with the campaign waged so far by those opposed to the republic, particularly the Constitutional Monarchical Association. I think that its advertising has been quite dishonest, particularly in playing on the fears of Australians that the change is so fundamental that their civil liberties and rights will be eroded if we have a president rather than the Queen of England as the Queen of Australia.

I do not want to take up all my time this afternoon in preaching to the converted, or those who are better informed about the referendum than is, perhaps, the general public at this stage. But it is a nonsense to suggest that the Prime Minister of today or tomorrow under a republic will have greater powers than the Prime Minister of today with respect to the appointment or dismissal of a governor-general versus the appointment or dismissal of a president. There are those who are concerned about the fact that the Prime Minister can dismiss a president and then have it ratified within 30 days by a simple majority of the House of Representatives, but the public interest would be far greater protected than is currently the case, where the Prime Minister of the day can appoint anyone he or she chooses by simply recommending that person to the Queen, who acts on his or her advice.

In terms of the appointment of a president it must be moved by the Prime Minister, seconded by the Leader of the Opposition and then supported by a vote of two-thirds of both houses of the federal parliament. That is a far safer system than currently exists. If you sack a president, the Prime Minister of the day cannot simply appoint one of his or her mates to the position of president, because you must still go through the same process for the appointment of a new president—that is, it must be seconded by the Leader of the Opposition of the day and there must a vote of two-thirds of the federal parliament. The acting president, in the meantime, would be the most senior serving governor of the states. So, the protections are far greater under a republic than under the current system.

I also think that the Republican Movement needed to do a better job in its advertising. It is all very well to start off in a number of your advertisements and talk about how it is a good idea to be a republic because it will show the world and Australia that we are an independent nation. The fact is that all Australians realise that we are an independent nation, and simply becoming a republic does not change the fact that we are a sovereign nation, whether we are a monarchy or whether we are a republic.

I think that a compelling reason for changing to a republic is the absurdity that the only person who can legally be our head of state under the current constitution is the reigning monarch in England. The fact that no Australian child—no matter how bright, talented or deserving—could ever grow up to be an Australian head of state, simply because of the accident of birth, appals me, and I think that, for that reason alone, we ought to change to a republic.

The other aspect that I think we should have spent our time on in terms of some of the advertisements (and I know it is hard in 30 second advertisements to explain it) is that we should have gone out to the people and explained that the constitutional system does not deliver a politician as president; that with direct election of a president we would end up with a politician in the job. That is just a fact of life. We also should have gone through the constitutional safeguards that are built in with respect to the appointment and dismissal of a president vis-a-vis the current system. If we repeat it often enough and go through it and patiently explain those safeguards within the changes, I believe many of the fears that many people in the community have about changing to a republic would evaporate.

We should concentrate on educating the public rather than just having some advertisements that I have seen that just simply say that this will make Australia an independent nation. We all know that we are an independent nation. People will not move from a system to which they have been accustomed to something that they perhaps are a little bit concerned or worried about simply through those emotional pull strings. You must take them through the logic of your argument and take them through each of the major fears that they hold and explain to them that those fears are not well founded, or founded at all. I only hope that, despite what the opinion polls have been showing in the last week, Australians will understand that the changes to our constitutional system add to the safeguards within our system and that they will vote for a republic.

I also wish to deal briefly with the supplementary report of the Auditor-General that was tabled today, which deals with civil proceedings for defamation against ministers of the Crown. I draw the attention of the House to the executive summary of that report. Under the heading of 'A matter of principle,' the Auditor-General said:

> As a matter of principle and in the absence of judicial and/or statutory authority to the contrary, no person, be he/she a minister of the Crown or some other public officer has the right, at public expense, to defame any member of the community, whether a political opponent or not. Liberal democratic processes are predicated on the basis that there is a right to express and maintain a view/position that is contrary to the policy of the executive government of the day.

I believe that all members should read this document, because the Auditor-General has taken some time to go through the legal position with respect to the granting of government indemnities for ministers. The Auditor-General

refers to the Xenophon matter: the first defamation proceeding involving the member for Bragg and the Treasurer when they defamed the Hon. Nick Xenophon in a newsletter distributed in the member for Bragg's electorate. The public paid the Treasurer's legal costs in this respect. In his report the Auditor-General, without directly referring to that particular case, draws attention to the Fitzgerald inquiry in Queensland of a few years ago. Under the heading 'Conclusion: Protection Where a Minister Acts Reasonably and Responsibly', he states:

> It is important that political leaders not be improperly exposed to risk of liability in defamation matters. Nonetheless, they do not have a licence to defame other members of the community at public expense. The guidelines should be such as to provide assurance that a publicly funded indemnity will only be available where the minister has acted reasonably and responsibly and the act giving rise to the claim was a reasonable means of performing his/her duties in the interests of the state.

This government, both in the last parliament and this parliament, has seen ministers incur considerable expense. The member for Bragg, as Minister for Industrial Affairs in the last parliament, was responsible for costs of some $50 000 being awarded to a legal firm as a result of their being defamed by him in a matter concerning WorkCover. The Hon. Nick Xenophon was successful in a $20 000 claim against Treasurer Lucas, and there was another claim, which I will not elaborate on but which is on the public record, initiated by the Hon. Nick Xenophon with respect to the Treasurer.

There are too many ministers with loose lips who feel that they can go outside this House and, in the hurly-burly of political life abuse, belittle and defame their political opponents and who believe that at the end of the day it does not matter because the public purse will pick up the cost. The Auditor-General has exposed that in his report and has put forward a number of recommendations to tighten those procedures. I believe the government should act on those recommendations; otherwise, we will hand over to the executive of the day the right for those ministers in pursuing purely party political programs a licence to abuse and defame members of the public at no cost to themselves.

Time expired.

Mr VENNING (Schubert): I refer to another very important subject to the grain growers of the state, that is, the changes that are about to take place to South Australian Cooperative Bulk Handling Limited. Sir, as you would know, SACBH is our sole grain handler and storer. I declare my interest upfront as a toll paying member of SACBH. My family members have been members of this company since its origins in 1954; indeed, my father was chairman of this company in the 1970s.

I agree with the directors of the company that it is time for a change. Despite its name, South Australian Cooperative Bulk Handling Limited is not a cooperative, nor is it a statutory body as were the former Australian Wheat Board and Australian Barley Board. SACBH is an unlisted company, limited by guarantee and without share capital, and it is registered under the Corporations Law. SACBH, South Australia's largest company (it was, and I think it still is), was established in 1954 with the aim of guiding the transition from bags (which were used when I first started farming) to bulk handling of grain. It was a tremendous change to our industry: it enabled us to handle our product with much ease and it enabled our farmers to become much more efficient.

Until recently, the industry operated in a very highly regulated environment, but the situation is much different now. Some of the privileges and operating constraints of the act were repealed in 1998 as part of the national competition policy review. That is the subject of great debate with many of our growers, including me, because I do not believe that we need to do many of these things. However, it has happened now and we cannot rewrite history.

Hundreds of meetings have been held over past months at all levels in the industry, three of which I have attended, and many issues and findings have come out of these meetings. In particular, it has been noted that SACBH began as a service entity, and that cannot be ignored if it is to retain grower support. At present the payment of tolls is the only financial link that members have with this company. I remind members again that it is South Australia's largest company with assets of over $300 million. The current structure restricts the ability and flexibility of SACBH to grow, to take advantage of its business opportunities and to forge strategic alliances that would strengthen existing operations, improve the quality of the service provided and add value for its grain grower members, which is its most important function.

Whilst it has also been identified that change is definitely needed for the company to grow, it is also vitally important to retain some of the attributes that have made it very strong, and that is its grower involvement. In this regard the board of SACBH believes, and I support it wholeheartedly, that changes to the structure must:

1. Pass the direct ownership of SACBH initially to grain growers through the issue of shares in the company (which is a very big move).
2. Maintain growers' control over the activities of SACBH.
3. Maximise the value of growers' investment in SACBH to ensure a liquid market to trade their equity and receive a return on their equity investment.
4. Enable the company to grow and take advantage of opportunities to strengthen operations and improve the services to the benefit of its grain grower members.
5. Enhance SACBH's flexibility to meet increasing levels of competition.
6. Improve SACBH's opportunity to access capital funds on a competitive basis, both debt and equity capital.

The overriding provision is that, while grower control of the restructured business is essential, no individual shareholder should be able to exert undue influence over the direction of the company through their voting entitlement. That is very important, otherwise 30 or 40 growers in this state who grow 51 per cent of the grain could get together and control what happens. That is a very valuable strength, and we need to make sure that it remains.

I also understand that growers will be issued shares directly in proportion to the amount of grain that they have delivered to the company over a 10-year period. It is always difficult to apportion a time period, but I believe that 10 years is a good period because most growers would have had one or two lean years in that time. Although it is not perfect, I believe that it is as fair a system and time period as we could strike.

The SACBH is both a vibrant and vital business in this state. It has 111 sites and seven terminals in South Australia and, as I said yesterday, those terminals are at our ports. We know that the sale of Ports Corp is before us and I am very concerned that this government and previous governments have given a low priority to upgrading the ports and have

taken far too long in the process of selling them. I have some doubt whether I will support the sale of the ports because it is causing a lot of uncertainty.

SACBH is a very big employer in rural and regional towns. Most country towns have silos and the SACBH logo that is painted on them can be seen from afar. They tend to dominate the landscape. The assets of this company are valued at over $300 million. I question that, because when you look at the scale of some of this infrastructure, particularly the Port Lincoln silo, I think that $300 million is a great underestimation of the true value. Nevertheless, the assets are valued at over $300 million. Someone has to own the company, and the most sensible and realistic model is that people who are directly affected by and receive benefits from the company—that is, the growers—should be the owners.

I support the path we are taking and I support the changes that are being made. It is sad to know that, over the years, having put into this company, people have left the company as they have grown older; they have sold their farm and walked away with nothing. For what they have put into this company they have received no ownership and nothing has been handed back. When they have shares, they will have something of value, something which they can trade and, in this case, over the years they pay their tolls when they deliver their grain and, when they are finished, their shares would have value and they could sell their shares or leave them to whomever they wish.

I am amazed that we have not addressed this situation many years earlier. The future of the SACBH looks bright. However, we are dependent on the actions of the state government. The sale of the Ports Corporation is a vital issue both to the SACBH and the grain growers of South Australia. I hope the government can and will expedite the process.

I assure the Chief Executive Officer, Mr John Murray, of our support and thank him for the ongoing liaison that he has with us. I thank him for coming into the House last week and speaking to both sides. I also thank Kevin O'Driscoll, the chairman, and offer him our support. I have not always agreed with Mr O'Driscoll, but in this instance I do. I am happy that the company is in capable hands. Mr O'Driscoll is a very forthright gentleman. We do not always agree, but I think that is healthy.

I mentioned yesterday the three port upgrade. We want to get the Ports Corporation sale through so that we can address this three port upgrade. We need to deepen three of our ports on this side of the gulf so that we can bring in the largest ships. We are having problems at Port Adelaide. We are now putting in rapid unloaders in the country so that trains can be unloaded quickly, but the trains must be able to be turned around at Port Adelaide quickly. The ERD Committee picked up on this point—and I note that the member for Price is here. Hopefully, we will get some infrastructure built at Port Adelaide to enable these trains to be turned around faster.

All in all, I am pleased to be able to attend these meetings which the SACBH is putting on. I congratulate the directors and the management for putting this information to the growers, and I am pleased at the way in which the growers have accepted it. I am sure that we will see a new SACBH in the next few months and that it will have a great future.

Motion carried.

At 5.18 p.m. the House adjourned until Tuesday 9 November at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 26 October 1999

QUESTIONS ON NOTICE

PARTNERSHIPS 21

1. **Ms WHITE (Taylor):**

1. How much money has the Department of Education Training and Employment spent on advertising and promotional material for Partnerships 21 and what is the total cost of all resources allocated to this project?

2. How many departmental staff have been co-opted to work on the project?

3. How many kindergartens, primary schools, secondary schools and other sites, respectively, have indicated an interest in taking part in Partnerships 21 and what are their names?

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training):

1. Money has been spent on providing factual information about Partnerships 21 to as many people as possible so that the whole community can examine the benefits offered, engage in debate based on real knowledge and make an informed decision about local school management in their own districts.

This factual information was presented in the form of the Partnerships 21 TAKE UP book and six overview brochures. These were sent to all schools and preschools in July of this year. The brochures were also translated into 13 community languages and these were distributed to school and preschool communities that requested them.

The total cost of the printing and distribution of the material was $136,727.

It has also been necessary to counter the misinformation, distortions and exaggerations about Partnerships 21 which are emanating from the Australian Education Union. The process of misinformation began before the Partnerships 21 Taskforce distributed the factual information outlined above. It also included a radio advertisement campaign that created the false impression that Partnerships 21 would discourage the involvement of the broad range of parents in school councils, but which carried no indication that the advertisement had been produced or authorised by the Australian Education Union.

The public deserves to have an accurate picture of the advantages local management will create in their school and preschool communities. All parents want the best possible education for their children and will make choices in their best interests.

Consequently the government was obliged to act to ensure that South Australian public had an accurate perception of the benefits of Partnerships 21 to their local school and preschool.

Subsequently, 580,000 brochures were delivered to all households and radio and newspaper advertisements were placed to inform the public about local school management. The cost of the brochures and their distribution was $96,750 and the cost of the radio and newspaper advertisements was $105,565.

Partnerships 21 information was also readily available to the tens of thousands of visitors to the department's award winning X-site at the Royal Show. The cost of the printed materials distributed through the X-site was $5,050.

The Government was allocated $3.2 million in the current financial year for the training and development and support related to the implementation of Partnerships 21.

2. The Partnerships 21 Taskforce was established in April 1999 to implement the Partnerships 21 model of local school management. It includes a Director, an Executive Officer, 8 superintendents and 2 ancillary staff.

3. More than 650 schools and preschools have expressed an interest in opting into Partnerships 21.

It is inappropriate, at this time, to name these sites as there is no formal agreement until schools and preschools have submitted their Partnerships Plan and signed the Services Agreement. The Services Agreement formalises the mutual responsibilities of the site and the Department of Education, Training and Employment.

McINTYRE ROAD

14. **Ms RANKINE (Wright):** What repair work is planned to rectify the undulating surface of McIntyre Road and when will this commence?

The Hon. DEAN BROWN (Minister for Human Services): The Minister for Transport and Urban Planning has provided the following information:

The rehabilitation work on the undulating sections along McIntyre Road, to be undertaken by Transport SA contractors, will consist of—

- the removal of the existing bitumen road surface within the undulating sections;
- the placement of an asphalt levelling course within the undulations; and
- the application of an asphalt surface course to these sections.

This rehabilitation work is due to be undertaken in November 1999.

NATIONAL PARKS

23. **Mr HILL (Kaurna):** What action has the minister taken to ensure that information about the Onkaparinga National Park and other parks is available on the Internet?

The Hon. D.C. KOTZ (Minister for Environment and Heritage): The launch of the new Department for Environment, Heritage and Aboriginal Affairs internet site is scheduled for 17 October 1999. Included in the content is a search engine specifically designed to search for information such as, accommodation, camping and fees on parks within South Australia. Currently there are 37 parks listed and as time proceeds, more will be progressively added and eventually the total number of parks (317) will be listed.

Onkaparinga River National Park is not included in the first level of content but will be included in the next update of the list.

For parks currently listed, see Attachment 1.

Attachment 1

Aldinga Scrub Conservation Park
Belair National Park
Bool Lagoon Game Reserve
Cape Borda Lightstation
Cape Gantheaume Conservation Park
Cape Willoughby Lightstation
Chowilla Game Reserve
Chowilla Regional Reserve
Cleland Conservation and Wildlife Park
Coffin Bay National Park
Coorong National Park
Danggali Conservation Park
Deep Creek Conservation Park
Flinders Chase National Park
Flinders Ranges National Park
Gammon Ranges National Park
Hacks Lagoon Conservation Park
Hallett Cove Conservation Park
Innamincka Regional Reserve
Innes National Park
Kelly Hill Conservation Park
Lake Eyre National Park
Lincoln National Park
Mark Oliphant Conservation Park
Morialta Conservation Park
Mt Lofty Summit
Mount Remarkable National Park
Naracoorte Caves Conservation Park
Nullarbor National Park and Regional Reserve
Para Wirra Recreation Park
Sandy Creek Conservation Park
Seal Bay Conservation Park
Simpson Desert Conservation Park
Simpson Desert Regional Reserve
Tallaringa Conservation Park
The Dutchmans Stern Conservation Park
Witjira National Park

INKERMAN LANDFILL SITES

24. **Mr HILL (Kaurna):** How will the EPA monitor and/or police the multiple minor landfills proposed near Inkerman and, in each particular case, how will it ensure adequate control over odour, dirt, leachate and birds?

The Hon. D.C. KOTZ (Minister for Environment and Heritage): As the Development Assessment Commission has yet to make a determination on development applications for the landfills this question is hypothetical.

In the event that the landfills are approved, conditions of development approval and of the necessary licence under the Environment Protection Act will provide a basis for proper management and monitoring of the landfills.