HOUSE OF ASSEMBLY

Wednesday 12 July 2000

The SPEAKER (Hon. J.K.G. Oswald) took the chair at 2 p.m. and read prayers.

NOARLUNGA HOSPITAL

A petition signed by 1 827 residents of South Australia, requesting that the House urge the Government to fund intensive care facilities at Noarlunga Hospital, was presented by the Hon. R.L. Brokenshire.

Petition received.

NET FISHING

A petition signed by signed by 227 residents of South Australia, requesting that the House urge the Government to implement a permanent ban on net fishing in Lucky Bay, was presented by Ms Penfold.

Petition received.

NETA KRANZ KINDERGARTEN

A petition signed by 354 residents of South Australia, requesting that the House urge the Government to ensure the Neta Kranz Kindergarten continues to operate at its current location, was presented by Ms Breuer.

Petition received.

TREASURER, DEFAMATION CASE

In reply to **Mr SNELLING (Playford)** 25 May.

The Hon. I.F. EVANS: I have been advised by the Attorney-General of the following advice received by the Crown Solicitor:

In relation to the first defamation action brought by Mr Xenophon, the following amounts have been paid:

$20 900 to Xenophon & Co in settlement of the action

$1 476 to Minter Ellison for legal costs

Minter Ellison represented the Treasurer in the first defamation action and are representing the Treasurer in the second defamation action.

In relation to the second defamation action, which is ongoing, amounts totalling $11 488.65 have been paid to Minter Ellison.

All of the above amounts have been paid by SAICORP from Section 2 of the South Australian Government Insurance and Risk Management Fund in accordance with the indemnity granted by the Attorney-General.

No costs have been paid in relation to the member for Bragg.

LEGISLATIVE REVIEW COMMITTEE

Mr CONDOUS (Colton): I bring up the report of the committee on Australian rules of harness racing and move:

That the report be received.

Motion carried.

Mr CONDOUS: I bring up the report of the committee on regulations made under the Development Act 1993 and move:

That the report be received.

Motion carried.

Mr CONDOUS: I bring up the 23rd report of the committee and move:

That the report be received.

Motion carried.

QUESTION TIME

RADIOACTIVE WASTE

The Hon. M.D. RANN (Leader of the Opposition): Why did the Premier tell the House on 19 November 1999 that he learnt only on that day of the need for a medium to high level radioactive waste dump by telephoning Senator Minchin when he himself had taken a submission to cabinet which canvassed that issue in February 1998, that is, 21 months previously?

Members interjecting:

The Hon. M.D. RANN: Members opposite do not regard nuclear waste dumps as a big issue.

The SPEAKER: Order!

The Hon. M.D. RANN: We knew that; that is the point.

The SPEAKER: Order! The leader will get on with his question.

The Hon. M.D. RANN: On 19 November 1999 the Premier told the House:

> On this issue there has been no consultation with the state government by our federal counterparts. Therefore, I have contacted resources minister Senator Minchin today and his office has confirmed to us that eventually Australia will have to have a site for medium to high level radioactive waste.

A cabinet submission, signed by the Premier on 10 February 1998, dealt with the establishment of a national radioactive waste repository in South Australia and canvassed plans for the collocation of a long-lived, category S intermediate waste dump in South Australia. At the end of the cabinet submission, there was a series of dot points, added to cover key elements for a suggested public position to be taken by the Olsen government in giving in-principle support for the repository. These included the need to stress that the plans for the waste dump were a commonwealth project and that the Olsen government should encourage questions and comments to be directed to the commonwealth.

The Hon. J.W. OLSEN (Premier): Mr Speaker, there is—

Members interjecting:

The SPEAKER: Order! The leader will come to order.

The Hon. J.W. OLSEN: One thing I have learnt over the past 2½ years is that I should go away and check the statements made by the Leader of the Opposition or other members. First, one should go away and check the accusations and—

Members interjecting:

The SPEAKER: Order! The leader will remain silent.

The Hon. J.W. OLSEN: Mr Speaker, they are a little more boisterous today than they have been on previous days, aren't they? I will return to the question. I want to go away and check the facts of the matter as put by the Leader of the Opposition, because time and again the accusations contained in questioning from the opposition do not bear any resemblance to the facts or are, in fact, a distortion of the facts.

The Hon. M.D. RANN: I rise on a point of order.

The SPEAKER: Order! There is a point of order.

The Hon. M.D. RANN: The Premier can clean it up right now by coming in and releasing—

The SPEAKER: Order!

The Hon. M.D. RANN: —the cabinet submission.

The SPEAKER: Order! The leader will resume his seat.

The Hon. M.D. Rann: Just release it!

The SPEAKER: Order!

The Hon. M.D. RANN: Just tell the truth for once!

The SPEAKER: Order! I warn the leader.

Members interjecting:

The SPEAKER: Order! I warn the leader, and if he has any more outbursts and shouts down the chair he will be named instantly.

Honourable members: Hear, hear!

The SPEAKER: Order! I do not need assistance from any members on my right, either.

The Hon. J.W. OLSEN: As I have indicated, I will take the course of action that I have identified to the House. The other thing about which the opposition is peeved—and I have referred to this previously—is that the government has taken the initiative itself to introduce legislation supported, by the opposition, which clearly puts down the policy position of this government relating to medium and high level nuclear waste. It cuts across all the diatribe of the Leader of the Opposition, because legislation speaks facts for policy. The government has put down a position that is clear and specific, because it is encompassed in legislation. It is pretty clear that the Leader of the Opposition read the *Advertiser* this morning and decided that he had better come in and be a bit grumpier today than he was yesterday. Be that as it may, I will check some of the facts.

Members interjecting:

The SPEAKER: Order, the member for Hart!

TAXATION REFORM

Mr WILLIAMS (MacKillop): Will the Premier inform the House of the benefits of taxation reform to South Australian business and, in turn, to South Australian families?

The Hon. J.W. OLSEN (Premier): Yes, and I thank the honourable member for his question. We have given nothing but full support to a new tax system for Australia as being important for this country and South Australia. As a result of the new taxation system, we will get the abolition of wholesale sales tax which has occurred as of 1 July and which takes off the impediment of $1 billion plus on goods and services that we produce for export markets. Importantly, the abolition of wholesale sales tax and the introduction of a goods and services tax brings about a new deal for financial relationships for the states.

Members interjecting:

The Hon. J.W. OLSEN: I thank the member for his interjection; I will get to Mr Della Bosca in a minute. That new taxation arrangement gives a certainty of income in the future for the states, because all the GST will be distributed amongst the states, and it will be the revenue stream in the future by which the states will provide for a range of essential services.

Members interjecting:

The Hon. J.W. OLSEN: That depends on the size of the black market. The member for Hart ought to understand that the black market is far more significant than had previously been projected. In fact, in New Zealand the black market was three times greater than anticipated after the introduction of its broad-based tax. Should that be the case, clearly the positive benefits will flow through far sooner than 2006-07. I also point out for the benefit of the member for Hart that the commonwealth government has given a commitment to underpin the system so that it is revenue neutral in those years between now and when it becomes is revenue positive. I would like to know where the opposition stands in relation to the GST. Does the Leader of the Opposition support the roll-back of his federal counterpart or a roll forward like powerbroker John Della Bosca? Which position does the Leader of the opposition have? He usually does not have an idea, policy or thought on any of these matters, but it is an issue that the state Labor Party and the leader ought to comment on. Which is it?

If you want to roll back the GST, as your federal leader Kim Beazley wants to do, let the Leader of the Opposition indicate to us which taxes and costs for businesses he will keep on. As the revenue comes in, we will be able to reduce costs and imposts and provide additional essential services. If you are going to roll it back, it means that the revenues will not be there. If the revenues will not be there, where will you cut back your expenditure? It is a legitimate question. I know caucus has been told not to make any policy announcements or financial commitments. That is after the shadow minister of health went out and made some broad financial commitment on behalf of caucus. She was chastised for that and was told, 'Never again. You do not make a policy commitment on behalf of the Labor Party, nor do you put any financial mark to it.' I can see she is suitably embarrassed about the fact that she made a commitment for which caucus has now chastised her.

However, where does the Leader of the Opposition stand? What would he cut back if he supports Kim Beazley's position of rolling back the GST? If you roll back the GST you roll back the revenues to the state. Therefore, what will you cut out? Silence! The leader has not actually thought about that yet. That is next on the agenda, no doubt. I would be interested to know whether the leader supports Kim Beazley or Della Bosca. Which one does he support? It is like many of the issues: oppose it, reject it, whine about it, whinge about it, but have no policy of your own, no idea of your own, no plan of your own. That is the Labor Party over there.

The Hon. M.D. Rann interjecting:

The Hon. J.W. OLSEN: Oh, that must have stung. He refers to the article. Did you read it? I am glad you read it. The other issue that was debated last night and over recent weeks was the ETSA legislation. It took us 500 days to get that through the parliament, and the Labor Party said, 'We shouldn't have done that.' I pose the question: are you going to buy it back? Are you going to buy back ETSA?

Members interjecting:

The Hon. J.W. OLSEN: Oh, no! It took a while—he thought about it, and he actually came to a policy position. No, he will not do that.

The SPEAKER: Order! I ask members on my right to settle down. The Premier.

The Hon. J.W. OLSEN: This is all about no plan. Then, of course, we have the Labor Party conference in Hobart. This will be an interesting conference, if ever there is one, because at that conference will be Della Bosca and Kim Beazley. It will be interesting to see the outcome. There will also be the Leader of the Opposition and Ralph Clarke. This will be an interesting test. It is okay for Ralph to sit on their side; it is okay for Ralph to stay in the party; it is okay for Ralph to go to the conference; but, it is not okay for Ralph to do any campaigning in the seat of Enfield.

The SPEAKER: Order! The Premier will resume his seat. I bring to the Premier's attention, as I do with every other member, that we use electorate names in the chamber and not Christian or surnames.

The Hon. J.W. OLSEN: Thank you, Mr Speaker. I was referring to the member for Ross Smith and the candidate for

Enfield. The member for Ross Smith is going with the leader to the ALP conference in Hobart.

Mr FOLEY: On a point of order, sir, the Premier is clearly debating the answer to that question. It is clearly not relevant, and I ask: for once could you uphold the standing order when it comes to—

The SPEAKER: Order! I hope that the member was not starting to reflect on the chair there. The chair upholds points of order frequently. I do uphold the point of order again, and ask the Premier to come back to the substance of the question.

The Hon. J.W. OLSEN: The substance is: do opposition members have a policy on anything? If they have, would they please tell the public of South Australia about it, and would they please clarify their position, if they have one, as to what they want to do with the GST? 'Roll it forward,' Della Bosca; 'Roll it back,' Kim Beazley. If the leader does not have a policy, I bet that the member for Ross Smith has.

Is it not rather hypocritical that the member for Ross Smith is able to go to the ALP State Conference, able to sit there, wanting to stay in the party, but he is not allowed to campaign? He is not allowed to put out any literature, because they might think that he is one of them.

The SPEAKER: Order! The Premier is now starting to debate the question again. The member for Kaurna.

RADIOACTIVE WASTE

Mr HILL (Kaurna): My question is directed to the Premier. Why did the Premier fail to advise the Prime Minister two years ago that the Olsen government opposed the establishment of a nuclear waste dump for long-lived, intermediate level waste in South Australia?

Members interjecting:

The SPEAKER: Order!

Mr HILL: In a letter dated 23 February 1998, the Prime Minister told the Premier that the Billa Kalina region in South Australia had been selected as the location for a low level repository. The Prime Minister also said:

> I also wish to advise you that the Commonwealth-state Consultative Committee on Radioactive Waste Management recently supported collocation of a store for long-lived intermediate waste with the repository as a first siting option. . . This waste includes sealed radium sources and any concreted waste arising from the reprocessing of spent fuel rods from Australia's research reactor.

In response to the FOI request for the Prime Minister's letter, the Premier's Chief of Staff (Ms Vicki Thompson) has advised the opposition:

> Please note that the Premier did not respond to the Prime Minister.

The Hon. J.W. OLSEN (Premier): At the end of the explanation I think that the honourable member actually answered his own question. The letter to which the member for Kaurna refers—

Members interjecting:

The SPEAKER: Order, the member for Elder!

The Hon. J.W. OLSEN: You're like a lighthouse in the desert: bright, but absolutely useless. The member for Kaurna has referred to a letter that I think I released as a result of FOI a week or a fortnight ago. Since then we have had a debate on the subject in this House, lasting some time, and we have actually passed legislation in this place and moved on. This is typical of the ALP members: they can never get a policy decision, let alone move on anywhere. We have made a policy determination, we have put it in the form of legislation and we have moved on. Perhaps members opposite would like to catch up.

CRIMTRAC

Mr SCALZI (Hartley): Will the Minister for Police, Correctional Services and Emergency Services advise the House of the progress of the national criminal database called CRIMTRAC?

Mr Foley interjecting:

The SPEAKER: Order! I warn the member for Hart.

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): In answering this question, I will be happy to make a few comments about the frivolous points that the member for Hart is actually making at the moment across the Chamber. Like the member for Hartley, the whole government is interested in how in the future we can further work on combating crime. To do that we not only have to combat crime in our own state but we need to have much better integration between the state of South Australia and every other state in the commonwealth. This week should see the completion of a lot of work that has been done, particularly around policy and development of the new CRIMTRAC database. This is just one of hundreds of policies in which the government is involved, literally on a daily basis—a vast difference from the lack of policy development on the other side.

Mr Conlon interjecting:

The Hon. R.L. BROKENSHIRE: Well may the member for Elder laugh and ask why I am here in this parliament. I am here because there is work to do with my colleagues before the conclusion of the winter session. That is why I am here. In Perth, an adviser from my office, the Commissioner and the Chief Executive Officer of the Justice Department will be able to simply sign off as a result of the hard work that has been done in policy development over many months. This is not the sort of policy development that we see on the other side with pineapples being put on the seat of the member for Elder and, I am told, Ratsak on the seat of the member for Enfield. That is not the sort of policy development that the South Australian community wants to see.

The Hon. J. Hall interjecting:

The Hon. R.L. BROKENSHIRE: Ratsak, apparently, put under the member for Enfield's seat. They might have knifed the member for Enfield, but putting Ratsak there simply because a porcupine or a pineapple—or whatever it is—

The SPEAKER: Order! I ask the minister to return to the substance of the question.

Mr FOLEY: On a point of order, Mr Speaker, standing order 98 clearly states—

The SPEAKER: Order! The honourable member will resume his seat. If he had been listening to the chair, he would have heard quite clearly that the Minister for Police was being brought back to the substance of the question. I repeat: the minister will come back to the substance of the question.

The Hon. R.L. BROKENSHIRE: In the light of technology and the way in which e-commerce, the internet and other technology is having an effect on broadening a new type of crime in Australia, CRIMTRAC is fundamental to combating that crime in the future.

This week, we will see the signing off of an agreement between all states and the federal government through Minister Vanstone. I congratulate the minister for the way in

which she has worked with all police ministers to develop this CRIMTRAC proposal. For the first time, we will have technology that will be able to establish national criminal investigation DNA databases and, importantly, a national database of child sex offenders. CRIMTRAC is an important step in clearing up crime in Australia, particularly with law enforcement cooperation across the borders.

Whilst the first parts of CRIMTRAC that are expected to roll out late this year or early next year will deal mainly with the DNA and child sex offender databases, this partnership will provide an opportunity to broaden cross-border work to combat illicit drug trafficking and the like. Police jurisdictions right across this country will work together with the NCA on cutting back the concerning national growth that we have seen in illicit drug trafficking. I am delighted that this has happened. This is only one of many policy developments that will be rolled out this year by the government when it comes to effective modern policing operations.

RADIOACTIVE WASTE

Mr HILL (Kaurna): My question is directed to the Premier. What are the implications for South Australia of the decision of the commonwealth to award the contract to build a new nuclear reactor at Lucas Heights to an Argentinian firm, given the commonwealth's plan to collocate an intermediate level nuclear dump with a low level repository in South Australia?

A media report of 28 June 2000 states that controversy surrounds the awarding of the contract to build the new reactor at Lucas Heights to an Argentinian company, INVAP. The article says that there are concerns for the company's dealings with countries such as Iran, Cuba and Egypt and, more importantly, that there is no well-defined proposal by INVAP as to what fuel the new reactor would use, whether it could be reprocessed and where the waste would be stored.

The Hon. J.W. OLSEN (Premier): I am not aware of the technical details relating to the letting of the contract between the federal government and an overseas company. I will make inquiries regarding the information sought by the honourable member. Any information that I can establish I am happy to pass on to him.

CAPITAL CITY COMMITTEE SURVEY

Mr CONDOUS (Colton): Will the Premier outline to the House the results of the latest Capital City Committee survey of business leaders in Adelaide?

The Hon. J.W. OLSEN (Premier): The survey was conducted two years ago, shortly after we established the Capital City Committee between the government and the Adelaide City Council—a model, which I hasten to add, has been established in Queensland. I understand that Victoria is also looking to put in place the same model that we have had operating in South Australia for two years. This was a survey seeking views of business leaders on the strengths, opportunities and challenges for our city. These are the people who work and invest in our city, from managing directors, general managers and CEOs to directors and chairmen of companies and businesses; from industries including finance, banking, accounting, retail, manufacturing and information technology; as well as leaders in the arts, tourism, general business, universities and the media.

A total of 73 per cent agreed that the city is being revitalised, and 82 per cent of those believe that the metropolitan economy is either strengthening or stable. The majority believe that the overall appearance and image of the city centre is improving—and that is double the previous survey of two years ago. Not surprisingly, the survey also showed key strengths of the city include ease of access, good quality transport and traffic movement, as well as the relatively low cost of living. Other strengths include that the city is the centre for arts and culture and is a tourist attraction.

There is a growing sense of optimism and confidence in the city. This is not the city of a decade ago. This reflects the strong working relationship between the council and the state government, a relationship which, as I mentioned, has become a national benchmark. Two key benchmarks of a city's economic health are property vacancies and retail spending. In those two areas, as a result of new commercial and residential construction, from the David Jones site to the upgrade of the Adelaide Convention Centre, there is clear evidence of a city's moving ahead. The James Rice Apartments near the Morphett Street Bridge are starting construction. In addition to that, the major redevelopment of the library is foreshadowed. Of course, the House is aware of the Museum and Art Gallery upgrades; the start of the National Wine Centre; the Performing Arts Centre; and the federal government's commissioning of the commonwealth law courts. For the past 20 years we were the only state in Australia not to have federal government financial support to establish a commonwealth law courts complex. We have been able to secure funding from the commonwealth government with an allocation of $73 million.

Our office vacancy rates are the lowest since 1991. This year our vacancy rates dropped lower than Brisbane—something I cannot remember for many years. Now, at 14 per cent vacancy rate in the CBD, premium A-grade vacancies are just over 1 per cent; and A-grade are now less than 6 per cent. When Labor was in power, almost one-fifth of all CBD office space was vacant—one in five office spaces were empty. That was the record of the last administration.

In the dying days of the Labor government, retail spending in the city was declining in real terms, while it is now $500 million stronger in real terms per annum—a marked turnaround over that period. When Labor was in power, South Australians clearly kept their money in their wallet as they walked past empty buildings in the CBD.

There is a mood change in the city, and there is a mood change in South Australia. That has been reflected in a new National Business Bulletin survey commissioned by no less than the Tasmanian Labor government. This is not a bad survey, because it shows that South Australia is one of the most competitive states in terms of business costs in Australia and has one of the most highly skilled and stable work forces in the country. On an industry basis, the survey found SA was the most competitive nationally in terms of production costs for mining and manufacturing, and for all other industries the second most competitive state in Australia. If that was the case, why did the Labor administration for 10 or 12 years not get new private sector capital investment? Why when it was in government was Labor not able to bring unemployment levels down under double digits? Why under Labor were one in five office spaces in the city vacant?

Mr Foley interjecting:

The Hon. J.W. OLSEN: That is a pretty hollow interjection from the member for Hart. This is a Labor government survey in Tasmania that has shown South Australia up at the top of the list among the states of Australia. We have gone from being a Cinderella state in this country and have moved

up several rungs of the ladder. We are the most competitive overall in terms of land and accommodation charges, and the second most competitive state in terms of labour disputes and labour turnover. In relation to labour disputes, on that point I agree with the member for Hart; that is a position that this state has enjoyed for 40 years, as a result of the attitude of the work force in South Australia, and I readily acknowledge that. However, in the other areas his interjection is factually falsely based.

South Australia was third highest in Australia in respect of labour skills, outranking Victoria, Queensland and Tasmania. This paints a picture of a low cost, highly skilled and stable work force in an environment which is competitive and now pro-business. That is why we have been so successful in attracting a number of new industries to the state. Rather than being positive about the future of South Australia, the leader and the opposition are constantly whingeing, whining and carping, and invariably they are wrong in their accusations. What we are trying to do out of the state of the economy that we inherited 6½ years ago is to build a new, vibrant economy, as shown by a range of economic indicators that will be supported next week by the release of some new economic indicators that will underscore the fact that for the next two years we will see good economic growth continuing in South Australia, well positioned and going in the right direction.

MELBOURNE TO DARWIN RAILWAY

The Hon. M.D. RANN (Leader of the Opposition): I direct my question to the Premier, given his acknowledged support for the bipartisan approach to the Alice Springs to Darwin railway project.

Members interjecting:

The Hon. M.D. RANN: You do not like it, except when you need to get legislation through in a hurry.

Members interjecting:

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

The Hon. M.D. RANN: The Minister for Police obviously wants to be in Perth. Given reports of support from the highest levels of the Howard government for an intercity railway running from Melbourne up the eastern seaboard to Darwin which would bypass Adelaide and Alice Springs, has the Premier held talks with the Deputy Prime Minister or other officials of the commonwealth government about any adverse impact this would have on the financial viability of the Alice Springs railway; and what has been the commonwealth's response? This morning's media carried a story stating that the Deputy Prime Minister is highly supportive of a Melbourne to Darwin railway. The federal government has of course funded a feasibility study for Stage 1 of the project. It has been reported in the *Australian* and other national newspapers that:

> Deputy Prime Minister and National Party leader, John Anderson, who will today receive an optimistic report on stage 1 of the project. . . is expected to support the rail line when he addresses the Queensland National Party at the Gold Coast on Saturday.

The Hon. J.W. OLSEN (Premier): This issue has been around for some time. In fact, on a number of occasions the federal government has given tacit support to private sector investment in an alternative rail route (if you want to call it that) on the eastern seaboard of Australia. Despite the fact that over the past couple of years on a number of occasions federal ministers and/or the Prime Minister have given support for an assessment and preliminary studies to be undertaken, the fact is that a rail project of the nature referred to by the leader would cost between at least $5 billion and $8 billion to build on the eastern seaboard. I know how long it has taken to get up a project of $1.2 billion; it has taken us 90 years to get to that point.

The business plan on a $1.2 billion infrastructure cost railway has sometimes been marginal, depending whether one counts in other products that could be brought on stream with the construction of a rail link. I wish them well in their eastern rail link, but I do not see that they have a hope in hell of getting a $5 billion to $8 billion project up in the next few years. The simple fact is that we will have a rail link running between Adelaide and Darwin before they even get, I would suggest to members, the first part of the project on the eastern seaboard.

One other factor appeared in the preliminary estimates on the eastern seaboard rail link that seems to be overlooked by some people. It is argued that a rail link running through the eastern states and the eastern seaboard would enable a raft of new development to take place which would produce goods and services for the export markets. If you are going to do that, you need one essential requirement, and it is called water. A cap happens to be in place in New South Wales and Victoria, so where will they get the water to do the expansion to provide the goods and services to travel on this proposed rail link?

I do not think some fundamental questions have been adequately addressed or answered. The simple fact is that these suggestions or threats—call them what you will—have been on the decks for two years or more. It has not impacted against our moving to the final weeks of contract close with the Asia Pacific transport consortium. As I mentioned to the House yesterday, in response to a question from the leader, I am convinced that we will get contract close and financial close on this project.

Some people I know are suggesting to the national media out of South Australia that we will not get financial close. Some people are trying to have a bob each way. I say to those people who are suggesting to some sections of the national media that the Adelaide-Darwin rail link is tinkering that they will be proved wrong. This project will be successful. It will get to contract close and financial close, and we will build an Adelaide-Darwin rail link. And it will be operating well before the ink is dry on any contract on the eastern seaboard of Australia.

INTERNATIONAL STUDENTS

The Hon. R.B. SUCH (Fisher): Will the Minister for Education and Children's Services outline the benefits that accrue from having international students studying at our schools and TAFE institutes?

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): Next term I will have the pleasure of welcoming students from Hong Kong and Italy who, in association with the Westbourne Park Primary School, will be staying here for two months. Those students will be in South Australia for that period of time. They will be hosted by past and present students of Westbourne Park Primary School. I am sure that a lot of cultural exchange will occur with each student learning the other's language.

The two groups are coming to South Australia specifically to learn and to improve their English skills in one of our primary schools. While they are here they will undoubtedly

also take in the benefits of Adelaide in terms of tourism and seeing many of our sites. They will also have the ability to discuss and converse with the students and the people whom they meet, learning about our Australian culture, and our students from Westbourne Park Primary School will learn about both the Hong Kong and Italian cultures. So, there are benefits to both groups of students.

A similar plan operates in my electorate with the Gawler High School, which, for the past 10 years, has been undertaking an exchange program with students from Huga city in Japan. That system involves a one month exchange of students. As a result of that experience, not only have those students built up contacts between the teachers and the students of the school but also there are commercial contacts between the mayor of Huga city, the mayor of Gawler and, in particular, a couple of private companies in Gawler in terms of work that is occurring between Huga city and Gawler. So, it is a very good exchange system, which can lead increasingly to benefits down the track.

It is estimated that international students who attend our schools and TAFE institutes spend about $25 000 a year. That is $25 000 a year that we would not have in this South Australian economy if it was not for those students coming here. In South Australia that amounts to some $26.7 million a year, a significant amount. The outlook for this industry is extremely positive, because new secondary school enrolments this year are up by some 70 per cent, and our advantage particularly of secondary school students is that in most cases they will continue on after their secondary education in Adelaide to tertiary education. Not only do we get the benefit of their year 11 or 12 studies but they then go on and continue to study at either TAFE or our universities. It is a real winner for this state.

I am aware that our recently appointed Lord Mayor Mr Alfred Huang leaves for Singapore and Hong Kong next week to sell the city as a centre of excellence in education and detail the advantages of study in Adelaide. Some 21 countries are represented in our international student numbers, with those from Asia leading the way. The largest percentage of international students enrolled in our secondary schools comes from China. Some 52 per cent of our students in secondary schools are from China; 16 per cent are from Japan; 7 per cent are from Hong Kong; and 5 per cent are from Brazil and Germany. This government will continue to make its focus in Asia but there are emerging markets. India in particular is a market that is showing great interest in Australian education, and we are well placed to focus on that through Education Adelaide.

Europe is another area which may not seem traditional but which is also showing strong interest. It is initiatives such as the exchange between Italy and Hong Kong and the Westbourne Park Primary School that set up relationships and communications between countries, leading to those international students undertaking tertiary education here and to the alumni of those students making international business contacts between Australia and those countries as well. The benefits continue, and in terms of the economy of South Australia this area is a growing market and one that will be of great benefit to the state.

MELBOURNE TO DARWIN RAILWAY

Ms HURLEY (Deputy Leader of the Opposition): Does the Premier still believe that the Howard government's support for the Melbourne to Darwin railway is merely cynical politicking intended to shore up doubtful seats for the coalition in New South Wales and Queensland? On 19 March 1999, the Premier said that the Prime Minister's support for the Melbourne to Darwin line was nothing more than an attempt to boost—

Members interjecting:

The SPEAKER: Order! The chair is having difficulty hearing the question.

Ms HURLEY: —the Liberals' chances in the New South Wales state election. The Premier stated:

> I am sure it is no coincidence that the New South Wales election is Saturday week and they have made this announcement, running through country New South Wales 10 days out from that election campaign. I think the timing says it all. We're 10 days out from the New South Wales state election and they're going to put a committee together.

The Hon. J.W. OLSEN (Premier): I do not retract those comments which I made some time ago in relation to that alternative proposal. I repeat for the deputy leader the answer I gave to the Leader of the Opposition: the substance of the answer is exactly the same.

JACOBS CREEK TOUR DOWN UNDER

Mr VENNING (Schubert): Will the Minister for Tourism inform the House about the preparations for next year's annual Tour Down Under, the cycling event, including the changes to the route? I must say how very pleased I am that the Barossa will be included.

The Hon. J. HALL (Minister for Tourism): I thank the member for Schubert for his question, because his electorate features very prominently in the hugely successful Jacobs Creek Tour Down Under, as does your electorate also, Mr Speaker. One of the exciting things about the tour for next year is that there have been three very significant changes in the six stages and the circuit of the race. For the first time ever, the decision has been made for stage 1 to be moved out of the city to Glenelg, clearly one of our premier seaside destinations. I am quite sure that all members will be very interested to receive the stunning new brochures with significant details on all of the six staged circuits.

The Hon. M.K. Brindal interjecting:

The Hon. J. HALL: Yes, we will come to Unley. It is a very significant move to go down to Glenelg, because over the past two successful events Glenelg (now Holdfast Bay) council has been extraordinarily supportive of the event itself, and it has been widely supported by the community, not just from seaside itself. Members will be interested to know that—

Mr Conlon interjecting:

The SPEAKER: Order, the member for Elder!

The Hon. J. HALL: —the circuit down at Glenelg will be 25 laps, and each of the circuits is 1.88 kilometres. This means that the millions of viewers in the Northern Hemisphere, as they shiver in their cold, bleak winter, will be seeing the spectacular scenery and the breathtaking views at Glenelg in a twilight street race, and that is very exciting. The member for Schubert asked about some of the new aspects of the race.

Members interjecting:

The SPEAKER: Order! I know that members were here until 3 o'clock this morning, but that is no reason for them to continues on as they are. I ask the House to settle down.

The Hon. J. HALL: I am sorry if some of my pronunciation is a little off today; I am a wee bit tired, as I am sure are

most members of the House. Another aspect of the tour for 2001 is the inclusion, for the first time in a staged finish, of the very significant place of Murray Bridge. That will be very important, because it is the first time that the race has gone up into any of the river districts, and Murray Bridge is very excited about its inclusion in this year's event.

Probably of significant moment is the fact that this year we are also going through the Heysen tunnels and up along the freeway. That will be very exciting because that will take us through the very beautiful, picturesque Adelaide Hills, and I am sure all the benefits of the tour will be shared throughout the Hills region.

Just to recognise the great success of the tour, it again has a staged start in Gawler, where it has had such a magnificent reception in the past, and finishes up in the heart of the Barossa at Tanunda. Those two particular starts and finishes have been very successful in the past. That is in the electorate of Light and the electorate of Schubert.

Another aspect of next year's tour is that we will have a staged start in Norwood, and I am quite sure that that will be well supported. However, one of the aspects of this race—and I am sure there is great competition between all the councils—is the enormous success of last year when they held a street party in the electorate of Unley prior to the staged start the following morning.

Many other councils are looking at the prospect and at the benefits for their local traders of doing just that. I think that it goes without saying that we are expecting a great success this year and we believe that the records that we established last year will be repeated. We are heading for a target of more than half a million over the six days. One of the great things about this race is that it includes so many aspects of our regional areas.

Of course, we go south, through the magnificent wine regions of the south, with the McLaren Vale staged start, past some of our spectacular coastline to end up in the very popular destination of Victor Harbor.

Mr CLARKE: On a point of order, the minister is making a mockery of question time again. She is quite capable of making ministerial statements. The redundant superlatives with which she describes herself are sickening.

The SPEAKER: Order! The honourable member has made his point. I ask the minister to just bear in mind that there is the opportunity for ministerial statements, and to start to wind up her answer.

The Hon. J. HALL: One of the objectives of the Tour Down Under is to ensure that community support is enjoyed across the widest possible area. It will be of interest to the House to know that this year the charity chosen to be supported by the Tour Down Under is the Muscular Dystrophy Association. I am quite sure that all members of the House would wish them well and hope that they find it rewarding and profitable and join in the very widespread community support of this most successful event.

ALICE SPRINGS TO DARWIN RAILWAY

Mr FOLEY (Hart): My question is directed to the Premier. Under the contract between the South Australian and Northern Territory governments and the AustralAsia Railway Corporation, the successful consortium, can the South Australian taxpayer be made liable to pay the corporation or the consortium any further payment or any compensation or revenue concessions in any form whatsoever in the event that a competitor to the Darwin to Alice Springs railway is built, with our without commonwealth support?

The Hon. J.W. OLSEN (Premier): As I have indicated, final negotiations have not yet been completed. I understand that the answer to the honourable member's question is no, but I also point out that the contract has not been concluded; negotiations have not been completed. I will seek advice and, if there is a change to that, I will advise the honourable member.

I point out that I indicated in parliament when the legislation was going through that I had said to the Chairman of the AARC, negotiating on behalf of the two governments (the Northern Territory and South Australian government), that our commitments in terms of capital funds were capped: they were clear, they were specific and they were non-negotiable. That was the $150 million. The reason for the supplementary legislation the other day was to give flexibility in terms of the business plan and the $25 million concessional loan and/or grant.

That is now built into the capacity to negotiate the final contract. There are costs associated with the chair of the AARC's position and officers of government as they are working through the negotiation. But we treat those as a normal recurrent cost of government administration, as distinct from a capital component being passed to a consortium or put into infrastructure to build part of the Adelaide to Darwin rail link.

But there is no commitment and no-one has raised with me at all a commitment for any ongoing funding if A, B, C or a range of other options were to happen. It might well be that, during the negotiations, the APTC tried a number of options, and I would be very surprised if it did not. If it is a commercial operation it would try to negotiate the best position and put in a range of options.

Members interjecting:

The Hon. J.W. OLSEN: No, we have not. I want to repeat: we have not. It has not been raised with me to the best of my recall or knowledge of circumstances. I will check to make sure that that is in fact the case, but I am sure that it is.

INFORMATION TECHNOLOGY CAREERS FORUM

The Hon. D.C. WOTTON (Heysen): Will the Minister for Government Enterprises advise the House on the success of the EDS Rotary Information Technology Careers Forum? I am aware—and I am sure that other members would be also—that a number of Rotary clubs throughout the state are participating in what is recognised as an excellent program for assisting young people to choose a career.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I acknowledge the honourable member's interest in the Rotary movement in general and in the Mount Lofty area. Earlier this week, I had the great pleasure of opening the third EDS Rotary Information Technology Careers Forum. This event has been organised by Rotary over the past three years. The government is pleased and proud to have been part of the support for this initiative.

This year, 74 year 11 students from 46 schools around the state are participating in a week long live-in forum in Adelaide which concludes on 15 July. These students are from public and private schools throughout metropolitan and country South Australia. Of these 74 students, 42 are from the country. This event clearly demonstrates that country people understand that the future lies in the information economy

and that the information economy provides them with a real alternative.

This is encouraging, because it indicates that the rural sector of South Australia is building on strengths such as the Networks for You Program and other programs which the government has put into place. It is also pleasing because, as I indicated in answer to another recent question, the rate of home internet connections in metropolitan Adelaide is increasing at 5 per cent greater than the national average. So, again, these IT careers fora are falling on very fertile ground. The IT careers forum includes a hands-on component with students being formed into teams to design fully functional websites for community organisations. This is another good message for year 11 students, because they are providing a bonus for these community organisations.

During the opening ceremony I had the opportunity to speak with a number of the students. It was invigorating. I suggest that all members of this chamber and the other place should ask year 11 students about the importance that they put on being IT literate. All these students were IT literate. Whilst their discussions with me were a little focused on they games they play when they use the internet, they also told me that they used the internet for research on all their school projects and so on. Also—and I found this the most enlightening thing of all—a number of them spoke to me about the fact that they have an ABN and the effect that the GST will have on their website design businesses. These are year 11 students!

Many of us look back on our year 11 days with great fondness. If we, as a group of parliamentarians, do not pick up on this and provide an opportunity for them to expand what they regard as a real career option, we will be letting them down. I am pleased to hear that there is talk about possibly even exploring the option of taking this successful South Australian initiative on the road. Hopefully, next year, we might see the best and brightest from around Australia coming to Australia as part of a national initiative.

The Hon. D.C. Wotton: It's a very good initiative.

The Hon. M.H. ARMITAGE: As the member for Heysen says, it is a good initiative. It shows that by doing a number of small things in this area we can provide national leadership. I was interested to read a recent article in the IT section of the *Australian* in which John Ridge, the National President of the Australian Computer Society, regarding the government's decision to fund the Information Industries Development Group (IIDG), said:

> I was recently at a function in Adelaide where the South Australian Premier John Olsen talked about a group called the Information Industries Development Group (IIDG) established at the behest of his government to act as a peak body for the state's IT&T industries.

Mr Ridge found our model so impressive and innovative that he is putting on pressure to see it repeated elsewhere—and I quote again:

> The IIDG offers an ideal model that could work equally well in other states and deliver impressive results at the federal level.

It is possible in this area to take national leadership. It is the sort of thing we ought to do because, by creating a vibrant information industry sector and having initiatives such as the IT Careers Forum, we are in fact providing a very bright future for our young children.

STRATEGIC EDGE

Mr HANNA (Mitchell): What is the Minister for Tourism's understanding of the nature of the risk associated with publication of the South Australian Tourism Commission brochure *Strategic Edge*? The March 2000 edition of *Strategic Edge*, which reports on such controversial matters as a tourism facts and figures update, contains the disclaimer as follows:

> You agree to release and indemnify the SATC for any loss or damage that you may suffer as a result of your reliance on this information. The SATC does not represent or warrant that this information is correct, complete or suitable for the purpose for which you wish to use it.

The Hon. J. HALL (Minister for Tourism): I know that some members of the opposition find it annoying that the tourism industry in this state is absolutely booming. Some of the honourable member's colleagues act in a very bipartisan way in supporting some of our activities. I am astonished to know that the member for Mitchell does not understand that those sorts of disclaimers are fairly normal. Because the tourism industry is so dependent on strong private investment and developers, I find it extraordinary that he with a legal background would ask a question such as that. It is amazing, because this industry is one that is generating enormous benefits to our state. It is more than just in the city: it is employing many thousands of people right across the regions. I actually find it incredible—absolutely incredible—that the member for Mitchell should ask a question that has all that sort of nasty connotation. The member for Mitchell does not like success and, without doubt, the tourism industry in this state is one of the great success stories because of the investment that this government has put into it.

GRIEVANCE DEBATE

Mr HANNA (Mitchell): I rise to speak today about an issue which has previously been raised by Lea Stevens, the shadow minister for health. It is a very important issue for those concerned with domestic violence and the need for women to have a referral service—

Members interjecting:

The SPEAKER: Order! The member for Mitchell has been given the call. I ask members to respect that.

Mr HANNA: This matter is important for those concerned with the need for women to have a referral service which is effective and sympathetic to their needs in the critical situation where they face domestic violence. In my electorate, there is a women's shelter, the St Joseph's Family Care Centre, which is run by a team under the leadership of Sister Teresa. They do great work in caring for a number of single mothers, in particular. The children are able to go to the primary schools in my electorate, and the women are helped in a number of ways to re-establish themselves and find out where they are going.

The issue that has been raised on a general level is in relation to the future of the Domestic Violence Crisis Service. There is a proposal for that service to have its funding reduced and for funding to be effectively transferred to the Adelaide Central Mission domestic violence help line. Both those agencies do good things, but let me put to the House the

situation from the perspective of the St Joseph's Family Care Centre. I quote from its letter to me, as follows:

> It is our experience in working with women escaping domestic violence that they sometimes need considerable and consistent support over a period of time to gain the confidence to leave the violent situation. [The Domestic Violence Crisis Service] in its current form is able to provide that ongoing support by keeping case notes on file and by linking the person with the original worker. It is this aspect that is invaluable as it allows trust to develop and confidence to grow. Women who have been referred to us by DVCS have said that without the support from DVCS and the response they received they would not have had the courage to leave their violent partner.

The letter further states:

> The Domestic Violence Crisis Service has referred 48 domestic violence families to the St Joseph's Family Care Centre since May 1999. In all cases the referral has been appropriate to match our service. Often women will comment that 'getting away' was directly attributed to the response they received from DVCS, the quick action that got them away and that they felt safe.

In the light of those comments and my personal knowledge of the good work that they do at the St Joseph's Family Care Centre, I ask the minister to reconsider the funding decision that threatens the good service that the Domestic Violence Crisis Service has been providing.

The Hon. D.C. WOTTON (Heysen): I hope there would not be a member in this place who does not recognise the importance of water to this state. As a matter of fact, there is no doubt that the management and remediation of the Murray River is the most important issue facing this state. I might also mention the announcement that the Premier made recently that the state is to upgrade its water plan for 2000 and beyond. Both those issues are key policy drivers for water management in South Australia.

I was interested to read only yesterday that Australia is now recognised as the second most extravagant water user in the world, even though Australia is also recognised as the second driest continent, after Antarctica. According to an Australian Bureau of Statistics report, 'Water accounts for Australia', every year Australia uses one million litres of water per person. The report found that agriculture accounted for about 70 per cent of all water use, and water consumption for agricultural purposes rose 20 per cent from 1994 to 1997. More than half this water is used to water pasture for livestock or grow grain, while sugar, rice and cotton account for another third of agricultural water.

The report also states that rice is recognised as using the most water per hectare, followed by grapes and fruit; but, of course, rice returns the lowest gross value for every million litres. It is rather staggering to learn that that is case. Some excellent things are happening in the area of water conservation at the present time, and members would be aware of a number of documents which are freely available and which indicate some of the studies that are being carried out. I was interested in receiving information recently regarding a ground water survey that was carried out by the Centre for Ground Water Studies and Land and Water Resources.

The study was undertaken to determine what topics of interest members of the community would like to hear about in relation to the sustainable management of ground water to gauge whether they were interested in participating in a training community awareness program and to determine the most effective approach to ensure maximum benefit from the training program. Obviously, I will not have the time to go through the results or the methodology, but I have been given an interesting executive summary. I commend the Centre for Ground Water Studies and Land and Water Resources on carrying out the survey on this important subject.

The preservation of wetlands and the management of water resources is recognised as a very important issue. I would hope that, by now, most members would have taken the opportunity to visit Banrock Station in the Riverland, which supports the conservation of wetlands. Those of us who have had the opportunity to visit the station's vineyards would recognise the work in which the station is involved. I was interested to learn that the station has also become a sponsor of both Wetland Care Australia and Landcare. It is doing fantastic things in this state with both of those organisations as well as supporting programs overseas—all very worthwhile programs, all working towards the improved management of water resources in this state and working towards a strategic policy framework for developing and managing the state's most valuable resource.

Time expired.

Ms BREUER (Giles): Today a petition was lodged from the Whyalla community, and particularly the parent community of the Neta Kranz Kindergarten, noting with concern the intention to close the Neta Kranz Kindergarten site in Whyalla. The kindergarten requests that it be able to continue to operate in its present location and that appropriate consultation take place with the community. A very sorry situation has developed with this particular kindy. The Neta Kranz Kindergarten has served our community and many generations of children in Whyalla for many years. Presently, the kindergarten is ideally located in an area that is experiencing something of a boom, with young children moving into the area as a result of the availability of housing.

The kindergarten services the Whyalla Town Primary School, the Memorial Oval Primary School and St Theresa's Catholic School. The kindergarten feeds all of those schools. A school is a community, and current thinking seems to be that if you relocate a school you will continue to have a close community. That is absolute rubbish because I believe that a school does depend very much on its buildings and its surrounds, as well as its people and children. If you take away all of that then you often take away the identity of that particular school. I would like to know what sort of reaction there would be if it were decided to relocate Adelaide University from its present site, perhaps out along South Road.

Would people still feel that you can move something and still have the same feeling about that particular institution? The community of Neta Kranz Kindergarten does not want to relocate. They love their kindy, their gardens and their surrounds. I believe that the Premier sent a letter in June to the Neta Kranz community, but the letter contains a number of inaccuracies which, we believe, were based on misinformation given to the Premier. The Neta Kranz community is very much aware that no prior consultation took place with the management committee of Neta Kranz kindy or its staff. The decision not to renew the kindy's lease was taken in advance of the commencement of the Whyalla education review, which is currently under way in Whyalla.

The Department of Education, Training and Employment held a 21-year lease on the purpose-built kindergarten with the Uniting Church. The church had offered to renew the lease prior to the sale of a property which it owns at a very favourable rental of about $10 per annum. I believe that departmental officers have given incorrect advice to the Premier and to the minister, and I would ask that the decision

not to renew the lease be reviewed and reversed. In October 1998, the Uniting Church wrote to DETE advising that the church was reviewing its property portfolio and that it was disposing of the properties that were being under-utilised.

The church also brought to DETE's attention the fact that NYthe lease was about to expire on 17 November 1999, and it inquired whether DETE was planning to renew it. In January 1999, further correspondence from the Uniting Church advised DETE that a decision had been made to sell the property. On 25 October 1999 a fax was received from DETE indicating that it was happy with the proposed terms and conditions regarding the extension of the lease agreement for a one-year period. This was the first indication to the management of the Neta Kranz Kindergarten that DETE was not renewing its lease for 21 years.

On 28 October 1999 correspondence was sent from the management committee to Ms Lisa Kirby and Ms Melissa Fort of DETE, highlighting the kindergarten's extreme concern regarding the renewal of the lease for only one year as opposed to the 21 years previously. On 3 November 1999 correspondence was forwarded from the Neta Kranz Kindergarten management committee to Property Services, Uniting Church, expressing its concern over the negotiations to renew the lease of the kindy for one year only. The letter continued to enforce the importance of the centre and asked whether the church would consider selling the portion of land on which the kindergarten is situated to the management committee.

At this stage the management committee thought that the problem of renewing the lease lay with the church and not with DETE. Subsequently, the management committee wrote to the minister and to Pam Seamen, the district superintendent. A reply was received on 27 March from the district superintendent advising that discussions were taking place with the new owners of the site to continue the lease and that, at that stage, the management committee had received no further notification from the department.

The management committee is very concerned about this situation. The kindergarten is a beautiful property; it is in beautiful surrounds. If it were to relocate it would cost of the order of $400 000 to establish a new kindergarten, which seems ridiculous. There are 82 children at this kindergarten, which predominantly has been developed by parent groups over the years, much of which has been paid for by parents. The community could have this kindergarten for $10 per annum. The kindergarten is a showpiece and our community particularly loves this kindergarten. I would ask that the department please reconsider its decision.

Time expired.

Mr VENNING (Schubert): I want to inform the House of my experience over the last weekend, namely, a quick visit by my wife and I in our own motor vehicle to Marree, Lake Eyre, William Creek, Oodnadatta and Coober Pedy. I raise this matter because I was most impressed with what I saw and experienced. I want to thank the member for Stuart (Hon. Graham Gunn) very much for assisting with the arrangements for the visit. Certainly, when I mentioned the honourable member's name the hospitality opened up before us, and that was the case at all points of call. I know that Mr Gunn battles very hard and strong in relation to his constituents, and I can see why: these people know him, he knows them and these people are the true salt of the earth. I have an extra understanding now of the campaigns that Mr Gunn wages on their behalf, because certainly—

The SPEAKER: Order! The honourable member will call members by their electorate title. The member for Stuart.

Mr VENNING: I am sorry, sir, the member for Stuart. Certainly, I was very appreciative of the member for Stuart's recognition factor in this area of the state. I also sought permission from the Hon. Lyn Breuer to attend parts of her electorate, namely, Kingoonya and Tarcoola.

Mr Foley interjecting:

Mr VENNING: That is etiquette. I must say that the roads we traversed on our visit were exceptionally good and I pay tribute to the Department of Road Transport for the work it has done, as well as to the member for Stuart, because he has assisted in locating an extra grading squad in that area. When one considers that the roads comprise only loose rock, sand and a bit of clay, one can see that they are magnificent roads. One can drive almost at the speed limit on most of those roads in a four wheel drive vehicle. I thought that it was ecotourism at its best.

The ERD Committee, of which I am Chairman, is about to take up a reference on this subject of ecotourism. It will be of great value, particularly when we have these fantastic ecotourism ventures, most of which we do not appreciate. We have not promoted our ecotourism assets to the extent we should have. Ecotourism also should be tied to the historic assets that are, in this instance, very popular. Marree has, as we all know, an aura all of its own and it has changed little since the Tom Kruse of 'back of beyond' fame. It retains its strong 1950s uniqueness. It is the gateway to both the Birdsville and Oodnadatta Tracks. We stayed at the Oasis Cafe, in a cabin at the caravan park, which was full. The Camel Cup was being held on that weekend and the population of Marree swelled several fold. The member for Stuart's friends, Lyall and Lynny Oldfield, looked after us very well.

Four Lake Eyre tour aeroplanes were operating out of Marree. They were booked out. You had to be booked in several weeks prior to your flight, and we were. Seven more aeroplanes were operating out of William Creek, and there were people everywhere. The only disappointing part was that you lost the feeling of isolation because there were so many people about. The Marree tours offer an excellent view of Lake Eyre south and part of Lake Eyre north—and the island, the name of which I have forgotten. Of course, we also quite clearly saw the Marree Man. However, his head and shoulders are fading. Perhaps, as was suggested, someone should upgrade him. I offer the member for Stuart my assistance by way of a tractor, because we could freshen him up a bit.

I have been to William Creek before, and it is unique and booming. Last time I was there, it was with my son, and we pulled the aeroplane up to the front steps of the William Creek Hotel. You certainly could not do it this weekend because there were people everywhere. As I said, seven aeroplanes were operating, and there is a new shop across the road. The William Creek Hotel is a most unique building, one you would hope was never upgraded because it might lose its uniqueness.

My time is running out and I have so much to say. We saw many interesting buildings there. We went from Marree to Oodnadatta, running along the old Ghan railway line. I noted yesterday a new book has been printed on this, and that is now available in book shops. It is called *Following the Old Ghan Railway Line, 1878-1980* and is written by Mr Brian Newell. I am getting a copy tomorrow. The historic ruins along that line are magnificent. The government should make sure that we preserve these relics and ruins, because if we do

not they will all be just a pile of rubble. I am talking not only about buildings but also the bridges. There is a magnificent bridge, called the Algebuckina bridge. It is a massive thing, almost 600 metres long, across a very large ravine. So, there was so much to see. I would recommend it to any member of this place, because we have a great tourist asset that we do not know about or appreciate.

Ms BEDFORD (Florey): Last Friday, with your kind permission, sir, the South Australian Police Band visited Parliament House for a farewell. The band is never short of invitations to perform at local, national or international major events and will represent the South Australian Police Department, South Australia and, indeed, Australia at the 50th anniversary of the Edinburgh Military Tattoo.

The band last performed at Edinburgh in 1990 and it is a rare honour indeed to be asked to return there so soon. Commanding officer Chief Inspector John Fitzgerald and all the performers in the troupe—there are 50 in all, 36 in the band and a large number from the Calisthenic Association of South Australia who are marching girls—who will be joined by three Aboriginal performers in a group called the Anarungga Dance Company. All in all, 50 people, with approximately 40 tonnes of equipment, are looking forward to renewing acquaintances with Adelaide's sister city in Scotland.

The historic castle will resound to the haunting sounds of the didgeridoo this trip, along with many familiar Australian songs—a lot of them specially learnt for this trip and many rearranged for the occasion. The tattoo will be held in August and will be a celebration of the Commonwealth of Nations, with only one band from each country selected to perform. Our police band's acclaimed performances at the 1998 Royal Tournament in London enhanced its international reputation and clinched this opportunity to focus world-wide attention on the South Australian Police Force band and, indeed, South Australia. That triumphant two week engagement at Earl's Court played to over 250 000 people, and was featured in an international television broadcast across Europe.

The band began fundraising as soon as the Edinburgh invitation was received. It has many supporters, but it is always a struggle, and I know how hard band drum major Sergeant Ken Eakin and his team worked with all concerned to raise the $250 000 that was needed. In particular, I know that they would like me to mention and thank Mr Richard Green from Malaysia Airlines who has assisted with travel arrangements; the Australian Major Events, especially John McDonald; and a man called Ian Carter, who is probably well known to all of us as the man who was responsible for the John Martin's Christmas pageant and who I am told can make anything that he is asked to make.

We would also like to mention and thank Derringers Music; Pro Stage and Hamilton's Wines, with special mention going to Channel 7, Chris Willis and Leonie and Robert Clyne, who arranged corporate clothing through their company Angus Clyne Australia Pty Ltd and outfitted the four managers of the team. I am told that has made the top brass look top notch.

The Edinburgh performance will be featured on international television as part of a program to be telecast on New Year's Day 2001. We in South Australia have the chance to see that performance in advance, as the police band and the entire troupe will be assembled at the Adelaide Entertainment Centre on Monday 17 July at 8 p.m. for a free performance with free parking, where they will have their last dress rehearsal. You will be able to see the band in action with the marching, the Calisthenic Association marching girls, and the Anarungga Dance Company. I thoroughly commend this performance to members.

Also, as part of their continuing fundraising program, a booklet will be available for only $5 which talks about the band's upcoming tour. After the tattoo's performance in Edinburgh, the band will be returning to Adelaide straight-away for performances here for the Olympic events in September.

I enjoyed a fine performance of the police band at Fort Largs on a very cold night about three months ago, when we saw the 1812 Overture, complete with cannon and fireworks. That was a special night for the band members because they farewelled their former singer Natalie Ermer, and they have now welcomed a new singer, Di Dickson, who will be travelling with the band this tour. It would be a good opportunity for us all to recommend to anyone we know who is free on Monday night that they go down and support the band. We are all very proud of everything they do. They have made us proud of them anda the South Australian Police Force and brought a great deal of kudos to this state and a great deal of very good publicity—PR that will not be afforded to any other state, because our band is the only band that has been asked to perform. We wish the police band well for their tour and hope that they come home ready to help us support our Olympic soccer events.

The Hon. G.M. GUNN (Stuart): Together with a large number of residents of Port Augusta, I had the pleasure to be present when the Olympic torch arrived on the train from Western Australia at about 4.50 this morning. It was a lovely morning, and it was a great occasion. We were entertained by the Adnamutdna Women's Choir and the Accapella Singers, and we had three speeches—one from the mayor, one from the federal member and one from me in which we officially welcomed the relay to Port Augusta and South Australia.

It was a wonderful occasion, and it was pleasing to see so many people turn out to welcome the torch and to participate in this great occasion. Of course, most of us will never have the privilege of seeing another Olympic torch in Port Augusta, in their area or in Australia. I would like to commend all those who participated this morning and those who were responsible for its organisation. It was a wonderful occasion and something that we will remember for a long time.

Even though the hour was early, it did not deter people from getting up and participating. The fireworks were interesting, and I hope that the rest of the journey around South Australia gives us as much enjoyment as I know it did give the people of Port Augusta and surrounding areas this morning.

I appreciated getting the pair for a division so that I could be there last night. At about the time I was getting up this morning, most members of this House would have been going to bed. I did think of them. I heard some of news reports, and I thought, 'Perhaps I was fortunate that I was not here.' However, I did have a good night's sleep. It was interesting, because I have read through the *Hansard* today. Let us hope that we do not have a similar occasion tonight: I hope that commonsense prevails and we have an informed and constructive debate.

I understand that some people took exception to some comments that I made on 29 June. I want to make something very clear. I am aware who has been stirring it up, because

South Australia is a very small place and it is not hard to find this out. If anyone took offence at what I said, no offence was meant. It was an off-handed comment and a throwaway line. There were far worse comments made across the chamber today. If the government was of like mind, we could stir up a comment made by a certain individual here and put that person right on the front page of the *Advertiser*. We have chosen to be responsible and not do that. One of the interesting things is that people have taken umbrage at me. I have been one of the strongest supporters of the state of Israel and the Jewish people throughout my whole career and have been strong in my support for their right to exist. I am aware that the member for Spence was ringing up the talk-back radio programs and Jeremy Cordeaux.

Mr Atkinson interjecting:

The Hon. G.M. GUNN: The honourable member is a bit behind the times. I am aware that he telephoned one of them at about 2 o'clock in the morning about a week or so ago. I am also aware that a couple of members of parliament were telephoning Mr Schiller and asking him to take a certain course of action, which he declined to do.

Members interjecting:

The Hon. G.M. GUNN: When you get the member for Spence to apologise for what he said across the House today, we will think about doing a few other things. You are a political hypocrite—we know that. You are devious and untrustworthy.

The SPEAKER: Order! The chair would consider that that was perhaps an inappropriate remark. The honourable member may consider withdrawing it.

The Hon. G.M. GUNN: I will certainly withdraw it. One is aware of the member for Spence. Referring to my earlier comments, no offence was intended, because I have always been a very strong supporter of that particular community and their right to exist. If it has caused any harm, I am sorry for it because it was not intended.

LEGISLATIVE REVIEW COMMITTEE: NATIVE VEGETATION ACT

Mrs GERAGHTY (Torrens): I move:

That the report of the committee on regulations made under the Native Vegetation Act 1991 be noted.

In the conclusion of the committee's report it states that the committee by majority resolved to take no action in relation to the regulations and that the notices of motion previously given in respect of the regulations be withdrawn. I am in the minority who disagree with the decision of no action on regulation 263, which is a regulation under the Native Vegetation Act 1991. What worries me about the report tabled in parliament is that it does not address the real issues of why the committee originally placed a holding motion on the report in the first instance. The major issue the committee as a whole failed to address is that these regulations give retrospective legislative sanction to what is now known to be the illegal clearance of native vegetation in the Upper South-East, in the Bonney's Camp and Tilleys Swamp area.

The committee heard clear evidence on the illegal clearance of native vegetation. We heard that evidence from the Native Vegetation Council Chairman, the Hon. Peter Dunn and Dr Andrew Black, a member of the council. We also heard from the Nature Conservation Council, the Department of Environment and Heritage, PIRSA, the Environmental Defenders Office and Mr Julian Desmazures, the Presiding Member of the South-East Water Conservation and Drainage Board. All of these witnesses stated to the committee that at least five kilometres of native vegetation, which is subject to a heritage agreement, have been illegally cleared. That certainly appears to be an undisputed fact.

This regulation proposes to and indeed does cover up the fact that there has been an improper massive clearing of native vegetation, and that native vegetation is in a pristine heritage agreement area. That is the issue the Legislative Review Committee needed to address in my opinion and we did not do so when passing a motion of no action on the regulations. By allowing the regulation we have supported retrospective approval of what we know and have been told is an illegal act, namely, the illegal clearing of native vegetation subject to a heritage agreement.

In not facing up to the issue, the Legislative Review Committee has undermined the Native Vegetation Act and disregarded the role and decision of the Native Vegetation Council, which clearly states that the clearance is not in accord with its principles. Sadly this undermines the value of all heritage agreements allegedly (and I say that given this situation) written to protect and preserve native vegetation. The clear message it appears is that anyone with enough influence can clear native vegetation, ignore heritage agreements and then have the government protect them through the use of retrospective regulation.

By passing a motion of no action, a lot of damage has been done to the worthy bodies and committed people who are working and have worked very hard to protect our native vegetation, certainly what little we have left in the Upper South-East. Clearly the committee did not face up to that issue of disallowing a regulation that condoned this illegal clearance of native vegetation. Now it is up to this parliament to face up to the issue and not condone the illegal clearance of native vegetation that is clearly subject to a heritage agreement.

Mr MEIER (Goyder): My viewpoint is different from that expressed by the member for Torrens, and I will detail a few points to the House in relation to this matter. The aim of the regulations, as stated in the report of the Legislative Review Committee, was to enable the Native Vegetation Council to deal more effectively with matters involving the clearance of vegetation in the South-East and on the West Coast. Certainly our comments are directed particularly to the South-East. First, in relation to the salinity and flood management program, the clearance of this vegetation in the South-East was to assist in the Upper South-East dry land salinity and flood management program. The salinity and flood management program is, according to the report on the regulations, a program of state if not national significance and has a number of components.

They are: first, to improve the productivity of degraded agricultural land; secondly, to protect native vegetation areas against salination; and, thirdly, to conserve and enhance wetlands and re-establish native vegetation. It is a pity that we are not able to refer to maps in this chamber or have maps incorporated into *Hansard* because certainly the map for the Upper South-East dry land salinity and flood management plan, as of June 2000, shows clearly the absolute necessity of having a proper drainage system in place to be able to rehabilitate the area. That basically is the crux of the issue in relation to these regulations, in other words, to seek a way of opening up this area for general farming and for a greater use than is currently possible. We heard from many people during the taking of evidence on these native vegetation regulations,

including Mr Wickes from Primary Industry and Resources, who said:

> We have been the proponent to deliver the Upper South-East Dry Land Salinity Program, which is there to improve about 400 000 hectares of agricultural land and about 40 000 hectares of wetlands and environmental factors. There was a big study, and all the land-holders down there, as you know, are paying toward the program, together with the state and commonwealth governments.

That in itself highlights the fact that the whole aim is to improve about 400 000 hectares of agricultural land. I would say that without question it is the responsibility of this government to ensure that such a program proceed. If legislation currently puts obstacles in the way, then we as a government must seek to overcome those obstacles. Another witness was Mr Desmazures, the Presiding Member of the South-Eastern Water Conservation and Drainage Board. In his evidence he said:

> For the Upper South-East project to work it has to have an outlet from the Bakers Range, which is one of the major water courses running, in simple terms, parallel to the Coorong. We have to cross that water course and drain areas in the Mount Charles area, so we had to get a drain across where we had three routes we believed were suitable. One was the original route agreed by cabinet of this state, through Messent Conservation Park. When the feds came on board they put serious question marks on going through the conservation park.
>
> The next and most obvious route was through Deep Water Currawong country, controlled by Mr Eastwood, which we tried for something like three or more years.

This is now coming to the crux of the issue, and again it is a pity that I cannot have a photograph or map before the House. In simple terms, the first route was a northerly route, but that was through a significant amount of native vegetation and the federal authorities said, 'No, we won't let you go through there.' The next route was through land that had been cleared to a large extent, but the owner said, 'No, I don't want you coming through my land.' The third option, therefore, was to go through a southern route, which has some native vegetation on it, and that is the route on which these regulations particularly allow work to continue.

That will allow 400 000 hectares of agricultural land to be properly drained and made fully agriculturally useful. So, a wonderful result will be achieved. The report then goes through more detail as to the routes of the drain and identifies the northern route, which is called the Messent Conservation Park route. As I said, the federal government intervened and did not allow that.

The second route is generally known as the Deep Water Currawong, and the owner was opposed. Of course, theoretically there was the option that the government could come and buy the land, but one valuation of $740 000 was considered by one of our witnesses as grossly under-valued; it would cost much more money than that to have been able to purchase that land, so the expense would have been horrific. Obviously, there will be enough expense associated with the simple construction of the drain.

There has been a lot of delay on this, and it highlights to me the obstacles that a government faces when it cannot simply act on certain matters but has to be tied to current legislation. I have a few projects in my electorate that either are occurring or I hope will occur, and I have been extremely frustrated over the past few years with this government's not simply being able to wipe away an act or certain elements of an act to allow a commonsense development to proceed.

I have learned slowly that it has to go through a series of processes. Usually, the end result is almost the same, and it is a bit hypocritical in my opinion, when so many developments have occurred in the metropolitan area—they have literally covered all suitable agricultural land with concrete and clay—yet in the country areas, where we have an abundance of open land, we are faced with these same regulations that are very annoying and, in many cases, have been created by people who have not had enough to do to keep themselves occupied.

Nevertheless, we as a committee had to deal with this problem and decide whether the regulation before us was the best option. Thankfully, by a majority decision—and, as the member for Torrens indicated, she did not agree—it was decided that these regulations were satisfactory and the project can therefore proceed. I am delighted that the majority had their way on this.

I recognise that the member for Torrens highlighted some aspects of what has already been done in drainage, and perhaps some of the work should not have been commenced to date. But that was not a concern of the committee: it was something that I endeavoured to keep right out of my mind in all these discussions. I just assumed that it was virgin land and that we were considering the initial application. I certainly had no intention of taking that factor into account as such.

I am pleased to be able to make those few comments on this report and trust that this project will proceed and that the South-East will be the huge beneficiary of this drainage program in coming years.

Mr WILLIAMS (MacKillop): The whole of the area encompassed by the Upper South-East Dry Land Salinity and Flood Mitigation Scheme falls within my electorate, my being the local member for virtually all the south-east of the state barring that area around Mount Gambier in the seat of Gordon, the metropolitan area of the south-east. I would like to bring to the attention of the House a few points which have not already been made by other members and which have not, from the quick look that I have had through the report, been highlighted in that report either.

I did have a cursory look at the report a while ago. It contains several pages that give a chronological history of what has happened, with particular regard to what we call the northern outlet, and starts at around 1992. The House should be aware that the problem of dry land salinity was first discussed amongst land-holders as far back as 1983. John Radcliffe, a land-holder and farmer in the Kingston area, has talked to me about noticing it in 1983 or shortly before.

He started to talk to some of his neighbours and some of the neighbouring land-holders to see whether they were having similar experiences on their property, and it grew through those discussions to a point in the late 1980s when the local government authorities in the area started to talk very seriously about it and started to liaise with the government and with ministers. The genesis of that scheme occurred at that stage but, certainly, the problems were noted well before the early 1990s, as far back as the early 1980s.

In fact, the problems arose because, after that area was cleared some 40-odd years ago, it was pretty well all sown down to lucerne. With the arrival in Australia and South Australia of the spotted alfalfa aphid and the lucerne flea, those two pests of lucerne, with the grazing regimes being used at that time we saw the demise of the dry land lucerne that had covered the whole of the South-East.

The dry land lucerne had had a similar effect on the recharge of the rainfall into the aquifer as the native vegetation previously had. It was actually utilising most of the

rainfall falling on the land, so there was no substantial addition to the water table via recharge and the water table remained fairly static.

With the demise of that lucerne, the rainfall over a large area was able to get through to the water table, the volumes in the aquifer increased and the water table rose, bringing with it, in some instances, salt which was already in the saline water tables and also salts which were being redissolved and mobilised from the dry part of the soil between the surface and the water table. It brought those salts to the surface causing huge salt scalds, firstly in the lower areas, and they crept out further and further as time went on.

This scheme was first envisaged under the Upper South-East Dryland Salinity and Flood Mitigation Scheme to begin in the northern part of the catchment. The first option was to have an outlet in the northern part, with that work to be completed in 1997 or 1998, and then proceed southwards from there. Because of the impasse that occurred in achieving the northern outlet and to keep the scheme going—remembering that funding processes had been put in place; landholders had been levied and there was a funding commitment from both the state and federal governments to get the scheme going and keep it going—a re-emphasis was put on the whole scheme. The southern part of the scheme was initiated in, I think, 1996, and that was completed by about 1998, and then we moved into the central part of the catchment.

It is only recently that work has been started and concentrated on the northern part of the catchment, but it was still reliant on achieving an outlet, because all the groundwater captured by the drains was diverted northwards, and at some point it had to be released. As we speak, it is flowing into the wetlands that have been created on properties principally owned by Tom Brinkworth. There is a series of wetlands which the water flows into. That water has a salt content of about 7 000 parts per million. The water is flowing into the southern end of these wetlands. During the summer season it evaporates, and by the end of the summer season there is not a lot of surface water left: the water has evaporated and the salt is left.

The volume of water going in is at 7 000 parts per million, and it is estimated that about 200 000 tonnes of salt a year flows into the wetlands. You do not have to be a rocket scientist to work out that it is not sustainable to keep doing that and that, at some stage, the water must be let out. Other members have gone through the process of why we came to put the alignment of the northern outlet on the Bonney's Camp property. What some people may not realise is that, when this proposal was taken before the Native Vegetation Council, under the existing regulations the council could only look at the benefit to the particular property where it was proposed to remove the native vegetation. That is why the regulations were changed: to allow the Native Vegetation Council to assess this project based on the beneficial effect that it would have on land upstream.

The member for Goyder referred to about 400 000 hectares of agricultural land, 30 000 or 40 000 hectares of wetlands, and a further 30 000 or 40 000 hectares of native vegetation. This is a large area; there will be a huge benefit. It is something which we could not deny or say no to. The ministers at the time (Dorothy Kotz, the Minister for the Environment, and Rob Kerin, the Minister for Primary Industries) were instrumental in achieving these regulations. The work that they did on proceeding this matter and getting the Native Vegetation Council to approve the clearance and allow the subsequent work was fantastic. I assure the House that many people were tearing their hair out in the South-East prior to last Christmas and over the summer period wondering what was going to happen to the scheme.

Time is running short. I would like to speak for a few moments about Tom Brinkworth, who has been painted as a bit of a villain in this whole process. I am not a lawyer, but, in my opinion, Tom Brinkworth has done a fantastic job for the South-East. He is one of those people—

Mr HILL: I rise on a point of order, Mr Deputy Speaker. I do not want to interrupt my colleague, but I understand that there may well be legal action happening at the moment in relation to that gentleman. If that is so, the honourable member's comments would be sub judice.

The DEPUTY SPEAKER: The chair is not aware of any legal action. If the honourable member could substantiate that claim, his point of order would be recognised.

Mr WILLIAMS: To my knowledge, there is no legal action, but the honourable member may know more than I. I would like to say that Tom Brinkworth is a substantial landholder in this area. He is a practical, on-the-ground conservationist, which is a lot more than I can say for many of the people who are running around this state at this moment holding up projects and stopping people from going about their lawful business. Tom Brinkworth has a vision of recreating the wetland water link, as it has been known, stretching all the way from the Murray Mouth to the Bool Lagoon. I have been across a lot of that property with Tom Brinkworth and I share his vision.

It would be a crying shame if that vision foundered because of albeit well-meaning people who neither understand the landscape or the history of it nor have any appreciation of what Tom Brinkworth is trying to achieve. I commend him for the work he has already done and the vision that he has for that part of South Australia in the future. His vision includes ecotourism. He has people from the University of South Australia, Janice White and her team, down there on a regular basis assessing and collating information about the environment in that area. I conclude my remarks.

Mr HILL (Kaurna): I will not speak at length on this issue. I will not use the 10 minutes available to me, because I have spoken on this matter several times before and raised my concerns. I support the analysis of this issue by my colleague the member for Torrens. I do not in any way disagree with the member for MacKillop's analysis of the need for drainage in the South-East and the positive benefits that will have on the environment generally.

I want to talk briefly about the alternatives that are available to the government regarding this issue. I lament the fact that the government chose an option which will cause damage to native vegetation in the South-East. When I raised this issue once before, I said to the Minister for Water Resources—and I have also said this to the Minister for the Environment—that the option for clearance through the heritage native vegetation area in the South-East was to acquire compulsorily, if necessary, cleared land which the drain could go through.

At one stage, the government's advice was that that might entail five years of legal action by the owner who was reluctant to sell the land or give up the land without a big fight. That advice was later changed to a two year time delay, and the government said that it could not wait that long. If the government had introduced legislation in this House, which the opposition and I offered to support, it could have acquired

the land, disallowed any right of appeal and had that acquisition take effect immediately. That would have been the cleanest and easiest way open to the government, but unfortunately it did not have the guts to do that.

I do not know whether cabinet considered it but, if it did, it showed an absolute lack of support for the environment by not going down that track. The Minister for the Environment will have to wear the odium of presiding over a Native Vegetation Council which has agreed to allow a drain to be constructed through a piece of virgin native vegetation. That is a great shame. Members of the conservation movement who generally care about our environment are deeply concerned about the precedent that has been established. As I have said, there was another way of achieving the kind of outcome advocated by the member for MacKillop—that is, a drain—without the destruction that has occurred.

The other issue raised by the member for MacKillop relates to the good work done by Tom Brinkworth in South-East. I do not know Mr Brinkworth, but I have heard that he has won environmental awards and that he is known for his good works and his positive approach to farming in the South-East. I say good luck to him for that. However, I would say—

The Hon. R.G. Kerin interjecting:

Mr HILL: He is easy to get on with, the Deputy Premier says. I think that was a lump in his cheek there; I am not entirely sure. I do not know the man, so I cannot comment. But the point is that, no matter how good a man he is and no matter what track record he has on the environment, if he has broken the law and if he has constructed a drain illegally through some native vegetation without proper approval, he should be subjected to the penalties of the law.

It is now some months since that activity took place. I asked by way of a point of order whether there was legal action in place at the moment in relation to this matter and I was told that there was not. If that is the case, I am very surprised because the facts of this matter have been known for a long time. It is very clear that there was an illegal activity; the land was cleared illegally; and it did not have the approval of the appropriate authorities. So, why has action not been taken?

I do not want to get into the details of the issue in any great way, but I raise the point that if land had been cleared illegally then some action should have been taken. The person responsible for clearing the land should have been brought to account. I let the House know—and I hope the Minister for Environment is listening—that I will continue to pursue this matter because I want to ensure that, if land has been cleared illegally in the South-East, the persons responsible, no matter how great their reputation or how good their connections with the Liberal Party, if they have illegally cleared land, they should be brought into a legal framework where they can justify the clearance that they have made. If they can justify it and if the court finds that it was not done illegally, once again, good luck to them. Having made those comments, I support the position of the member for Torrens and indicate that I will oppose the vote.

Mr LEWIS (Hammond): I listened with interest to what the member for Kaurna had to say, and from his position I can understand his sentiments. I am not surprised to hear the member for Kaurna make the remarks he has made (coming from where he does), but I must say that Tom Brinkworth is not a member of the Liberal Party. Tom Brinkworth is just a bloke who, in Tom's terms, has simply got on with the job of doing what he said he was going to do day to day, year to year, I guess, about 30 years ago.

Tom has always been a practical fellow who knows the value of getting things done in a timely way in order to ensure that you do not incur losses that will otherwise overtake you. If you can see the bad luck coming, you must make sure that it does not hit you. That is the point that I make in connection with these proposals that were under active consideration to try to save a large area of the South-East.

The member for MacKillop on this occasion and I on earlier occasions have drawn attention to the background reasons for the increasing water tables in the Lower South-East. He has mentioned the effect that the loss of lucerne had in the early 1980s after the two alfalfa aphids were released. That was huge. However, the clearance of native vegetation itself, the planting of lucerne and, finally, the loss of that lucerne is not the only reason why these problems arose, that is, the problems of so-called dry land salinity and increased water table elevation.

The other problem reflects not at all well on Tom Brinkworth. It arose out of the very wet year we had in 1981 when it rained daily for eight weeks from early July to the beginning of September. An enormous amount of water fell: it had been dry up to that time. The water that fell was not just in the localities of the South-East between those successively reducing elevation wetlands, between the old coastal foredunes that had become calcified across the South-East, falling in altitude from the east to west to the coastline (in that general direction), forming fairly flat lands which tended to carry drainage water in a general north-west direction parallel to the coastline.

It involved not only the water which fell in those localities but also the water that fell on farmlands across the border in Victoria, further east of Bool Lagoon and further east in the upper catchments of the Mosquito Creek complex that comes through Bordertown and Cannawigara. This resulted in a huge volume of water travelling very definitely, albeit apparently slowly and without much drama when one looked at the surface of the water that was moving, from those areas in western Victoria into South Australia. It flooded Bool Lagoon—and, as you, sir, know; you were minister—it overtopped and ran straight out along Baker Range watercourse in a north-westerly direction.

It joined waters that were coming through Cannawigara from Victoria. I well remember the fights between neighbours over whose levy banks would stand and whose would be knocked down, and what was done overnight under the cover of darkness by one neighbour to save himself from the consequences of the water that was being diverted onto his property by the banks on another neighbour's place. It was a hell of a mess. Tom Brinkworth himself could see the bad luck coming before it hit him, and he decided to augment the levy banks that he already had around the place, where he had been shifting freshwater around on his property with huge pumps for a few years as irrigation water. He had been doing that through the autumn, and he was flood irrigating a vast area of land, lifting water from just below the substantially impervious subsoil layer under the surface aquifer or having it rise as artesian water—because Tom owns a lot of land there—and shunting it around his property.

Most of that country has a fall on it of only six inches in a mile, which is very slight, but it is still there, and the water moves. Well, when the rain started he ended up with a lot of water still on his property, and it was water that he did not want any more because it had much higher levels of salinity

than when he had started using it. It was trapped behind levy banks that he himself had built to hold it there.

When I flew over the property with the Hon. Jamie Irwin (before Mr Irwin became a member of parliament), I tried to video it. I hired a video camera at my own expense. In those days, they were fairly primitive and the video camera weighed about 20 kilograms because of the battery pack. The sods from whom I hired it gave me a battery that was flat, so I only got about 10 or 12 minutes video of what was going on.

The end consequence of all that was that Tom learnt a lot more about the lie of the land on his properties and what would happen in wet years. He therefore set about ensuring that it would never happen again by building on his own properties that extend for kilometres upon tens of kilometres, from what you call the Lucindale end of the South-East in this watercourse right through to the northern end.

He could see a way of providing wetlands and making some money out of allowing people to come and shoot things on his property. So, he learnt how to shift water around and how to hold it. He did not make himself exactly popular with some of his neighbours in the way in which he built large dams across those natural watercourses and created wetlands that contributed to the damage being done. In one instance, the water backed up through Wongawilli and Paraweena pastoral companies way back past Marcollat itself when he put a weir or earth dam across the Marcollat watercourse just north of Jip Jip. I was amazed and distressed by that.

There were instances where people had tried to remove it and took action to try to have it removed and there was hell to pay. To cut a long story short, dealing with this problem of getting rid of the water in the watercourses, such as Baker Range, Cortina Lakes and the like, that used to travel north into the Messent national park—certainly it went to the Hawke property; I have seen it there—we reached a point where it cleared away during the 1960s and 1970s because none got there; lucerne took it all before it arrived and there were never any really wet years. It will come back, and the people who own those properties and who have opposed the construction of the drain will learn to their cost that it does so. Notwithstanding that, clearance of a few hundred hectares or so has saved thousands of hectares of native vegetation, which in my judgment means it was the lesser of two evils. Hence, I come back to where I started: the member for Kaurna's remarks were not temperate, in that they implied that it is wrong to do something to save tens of thousands of hectares of native vegetation and farm land by having to destroy just 100 or so.

Motion carried.

PUBLIC WORKS COMMITTEE: PELICAN POINT POWER STATION

Adjourned debate on motion of Mr Lewis:

That the 122nd report of the committee, on the Pelican Point Power Station transmission connection corridor—status report, be noted.

(Continued from 5 July. Page 1641.)

Mr LEWIS (Hammond): I have noted members' contributions on this matter and, even though I was unable to complete all the remarks I would have chosen to make during the course of moving this motion, I am sensitive to the views that have been expressed by others. I will conclude by pointing out that it was the committee's strong recommendation that the transmission line be rerouted along a railway line corridor to the west and across the river on existing high tension line easements further south; and consultation and due process could have been followed, but were not. The time constraints in having the Pelican Point power station connected to the grid by November this year and the long lead time in procuring the necessary componentry on the transmission line project compelled us to lodge our final report to the House so that work could proceed. However, after we had made our final report, as the member for Reynell pointed out, we then learnt that the agency went off and changed it, selecting an entirely different route.

We were told that it was not possible to consider any alternative route whatever; there just was not time. We were told that if we did not submit a final report the work would go to a private company and be lost to South Australian interests, in all probability, and that the sale of a transmission corridor to that company would be the result. We pointed out at the time that we were yet to be satisfied that the public interest would be served, and we remained strongly opposed to the works at that time. Notwithstanding that, we feared that expediency, particularly with regard to the development application process, had overridden good public policy. Because of that the committee continued its inquiry, hence this report. That inquiry was into the appropriateness and feasibility of the Pelican Point power station itself and, even though the Treasurer had promised to provide the committee with full background information on that power station so that we could understand how its location would be in the best interests of the public, we have not heard a squeak from him since. So, in our report we recommended against it.

You need to remember, Mr Deputy Speaker, that in our initial report on the matter the committee had said that we were greatly hampered, because the initial information in the submission provided was totally incomplete. There were no details of the status of ElectraNet SA and its obligations; there were no titles to the land for the power station—it was still Crown land at that time; there was no evidence of appropriate consultation; there was no Development Assessment Commission approval; no alternative scenarios or options were considered; and there were no net present value or internal rate of return calculations as part of the requirements of the Parliamentary Committees Act and the agreed acquittals process provided to it.

The committee, then, was clearly misled by the people who gave it evidence and those who insulted parliament when they insulted the committee by their atrocious behaviour and misconduct in the committee. I am referring to people such as Alex Kennedy and the disgraceful and disdainful way in which she and her partner in crime, Geoff Anderson, treated the committee in its inquiries on the matter. We sought to discover whether or not they were really being paid a fair and reasonable amount and, to our amazement, we found that they were being paid what we considered to be an exorbitant amount. As history shows, they are completely absolved from any responsibility not only for the mess which they have created in this instance and which continues to be created but also for many other instances in relation ERSU's activities.

Motion carried.

PUBLIC WORKS COMMITTEE: BOTANIC, WINE AND ROSE DEVELOPMENT

Adjourned debate on motion of Mr Lewis:

That the 123rd report of the committee, on the Botanic, Wine and Rose Development—Status Report, be noted.

(Continued from 3 May. Page 1036.)

Ms THOMPSON (Reynell): This is another matter that has been around for some time; in fact, the Public Works Committee first considered it in about August 1998, and here we are in July 2000 without a botanic wine centre. The rose centre seems to be progressing nicely, but the Botanic Wine Centre, which was promised to be a bonanza for us for the Olympics, hardly has the soil turned. That is a great disappointment indeed. It is a particular disappointment, because there have always been concerns about this project—and I still have four concerns. The history of the development was that originally it was to be a wine museum. It then grew faster than Topsy and became a national wine centre and something of an industry showcase.

My concerns relate to the cost and time blow-outs, the lack of clarity of purpose of the centre and its location, the fact that this centre is very inappropriately sited on the parklands and that developments now are showing that this is increasingly inappropriate, if that makes sense. Originally, the cost of this centre was $31.8 million. The latest estimate is $36.5 million. However, I personally have no confidence that that budget will be met. The reason is that when the project went to tender the government was not able to find anyone to build the centre for the budget allowed. The government commenced negotiations with the preferred tenderer, who could not deliver, even with modified plans for the budget that was allowable.

The government then commenced negotiations with the second preferred contractor. The committee has been advised by the project proponents that they have now agreed on modifications to the centre which will enable this project to come in under budget. I have built a house and I think that most members in this place have built a house. We know how the costs just grow and, when we are in a situation where there need to be negotiations to meet the budget, I would be quite willing to proffer my view that the budget will not be met. One such example is the Christies Beach High School, where the project was renegotiated to meet the budget. The outcome has been extraordinarily unsatisfactory. I hope that we do not have an extraordinarily unsatisfactory result in this instance.

There is also the issue of ongoing costs. Already we have lost money as a result of the failure of the wine centre to be open on time. The wine and counter admissions are expected to earn $1 564 750 per annum. This assumes an optimistic number of about 500 visitors per day but, nevertheless, this figure is what the project proponents told the committee the centre would achieve. We are missing out on at least nine months of that income. Sure, we are missing out on the costs, too, but the rationale for this centre is that for each $1 spent on the centre the state is earning massive amounts—my recollection is a rate of 10:1.

If this project has any validity, this state is currently missing out on millions of dollars in revenue because of the inability of the proponents to get it anything like right. I consider that the revenue estimates are very optimistic, so I do have a worry about the ongoing costs for the centre, particularly if short cuts are made in the construction.

In terms of the time blow-out, I have covered many of those aspects in talking about the cost blow-out because they are so closely related but, suffice to say, we will not have the wine centre open for the Olympic Games; nor will we have it open for the International Rose Festival with the rose gardens so closely associated with the centre. So, already we have missed out on two major opportunities that figured very prominently in the rationale given for the development of this centre.

My third concern related to the purpose of the museum. The purpose grew. It was a museum and then it started to become all sorts of things about a wine experience. The objective given to the committee which encapsulates the intended purpose states:

To develop the National Wine Centre as a world-class interpretive, educational and entertaining facility to showcase the social, economic and cultural role of the national wine industry.

I think that you, Mr Deputy Speaker, would acknowledge that that is a pretty amorphous objective. In the meantime, we have a private wine centre established down the road in a very interesting building. I have not had the opportunity to see it, to see how it is working, but it will be very difficult for visitors to this state to develop any form of product differentiation.

A wine museum is something quite distinctive. We have an excellent collection of wine history of the world books at the library, but that is not part of this development, either. In my view, if people coming to South Australia want a wine experience they will go to McLaren Vale because there they can have an excellent wine experience. They may perhaps move on to Langhorne Creek and see the Bleasdale Winery, where they can see some of the artefacts of the wine industry, but there will not be much of a wine experience in the parklands, which is designed for other issues.

The building is full of function rooms and offices, but even those offices do not appear to be doing so well. In initial evidence, the committee was given 14 organisations that were expected to locate in the offices associated with the wine centre. So far, only six have been secured. I do not wonder at this: most of the wine industry is perfectly happily accommodated at Magill in accommodation that should be much less expensive than accommodation on parklands, which should be charged at a triple premium.

However, I have no indication from the cost estimates that tenants will be charged a triple premium. The tenants' revenue is expected to be $107 500 per annum, which is less even than the $137 000 that is coming in from the cafe. This development seems to be more a convention centre. We have already a perfectly good convention centre, which is being upgraded, and an entertainment centre.

The committee was told, in talking about the purpose and the location together, that the parklands were an ideal location because of their proximity to the east end of Rundle Street and the focus that that is for food and wine. Yet I recently read, I think in the *City Messenger*, that the east end of Rundle Street is changing its focus: it is becoming more of a nightclub entertainment area, much to the distress of some of the residents, and that Hutt Street is now becoming the focus of the food and wine experience. This is not to be wondered at.

My time in Adelaide tells me that the 'in place' to be has changed many times. It used to be Hindley Street but we do not think now of Hindley Street as the premium food and wine area. However, once it was the place to find a restaurant.

Mr Atkinson: I still go there.

Ms THOMPSON: Yes, some of us visit various book shops and places in Hindley Street. I hope that the redevelopment of the arts focus there will revive that area, but that simply reinforces my point: areas change their character and

the destruction of parklands and their transference to a wine centre on the grounds that it is advantageous to be close to Rundle Street East is short-sighted thinking which we do not need in this state. We need people who can think for some time, not grab a good idea, throw lots of money at it and hope that it will work.

Mr LEWIS (Hammond): Unquestionably the Botanic Wine and Rose Centre set out to be a methodical and realistic way of utilising buildings (the Goodman Building and Tram Barn A) that, whilst controversial, were nonetheless, seen by many people, as desirable and a means of also providing South Australia with a national focal point for the wine industry.

I take note of the information provided to the House by the member for Reynell, who has spoken on this matter and who is also a member of the committee. She has expressed views this afternoon which were not dissimilar to the views expressed to the committee during the course of its taking evidence on this project which resulted in the committee's recommending that the law be changed with respect to the process by which a decision can be made to construct buildings on parkland by government—a decision that it is all too easy for government to make. So, the bill that is on the file, in my name, addresses that problem. It is a great pity that we will not get around to debating that bill. It ought to have been considered as part of the committee's business, but our standing orders do not allow that. It has to be brought in by a private member, albeit on the recommendation of a committee, and in this case it is the chairperson of the committee who carries the can to introduce the legislation.

I want all members to know that it was the unanimous view of the committee that that legislation needed to be introduced to prevent inappropriate and, indeed, improper appropriation, just ripping off a chunk of parklands to do something. Pretty soon, there will not be any left; you will not even be able to recognise where the parklands used to be if we go on doing that. In concluding my remarks on this measure, I want to say that I am now disturbed to hear that the current expenditure, involving I think only one staff member on the public payroll and already running up several million dollars, along with the capital works, is now topping $40 million, and this thing was supposed to stop at $32 million. It seems to me that, in addition to the capital works, other things are being undertaken which ought to have been included in the capital works program and which the developers are now calling recurrent expenditure, and they are thereby getting around the provisions of the Public Works Committee's responsibilities under the Parliamentary Committees Act; that is wrong.

Debate adjourned.

Mr LEWIS: I move:

That so much of standing orders be suspended as would allow the continued consideration of Orders of the Day: Standing Committee Reports until 6 p.m.

The ACTING SPEAKER (Mrs Geraghty): The requisite number of members not being present, ring the bells.

A quorum having been formed:

The question having been put:

The SPEAKER: Order! There being a dissentient voice, there must be a division.

The House divided on the motion:

AYES (21)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Key, S. W.
Koutsantonis, T.	Lewis, I. P. (teller)
Rankine, J. M.	Rann, M. D.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	White, P. L.
Wright, M. J.	

NOES (24)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G. (teller)
Kotz, D. C.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
Meier, E. J.	Olsen, J. W.
Penfold, E. M.	Scalzi, G.
Such, R. B.	Venning, I. H.
Williams, M. R.	Wotton, D. C.

Majority of 3 for the Noes.

Motion thus negatived.

SOUTHERN STATE SUPERANNUATION (CONTRIBUTIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 July. Page 1646.)

Mr FOLEY (Hart): The opposition supports the government's bill, which arrived from another place this week. It was supported by the Labor Party in another place and certainly we will support it here today. The bill makes a number of important amendments to the Southern State Superannuation Act 1994 which established and continues the triple S scheme for government employees. The triple S scheme provides benefits based on the accumulation of contributions paid into the scheme and the accumulation scheme.

The amendments fall into two main categories, the first being those that deal with two administrative procedures which are being changed. The second category is a series of amendments of a technical nature, which allow an employee to direct salary sacrifice contributions to the scheme. If any of this sounds familiar to members, I have been provided with briefing notes from officers, in case someone thought I may have been plagiarising a speech from another place.

These are technical amendments in large part and deal with salary sacrifice issues, contributions to members' schemes, payments by employers, employer contributions accounts, disability pensions and a number of other technical issues.

This bill is supported by the various public sector unions involved with this legislation. It is sensible, modest reform. We tend often to amend superannuation acts. That is the nature of the ever dynamic environment of superannuation, employment conditions and salaries. We are forever updating, changing and modernising our superannuation schemes.

These bills will continue to come into this place for a long time to come. I do not want to go on any longer than I need

to. I am happy to indicate our support and for the bill to proceed to the third reading.

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I thank the member for Hart for his contribution. As he has said, these are technical amendments which allow direct salary sacrifice contributions to the triple S scheme and tidy up some of the administrative load in relation to employer contributions into the scheme. As the member has said, there will be continuing changes to superannuation schemes as we go through this parliament, and this is but one of those.

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

LIQUOR LICENSING (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 July. Page 1644.)

Mr ATKINSON (Spence): This is a medium-sized update of the Liquor Licensing Act, which was comprehensively overhauled as recently as 1997. It is a matter for regret that the Attorney-General (the Hon. K.T. Griffin) should be so triumphalist about the Liberals governing the state that he refuses to consult the Australian Liquor Hospitality and Miscellaneous Workers Union about this legislation. It is just bad manners.

I shall deal with the bill under the headings direct sales, responsible persons, restaurant licences, breach of licence condition, barring patrons, planning and conditions on a licence. I should explain to the House that direct sales, restaurant licences, and conditions on a licence are conscience votes for Labor members of the House. Rule 84(U) of the ALP (SA Branch) rules says:

> Matters which are ruled by the presiding officer as social questions may be freely debated within the South Australian ALP, but any decisions taken shall not be binding on members of the party.

Early in South Australian Labor's history, liquor was ruled to be a social question. One of the reasons it was ruled a social question was to avoid interminable arguments between two of the biggest groups in the party—the Irish Catholics, who enjoyed their liquor, and the Cornish and Welsh Methodists who were temperance minded.

Mr Clarke: Which one do you fall into?

Mr ATKINSON: I fall into neither category as a member of the Queen's church. I recall Father Joe Grealy telling me that his father, who unusually for a Catholic was a temperance man, greeted the then leader of the federal parliamentary Labor Party, Matthew Charlton, who was a guest at State Council, with a question about where Charlton had obtained the large donations that the party had recently received. The answer Grealy wanted to expose was that the publicans had been kicking the tin.

Mr Hanna: Nothing's changed!

Mr ATKINSON: Indeed, nothing has changed. They are kicking certain tins and not others and you can work out the list from the divisions last night. The conscience vote has served Labor well in helping us to avoid that kind of wrangling on most occasions. Whenever the issue in the Liquor Licensing Act is whether, directly or indirectly, there is to be more or less grog served, the matter will be a conscience vote not only for Labor members of parliament but also for rank and file members. Whatever policies the party may have about liquor, they do not bind individual members, who are free to express whatever opinions they wish about that subject. Labor people were prominent in promoting 6 o'clock closing in the 1915 referendum, held simultaneously with a state general election that was won by the United Labor Party. Other conscience issues for the ALP include abortion, euthanasia, sexuality, drugs and pornography.

Mr Koutsantonis: Gaming machines?

Mr ATKINSON: Yes, gaming machines and gambling generally. I thank the member for Peake for that interjection.

Mr Clarke: What about disagreement with the ruling clique?

Mr ATKINSON: That is not a conscience vote, to answer the member for Ross Smith. Many attempts have been made to alter or whittle down the conscience vote on liquor and other issues, by the Hon. Anne Levy and the Hon. Chris Sumner, but they have all failed. Liberal MPs in this debate will not be free to vote as they wish on this bill and its clauses: they will be obliged to do as the Hon. K.T. Griffin hath commanded them.

So, we are in the perhaps unusual position that Labor members are free to vote on this bill as they wish and Liberal members are not. The bill makes provision for what it calls direct sales, namely, sale and delivery of liquor to a buyer who does not attend a premises.

The Hon. G.M. Gunn interjecting:

Mr ATKINSON: I am interested to hear the member for Stuart talk about 'not being able to campaign outside your electorate', because I seem to recall that the member for Ross Smith went to Port Augusta to campaign against him and, as a result, was suspended from the service of the House for criticising the Speaker when the member for Stuart confused the role of Speaker and the role of member for Stuart.

The SPEAKER: I remind the House that it is totally out of order to reflect on a Speaker if he is still a member of this House. That has been a tradition of this House for years. If you go back through the history of the House you will find that it is out of order to reflect on a Speaker if he is still a member of the House. I suggest that the honourable member come back to the subject of the bill.

Mr ATKINSON: At the next Standing Orders Committee I will move to remove that outrage.

The SPEAKER: The honourable member has an opportunity to do that. At the moment I administer the House according to the standing orders and its traditions. I ask the honourable member to come back to the substance of the bill.

Mr HANNA: On a point of order, as I understand your ruling, Sir (and I understand the principle involved), surely in this case the member for Spence was reflecting on the member for Stuart in his capacity as a member, and part of that reflection was the fact that there had been abuse of the office of Speaker. That is a different thing from reflecting on the Speaker.

The SPEAKER: Order! I do not uphold the point of order. I heard clearly what the member for Spence said and I have read the *Hansard* historically. I have heard rulings given by Speakers on this very subject in the past and I believe that my ruling is consistent with previous Speakers' rulings. I bring members back to the substance of the bill before them this afternoon.

Mr ATKINSON: It is a relief to know that former Speaker John Trainer is no longer a member of the House. The point I wish to make is that the member for Ross Smith roves widely and campaigns in many electorates, and it is not only the ALP State Secretary who has criticised him for doing

that, it has also been the member for Stuart. The bill provides for what it calls direct sales, namely, sale and delivery of liquor to a buyer who does not attend the premises.

There is no such licence now. The order could be by telephone, mail, fax, internet or e-mail. The ability for a third party to challenge the granting of the licence on the basis that there is no need for the licence because the locality is already catered for by another licence, is obviously not applicable here. The amendment allows a new entrant in the market to obtain a direct sales licence, but it would not be permitted to provide liquor by other means.

All current hotel producers, wholesale or retail licensees, will be able to provide liquor by direct sales. The Australian Hotels Association is opposed to any new entrant obtaining a direct sales licence, but I do not think that the association entertains any hope of this proposal being defeated. It is interesting that yesterday we had a debate on gaming machines and the two most senior people in the Australian Hotels Association were attending in parliament but today, when we are discussing their core business, the Liquor Licensing Act, they are not here.

Mr Hanna: You're wrong: their core business is pokies.

Mr ATKINSON: As the member for Mitchell says, it tells you what the hotels make their money from now, because it seems that they are not really interested in amendments to the law governing liquor but they were very interested in any potential change to the law governing gaming machines.

Mr Hamilton-Smith interjecting:

Mr ATKINSON: That is the point that the member for Mitchell was making, but I appreciate the member for Waite coming in late there.

Mr Scalzi interjecting:

Mr ATKINSON: As the member for Hartley says, maybe they are places that sell gaming and occasionally also serve liquor. Two restrictions that apply to the direct sales licence are that the licensee must not supply liquor to a minor off licensed premises, and liquor may be delivered only during the hours when it could be supplied at a liquor store, namely, 8 a.m. to 9 p.m. Those who deliver liquor to a home or premises under this provision must deliver it to an adult.

That is as I interpret it, and I hope that the minister and the government have the same interpretation. But that is a matter we will be exploring in what I think will be quite an extensive and detailed committee stage. In fact, this is very much a committee bill, where we have to look at the minutiae very carefully. I am sure that there are members in the Chamber today who will help me in that task.

As I say, those who deliver liquor to home or premises under this provision must deliver it to an adult, and it would be an offence to leave liquor behind without giving it to an adult. In calculating whether a wholesale liquor merchant has stuck to his requirement of selling 90 per cent of his turnover by wholesale, retail sales overseas will not count.

I turn now to the question of responsible persons. Under the 1997 bill some of a licensee's responsibilities under the act could be delegated to an authorised manager. Whenever the licensed premises were open, a licensee or authorised manager or 'some other person approved by the licensing authority' had to be on hand. Now the government wants to go back to two categories: licensees and responsible persons. There would be no need for authorised managers or the formality of a person approved by the licensing authority.

The Liquor, Hospitality and Miscellaneous Workers Union, thinks that there is a risk that unqualified young people would have the role of responsible person thrust on them and that this would place undue stress on them for little reward. Coming as I did from the retail trade and from the union covering the retail industry, I would add that there is another motivation for employers to characterise young employees as managers or responsible persons, that is, to get them out from under the union membership agreement and to make sure that they are exempt from eligibility for union membership.

In the retail industry we would see shop assistants who were perhaps in charge of one aisle in a supermarket characterised as junior managers so that they could be taken out from the union and from the protection of the award. It may be that the same thing is happening in hotels because of this change to the act. Since the 1997 act enabled this delegation, the licensee's responsibilities have often been delegated to free the licensee and the person who formerly would have been the manager from the need to attend the hotel as often as they once did. Responsible persons under this proposal would be in charge of closing on time and refusing service to minors and intoxicated patrons.

One of the reasons why some licensees will embrace this opportunity is, as I said, to take junior employees out of the scope of any union membership agreement by characterising them as managers. Although the 16 and 17 year old children of licensees have long been able to serve in the family hotel, the bill seems to allow 16 and 17 year old children of responsible persons living on the premises to serve behind the bar.

Anne Drohan, the President of the Liquor, Hospitality and Miscellaneous Workers Union, thinks that the bill may even allow the appointment of a manager who is not a responsible person but who relies on responsible persons down the line. So, in a hotel, you could have a situation where two or three young people are responsible persons, but the person supervising them is not classified as a responsible person for the purposes of the act. We think that is an unsatisfactory outcome unless the minister can convince us, first, that the act contemplates that and that that is, indeed, a satisfactory outcome. I hope that the form in which the bill is passed does not have these consequences.

In its submission to the government and the opposition, the Law Society argues that there is no need for a responsible person to be on the premises at all times when the hotel is trading. My experience of the Law Society's submissions on liquor licensing does not give me confidence in its judgments. The liberalism of its submissions is both tiresome and dogmatic.

I turn now to the question of the restaurant licence. I emphasise for those of my Parliamentary Labor Party colleagues who are present in the chamber that this will involve a conscience vote when the matter reaches the committee stage. The 1997 overhaul of the act (section 34) allowed a restaurant to serve liquor without a meal provided the patron was seated at a table or attending a function at which food short of a meal was provided. The government is proposing under clause 7 to tighten this three year old provision by requiring the restaurant, if it is serving liquor without a meal, to be capable of serving a meal if requested. This is provided in the bill as follows:

> . . . that business must be so conducted at the licensed premises that the supply of meals is at all times the primary and predominant service provided to the public at the premises.

I recall certain nights out with the member for Ross Smith

when we descended on a restaurant and the only thing that restaurant was serving was bottles of red wine.

Mr Clarke: What was wrong with that?

Mr ATKINSON: Obviously, the restaurant was not functioning as a restaurant but as a tavern, and it ought to have had an appropriate licence. That is a matter on which members of the Parliamentary Labor Party are free to disagree. All I can say is that I enjoyed my visits to restaurants after midnight with the member for Ross Smith, but I cannot recall receiving any sustenance other than alcohol.

Mr Koutsantonis interjecting:

Mr ATKINSON: As he was the deputy leader of the parliamentary party, I felt that the least he could do was pay.

Mr Clarke: Which you repaid in full.

Mr ATKINSON: Indeed. Part of the reason for this change is resident versus restaurant conflict at the East End of Rundle Street. The government fears that some East End restaurants turn into taverns after mid-evening and that one consequence is late night disruption to residents of the new apartments. If this matter goes to a vote at the committee stage, I bet that the member for Adelaide will make an exception to his usual liberalism and vote for this government amendment because, of course, his interest lies in making happy the people who live in the apartments not those who visit the East End of Rundle Street for something to eat or drink. Fortunately, he is not yet proposing the permanent closure of Rundle Road; only its closure on weekends. The Law Society argues against the amendment, and I am sure the member for Ross Smith will agree with this. It states:

> Why should it be necessary to require that at all times the business be the supplier of meals when many people listen to some music or have a drink providing that it provides lunch and dinner from its kitchen. . . There may well be times when a very legitimate restaurant is not serving any or many meals but people are sitting drinking at tables and/or standing up while drinking whilst attending a function. The Law Society contends that the government amendment would turn the clock back to pre-1967 days.

I think the Law Society is a little confused, because pre-1967 we had 6 o'clock closing. I think it really means pre-1997 days.

The Hon. Trevor Crothers in another place supported this clause and accused restaurants of cheating on wages and conditions. I would like to share with the House some of what the Hon. Trevor Crothers had to say in the other place. According to a ruling of the Chairman of Committees yesterday, I am free to quote large slabs of debate from the current session in another place provided I do not attribute it to any member in particular. I disagree with that ruling, so I shall not detain the House with the Hon. Trevor Crothers' remarks, but I refer those interested to *Hansard*.

As I said earlier, this matter requires a conscience vote for Labor MPs. I support the bill on this point because I believe that restaurateurs have pushed the 1997 amendment beyond its terms and what parliament intended in 1997. If restaurateurs want to serve grog for a few hours after they have ceased to serve meals, they can apply to have their licence varied to accommodate that, and the licensing authorities will assess that application on its merits.

I turn now to breaches of licence conditions. Another amendment makes a patron who knowingly violates a condition of a licence guilty of an offence in addition to the licensee. For instance, a hotel patron might serve liquor to a child or children. The Law Society supports this, citing the example of 18th birthday parties at which adults supply liquor to 17 year olds. In the Parliamentary Labor Party there is some difference of opinion about this. Some members of the party take the view that, if one takes one's child to a hotel or a club, one should be able to supply liquor to the child or at least give them a sip. Others take the view that, if you want to give your child liquor, you can do so in your own home but not on licensed premises. Again, Labor Party members are free to vote as they wish, but they should be aware that the act maintains a prohibition on providing liquor to children on licensed premises.

Under section 119 of the act, when the commissioner finds breaches of the act or licence conditions, he may, as an alternative to disciplinary proceedings, require an undertaking from the offending licensee. The bill provides for three consensual alternatives to an undertaking, namely, alteration of the conditions of a licence; suspension of the licence; or revocation of the licence—all with the consent of the licensee.

I turn now to the question of barring patrons. A licensee may bar a patron for three months for offensive or disorderly behaviour. One of the amendments in this bill would allow the licensee to bar a person for more than three months if the person barred is a repeat offender; if a patron has been barred once before he may be barred for six months; and if the patron has been barred two or three times he may be barred for more than six months or indefinitely.

Mr Clarke: A bit harsh.

Mr ATKINSON: The member for Ross Smith says that it is a bit harsh. I do not know what experience leads him to take this view, but perhaps he will make a contribution to the debate and then enlighten us. The government had originally intended that the bill allow barring for reasons other than offensive or disorderly behaviour, namely, the patron's welfare or the welfare of someone who resides with the patron. I do not know whether the government is persisting with this change. Feelings on the matter in the parliamentary Labor Party were mixed on the merits of this amendment, with some members taking the view that it is a bit rough if you are barred from your local on the say so of your missus.

Mr Clarke: Or the other way around.

Mr ATKINSON: Or the other way around, as the member for Ross Smith says. In any case, an appeal against barring lies to the commissioner. I think the Hon. Nick Xenophon would take the view that there was some merit in these barring provisions because they might be used by the licensee to bar someone who is using the gaming machines to excess or to the detriment of his or her family. But, if I am wrong on that interpretation, I am sure the minister will set me straight in his reply on the second reading debate. The minister in this House representing the Attorney-General always gives substantial contributions in his summing up of debate, and I am sure he will answer all these questions before we go into committee.

I turn now to planning. The act provides for a developer to get a certificate of approval that is a provisional liquor licence for premises that have not yet been built. A Supreme Court decision states that development approval need not have been obtained before applying for and being granted a certificate of approval. The government proposes to reinstate the requirement of development approval because the conditions of development approval might be relevant to whether a liquor licence ought to be granted. The Law Society opposes the change and cites the example of the Holdfast Shores Hotel—and I quote:

> There are a number of developments at Holdfast Shores Hotel at

Glenelg where the major project's planning authorisation is taking some months, but there is confidence about approval being granted. It was important to the consortium that they have as many approvals in place as possible and the pre-requirement of planning approval may prove to be a disadvantage and disincentive to developers.

I shall be voting for the government's bill on this point.

Mr Clarke interjecting:

Mr ATKINSON: Quite. I turn now to the question of conditions on a licence, and this is also a conscience vote for the parliamentary Labor Party. The bill deals with the problem of the pub that was proposed to be built alongside Woodend Primary School by authorising the commission to take into account when granting or refusing a licence or imposing conditions on a licence these matters: minimising prejudice to the safety or welfare of children attending kindergarten, primary or secondary school in the vicinity of the licensed premises. This will be a ground for objection to a licence. The Law Society argues that the change is unnecessary and it is probably right.

Mr Hanna: Who signed the letter from the Law Society?

Mr ATKINSON: I think the President, Mr Stephen Connell, but I imagine the writer of the submission was Peter Hoban from Wallmans. I will be supporting the amendment out of an abundance of caution. The opposition supports the second reading of the bill.

The Hon. I.F. EVANS (Minister for Environment and Heritage): I thank the member for Spence for his contribution and support of the bill. In relation to a number of points the member for Spence raises, I confirm that you do need to be an adult to receive delivery in the case that the member raises. In relation to the question about poker machines, the responsible person would need to make the judgment based on clause 37 of the bill, from memory, which provides that he has to make the judgment on the risk to welfare as a result of alcohol consumption.

Mr Atkinson: Not gambling?

The Hon. I.F. EVANS: Not solely gambling.

Mr Atkinson: But gambling could be considered in conjunction with alcohol?

The Hon. I.F. EVANS: It relates to welfare as a result of alcohol consumption. The judgment must be made on the basis of alcohol consumption. In relation to managers, it is true that in theory one could be a manager in what I would call the general sense without being a responsible person as defined under the bill. We see nothing wrong with this. The duties of the responsible person are clearly set out in the bill. Those duties of manager, in the general sense, may be quite different duties from those of a responsible person.

Mr Atkinson: Come on!

The Hon. I.F. EVANS: For instance, a manager may be in charge of five or six outlets in a franchise where one family owns seven or eight licensed premises. You may have an over-arching manager who looks after financial affairs but who may not attend on the licensed premises to take on the role of a responsible manager. We see the managing role in a general sense as being different necessarily from the role of a 'responsible person' as defined under the act. One of the reasons the government moved this way is that there was a concern that managers who under the act were meant to be taking on some of the duties that are now defined under 'responsible person' were off site for many of the hours that the licensed premises were open, and therefore not able to perform their required duties.

Therefore, by bringing them under the responsible person provision, as we have done, we are making sure that there is always someone on site to undertake the duties as defined in the bill for responsible persons. However, if a licensed premises wants to have a manager in a general sense, in theory at least the member for Spence is correct and it may well be not a 'responsible person'. We must point out that the licensee always needs to make sure that the business is being run in a lawful and proper manner as per the act; otherwise, that could lead to disciplinary proceedings being taken against the licensee.

Bill read a second time.

In committee.

Clause 1 passed.

Clause 2.

Mr ATKINSON: When did the government contemplate proclaiming this bill, and what matters will it be taking into consideration in determining whether to proclaim it?

The Hon. I.F. EVANS: The government has not set a time frame for the proclamation. However, we do not see any reason why it would not be proclaimed within the normal time frame.

Clause passed.

Clause 3.

Mr ATKINSON: In defining a direct sales transaction, clause 3(b) provides that the liquor is delivered to the purchaser or a person nominated by the purchaser at the residence or place of business of the purchaser or some place other than the premises at which the liquor has been stored prior to delivery, nominated by the purchaser. My difficulty with that definition is that we have been assured by the government in its contributions to this debate, both here and in another place, that it is an offence for a licensee selling under a direct sales transaction to take liquor to, let us say, a home or other premises and not give it to a particular person but to leave it there on, say, the front veranda, driveway or back porch, because in those circumstances the licensee does not know that he is not giving it to a minor.

So, for instance, a minor could make an order over the internet and say, 'Drop around two dozen cans of bourbon and Coke to 20 Smith Street, Thebarton, and leave it on the front veranda; I won't be home.' So, the licensee arranges for the liquor to be left on the front veranda, no-one is there, and once the delivery van has left the minor comes in and picks up the slab of bourbon and Coke. The government assured us that that would be an offence and would not be permitted, but in its definition of 'direct sales transactions' in clause 3 it contemplates precisely that by saying that the liquor could be delivered at the residence or place of business nominated by the purchaser, but not given to the purchaser.

The Hon. I.F. EVANS: I will clarify this for the member for Spence; I think he is misunderstanding the clause. The clause clearly provides that the liquor is delivered to the purchaser, or a person nominated by the purchaser—so in both those cases it is a natural person—at the residence or a place of business—so the delivery has to be delivered to a person, whether that be the person who has placed the order or a person whom they have nominated.

The clause then goes on to provide that the licensee can make the delivery to the person at the residence, a place of business or another place. Under the bill, the person making the delivery must deliver it to a person. If they do not deliver it to a person, they commit an offence. If they deliver it to a person and are not convinced that the person is an adult, they have the power to seek identification for clarification of age.

If it turns out to be a minor to whom they are trying to deliver, and they continue to deliver, they commit an offence. If an adult was not home, they would have to return when an adult was home.

I clarify to the committee that the definition of the bill is clear in intent: it must be delivered to a person, and that person must be an adult; otherwise an offence is committed by the people making the delivery.

Mr ATKINSON: I thank the minister for that explanation, but I notice that that subclause also provides 'or a person nominated by the purchaser'. Is there some risk that the liquor will be delivered to an adult who then gives it forthwith to a minor?

Secondly, selling liquor by the internet is obviously a comparatively new vocation, but I would have thought that selling it by mail, telephone and facsimile was not new. How were sales by mail, telephone or facsimile proposed to be handled by the Liquor Licensing Act before these provisions were drafted?

The Hon. I.F. EVANS: The advice to me on the second part of the member for Spence's question is that, prior to a Supreme Court case, the commission always believed that mail and phone orders were quite within the power of the then act. It was only when the court ruled in relation to internet sales that this matter was brought to the attention of the commission, and the Attorney therefore moved this amendment.

In relation to the first question that the member for Spence raised about delivering to an adult who passes it on to a child, the licensee's responsibility ends once they have made a lawful delivery to the adult. Then, normal rules apply.

Mr HANNA: Given that quantities of alcoholic beverages are delivered to unattended front door stops of homes in Adelaide every business day, is it the intention of this direct sales transaction concept simply to confirm existing practice, or is it intended to confine that practice in some way?

The Hon. I.F. EVANS: As a result of the court case and a review of this issue, these amendments tighten up on the existing operators. Once this law is proclaimed, a mail order alcohol supplier will have to conform with the same requirements as someone selling liquor through the internet, that is, delivery to a person who is an adult as previously described in an answer to a question from the member for Spence.

Mr HANNA: I move to the definition of 'responsible person' in clause 3. I echo some of the concerns raised earlier by the honourable member following information contributed from the Liquor Trades Union. Although 'responsible person' is defined to mean a person who is responsible for supervising and managing the business conducted under the licence, is it possible then for there to be someone in a supervisory or managerial role who is not a responsible person and who perhaps shares managerial duties with someone who is the defined responsible person?

The Hon. I.F. EVANS: My understanding is that, if an employee is required to perform duties of a responsible person as defined in the bill, that employee must be classified as a responsible person. If that person, as part of their duties, also undertakes some managerial function, as I mentioned earlier to the member for Spence, such as some other financial or marketing role that might fall outside the definition of 'responsible person', that is certainly covered by the bill. You can have solely responsible persons and you can have managers who may not be a responsible person and therefore do not have a requirement to perform those duties under the bill, and I have given that answer previously to the member for Spence.

There is some flexibility. I gave the example of a manager who may not be the responsible person as defined. You might own seven or eight licensed hotels and spend your time travelling around in a car undertaking marketing and management roles and not necessarily spend time on the floor of the licensed premises undertaking the role of the responsible person.

Mr KOUTSANTONIS: I might be wrong but is it possible for the responsible person as defined to be under the age of 18?

The Hon. I.F. EVANS: My advice is that the person must be an adult.

Mr LEWIS: Do I understand then that the responsible person, notwithstanding the fact that the minister used the term 'licensee', must be over 18, and means a person who, in accordance with section 97, is responsible for supervising and managing the business conducted under the licence? Does that automatically mean that they are the licensee, or does it in fact mean someone to whom, for the time being, the responsibility of managing and supervising the business has been delegated? These days deliveries of goods, and so on, go on around the clock, and I can foresee situations in which it would be possible for people under the age of 18 to be the person on premises who is awake and responsible for receipt of the goods being delivered by the trucks on the pallet, or whatever.

The Hon. I.F. EVANS: The member for Hammond's point about longer trading hours and not having people there is one of the reasons the government has included this amendment. I refer the honourable member to a debate in another place in which the Hon. Trevor Crothers, in supporting the bill, raised an issue similar to that raised by the member for Hammond. This bill says that, at all times that the licensed premises are open, a responsible person must be present, and that person must be 18. It does not necessarily have to be the licensee. No-one would expect the licensee to be on the premises for 20 hours. If premises were open for 20 hours a day no-one would be expected to work those hours. The requirement is that we want responsible people to perform certain duties in licensed premises. There must be a responsible person on duty at all times and that person must be an adult. The point raised by the member for Hammond is covered in the bill.

Mr LEWIS: Is it the government's belief that if someone is over 18 when the grog is delivered on the pallet, or however else it is delivered to the premises, it is less likely that there will be, as a result, some increase in the number of alcoholics in the community or, as a result, some effect on the amount of social misconduct that will arise when it comes time to drink that liquor? It is all very well to say that someone must be over 18 but does it really mean that the public interest and the public good is better served? As I have said previously, I would repeal the ruddy lot. I reckon that it is a mockery. If people want to sell alcohol from any premises anywhere, I think that it ought to be addressed under planning law—leave it to local government and get out of the way. I do not see any benefit at all in propping up the Licensing Court, which does not do anything to protect, as it were, society from the evils of alcohol, such as they are. It really does not. It is amoral. It is simply a matter whereby the Licensing Court satisfies itself that it has gone through the motions (and you can define that how you like) and when the time comes it simply issues the licence.

When a problem arises, the licensee simply says, 'It is not there', in the first instance, and the Licensing Court is not all that helpful in getting the matter resolved. I believe that problems about trading hours and things like that ought to be addressed by local government, so that circumstances, as they are seen in the local community, are the means by which we deal with that. I really wonder whether it is necessary, against that framework of ideas, to have someone there to receive deliveries of alcohol who must be over 18 in the belief that if they were under 18 they would be less likely to be responsible for what they were clearly doing in receiving the goods. It is like saying that you could not trust the kids in McDonalds to do the jobs they do when the goods are delivered there. I am quite sure that is not true. Although it is not alcohol, those goods are extremely valuable and they are sought after by young people.

The Hon. I.F. EVANS: The parliament, over many years, has recognised 18 as the year a person becomes an adult and therefore able to make certain judgments and decisions. The government does not seek to change that situation in relation to this bill. We see 18 as the appropriate age for someone to be involved at the level of responsible person within the industry. In relation to whether a person needs to be 18 to accept a home delivery of alcohol, the government's view is that if you are in licensed premises, for instance, a hotel, a person there cannot serve alcohol to a minor. So, applying that principle to other forms of delivery, the government's view is that, to keep it uniform, someone receiving a delivery from a purchase over the internet should also be 18 years of age. As the member for Hammond hinted in his question, we believe that some social ills are associated with alcohol and therefore some uniformity in terms of keeping the age at 18, we think, is appropriate in this case.

Mr CLARKE: In relation to a responsible person who is not the licensee or director, the impression I get of a responsible person is someone who has not just necessarily entered the industry at the age of 18 and who is then suddenly approved as the responsible person with respect to the duties that person has. Presumably, there are a number of responsibilities, otherwise they would not be known as the responsible person.

What criteria does the commissioner now apply with respect to granting applications for responsible persons to hold that position? Are any facts available regarding not only numbers but also ages and the criteria used? From general discussions with the union concerned, it is my understanding that it is concerned that the industry wants lower levels of employees to accept this responsibility as a responsible person, basically to avoid paying higher rates of pay.

The Hon. I.F. EVANS: The criteria are set out in section 55(2) of the act (page 29), taking into consideration things such as the person having appropriate knowledge, experience and skills for the purpose, and in particular whether the person has knowledge, experience and skills in encouraging the responsible supply and consumption of liquor. Some judgment needs to be made as to whether each individual meets those criteria. The member asked for details regarding numbers, ages and categories of people. We do not have those figures available here. The advice to me from the commissioner is that we might have information regarding numbers. We may not have the other two, but we will seek that information and try to forward it to the member.

Mr CLARKE: If the legislation as proposed passes, is it envisaged that the persons eligible to hold the title of responsible person would expand, and then in a sense would not a greater number of people in lesser positions in terms of seniority, experience and age be more likely to be approved as responsible persons under this act by the commissioner than occurs today?

The Hon. I.F. EVANS: The advice to me is that currently we have people classified as managers and people classified as responsible persons. Under the bill we will have one classification, that is, responsible persons. We think the total of the two previous classifications will be similar to the numbers under the new one classification. Regarding the sum total of the previous classification of manager and responsible person, the advice to me is that we expect it to be similar to the total number of people who will be defined as responsible persons under the bill.

Clause passed.

Clause 4.

Mr ATKINSON: This clause amends the provision relating to lodgers. My question follows remarks I made in the second reading about the 16 and 17 year old children of responsible persons living on the premises being able to serve liquor in a hotel. I understand that it has been an historic exemption that 16 and 17 year old children of a licensee living on a premises can serve liquor, but this amendment is the first of a number that caused the parliamentary Labor Party to ask whether it is now contemplated that the 16 and 17 year old children of responsible persons living on the premises can also take the benefit of this historical licensee exemption. If that were so, the exemption would have expanded well beyond its historical role.

The Hon. I.F. EVANS: The 16 and 17 year old children of responsible persons will be able to serve alcohol on a licensed premises if they reside on the premises. I think that answers the member for Spence's question. They can be 16 or 17 years old, they must be a child of a responsible person and they must reside on the premises.

Mr ATKINSON: My wife served liquor as a 16 and 17 year old, being the daughter of a publican in country Victoria, and her father was the licensee. However, I have some difficulties in extending that to responsible persons, because there is a chance that there will be a lot more responsible persons living on the premises than there will be licensees. Does the minister not think that this is perhaps an undue expansion of the ability for under-age people to serve liquor? For instance, a hotel might have two or three responsible persons living on the premises, and this will expand the number of under-age people who are eligible to serve liquor. Is that a direction in which the Liberal government really wants to go?

The Hon. I.F. EVANS: My understanding of section 110(5) is that they can supply liquor if the minor is a child of a licensee, the manager or an employee. So we have narrowed the definition by making it only 'child of responsible persons', and they must reside on the premises. Section 110(5)(b) of the act provides that the minor is a child of a licensee, manager or an employee. So, the employee provision in the current act makes that very broad. We have now narrowed it to children of responsible persons. I am sorry: I correct myself on advice.

An honourable member interjecting:

The Hon. I.F. EVANS: No, it shouldn't be. For a minute I thought I finally had one on you. The advice to me is that the amendment simply changes in section 110(5)(b)(ii) of the act, where it refers to a minor as a 'child of a manager of a licensed premises' we are changing that to the 'minor of a child of a responsible person'. Given that the employees are

still there, we do not see that as a broadening as such of the numbers of 16 to 17 year olds who would be able to serve liquor.

Mr ATKINSON: Like a cricket umpire you are always accurate on the ball count in the over. I am not sure where we finish with the minister's explanation, whether the bill is expanding the number of 16 and 17 year olds, whether it is contracting the number of 16 and 17 year olds or whether it is the same. If one refers to section 110 of the existing act, which the minister says the government is not proposing to change by the bill, I read that as applying to the gratuitous supply of liquor, namely, a licensee, employee or manager giving his own children liquor at no cost. That subsection of section 110 is saying that it is prohibited to supply liquor to a child on licensed premises, except in the case of the supply gratis to the children of the licensee, the manager or the employee by those people and not others. I think the minister has drawn a red herring across this discussion. It is a pity I have had to waste one of my three balls pointing that out. I thought that you, sir, might treat that as a wide or a no ball, but I am sure that you will not.

I bring the minister back to the question we were originally asking, namely, will the number of 16 and 17 year olds entitled to supply liquor for money to adults on licensed premises go up, go down or stay the same? The minister should admit to the committee that his reference to section 110(5) is a red herring because it regards the gratuitous supply of liquor to certain children.

The Hon. I.F. EVANS: The member for Spence and I are at cross purposes. I understand we are talking about clause 5, dealing with lodgers. I think the member for Spence is talking about a discussion we might have later in the bill in relation to an amendment the government is moving.

Clause passed.

Clauses 5 and 6 passed.

Clause 7.

Mr CLARKE: I have some difficulties with respect to clause 7 because it seems, not only after having read the Law Society's submissions but from my own reading of the amendment, to be the intention of this government to take us back prior to the amendments to the Licensing Act in 1997. I do not see any harm whatsoever in anyone going along to any of the restaurants, particularly those in our entertainment strips ranging from Norwood and North Adelaide to the east end of Rundle Street and others, later at night, perhaps to join some friends and purchase some wine, without having to go through the hassle of buying a meal. They may have already eaten, gone to the movies, the theatre or something of that nature and want to go out and enjoy a glass of wine afterwards at a restaurant in basically an entertainment precinct.

I do not understand why the government is intent on saying that the supply of meals is at all times the primary and predominant service provider to the public at the premises. If there is a restaurant, the existing section 34(1) seems to adequately cover it in that it authorises 'the consumption of liquor on the licensed premises at any time with or ancillary to a meal provided by the licensee; and authorises the licensee to sell liquor at any time for consumption on the licensed premises, whether ancillary to a meal provided by the licensee'. In section 34(2) of the principal act it is a condition of a restaurant licence that 'business conducted at the licensed premises must consist primarily and predominantly of the regular supply of meals to the public'. The restaurant has to be a bona fide restaurant and has to have a kitchen capable of serving meals on a regular basis to the public. There is all that infrastructure cost there for a start. It will not just be a sham restaurant in competition with hotels or other drinking venues.

The time is well past in this state, in particular when we used to pride ourselves on being called 'the Athens of the south', when we have to conjure up having some motley piece of lettuce served up with a piece of dried out chicken at the outrageous price of $5 or $6, which the customer did not want and the restaurant owner did not want to serve, and go through with paying the cost of it just to satisfy a stupid piece of legislation that I remember having existed prior to 1997. If I want to, as I do, go out to the movies having already had a meal and want to catch up with some friends or go with friends to a restaurant for a glass of wine that is already established to serve meals on a regular basis in any event, I do not see why I need to be stuck with having to purchase a meal or be told that, if I am going to have a meal, the kitchens are mainly closed and all that is available is a toasted sandwich or a pizza. My question to the minister is: on what grounds of concern was the government caused to seek to amend section 34 of the principal act in the manner as outlined in the bill?

The Hon. I.F. EVANS: There were some concerns that restaurants were exploiting a loophole in the act where they may open as a restaurant for the majority of the time and then swing into operating as a nightclub venue for the minority of the time. The issue that arises is that, if you were a resident and received a notification that a restaurant was opening up next to you, that may not cause you any concern. For the majority of its time, from 9 a.m. to 9 p.m. (for 12 hours), it may operate as a restaurant and for the next six hours it will operate as a nightclub. That may bring you to a different judgment on whether you want those premises to operate in your particular neighbourhood. The government seeks with this amendment to say that the supply of meals is at all times the primary and predominant service provider to the public.

[Sitting suspended from 6 to 7.30 p.m.]

The Hon. I.F. EVANS: Before the break I was halfway through answering a question from the member for Ross Smith as to whether under the new provisions he can attend a restaurant and have a glass of wine without having a meal. The answer to that is yes, that does not change. All this amendment does is make clear that the focus is on providing restaurant services and not nightclub services, in essence. There were some instances where restaurants were gaining approval to be restaurants, then operating for a significant part of their time for another purpose, that is, nightclubs.

People were not objecting to that during the planning process but suddenly were finding that they were living next to a nightclub when they were expecting a far quieter activity next door, that is, that of a restaurant. There were also concerns about other planning matters, for instance fire escapes, fire systems and space requirements that are needed for nightclubs that may be different for restaurants. For those reasons, we have tidied it up through this amendment.

Mr CLARKE: The minister says that restaurants have been exploiting a loophole. I would like to know where those concerns have been raised. I have heard second-hand that it is the east end of Rundle street: I do not know whether that is the case. If it is, it seems to me that the people who live in the area have some difficulties in the sense that if you buy a place to live in, in the heart of the city, very close to the entertainment and restaurant area, you are going to experi-

ence some difficulties and you know that at the time you purchase that property.

The other thing is that many of these restaurants, not just in Rundle street but elsewhere, are experiencing financial difficulties: high rents, lower custom and in some respects being forced to look at having nightclub activities afterwards to maintain their viability. We have laws on nuisance, excessive noise and things of this nature and, notwithstanding the licensing arrangements, people living nearby, like any householder, can complain about activities going on and can seek to have them desisted from, with court action following if necessary.

A number of hotels around North Adelaide and other areas, which are heavily surrounded by residential areas, are constantly having to watch out for their patrons causing too much noise to local residents and the like, because of the dangers that poses to their ongoing licence. I presume that the same applies with restaurants and other associated activities.

I wonder whether we are not using a sledgehammer to crack a relatively small nut. There may be only isolated examples of the concerns that have been expressed, and mainly, I suspect, in the CBD area. Before I get to my third and final question I am interested to know where these problem areas are.

The Hon. I.F. EVANS: I am advised that they have occurred in Noarlunga, Christies Beach, Woodville and Glenelg, so it is not just metropolitan Adelaide. I do not have the exact addresses, but the commissioner advises me of at least those four suburbs, and there would be others. In relation to the member for Ross Smith's comments about some restaurants converting to nightclubs at certain times of their trading for monitoring purposes, we have no objection to that.

All we are saying is that they need to be appropriately licensed as a nightclub, not as a restaurant, so that during the planning provisions for public notification there is a clear understanding by the community that there will be nightclub activity there, and so that they are appropriately licensed in order that the correct provisions for fire safety etc. are considered at the time and they do not suddenly change the use halfway through the life of the restaurant. We would argue that we have no problem with people running a nightclub with a meals facility etc., as long as it is appropriately licensed.

Mr HANNA: In my opinion, this is a provision to take trade away from restaurants and redirect it to hotels or other licensed premises. The minister has said that there are restaurants that might change their use, effectively, and concentrate on serving liquor rather than meals. Is it not the case that a restaurant at the moment can play music, can open late until whatever hour is specified in the licence and, indeed, may even discharge inebriated patrons in the same way as other types of licensed venues can?

I am suggesting that a restaurant, even with the condition in this amending clause being met, can still cause the mischief that people in some places are obviously complaining about. I am suggesting that the law should concentrate on the mischief, not on the technicality of how much food is served how often.

If the focus of the law is on how much food is served how often, then we will be going back to the absurd old days of going to a venue and being served a plate of cold pasta with a bit of lettuce leaf on top, and they can then say that they have fulfilled the requirements of the act, and to no-one's benefit. I suggest to the minister that restaurants complying with the conditions set out in this amending clause can cause as much mischief as restaurants that have apparently been the subject of complaint. I ask the minister to confirm that.

The Hon. I.F. EVANS: I do not confirm that as the norm. If you are applying to put a restaurant into a particular building, normally there would be some judgment about how many people could be seated. For a 100-seat restaurant you need X amount of car parking and X amount of fire escape doors and staircases if it is upstairs; all sorts of provisions. If off their own bat they convert it to a 40-seat restaurant and a 200-person stand-up nightclub, then obviously you need far greater car parking facilities and far different fire escape facilities, and we are not arguing that they should not be able to do that.

We are not arguing that you cannot have a meal facility with a nightclub. All we are asking is that, where people are applying for a restaurant licence, clearly the focus of those premises needs to be predominantly for the service of meals. The supply of meals at all times should be the primary and predominant purpose. That does not mean that we are going back to the bad old days of the $5 pasta or the pasta included in the disco ticket, if I recall my younger days. We are simply asking those who seek a restaurant licence to make sure that the supply of meals is at all times their primary and predominant service.

Mr HANNA: I have said before and I will say again that I believe the prime purpose of this amendment is to redirect trade from restaurants to hotels or other kinds of licensed premises. In direct answer to what the minister has just said, it seems to me that he has not addressed the problem I have posed that there are mischiefs that can be caused at the moment by restaurants that would comply with a clause such as this. This clause will not address that sort of mischief. It focuses on a technicality.

I refer to the examples cited by the minister. If there is a venue where the surrounding residents thought that 20 car parks would be enough because it was a 40 seat restaurant, and then we find that it has become a 10 seat restaurant with a lot more people coming in, it seems to me that, as a legislator, you would address that by, in some way, tying the number of car parks to the number of tables. It does not matter what use is made of the interior setting of the premises, but there must be an adequate fire exit and adequate parking. I can only challenge the minister again by saying that this amendment focuses on a technicality and does not address the mischiefs complained about by people. If people complain about inebriated patrons or music being played late at night, those issues need to be addressed. I ask the minister to consider whether this amendment is useless in respect of those sorts of complaints.

The Hon. I.F. EVANS: I do not think the amendment is useless. The point I am trying to make is this: if someone with a nightclub wishes to provide a meals facility, they should apply for a different category of licence such as an entertainment venue licence. When a decision is made about the allocation of that licence and the business is approved, appropriate judgments are then made about what mischief can be expected from someone running a licensed entertainment venue.

If someone simply wants to run a restaurant without a nightclub facility, a different level of mischief might be expected, and a judgment would be made in terms of the allocation of that licence. The current definition of a restaurant licence means that some venues should be more appropriately defined under an entertainment venue licence but

they are not. It is a matter of, at the correct time in the process, trying to make a correct judgment about the level of mischief that can be expected, so that those who make the decisions are properly informed.

I do not think this amendment does nothing. I think it puts into proper context the conditions upon which a judgment is made about whether a restaurant licence or an entertainment venue licence should be granted.

Mr HANNA: I make two comments about that: first, this amendment does not stop the $5 bowl of cold pasta being provided purely so that a licensee can say that the supply of meals is at all times the primary and predominant service provided; and, secondly, the issue raised by the minister about a venue which appears to be one thing but which becomes another needs to be addressed at the time of granting of the initial licence. It is the commission's job to vet applications thoroughly to ensure that someone who says they are going to run a restaurant will actually run what is considered to be a restaurant.

The Hon. I.F. EVANS: In response to the honourable member's first point, I am advised that a precedent has been set where the $5 bowl of pasta type of meal has been found to be a sham and disciplinary action has been taken.

Mr CLARKE: I understand better what the minister is driving at, but I still have problems when I read this amendment. It provides, in part:

> . . . that business must be so conducted at the licensed premises that the supply of meals is at all times the primary and predominant service provided to the public at the premises.

Many restaurants at about 11 o'clock in the evening literally turn off the kitchen because the chef goes home and they then offer perhaps prepared sweets or cakes or, if you are lucky, a pizza.

Mr Hanna: That applies to almost every restaurant: they close the kitchen hours before they close the doors.

The CHAIRMAN: Order!

Mr CLARKE: As the member for Mitchell rightly interjects, in many restaurants the kitchen may close at 9 o'clock but people can still enjoy a drink. What I am concerned about is that, if this amendment is carried, we could have a situation where a legitimate restaurant is not serving any or many meals but people are still sitting at tables and/or standing up having a drink whilst attending a function.

It seems to me that we then go back to the bowl of cold pasta with the rancid bit of lettuce leaf. I do not want to go back to those days. If there is a problem with restaurants turning themselves into nightclubs and causing a nuisance to nearby residents, surely there is another way around that in terms of a breach of existing conditions if they have got a licence under false pretences. Those things can be rectified, or there may be complaints from residents or neighbours, as happens with half the pubs in Adelaide where residents complain about patrons or hotels closing too late and seek to change the hours of operation of those hotels.

Surely, those same things apply to restaurants currently without the need for this amendment which I fear will lead to restaurants being compelled to keep open the kitchen ready to supply meals during opening hours even though everyone knows that the chef went home at 9.30. Can the minister assure me that that is not the case?

The Hon. I.F. EVANS: I can assure the honourable member that that is not the case, because subclause (2) provides:

> Except as otherwise allowed by a condition of the licence, it is a condition of a restaurant licence. . .

If the restaurant wishes to trade for one or two hours after turning off the kitchen, that will be stipulated as a condition of the licence. We all know how the restaurant industry works. The member for Ross Smith cited the example of restaurants continuing to stay open when they only have prepared desserts to serve. That is the practical reality of the restaurant business. That is why there is flexibility in the clause under a condition of the licence to allow them to continue to trade.

What we are trying to catch with this clause is the restaurant which trades from 9 to 9 as a restaurant but from 9 pm until 4 am it becomes a raging nightclub and the person who thought they were getting a quiet Chinese restaurant next to them suddenly has a Bo Jangles nightclub which trades for seven hours when they were not expecting that. So, we think there is appropriate flexibility within the clause through the conditioning of the licence to cater for what the member for Ross Smith has been driving at.

Mr HILL: I support the general principle suggested in this clause. It seems to me that a venue should be what it says it is. If it says it is a restaurant, it ought to be a restaurant; if it says it is a nightclub, it ought to be a nightclub. In my younger days I frequented a number of restaurants that were restaurants in name only and I had many bowls of cold pasta.

Mr Hamilton-Smith interjecting:

Mr HILL: No. I was never that young.

The CHAIRMAN: Order!

Mr HILL: However, I did go to a range of places, and I am aware of the distinction between a restaurant and a nightclub. It would not worry me so much if that distinction were blurred in certain areas—perhaps in certain metropolitan areas or parts of the city of Adelaide. The minister mentioned Christies Beach as one of the areas where there have been some problems. Christies Beach is in my electorate. For many years, there was a nightclub posing as a restaurant on Beach Road at Christies Beach. It was developed in a string of suburban shops. I think it may have been a Chinese restaurant originally—I have never been in it—but it basically traded as a nightclub, and it was open all hours of the night. People from the nightclub made a lot of noise when they were leaving: car doors were slamming, and there was some violence there, including the odd stabbing, and a lot of drunkenness. I am not saying that would be appropriate anywhere, but it certainly was not appropriate on a suburban street, because the rear end of the restaurant/nightclub was in a suburban street in Christies Beach; Beach Road is only one level, and behind Beach Road, which is a road for traders, was a residential area.

I received many complaints about the situation and had cause to telephone the Liquor Licensing Commissioner to complain about it. As a result of those and other complaints, the place was eventually closed down, but it took a long time. There are other places in the southern suburbs, too, not only restaurants but also at least one eight ball parlour which, on the surface, is a place to play pool and billiards. In fact, however, it trades all hours of the night and it is a nightclub. Recently, there was a stabbing at the place I am thinking about as a result of that activity.

I support the principle that places should be licensed to be what they say they are. If they want to change their licence, they ought to go through the proper planning and licensing processes. I think there is a problem in suburban areas. There is a demand for nightclubs in suburban areas, but no-one goes to the trouble of setting them up. It may be through the Liquor Licensing Commissioner that some assistance can be

given to help people to set up these businesses, because, clearly, there is a demand for them. Young people want a place close to their home, especially in the southern suburbs where I live and which I represent. People do not want to travel into the city or Marion, given the problems with motor cars and drinking. They want a local nightclub. The hotels provide most of that service, but there is a need for different kinds of venues. I do not know how it is set up properly without interfering with the rights of neighbours to sleep.

I support the principle, but I ask the minister to outline the process that one might go through in relation to a restaurateur who had established a restaurant which he turns into a nightclub. How would a local resident have that restaurant owner or nightclub owner brought to account? What process would he or she have to go through to get the business returned to what it was supposed to be or closed down?

The Hon. I.F. EVANS: You could either bring that matter to the attention of the police so that they could take action or bring it to the attention of the commissioner so that he would take action.

Mr HILL: How is that different from the situation now where a restaurant which is set up becomes a de facto nightclub and makes a lot of noise? If a citizen telephones and complains to the commissioner or police about it, how will the new law make it easier to solve the problem? In the past, as I have said, at least in relation to a restaurant in Christies Beach, over a number of years complaints were made to the police and the commissioner, yet not very much happened. Will the commissioner have greater powers to review the licence and perhaps shut down the place?

The Hon. I.F. EVANS: It does bring in clearer definitions, and this makes it easier for the commissioner's officers to apply the definitions to the premises that they are talking about. If there is an issue in relation to running a nightclub rather than a restaurant, when it is technically meant to be a restaurant, the clearer definition gives the commissioner a better opportunity to fix that problem.

The committee divided on the clause:

AYES (28)

Armitage, M. H.	Atkinson, M. J.
Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Condous, S. G.	Evans, I. F. (teller)
Geraghty, R. K.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Hill, J. D.	Hurley, A. K.
Kerin, R. G.	Kotz, D. C.
Lewis, I. P.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
Meier, E. J.	Olsen, J. W.
Oswald, J. K. G.	Penfold, E. M.
Scalzi, G.	Such, R. B.
Venning, I. H.	Williams, M. R.

NOES (17)

Bedford, F. E.	Breuer, L. R.
Ciccarello, V.	Clarke, R. D.
Conlon, P. F.	Foley, K. O.
Hanna, K. (teller)	Ingerson, G. A.
Key, S. W.	Koutsantonis, T.
Rankine, J. M.	Rann, M. D.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	White, P. L.
Wright, M. J.	

Majority of 11 for the Ayes.

Clause thus passed.

Clause 8.

Mr ATKINSON: This clause deals with the entertainment venue licence. My question concerns what seems to me to be something of an inconsistency regarding the days when an entertainment venue licensee is not permitted to trade. If one looks at section 35 of the parent act one will see that an entertainment venue licence authorises the licensee to sell liquor on the licensed premises for consumption on those premises at a time when live entertainment is provided there between 9 p.m. on one day and 5 a.m. on the next, but not at any time falling between. Then it lists three times of the year when liquor may not be served; one is 9 p.m. on Christmas Day and 5 a.m. on the following day; another is 9 p.m. on Maundy Thursday. I am pleased to see the reference to Maundy Thursday there; I am surprised the member for Ross Smith has not moved to call it the Thursday before Easter.

Mr Lewis: He wouldn't know what that meant.

Mr ATKINSON: That is possible. The member for Hammond may recall the member for Adelaide and the member for Ross Smith getting together to strike a reference to Holy Saturday from the statute book, because they wanted all references to be purely secular—and they succeeded, too, in calling it the Saturday before Easter. Liquor may not be served between 9 p.m. on Maundy Thursday and 5 a.m. on Good Friday, and the third prohibition is between 9 p.m. on Good Friday and 5 a.m. on the following day. The amendment before us provides that liquor may be served on the licensed premises (remember, we are dealing here with an entertainment venue licence) on any day except Good Friday and Christmas Day. Why do we have this inconsistency between the various paragraphs of the same section? Why is there no consistency between the prohibitions in the parent act and the prohibitions in that clause?

The Hon. I.F. EVANS: The advice to me is that the bill has been drafted in that way so that, during the day when they are operating as a restaurant, the conditions in general reflect the restaurant provisions, so there is some consistency between the restaurant provisions.

Mr ATKINSON: It may be getting on in the evening, but I did not understand that explanation, and perhaps the minister could give me some more detail. Is he trying to say that paragraph (b) relates to an entertainment venue as an entertainment venue and then proposed paragraph (c) relates to an entertainment venue in its capacity as a restaurant?

The Hon. I.F. EVANS: Yes, the description the member for Spence has given is a fair reflection.

Mr ATKINSON: But I have a further difficulty, then.

Mr LEWIS: I rise on a point of order, sir. I am interested in this legislation, too. I do not want to delay the committee unduly, but the pitch of the minister's voice is such that I cannot hear what is being said. Maybe I will ask the same questions again myself when the member for Spence is finished; if I cannot hear, then I cannot make a judgment about the veracity of the proposition.

The CHAIRMAN: I must say that the chair is also having some difficulty in hearing at the present time.

The Hon. I.F. EVANS: The description the member for Spence gave was a fair reflection of the bill, in that when the entertainment venue is operating as a restaurant the conditions under which it operates are the same conditions as those that apply under the restaurant licence in section 34.

Mr ATKINSON: In case the member for Hammond did not follow that explanation, I think what the minister was trying to say is that the periods in which an entertainment

venue cannot trade during a particular year are different if it is operating as an entertainment venue from when it is operating de facto as a restaurant. But that leads me to another question about clause 8, and that is why there is a need for a separate paragraph (a) and paragraph (c). Paragraph (a) of subsection (1) of section 35 of the parent act provides that an entertainment venue licence authorises the licensee to sell liquor at any time for consumption on the licensed premises in a designated dining area with or ancillary to a meal provided by the licensee. That seems to me to be the entertainment venue operating as a restaurant, because it contemplates the service of a meal. Why then do we need this new paragraph (c) which, as the minister concedes, deals with an entertainment venue as a restaurant? Why can paragraph (c) not be collapsed into existing paragraph (a)?

The Hon. I.F. EVANS: That is simply a method that has been used to draft the provision. It has adopted the similar provisions applying to the restaurant licence referred to above. So, it is purely the way it has been drafted. If you wanted to hold up the committee you could move the provision up into paragraph (a) if you wished, but the way it has been drafted is simply consistent with the provision to which I have referred.

Clause passed.

Clauses 9 to 11 passed.

Clause 12.

Mr ATKINSON: This clause relates to a producer's licence, which is dealt within section 39 of the parent act. The parliament fiddled with this provision in 1997, as I recall, to support cellar door sales in the wine regions of South Australia, and I think that change was broadly supported. The point that I wanted to raise was one that was made to me in correspondence from the Law Society, that is, that both the parent act and the amendment talk about the producer licensee selling the licensee's product on the premises. The Law Society asked why, if one attended, say, a winery in the Coonawarra and sat down to have a meal in the cellar door area, one could not order wine other than the licensee's product? So, if you were at a particular winery, why were you obliged to have that winery's product? Why could you not necessarily buy a bottle of red or a bottle of white produced in the Hunter Valley or by an adjacent winery in the Coonawarra area?

The Hon. I.F. EVANS: The reason that the clause is drafted in that way, that is, to sell the licensee's product (as the member for Spence quite rightly points out), is to enable wineries to sell their own product by way of people sampling their product on the premises. If that provision is opened up to allow the sale of every other winery's product in the area, essentially that winery should be applying for a restaurant licence, or some other form of licence. The whole cellar door sales principle is about promoting and selling your product. This clause reflects that longstanding principle.

Mr ATKINSON: I take the minister's point that there could be this explosion of restaurants throughout the Coonawarra if the producer licensees were to take the minister's advice; but there does not seem to me to be a great deal of harm where 95 per cent of a particular winery's sales comprise its own product. If the winery did not have a strength in a particular area, such as shiraz or riesling, it could bring in a few bottles to cover that deficiency. Why would you then want the producer's licence converted into a restaurant licence? It seems to me really quite bureaucratic and not encouraging—it is just a modicum of diversity in the wine regions of South Australia.

Of course, someone holding a producer's licence would want overwhelmingly to sell their own product; that is natural. However, the minister seems to be binding them to their own product, when it just might be sensible to have a little leeway to allow them to sell a few bottles of something else. If we look elsewhere in the bill, for example, we see that clause 11, relating to wholesale liquor merchants' licences, provides that 90 per cent of the sales must be by wholesale sales and 10 per cent can be by retail sales. It seems to me that if a similar provision were included for the producer's licence, whereby the producer had to sell 90 per cent of his or her own product but could sell 10 per cent of something else, whether it be beer, Two Dogs Lemonade or a bottle of shiraz from an adjoining winery because the producer was not strong in the production of shiraz, that would be quite reasonable. Why is the minister so opposed to it?

The Hon. I.F. EVANS: The suggestion of the member for Spence sounds good on the surface, but I suggest that the number of wholesale liquor merchants compared to the number of wineries that will offer cellar door sales is vastly different. The number of cellar door sale venues in South Australia would be very large in number because we are such a fantastic wine state. If a 10 per cent provision is included, as the member for Spence suggests, then, apart from imposing an extra cost on the business to keep records to justify that 10 per cent sale figure for other products (not 10.1 per cent or 10.2 per cent), you must then decide whether it is 10 per cent by volume, bottle number or by dollar value.

Also, of course, the commissioner's staff would then have to audit those figures, which would impose an extra cost on the taxpayer. The commissioner's staff would be travelling all over the state visiting wineries to audit their records. No doubt some of the commissioner's staff would appreciate the opportunity to travel on a regular basis to the Coonawarra, the Barossa Valley and the Clare Valley, going from cellar door to cellar door checking on a winery's records. In fact, it is a great post-parliamentary career option, but the cost both to the business and to the taxpayer of such a suggestion is prohibitive and, for that reason, the clause stands.

Mr LEWIS: Is it a requirement under this provision that the goods on sale or on offer must be present, or, put in another way, is it possible for sales to be made as though the goods are not to be taken delivery of at that point but that the order will be received and goods delivered at a later time? I am here referring to the sort of premises that we see springing up, or where there is a desire for them to spring up, where wine will be tasted and then ordered but not delivered at that point, but rather delivered at some later time to the places where the buyer wants them delivered instead of having to carry them out as they go.

If it means, in fact, that it must be only goods that are made by the business operating on those premises that can be taken from there but that goods from elsewhere can be sold, I do not have so much problem with it. It makes a real nonsense of it otherwise. I highlight the show that is being established in the old Adelaide Girls' High School premises, where a number of wineries have their wines on sale. It is pretty much the same as a cellar door outlet but the goods, of course, are not made on those premises or by the company which owns the premises.

Does this clause mean that the only goods that you can take delivery of are those which are produced on the premises and that you can buy or order other goods and, in effect, make

payment for them through the virtual cash system, which means using what most of us call plastic, and have them delivered to your chosen address, whatever that may be, wherever that may be, at some later point? How does this clause apply in those circumstances?

The Hon. I.F. EVANS: The purchaser can buy the producer's product. The purchaser does not have to take it home with them: he or she can have it delivered at an address under the terms of the bill. Also, if the winery from which the purchaser is buying happens to be part of a corporate chain (for example, you might be buying at premises in the Barossa Valley which has a corporate relationship with a company in the Coonawarra), the purchaser can order that product and have it delivered.

Mr LEWIS: What about the National Wine Centre?

The Hon. I.F. EVANS: That is not covered under this producer's licence; it involves a special circumstances licence.

Mr LEWIS: Is the Australian Wine Centre in the premises of the old Adelaide Girls High School in the city to be covered under the same provisions or is it disadvantaged?

The Hon. I.F. EVANS: That venue also has a special circumstances licence.

Mr LEWIS: Will small wineries that seem to be fairly isolated in some regional settings—in the Clare Valley, for instance; some of the smaller wineries that are further out—be allowed to establish in a cooperative manner premises within the town that would enable the public to taste their wines and buy them without driving out to where the wineries are? It would enable such wineries to get together cooperatively and have, in effect, a cellar door facility in the town. It will help them because they otherwise miss out, being so far afield, as it were. By cooperating in that manner, they are likely to get a better showcase on the market for their product. Will they also be given a special licence? If these so-called special licences are so readily available, it really makes a mockery of the rest of the legislation.

The Hon. I.F. EVANS: If a small winery has related bodies corporate that wish to set up an outlet in a township as the member outlined that is covered under the producer's licence not under the special circumstances licence. So, if they are a related body corporate, they could open up an outlet in the township so that people do not have to travel out to their winery, but they are still restricted under the producer's licence to selling the licensee's product.

Clause passed.

Clauses 13 to 15 passed.

Clause 16.

Mr ATKINSON: I understand that this is the Woodend Primary School provision. There have been difficulties regarding a tavern that was proposed to be built next to the Woodend Primary School, and that proposal is not being proceeded with. However, owing to the controversy over that tavern, I understand that the government is inserting this provision, whereby the licensing authority may impose licence conditions that the authority considers appropriate, and the insertion is to minimise prejudice to the safety or welfare of children attending kindergarten, primary school or secondary school in the vicinity of licensed premises. The Law Society suggested in correspondence with us that this provision was very much out of an abundance of caution, that it was not strictly necessary; that the authority was already there to impose conditions on such a licence on these grounds. Does the minister wish to respond to that suggestion of the Law Society?

The Hon. I.F. EVANS: Section 43 of the current act, in examples, mentions, for instance

> . . . disturbance or inconvenience to people who reside, work or worship in the vicinity.

There is some concern that children who go to kindergarten, primary school or secondary school are not necessarily caught by the words 'reside, work or worship'. To clarify that matter we have included the provision relating to a kindergarten, primary school or secondary school.

Mr LEWIS: This provision is the one under which I get most complaints, because it ensures that people who have a licence to sell liquor do so in a way that does not detract from the civility of the locality in which they are established. In other words, their patrons do not go out and make a terrible nuisance of themselves and make a mess in the surrounding area. I do not think the licensing authority is anywhere near tough enough, and that is one of the reasons for my disenchantment with it. Frankly, the licensing authority seems to be keen to retain good relations with the people who have licences and will pay sufficient amount of lip service to the act only to retain some measure of public regard for itself, that is, the licensing authority.

In Murray Bridge, there are two hotels—although you could reasonably argue that the community club is not much different from a hotel and you could also reasonably argue now that Meeky's Tavern, which was shifted from Jervois Road into what is called Dundee's Crocodile Tavern, which used to be the butterfly house, is nothing more or less than a pub. In Murray Bridge, the two hotels are not far from the old bridge across the river. There is the Bridgeport near the end of the bridge, and around the corner of the town hall there is another one which used to belong for many years to a family called Leahy.

The problem is quite simply that there were different opening and closing times for those two pubs, and after patrons had got drunk in Leahy's pub, they would come outside in their drunken state—indeed, probably still do in considerable measure—and make a nuisance of themselves, and I have seen video footage of them so drunk that they cannot stand up. That means that the proprietors of the hotel clearly broke the law by selling intoxicating beverage to people who were already inebriated.

Even if they could stand up, they had consumed so much alcohol, which is a depressant, as we all know (and the first thing it depresses is the inhibitions that anyone has), so they have no compunction whatever about using bad language very loudly and doing other things associated with people who have been drinking for a long time without doing much else. In other words, they urinate in the street. I have seen all this on video many times, and the licensing authority strikes me as being all too willing, despite the evidence presented to it by good and honourable honest citizens in that general vicinity, to want to compromise what I consider to be civil behaviour and allow the hotel to continue its practice of selling liquor to people who are already inebriated and who go outside and cause problems.

I am saying to the minister, and by that means to the licensing authority, that they can expect some pretty bad luck to hit them fairly soon if all those practices do not cease in perpetuity. It is not legitimate to expect that they can continue to extend their trading hours just to keep pace with what has been granted to the Bridgeport Hotel. The tragic thing is that there are two groups of people: those who do not care much about anyone else at all, and another racial minority who are

most adversely affected. They are quite clearly drinking far more than they can afford, and their families are quite clearly suffering in consequence of their not having sufficient funds left after they have been on their binges to support the families properly. That is well known by the Salvos and other agencies around town that give a helping hand from time to time, and the publicans in question simply pocket the proceeds without accepting any responsibility whatever.

It mocks the act and means that the law is an ass and they have no respect for it. They will say what they like, do what they please and convince the licensing authority, which is easily convinced, to allow them in no small measure to continue doing so, and they create a problem. Why? Because in that immediate vicinity there are other facilities at which visitors to the town stay, and they are disturbed. I am frequently advised about this, especially when I was on the Murray Lands Regional Tourist Association's executive committee, during which time I came across a constant steady stream of complaints about that, where people in the town left the town. They simply packed up at two or three o'clock in the morning in disgust because they could not sleep, got in their cars and drove off and left with a very bad opinion of Murray Bridge.

Mind you, there is another reason why they have been inclined to do that, but that is not relevant to this act. However, this conduct, which is suppose to be controlled by the licensing authority in the interests of civility, is not being properly controlled, and the licensees are not being held properly accountable for it. In my judgment they should jolly well be required to do it, if we are to have a Licensing Act and pay public servants' salaries to enforce its so-called provisions; otherwise, we might as well repeal the act and leave the responsibility entirely in the hands of the police and local government to deal with it under general misbehaviour provisions rather than trying to do it under the Licensing Act.

As it stands presently, I am not impressed. It is a waste of authority to have a licensing authority. There are so many ways in which you can do whatever you want to do and get around it that there is really little point in having licensed premises. I do not see that we are any better or worse off in South Australia than they are in Canberra in that respect, and they do not need a licensing authority in Canberra in the same way that we have it here. I therefore appeal to the minister to tell the licensing authority to get its act together and make sure it hangs together, or it will hear a lot more about it.

The Hon. I.F. EVANS: If the member for Hammond wishes to raise with me some of the examples to which he referred, I am happy to take them up with the Attorney so that he can in turn take them up with the licensing authority and try to improve the service to which the member for Hammond has referred.

Clause passed.

Clause 17.

Mr ATKINSON: This clause would substitute the words 'if the breach of the condition involves conduct of another person that the other person knows might render the licensee liable to a penalty, the other person is also guilty of an offence'. I think I understand the reason for this provision, but I wonder what were the circumstances that led the government to introduce this amendment. Was it a wide-spread example of adults providing children with liquor at licensed premises such as at 18th birthday parties and the like?

The Hon. I.F. EVANS: I am advised that it was more to do with examples of security at large functions where security firms are engaged to provide certain levels of service as a condition, or where the licensee has an obligation to provide a certain level of security, given certain crowd numbers. If the security firm does not do so, knowing that it is a condition that a certain level of security should be provided, this allows for the security firm to suffer a penalty. Some issues in relation to security like that example, rather than the example that the member for Spence gave, have resulted in this provision being brought to the House.

Mr ATKINSON: The minister is saying that sometimes at functions which are licensed the organiser of the function hires a security firm, which then knowingly fails to comply with the conditions of the licence. Is that what the minister is saying? Okay. It seems to me that the provision would also catch me if I went to a hotel or licensed club with my children and I then let them have a sip of beer or wine because I am knowingly violating the licensee's conditions. Is that a correct way of look at the matter, or is that a different circumstance?

The Hon. I.F. EVANS: There is a different circumstance. The circumstance that the member has described is a breach of the act and not a breach of the conditions. This clause reference to a breach of the conditions and not a breach of the act. So, there is a different set of circumstances. The member would be charge if caught under the act. This catches those people who knowingly breach a condition.

Mr ATKINSON: I thank the minister for that answer. He clarifies the matter a great deal. Surely, though, the difficult in administering this provision, if it is going to be hard to provide beyond reasonable doubt, is that the security firm or other third party necessarily knew in detail about the conditions. How does the government propose to get proof to that standard?

The Hon. I.F. EVANS: There will be occasions on which it will be difficult to prove, there is no doubt about that, but there will also be occasions on which there will be contracts of employment of security staff that may well set out the fact that it is a condition of the licence that they are required to provide a certain level of security. The fact that this clause is there will be brought to the licensee's attention so that, if they were making commercial contracts where they might be put at risk, they would no doubt make it known to the people they were contracting with that they were liable if they knowingly breached the conditions. So, through the various associations there could be some form of education program regarding this exercise and how best for the licensee to protect himself and therefore provide an evidence chain, if you like, in the unfortunate event that the clause is breached.

Mr LEWIS: This is the provision that would enable police to deal better with the problems to which I alluded under the previous section, is that what the minister is telling us in part, where the people who are not only being drunk and disorderly, guilty of an offence in that respect, would be guilty of an offence under this provision? If so, what sort of penalty could we expect that the person referred to as 'the other person' in the last phrase would attract?

The Hon. I.F. EVANS: I do not think that this clause will help the member for Hammond in the circumstances he outlined unless the person breaching the condition knew that it was a condition. This clause specifically states that 'the other person' suffers a penalty if he breaches a condition that he knew was a condition. The circumstances that the honourable member is talking about are more drunk and disorderly behaviour, which is still caught under normal provisions.

If they are drunk and disorderly and breach a condition, knowing that the condition existed, then they may be caught under this. In the general circumstance, the honourable member's example of drunk and disorderly behaviour is still caught under other acts or other sections of this act.

Clause passed.

Clause 18.

Mr HANNA: I realise that the issue of licensed premises near schools has been touched on in the discussion on clause 16, but this is really the operative clause that might make a difference to where licensed premises are situated. My concern with the way that this is drafted is that the issue of whether or not licensed premises will be situated next to or near a school will be very much up to fairly vague considerations of the Licensing Commissioner of the day, no matter who that is.

Members are aware that I had sought to introduce a clear-cut geographical test for the situation of licensed premises, namely, that they should not be situated adjacent to a school. It seems to me that the Licensing Commissioner at one point in time might say that to have a school next to a hotel will not necessarily prejudice the safety or the welfare of the children because we can assume it is going to be a well run hotel and we can put up a sign saying that the children should not walk through the car park.

On the other hand, a Licensing Commissioner at another point in time might say that, if there are licensed premises anywhere near a school, obviously the safety and welfare of the children will be prejudiced by virtue of the example set by the patrons of the licensed premises, and so on. Does the minister concede that there is some vagary to the wording of this section that will depend very much on the inclinations of the Licensing Commissioner from time to time?

The Hon. I.F. EVANS: In all these matters there is always some exercise of judgment by those with the authority to make that judgment, just as the commissioner has to make some judgment about resulting in undue offence and annoyance, disturbance or an inconvenience to people. All those are judgments that need to be made by the authority at the time. What happens is that over time a body of procedure and evidence builds up that the authority takes into consideration when the applications are before it.

Whilst I recognise the point that the member for Mitchell makes, I would argue that it is no different from a large number of other clauses and all sorts of statutes where authorities are given the role of making the judgments. We empower them with that authority and they ultimately make the judgments based on their experience over a period of time.

Mr HANNA: Where is the guidance to the Licensing Commissioner from the parliament about what it means to prejudice the safety or welfare of children in the vicinity? It seems to me to be so open that it will mean exactly what the Licensing Commissioner wants it to mean from time to time. Of course, I do not mean any disrespect to the current commissioner: my criticism is of the wide open drafting of the legislation.

The Hon. I.F. EVANS: I do not know whether I can add much more to the previous answer. There is of course a process of public submissions for those who wish to make submissions about the fact that it may prejudice the safety or welfare of children of the district. That will vary from district to district and perhaps it is appropriate that the authority does have flexibility in making that judgment, because I know that in some very small rural communities there is a different view about having licensed premises near schools than there is necessarily in the metropolitan area.

One of the issues of putting very restrictive guidelines into the legislation or regulations is that it may become far more difficult to administer the act and may make the act unworkable in some communities, particularly in regional communities with small populations and small town centres. Trying to prescribe that you cannot have licensed premises within one kilometre of a kindergarten, or whatever, in small rural communities makes it totally impractical.

Whilst recognising the point raised by the member for Mitchell and not dismissing it lightly, we would argue that there is a proper balance in allowing the authority to exercise some judgment based on the evidence before it at the time.

Clause passed.

Clause 19.

Mr ATKINSON: The clause before us deals with a planning question, that is, the need for a developer to get a certificate of approval, which is in effect a provisional liquor licence, for premises that have not yet been built. I understand that there is a Supreme Court decision—and I would be obliged if the minister could tell the committee the name of that decision and the facts that gave rise to it—that says that development approval need not have been obtained before applying for and being granted a certificate of approval.

The Hon. M.K. Brindal interjecting:

Mr ATKINSON: I understand that this clause nullifies the effect of that Supreme Court decision. The Law Society has written to me opposing the clause. It states:

> There are a number of developments at Holdfast Shore Hotel, at Glenelg, where the major projects planning authorisation is taking some months, but there is confidence about approval being granted. It was important to the consortium that they have as many approvals in place as possible and the pre-requirement of planning approval may prove to be a disadvantage and disincentive to developers.

Will the minister respond to that statement of the Law Society? Although the Minister for Water Resources interjected that I am precious for asking for the Supreme Court reference, if parliament is going to pass a clause to nullify a particular judgment, it would be helpful to have the context and know what the judgment is.

The Hon. M.K. Brindal: You don't believe in the sovereign will of parliament.

Mr ATKINSON: The Minister for Water Resources is now prattling on about the sovereign will of parliament. I just want to legislate well for the welfare of the state. In order to do that, I would like to know, when a judgment is being nullified, what it is we are nullifying.

The Hon. I.F. EVANS: I do not have with me that Supreme Court reference, but I am happy to provide it to the honourable member.

Mr Atkinson: You can adjourn the committee until you find it.

The Hon. I.F. EVANS: If you wish to move that, we can debate that motion. I am happy to provide it to the honourable member. I refer the committee to the second reading explanation which adequately describes the purpose behind this clause of the bill. I am happy to reread that part of the second reading explanation if the committee wishes. However, I suggest that, as it has been before the House previously, there is no point in my re-emphasising what is already in the second reading explanation. I am happy to provide the summary of the Supreme Court case for the member for Spence.

Mr ATKINSON: You undertake to provide that?

The Hon. I.F. EVANS: Yes.

Mr ATKINSON: Leaving aside the Supreme Court case, because I can reread that on another occasion after the committee has nullified the effect of the case, I still think the minister should tell us what is the policy objective—why are we doing this? All the minister is doing is asserting that we are doing it; I want to know why we are doing it. The Law Society made what seems to be a forceful case for a provisional liquor licence to be granted before the development application is approved. Will the minister respond to that policy position?

The minister represents the Attorney-General in this place. He ought to be thoroughly familiar with the Attorney's bills, even if they are a bit long, so that he can respond to simple questions from the opposition. It is simply not good enough to say, 'I will re-read a section of the second reading explanation.' I would not be asking these questions if the second reading explanation adequately covered the point. I am willing to let the minister get away with not telling us what we are nullifying, but at least he can tell me why we are nullifying it.

The Hon. I.F. EVANS: In simple terms, my understanding is that the current process is that an application is made for a licence, the commissioner goes through the process of looking at what conditions may be needed for the licence, and there is a public consultation process at which the community can make submissions, only to find that, when they put in their planning application, it is rejected and the whole process has to start again. This amendment simplifies that process by suggesting that the work of the commissioner should be done after the approval not before.

Clause passed.

Clauses 20 to 22 passed.

Clause 23.

Mr SNELLING: I understand that the definition of people who have been granted classification as 'approved persons' by the commission is extended beyond what we normally understand of a manager as being the one person who is responsible for the conduct of the premises and that the term 'approved persons' often applies to junior staff members. The union is concerned about whether these fairly junior staff members who are being made approved persons are being adequately paid for their extra responsibilities.

If we remove 'manager or managers of' and substitute 'a responsible person or responsible persons for', could that result in the manager of the premises, the person who is actually responsible for the premises and who more or less runs the premises—which is not what 'responsible persons' has come to mean—not having to be approved by the commission as a responsible person?

The Hon. I.F. EVANS: The committee debated this matter before the dinner adjournment. A manager, as described by the honourable member, should not be confused with the definition of 'manager' in the current act, because in the bill that is an 'approved person'. If a person wishes to be a manager of premises, they do not necessarily have to be a responsible person as defined in the bill unless they want to carry out the duties set out for a responsible person in the act.

However, there is an option for people who wish to manage licensed facilities. Before dinner, I cited an example of a chain of six or seven hotels. The manager might be out in the car performing marketing and managing roles between the six venues but may never undertake the role of a responsible person as defined in the bill. So, there is an option for a manager under the general meaning of 'manager', not a manager as defined in the current act, not to be a responsible person as defined in the bill. If people wish to be a manager and perform the functions of a responsible person, they are defined as a responsible person under the bill.

Mr HANNA: To take that one step further: is it possible for a manager of licensed premises, in the ordinary and natural meaning of 'manager', to be a person who would not be considered a fit and proper person by the commission? That manager might have a series of responsible people who actually do the hands-on work and report to this manager who might be an undesirable person.

The Hon. I.F. EVANS: In theory, that is possible, but because they are not performing the duties required of a responsible person under the bill, we see that as an employment issue between the manager and licensee rather than a matter for the bill. If they wish to perform duties as a responsible person, they will have to fit the appropriate test to be employed as a responsible person.

Mr Snelling: But a manager does not have to be deemed fit and proper?

The Hon. I.F. EVANS: The manager needs to be deemed fit and proper if they wish to take up the roles or responsibilities of a responsible person. The word 'management' is used in the act and it is also used in the general sense of managing the business. If they are going to manage the business, that is, do the marketing and finance outside the role of a responsible person, they do not have to fit the same test as those people who will be performing specific tasks as set out for a responsible person.

Mr HANNA: What safeguards are there for employees, particularly inexperienced employees, who when they go to work at a hotel might be asked to sign the appropriate forms to become a responsible person? What safeguards are there to ensure that such people will be advised of the obligations and responsibilities under the act, and indeed the risks of prosecution under the act if they do not do the right thing?

The Hon. I.F. EVANS: In assessing a responsible person, a judgment is made about their knowledge—and we referred to that earlier in committee. One of the tests applied is their knowledge of the liquor licensing laws and, therefore, their responsibilities and risks. If their knowledge is not sufficient, then there is the capacity to direct that they undertake appropriate training which includes training in their obligations and role under the bill. There is a protection in the judgment about their level of knowledge. Either they have the knowledge already and understand the bill and their obligations under it or, if they do not have the knowledge and do not understand their obligations under the bill, there is a capacity to direct them to undertake training prior to their becoming a responsible person under the measure.

Mr HANNA: Clearly, the scenario I am driving at is the case of a junior employee who might be taken advantage of to an extent by the risks being handed down from the person who really knows the risks of prosecution to someone who will be the fall guy. I want to test what the minister has just said by exploring more what the commission does at the moment to ensure that employees are fully aware of their obligations under the act. How extensive is that test? How often these days—before this bill is passed—does the commission order employees to undergo further training so that they become more aware of their rights and responsibilities under the legislation?

The Hon. I.F. EVANS: The procedure in the bill is not much different from what is currently under the act. The

advice from the commissioner is that up to 60 per cent of people would be instructed to seek further training. I think that would suggest quite a rigorous application of the test—which can only be a good thing given the nature of the industry.

Mr SNELLING: Subsection (5) of the original act provides that an approved manager must wear identification in a form and manner approved by the commissioner. The bill seeks to strike this out. Why?

The Hon. I.F. EVANS: It is struck out because managers under the bill do not exist: they become responsible persons, and under the relevant provision in the bill, they have to wear identification, so it is covered in another clause.

Clause passed.

Clauses 24 to 27 passed.

Clause 28.

The Hon. I.F. EVANS: I move:

Page 9, lines 18 and 19—Leave out 'from subsection (2) "manager of" and substituting "responsible person for"' and insert: subsection (2) and substituting the following subsection:

(2) However, this section does not prevent the employment of a minor to sell, supply or serve liquor on licensed premises if—

(a) the minor is of or above the age of 16 years, a child of the licensee or a responsible person for the licensed premises and resident on the premises; or

(b) —

(i) the minor is of or above the age of 16 years and a child of the licensee or a responsible person for the licensed premises; and

(ii) the licensing authority, on application, approves the employment of the minor for that purpose.

This amendment addresses concerns raised in another place by the Hon. Carmel Zollo as to the effect of clause 28 on the number of minors who potentially would be eligible to be employed in licensed premises. At present, the act limits such employment to minors who are over 16 years of age and who are the children of the licensee or manager. The bill would substitute 'responsible person' for 'manager' in this clause as it has elsewhere in the bill. It is the case that many more persons are approved as responsible persons than as managers under the act. Hence, the bill would mean that many more children could be employed in licensed premises than is now the case. This is the question to which the member for Spence referred under the lodgers provision.

Mr Atkinson interjecting:

The Hon. I.F. EVANS: On reflection, the government does not intend this result and does not consider that a minor should be eligible for employment in licensed premises merely because a parent is so employed, be it the licensee or responsible person. Rather, the government considers that the intention of this clause is to permit the children of resident licensees and responsible persons to be employed in the business. For this reason, this amendment is moved to limit the scope of the employment of minors in licensed premises to minors who are children of licensees or responsible persons who are over 16 years of age and resident on the premises or, alternatively, minors over 16 years of age who secure the approval of the licensing authority.

Mr CLARKE: The minister may have addressed my concern with his amendment, which I have only just read. As the minister correctly pointed out, there was a concern about the government's original provision, which would seem to expand the number of children between the ages of 16 and 17 who could serve alcohol. In relation to new subsection (2)(b), if a person is the child of a responsible person who does not live on the premises, is he or she precluded from serving alcohol between the ages of 16 or 17 or under the age of 18? Is that the net effect?

The Hon. I.F. EVANS: The amendment provides that for a 16 or 17 year old (that is, a child of the licensee or responsible person) to serve liquor they must be resident on the premises; or, the licensing authority could approve the employment of a minor for that purpose.

Mr CLARKE: That is the point about which I have some concerns. Under what criteria would the licensing commissioner allow minors under the age of 18 years to serve alcohol if they are not resident on the premises? I can understand where they are the children of the responsible person or the licensee living on the premises, but 'off the premises' would expand the number of minors able to serve alcohol. What is the justification for that, or the public policy in that area?

The Hon. I.F. EVANS: The government and the commissioner see this provision being used rarely. It is really trying to give some flexibility to our country cousins. An example that has been given is that hotels in some of the very small rural communities tend to be run by families, and they may not live in the hotel itself but rather on the property adjacent. This gives the commissioner some flexibility on application to make some judgment about whether there is a case that, given the nature of the family hotel, a 16 or 17 year old should be able to serve liquor. It does not guarantee that they will: it just enables the commissioner to exercise some flexibility in his judgment concerning some small rural communities.

Mr SNELLING: Just for the record, it is the intention of the government that this exception be granted very rarely; is that correct?

The Hon. I.F. EVANS: Yes.

Mr CLARKE: I understand what the minister says about it being the government's intention to do it rarely, but ministers come and go and commissioners come and go over time. The trouble is the wording of the amendment, per se. I do not doubt that it is the intention of the government and the present commissioner to grant it rarely and only in those circumstances so described but, in fact, the amendment that the minister has put forward would allow a commissioner to get out the rubber stamp and stamp their approval as many times as they see fit, if they were so minded. There is no check or counter-balance stipulating that the exercise of that discretion is narrow in the circumstances that we have described. Ministers can give assurances, but I wonder whether the minister would give some thought to whether or not the scope of that discretion can be narrowed down further in the legislation to give effect to what he says is his meaning.

The wording of the amendment leaves it far broader than what the minister says it will actually be used for. I wonder why we do not just narrow it to the confines of the circumstances that the minister describes; I can understand that there has to be some flexibility in that matter. On the wording of the amendment itself, it means that the commissioner has no legislative guidelines other than what we happen to utter here in this House—and we know that, frankly, courts do not look at second reading speeches or comments made in committee when interpreting the law. This leaves it far too broad.

The Hon. I.F. EVANS: I understand the point that the member for Ross Smith makes, but I would argue that the example that was given would become an administrative nightmare for the parliament to try to define it in an act and for the commissioner then to administer it. My argument would be that the commissioner of the day would get guidance from the preceding clause and would see that,

clearly, the parliament is looking at a very narrow use of the provision concerning 16 and 17 year olds being generally resident on premises. Given the number of contacts that MPs have with the various liquor unions, if this was being abused it would be brought to the attention of the parliament very quickly, and the parliament could then make a judgment about the best way to amend the act. How would you ever define that in small rural communities 16 and 17 year old children can work in a hotel and sell liquor if they live in the family home next door to the pub of which they are the licensee? It becomes difficult to draft that form of words to make it workable. What is a small community? Will you cut it off at 1 000, 3 000 or 10 000 people? I think the more appropriate course of action is through the amendment at this stage. If we find it being abused, it will come to the surface very quickly and the parliament can look at it then but, in the context of tonight's debate, the flexible approach as outlined is the appropriate measure.

Mr ATKINSON: It is appropriate to say on behalf of the opposition that we thank the government for introducing this amendment. It has been moved because of good opposition scrutiny at the committee stage in another place. I say to those members who are sceptical of the value of protracted committee scrutiny that, but for protracted committee scrutiny, we would not have this sensible legislation. So, the parliament can be well pleased with the bipartisan cooperation.

Amendment carried: clause as amended passed.

Clauses 29 to 31 passed.

Clause 32.

Mr HANNA: I want to make sure that the drafting is as intended by the government when at the end of the proposed subclause (3)(a) the word 'and' appears. I say that, because I would be quite happy with the clause if liquor could be gratuitously supplied (as it provides) to a minor on licensed premises if it were supplied to the minor by the parent or guardian of the minor—full stop. But the word 'and' there seems to be conjunctive and therefore requires not only that the minor is being given a sip of wine, for example, by his or her parent, but also that the minor has to be the child of a licensee, a responsible person, or and employee and is resident on the premises. If that is the case, it seems to me that you are virtually outlawing minors being given any sort of drink by anyone on licensed premises.

The Hon. I.F. EVANS: My understanding is that the member for Mitchell's position is that, when on licensed premises if a parent wishes to give a child an alcoholic drink, as long as the parent is giving the drink to their child, that should be all right. Is that your position?

Mr HANNA: That is my position. I wonder why you make it so extraordinarily restrictive by limiting to almost nobody the categories of minors who can drink on licensed premises.

The Hon. I.F. EVANS: That is because the government has a strong view that there is a very limited role for minors with regard to having alcoholic drinks on licensed premises. They are the current provisions. If the honourable member looks at section 114 of the current act, he will see that it is essentially a take-up of that provision with the exception of the 'manager/responsible persons' deletion and addition. The government's strong view is that we do not see a role in licensed premises for parents providing alcohol to their children. We believe that it sets the wrong tone generally for those children. We think that there are far more family friendly entertainment venues that parents and children can choose if they wish.

The government would not be making the law so flexible as to enable parents to take their children onto any licensed premises and provide them with alcohol. Do parents provide them with one, two or 10 drinks? Where do you draw the limit? Some people would argue, 'I just give them a sip', but how do we define in legislation that it is okay for a parent to give their child a sip? The answer is that it cannot be defined. Ultimately, the member for Mitchell's position is that a parent should be able to take a child onto licensed premises and serve them alcohol. Is that one, two or three drinks? The government believes that it sends a totally wrong message to these people, and there is absolutely no way that this government would be entertaining in any way, shape or form the idea of softening the provisions to enable parents to serve alcohol to their children in licensed premises.

Mr HANNA: Perhaps there is partly a cultural problem involved, because in many cultures it is perfectly natural for, say, teenage children in a family to enjoy a sip of wine or beer with their parents at a meal table. If that is all right at home I find it hard to see the distinction if the same thing takes place down at the local pub because, for example, it is a lad's 17th birthday. Will the minister confirm then that this amendment is there only as a consequence of the changed role of responsible persons in this law?

The Hon. I.F. EVANS: Yes.

Mr CLARKE: Following the point made by the member for Mitchell, I was reading the principal act and the bill and the only difference I can see is 'consumption of liquor by minor on licensed premises', whereas the words 'licensed premises' did not appear in section 114(3) of the principal act. Do I assume that, if parents take a minor under the age of 18 years onto licensed premises for a meal and seek to give them a glass of wine or a glass of beer—and that minor is a child of neither the licensee nor a responsible person or employee of the licensee, and is also not resident on those licensed premises, that will be an offence under the act?

The Hon. I.F. EVANS: The only minor who can be served an alcoholic drink on licensed premises is a minor who is a child of the licensee or responsible person for the licensed premises or an employee of the licensee and, even if they are a child of either of those three persons, they also must be resident on the licensed premises. The definition is very narrow with respect to minors being provided with alcohol on licensed premises.

Mr CLARKE: I do not agree with that proposition. I see nothing inherently wrong with parents who, in bringing up their children, teach them to handle alcohol in a responsible fashion and to see alcohol as something that is socially acceptable which can be taken in moderation. I am not talking about five or eight-year-olds. I do not see why 15, 16 and 17 year olds who have a glass of wine over a meal in the family home cannot go out to a family function and have a glass of wine. The way I have observed it, they would be lucky to have more than one glass of wine but, as part of their culture and upbringing, they have been shown that alcohol can be used in moderation and that, in an appropriate set of circumstances, it is quite okay, rather than to forbid their being able to do this under their parents' guidance.

This amendment did not come about because someone thought it was a good idea: it must have arisen as a result of complaints or concerns. What instances can the minister highlight where the situation I have just outlined involving parents and their children has been abused?

The Hon. I.F. EVANS: The member for Ross Smith may want to refer to section 114 of the current act because, in essence, all this clause does is change the requirement for the child to be the child of a manager to being a child of a responsible person, given the earlier change in the bill under which the manager becomes a responsible person. That is all we have done. We have adopted the current provisions because society has made a judgment and the judgment is that the permissible age at which someone can drink alcohol in licensed premises is 18. I have a strong view that 15, 16 and 17 year olds should not be drinking.

In my view, the problem faced by the member for Ross Smith is that he is talking about a responsible parent, but the law also applies to irresponsible parents. The honourable member may stop his 17 year old drinking from any more than one glass of wine but other parents may not stop at two or three glasses of wine with a 12 year old. If we open up this clause there is a real danger that we will breed a mentality that under-age drinking is okay as long as it is with mum and dad. What happens is that one family is sitting down to a counter meal in one corner and the kids are drinking Fanta and lemonade, and at another table kids are sitting down to a glass of red wine, white wine, scotch and coke, or whatever it may be.

I think that it places children at risk and it is an inappropriate debate. It is way out of court for people in this chamber to be arguing that 14, 15 and 16 year olds should be able to drink as much as they want, which is the essence of the argument. Will a parent stop at one, two or three glasses?

Members interjecting:

The Hon. I.F. EVANS: No, I am sorry.

Mr Koutsantonis interjecting:

The Hon. I.F. EVANS: No-one was saying that they had one glass. Are members saying a butcher, a schooner or a pint? Will it be one glass of vodka, one glass of red wine or one glass of white wine? Is it one glass of scotch and coke, one glass of creme de cacao or one glass of Baileys? Is it a Brown Cow or is it a cocktail? I am saying—

Mr Koutsantonis interjecting:

The Hon. I.F. EVANS: No.

Mr Koutsantonis interjecting:

The Hon. I.F. EVANS: I did not open up this debate. All I am saying is that the government simply adopted the current provisions, which I think have provided longstanding safeguards for young children. I would suggest that the amendment is appropriate in this case.

Mr KOUTSANTONIS: I agree with the minister's statement that we should not be allowing minors to drink in licensed premises but, for the record, I do not think that the member for Ross Smith, for whom I will stand up here, was advocating that minors be allowed to drink vast quantities of alcohol on licensed premises. I do not believe that the minister can guarantee to this committee that some parent has not allowed their 17 year old son or daughter a sip of wine over a meal in licensed premises.

I am sure the minister is not saying that people should be expelled from pubs and clubs immediately if their 16 or 17 year old daughter or son has had a sip of their parent's wine. I am not saying that I condone that. The member for Ross Smith was not at all advocating open slather for minors in pubs. As soon as the minister corrected the member for Ross Smith, he accepted it immediately. However, the Minister then went on to attack the member for Ross Smith. I support the government's amendment but I thought that the manner in which the minister attacked the member for Ross Smith was completely unfair.

The Hon. I.F. EVANS: I appreciate the member for Peake's coming to the defence of the member for Ross Smith. He really needs protection! The point I was making is that the member for Ross Smith was putting forward the example of his being a responsible parent, giving the 17 year old daughter a sip of alcohol over a meal—and, frankly, you would be dead-set unlucky ever to get caught for that. Unfortunately, once you change the law to enable a parent to give a minor drinks, the irresponsible parent will not stop at one sip. That is the point I was making.

Clause passed.

Clauses 33 and 34 passed.

Clause 35.

Mr ATKINSON: This clause allows the commissioner, when dealing with a disciplinary matter, to alter the conditions of a licence or suspend or revoke a licence with the consent of the licensee. Previously, the commissioner had the authority to obtain from a licensee the subject of disciplinary action an undertaking against the continuation or repetition of particular conduct. I understand that this clause gives the commissioner more flexibility. In what circumstances would a licensee consent to the commissioner's suspending or revoking his licence?

The Hon. I.F. EVANS: That is a hypothetical question, and it will obviously vary from individual licensee to individual licensee. What I would accept as a licensee—

Mr Atkinson: Don't get smart.

The Hon. I.F. EVANS: I'm not getting smart. It is commonsense. It is commonsense that what you as a licensee will accept as a condition under this clause and what I would accept may be two different things. Ultimately, the principle behind this is that it provides an opportunity for the commissioner to deal with matters of discipline by matters of consent. He can then get a condition onto the licence so that the events surrounding the disciplinary matter will not be repeated. It may well be that they decide to do that, because they do not want to go to court and spend time away from their business, tied up with lawyers and the expense of that. In those circumstances, someone may make the judgment, 'Rather than go to court and spend all that money on expensive lawyers and time away from the business, I will accept certain conditions on my licence.' This clause will come into play under those conditions.

Mr ATKINSON: It is often about this time of the night, when the opposition has examined the minister on 20 or 30 clauses, that he gets a second wind and gets all perky. That answer really was not helpful at all, although it was delivered with great gusto.

An honourable member: Let's try again.

Mr ATKINSON: Yes. The minister is well advised this evening about the act. He is seeking from the committee a change to the law that would permit the Liquor Licensing Commissioner, instead of obtaining an undertaking from a licensee, to suspend or revoke the licensee's licence with the consent of the licensee. If you come to that without much knowledge of the trade, as perhaps I do, you might find it somewhat extraordinary that a licensee would consent to the commissioner's revoking his licence.

Short of putting the licensee in prison, I would have thought that that was the ultimate sanction—removal of the licence. It must be that the Liquor Licensing Commissioner, the Attorney-General or the minister before us tonight have some idea of the circumstances in which the holder of a

liquor licence would, rather than go through the formal disciplinary process, consent to the revocation of his licence. They must be pretty extraordinary circumstances in which that occurs. All I am asking the minister to do is share with the committee the knowledge that the commissioner is now imparting to him.

The Hon. I.F. EVANS: A minor example for the member for Spence would be where someone has been caught serving minors and, rather than go through the court process, they agree to make it a condition of their licence that that offence will not be repeated and, of course, there are penalties if a repeat offence occurs. As to who would agree to having their licence revoked, it may well be—

Mr Atkinson interjecting:

The Hon. I.F. EVANS: No, for instance, someone in a remote area trying to run a licensed facility as part of a tourist set-up and the commissioner visits, finds that there are all sorts of faults which do not meet with the requirements of the act, gives notice that all these conditions need to be met to enable the licensee to continue to trade, the person gets a quote and it will cost them $50 000 to meet those requirements, and he or she makes a judgment that it is simply beyond the capacity of the business to meet that sort of expense, and therefore decides not to continue to do business and the licence is revoked.

Mr ATKINSON: I should have thought that in those circumstances the licensee would just surrender and not go on with quibbling, but would not necessarily consent to the revocation of the licence as contemplated by clause 35, which will be new section 119A of the parent act. I should have thought in those circumstances that consent would not be relevant to it; the licensee would just have been defeated and surrender. Obviously, there has to be what the law of contract would call consideration in these circumstances.

Surely what the clause contemplates is that a licensee would consent to the revocation of the licence, intending by his consent to obtain some benefit. I am just trying to explore, in the circumstances where the licensee consents to the revocation, what is the consideration. What is the benefit that the licensee would hope to obtain by consenting to the revocation of his licence—consenting to defeat in the action? I should have had thought that one of the benefits that the licensee would hope to obtain is favourable consideration of restoring the licence at some future time.

The Hon. I.F. EVANS: One of the considerations that the licensee would consider under the circumstances I outlined previously would be that disciplinary action might not be taken against the licensee if the licensee voluntarily decided to hand up the licence. So, not only is there the cost factor of having to redo the facility to a certain standard but also the commissioner may make the offer that, if the licence is voluntarily revoked, no disciplinary proceedings would occur.

Clause passed.

Clause 36.

Mr KOUTSANTONIS: The power to refuse entry and remove persons guilty of offensive behaviour from licensed premises has been used inappropriately by some licence holders in the past to exclude patrons from entering establishments for reasons other than offensive behaviour. I have received numerous complaints from young people who are of a legal age and who want to go out and enjoy a drink on a weekend, to attend nightclubs and licensed premises but who are refused entry not because of any sort of offensive behaviour but because they do not fit the type of clientele that the owner would like to have entering the bar. I refer to people mainly from our electorates, who do not wear designer clothes and shoes, who do not roll up in an expensive car and who do not come from a private school—unlike the types of people who attend these exclusive clubs.

It is fair to say that some licence owners are using this clause to exclude people from entering the premises simply because they want a certain type of clientele in their bars. Has the minister received any complaints within his department, or is there any move to amend this clause? If people are guilty of offensive behaviour, the onus for having them removed is on the police and not the owner.

The Hon. I.F. EVANS: For the benefit of the member for Peake, this amendment simply changes the words 'manager of' to 'responsible person for'. It is an amendment that we have debated in principle previously.

Mr Atkinson interjecting:

The Hon. I.F. EVANS: About seven times previously is the count tonight. The government is not looking at changing this. My department has had no complaints in relation to the matter raised by the member for Peake, so we see no need to change the other provisions in this section of the act. The current provisions of section 124 of the act properly set out the responsibilities and obligations of the licensee in relation to refusing entry or removing people guilty of offensive behaviour.

Mr KOUTSANTONIS: I appreciate that the minister's department has not received any complaints. Has the Attorney-General's Department or the Liquor Licensing Commissioner received any complaints from patrons who are legitimately going out on a weekend to have a drink and enjoy a pleasant night out and have been refused entry into some of the exclusive nightclubs simply because they do not fit in with the clientele? If the member for Ross Smith wanted to go in, they would look at him and say, 'Well, he's not between 18 and 26 years and does not fit the image we want in our clubs of people who are young, trim, taut and terrific. We will refuse him entry.' They can use the excuse of offensive behaviour. The minister said that the government was looking at this: can he give us a time frame within which he will be coming back to the House with amendments on this matter?

The Hon. I.F. EVANS: I did not say that the government was looking at it; I said that the government was happy with the current provisions. I am advised by the commissioner that we have not received any complaints in relation to this provision of the act in the circumstances the member for Peake outlines.

Mr KOUTSANTONIS: Under the clause it could be assumed that the responsible person might make a judgment that you are guilty before you have a chance to prove your innocence, and they are the ones who are able to remove a person or refuse them entry. Surely if people are lining up to enter licensed premises and are causing some sort of disturbance, the onus is not upon the responsible person to make a decision on whether that person is fit to enter their premises: surely that is a matter for the police.

The Hon. I.F. EVANS: I am not sure where you will get the police budget to supervise all these queues of people going into nightclubs.

Mr Koutsantonis interjecting:

The Hon. I.F. EVANS: No, they are not police officers operating the speed cameras. The government would not support the example given by the member for Peake. To expect a licensee, who observes a line of patrons about to come into his or her premises indulging in unruly behaviour,

to say, 'You continue your fight inside, because I can't stop you from entering, and while you're doing that I'll call the police', is a ludicrous argument. You are saying that they would have to call the police when all they have to do under the act as it currently stands and has stood for years is simply say, 'We don't want you to enter', and the matter is resolved. Why would you want to tie up police resources solving matters that are quite easily and appropriately handled by the licensee at no cost to the taxpayer?

Clause passed.

Clause 37.

Mr KOUTSANTONIS: I refer to the wording in the amendment contained in paragraph (c)(aa)—'if a licensee or responsible person is satisfied that the welfare of the person, or the welfare of a person residing with the person, is seriously at risk as a result of the consumption of alcohol by the person; or. . . ': does that mean that you are again requiring the responsible person to make a judgment on who is fit to drink alcohol? I have problems with the section as it exists in the current act. This is used by licensees and managers of bars or proper persons in bars to exclude certain types of people from drinking in their pubs. You might have licensed premises and one side is more a family area and the other side is the front bar.

Often I have noticed in my local pubs, which I frequent to keep in touch with my constituents and have the occasional drink, people who are not as well off or as well dressed or as advantaged as others and they have been told under this clause, 'I can't sell you alcohol because I think you've had too much to drink', and they have been referred to the front bar of the pub where maybe those people might be more in keeping with the clientele there. This gives too much power to the responsible person in a bar who sells alcohol to patrons to make decisions on who can and cannot buy alcohol.

The Hon. I.F. EVANS: I draw the attention of the committee to the provisions of clause 37(c)(aa) which says that 'the responsible person or the licensee must be satisfied that the welfare of the person, or the welfare of a person residing with the person, is seriously at risk as a result of the consumption of alcohol by the person.' To walk the honourable member through that carefully, taking the case of a responsible person making the judgment, I point out that the responsible person must be satisfied that the welfare of the person is seriously at risk. He has to make a judgment about the seriousness, determine whether there is a risk and decide that it is as a result of the consumption of alcohol.

The licensee and responsible persons go through some training with respect to the Liquor Licensing Act (and we have given advice on that previously in committee). We see this as part of a responsible serving regime. We see no reason why a properly trained responsible person should not be in a position to make a judgment about whether there is a risk as a result of alcohol consumption and to determine that the welfare of a person or people they live with may be at risk. We see that as part of a responsible serving regime. This measure will be used relatively conservatively. People tend to err on the side of caution, given the risks involved and the issue at hand. It is a responsible clause to have as part of this bill.

Mr CLARKE: What I am concerned about with this amendment is the part that talks about the licensee or responsible person determining, in their subjective view, determining that the person in question should not be served alcohol because it would impact on the welfare of someone residing with that person who is seeking to buy alcohol.

In the classic case it might be the female spouse saying to the publican, 'I don't want the old man to have any more drink. I reside with him: I don't want you to serve him alcohol.' It could be the reverse, with the male partner saying that about the female partner. I recall not that many years ago that they had an interesting tradition in Broken Hill that they would not start the two-up school on pay days when the miners got paid until the wives had first crack at the pay packet. That was an excellent idea, although it is viewed very differently today.

Today's society says that that should not be the case; that that is too paternalistic, too old fashioned and that is out the window. I am diverting a little, but Broken Hill actually had a large number of its own local mores that might seem strange to people outside Broken Hill but which served Broken Hill very well indeed at that time, when the wife had first crack at the pay packet of the miner before the two-up school started. I thought it was very responsible of the two-up school enforcing that rule. And giving a big winner a ten-minute head start, when they closed the doors to prevent anyone following them outside.

In any event, this clause provides that a person who, simply because they reside with another person, has come to a view that the person they live with should not be served alcohol, can go and plead a case with the licensee or the responsible person and ask that person to bar their partner from getting a drink. In many instances perhaps it is warranted, but we are asking it of a manager, a licensee or responsible person who is not necessarily trained in family relationships, who does not have the background knowledge of what is going on between two people living together, the stresses and strains, who is right and who is wrong.

That is something for those two people and their families to work through. I think that we are putting undue pressure on the employees, the licensee or the responsible person of that hotel, on hearing a complaint from a wife or a husband that their partner should be refused alcohol, even though that person goes into the bar and behaves themselves.

On the surface, as far as the licensee is concerned, the person who comes in and wants to be served alcohol—who speaks respectfully, pays the money, has a beer or a wine, enjoys people's company and does not become loudmouthed or abusive—in all circumstances is a good customer, but the partner, for whatever reason, says 'I don't want that person to go into the bar, perhaps because I don't like to see him enjoying himself,' I do not know.

It quite legitimately might seem to her that he or she is wasting too much of the household's disposable income to the detriment of the rest of the family. That could be true, and the person could be quite justified in seeking to try to restrain that person from wasting that disposable income. But it is not for the licensee to make that judgment.

I can understand the licensee being confronted by someone who is drunk and destructive towards other customers in the area and they can see that for themselves and say, 'You're barred: I want you out.' But to act simply on the basis of what a third party has told them to do, when they are not in any position of authority to inquire into the personal circumstances of that family, first, is intrusive and, secondly, is expecting far too much of the licensee—whose job is to sell alcohol, to make a quid, but to sell it in a responsible fashion and not to allow drunken or loutish behaviour to occur that would inconvenience other people on the premises.

To ask them to suddenly become a family relationship counsellor, to take sides in a family dispute, is going beyond

the pale. I think that subclause (c)(aa) is wrong and I oppose it for that reason. I suppose that the way I could seek to do it would be to amend it to delete subclause (c) of clause 37. I seek your guidance as to whether that is the way to do it. Other parts of the section I can live with, but that is the one I have problems with.

The Hon. I.F. EVANS (Minister for Environment and Heritage): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

The Hon. I.F. EVANS: I wish to respond to the member for Ross Smith before he moves any amendment. I think he needs to read more carefully the intent of subclause (c)(aa). This leaves open the option for a person residing with a person who is seeking to have a drink to go to the licensee or the responsible person and say, 'I don't want you to serve my partner because he'll get a skinful, come home and give me a hard time and put the kids at risk,' or whatever the issue may be. That does not mean that that person is stopped serving drinks: it means that the licensee or responsible person then must make a judgment.

Mr Clarke: It's a pretty tough judgment.

The Hon. I.F. EVANS: I will come to that in a minute. They have to make a judgment about whether the welfare of the person or the person they are residing with is seriously at risk as a result of the consumption of alcohol. The parliament has already spoken in a similar way on a related matter, in relation to intoxication, where responsible people serving have to make a judgment about whether they serve another drink to a person because they are becoming intoxicated. How does one judge whether the person one is serving is intoxicated?

Mr Clarke: Because he says, 'I'll knock your lights out if you don't give me another drink.'

The Hon. I.F. EVANS: Some people may do that even though they are not drunk. They may just not like the server. We have already asked responsible persons to make that judgment, so there already is a procedure in place to train people about what to take into consideration when a person is or is not intoxicated; how you reasonably make that judgment.

I would put to the committee that it is not an unfair expectation to place on a person serving or a responsible person, that they need to make a judgment as to whether, if they continue to serve this person alcohol, there is a serious risk that the welfare, either of the person they are serving or others they live with, would be put at risk. I see nothing wrong with them having to make that judgment. If they err on the side of caution and someone does not get injured or is not put at risk, so be it. If someone misses out on one drink, so be it—they can always go home and have another drink if they are so desperate. I think that is part of a responsible serving regime. The government supports this principle because it thinks it is not an unfair role for a licensee or a responsible person to play.

Mr CLARKE: The minister says that all the government is asking for in this paragraph is for the responsible person to make a judgment. What if the responsible person makes a wrong decision? What if, to the best of their ability, they make a judgment and decide to continue to serve the customer with alcohol and something happens. It may be a dispute at home that results in physical violence to the customer's partner or a road rage incident or something of that nature. What is the culpability of that responsible person?

The licensee may have made a judgment and decided that the person is not drunk, they do not know enough about the circumstances of the family, they are not trained, they meet the partner for the first time and the partner says, 'Please don't serve them with alcohol', but, as far as the licensee is concerned, the dealings they have had with that customer over the past 10 years have been fine, they have been a model customer, so they decide not to refuse to serve them alcohol. What is their culpability if, after they have taken reasonable steps, subsequently their judgment is found to be wrong? Do we expect them to behave like trained social workers in intensely private family situations?

The Hon. I.F. EVANS: The responsible person must satisfy themselves. If the matter went to court—I think that is what the member for Ross Smith is hinting at—what is their risk if the judgment is deemed to be wrong? If a judgment is made by a responsible person, they can ask the commissioner to review that decision. I go back one step. There are already provisions—

Mr Clarke: They have taken the decision, they have served the alcohol, and the person goes home and causes—

The CHAIRMAN: Order!

The Hon. I.F. EVANS: Wait a minute. Let me walk the member through this. If we are talking about intoxication, they serve them with one more drink and they get drunker. There are provisions in the act to deal with that. We are not talking about that. That responsibility is already on the responsible person.

Mr Clarke interjecting:

The Hon. I.F. EVANS: That is already in the act. We are not amending that. Everyone is happy with that. The responsible person has the capacity to judge when someone is drunk. We are agreed on that.

Mr Clarke interjecting:

The Hon. I.F. EVANS: Fine. There is a similar provision in the gaming bill relating to gaming machines.

Mr Clarke interjecting:

The Hon. I.F. EVANS: No, but a judgment must be made relating to the welfare of the person, and there are people there to make that judgment. It is similar to this bill: it is a judgment about welfare. With reference to the gaming bill, the parliament has already spoken, and we have agreed to that. Now you are saying that, when we serve liquor, suddenly it becomes too hard to train someone to make a judgment about the welfare of the customer, whether they are seriously at risk from the consumption of alcohol. I argue that it is not difficult to train someone to make that judgment. If this clause passes, a training regime will have to be put in place.

Earlier, we talked about training responsible people and the training of staff. Part of that relates to the Liquor Licensing Bill. What are their roles and responsibilities under this bill? If this clause passes, appropriate training will be put in place as part of the normal process. If the responsible person is put in a position where someone's welfare may be at risk, they will have to make a judgment based on their training. If the matter ends up in court because the customer was served with a drink and someone was injured or put at risk, the court will have to make a judgment about whether the responsible person satisfied themselves and on what basis they satisfied themselves. That is where all the training comes in about what procedures are used to do that. This is not dissimilar to

the provisions in this bill relating to intoxication and in other bills relating to gaming.

Mr CLARKE: I move:

Page 11, lines 14 to 17—Leave out paragraph (c).

I move this amendment because the minister has failed to adequately answer the question that I put to him. I do not disagree, and neither does any member of this parliament, that, in direct dealings between a licensee or a responsible person and a customer on licensed premises in terms of gaming machines or drinking too much alcohol, they are in a position to decide whether they think someone has drunk too much or is spending too much money and say, 'That's it, no more service'—whether it be in the gaming area or in the serving of alcohol.

This provision put forward by the government relates to a third party, who is perhaps totally unknown to the licensee. This third party says, 'There's a problem in our family and I don't want you to serve alcohol to my partner because that will affect the welfare of the family.' To put that responsibility onto the licensee or the responsible person when they do not necessarily know that third party and are not aware of the family circumstances of that household and to expect them to make a value judgment about who is right or wrong in that dispute is totally wrong.

This provision does not relate to a licensee dealing face-to-face with a customer and saying, 'You've drunk too much or you've spent too much, I therefore decline to serve you any more.' The minister is asking licensees to act like Solomon when they have not been trained to do that. In this situation, we have a responsible person, who might be an 18 year old who has a certificate to say, 'I am a responsible person under the act', saying to a 50 or 55-year-old person, 'Your husband (or your wife) came in and said you can no longer drink even though you have been a perfectly good customer of this hotel for the past 10 years. You may be the president of the social club, but I am erring on the side of caution because I don't want to be held responsible if something goes wrong.'

This 18 year old responsible person is responsible for the gaming machines, the TAB, the serving of alcohol, arranging meals, entertainment, overseeing security, and making sure that the pub is working in a viable fashion and that customers are behaving themselves in an acceptable way and not annoying the residents next door. Then someone pops in and says, 'I am the partner of someone'—with whom the licensee has never had a problem—'and I want you to ban that person from drinking alcohol.' Then you are expecting that 18 year old person under the act to make a value judgment when they do not know all the family history, who is telling the truth or indeed the circumstances involved. You are turning them into social welfare workers, in addition to all their other tasks. That is unfair. It is unfair on those people and it is intrusive.

Other government agencies are established to assist families in crisis—underfunded and overworked, yes, but people who are specifically trained in these areas; not publicans or the persons to whom they delegate their authority. I think this is overstepping the bounds. I can understand that it might have been done for the best of reasons, but it is going beyond the pale, and there is nothing the minister has said that convinces me otherwise—and that is why I have moved, and continue to support, my amendment.

The Hon. I.F. EVANS: I wish to walk through the member for Ross Smith's argument because I think he has used some terms incorrectly. First, let us return to the concept of what is a responsible person under the act. A responsible person under the act is someone who meets certain criteria, and one of those criteria is suitable knowledge. We have already had advice from the commissioner—

Mr Clarke interjecting:

The Hon. I.F. EVANS: No; I will pick up that point. The member for Ross Smith always uses the expression 'an 18 year old', but if an 18 year old becomes a responsible person (as defined in the bill) that means that the 18 year old in the opinion of the commissioner has met the conditions of a responsible person, does have the industry knowledge and has been appropriately trained. An 18 year old is an adult. If an adult is appropriately trained and has the necessary skills, why can they not hold the job? My argument is that they should hold the job.

When the member for Ross Smith argues about an '18 year old responsible person', we are talking about an adult person who has been appropriately trained and who has been deemed a responsible person under the act—like every other person who is a responsible person under the act. They are no different: they are appropriately trained. So, forget the 18 year old argument because it does not hold. We are talking about an appropriately trained and appropriately skilled person who has been put into a position to make a judgment.

The member for Ross Smith used the example of 'a perfectly good customer for 10 years'. If they have been a perfectly good customer for 10 years, I would suggest that on the vast majority of the occasions the judgment will be that the welfare of the person is not seriously at risk through the serving of alcohol because they have a 10 year history of trading with that customer. I would argue that it is highly unlikely that, unless there is a change of pattern of the client, they would fall into the position of being not served under this provision.

As to the issue in relation to whether or not the employee can be sued, it is the licensee who gets sued—not the responsible person. It is therefore in the licensee's best interests to put in procedures, training and appropriate mechanisms to make sure that, if their staff are put into the position of having to make the judgment, appropriate procedures are in place. If they can train people, whether they be 18 or 50 years of age, to make a judgment through correct procedures about intoxication levels, they can train people to make a judgment about whether the welfare of a person is at risk through the consumption of alcohol.

I know other agencies are out there to help, but my experience is that those agencies often help after the process—after the kids have been hit or after the incident has happened at home. Why leave the agencies to pick it up at that end?

Mr Koutsantonis interjecting:

The Hon. I.F. EVANS: No; the publican is not doing it. The publican is making a judgment about the responsible serving of alcohol. The only provision under the current act in relation to the serving of alcohol being refused relates to intoxication. So, if someone comes before you and you know that they will have two beers, go home and hit the kid, under the current provision you technically cannot refuse to serve them. That is ludicrous in my view. Why not give people the flexibility to make a judgment based on the best evidence before them? To me, it is about responsible service of alcohol. The government is happy to oppose the amendment.

Mr SNELLING: I do not share the opposition of the member for Ross Smith to someone's coming in and being able to put a case to a licensee that their partner should not

be served alcohol and the licensee's making a decision not to serve that person alcohol. I agree with the minister to that extent. But I am concerned that the minister seems to have indicated that a licensee could subsequently be sued for serving a person alcohol, having turned down a request by that person's partner to have them barred. That seems to me to be what the minister has said: an element is being introduced of negligence for the licensee—an element that has not existed before. I think this clause should be there and that licensees should have the power to bar someone because that person may go home and beat their family, or whatever. However, I do not think that, having made a decision, if that decision turns out to be the wrong decision, the licensee should be held negligent and be liable to be sued at a later date by a person.

The Hon. I.F. EVANS: The member for Playford raises the issue about suing the licensee, as I did. All members know that you cannot stop people from suing you. People can sue for any reason.

Mr Koutsantonis interjecting:

The Hon. I.F. EVANS: Hang on; they are already responsible under common law. They are already partly responsible under common law. My advice is that they can sue now under common law for the serving of drunks. If they serve drunks who go home and beat mum and the kids, they can be sued. But they can also be sued for any reason. It does not mean they will be successful: all it means is that someone is attempting to sue them. The court will make a judgment whether they are successful. This puts in a provision that gives them a reasonable basis on which to make a decision. This puts in a provision to protect them by providing a reasonable basis and some guidance as to the reasons why they made the decision—based on the welfare of the people who live in the house or the person himself being 'seriously at risk'. I think this offers some protection for their making that decision. I still oppose the amendment.

Mr SNELLING: The minister said previously that the law as it exists at the moment provides that a licensee does not have the authority to refuse to serve someone on the basis of what has been put to them by another person.

The Hon. I.F. Evans: Apart from intoxication.

Mr SNELLING: Apart from intoxication. So, if the licensee does not have the authority to refuse to serve a person on those grounds, there is no way that a third party could sue the licensee, because the licensee never had the authority to serve the person in the first place. By giving the licensee the authority to refuse to serve someone then, ipso facto, we are creating the grounds whereby a third party could sue the licensee for some sort of negligence. I am not a lawyer and I am not a particularly experienced parliamentarian, but why is it not possible to add another clause which would give licensees some protection from being sued by a third party as a result of a decision they made under this clause to serve someone?

The Hon. I.F. EVANS: The advice to me is that some thought was given to whether there should be some exemption from liability in relation to this matter. I have mentioned earlier that we see this as part of the normal course of a licensee's responsibility. As with other aspects of licensees' responsibility, they are open to judgment on the way they conduct themselves as licensees, and we see no difference in this clause.

Mr KOUTSANTONIS: The licensee is not necessarily the responsible person. As you said earlier, the licensee cannot be expected to be on the premises 24 hours a day or for the entire time of the operation of the business, so, we have responsible persons in place to cover during these times. I assume that if a responsible person makes a decision and continues to serve someone alcohol and puts the welfare of a third party at risk, the licensee is still the person responsible. Is that right?

The Hon. I.F. EVANS: Yes. Ultimately, it is the licensee as the employer who would be sued. We think the chances of a licensee being successfully sued under this clause are very limited. You are right in saying that it is not the responsible person who ends up being responsible for that action: it is the licensee.

Mr KOUTSANTONIS: As you know, you do not necessarily have to be over .05 or .08 to be charged with driving under the influence. The police may make a judgment on the scene that you have had one drink of alcohol and are unable to drive a vehicle and charge you with driving under the influence, even though you are not over .05 or .08. I know we cannot give hypothetical examples under standing orders, but consider the case if someone were to walk into a pub they have never been into before and have one drink which intoxicates them; they go out and proceed to drive their loved one home, and on the way they are involved in a car accident and the passenger and a third party are injured. In that situation the licensee or the responsible person has not acted to protect the welfare of the person, so I have to agree with the member for Playford on this: I cannot see why another clause cannot be inserted to limit such liability on the licensee or responsible person. Will you please explain to the committee why an indemnity cannot be provided to licensees?

The Hon. I.F. EVANS: I have already provided that answer to the member for Playford. We see this as part of the normal responsibilities of the licensee, and therefore they should be open to question on them. On that basis, we see no need for an exemption in this clause.

Mr LEWIS: As I understand it, the first party in these discussions is the licensee. If a party is, or is alleged or thought by a servant of the licensee to be, an alcoholic and is refused service, are they at present able to sue if they are found to have been unfairly refused service?

The Hon. I.F. EVANS: If in your view you are unfairly refused the service of alcohol you can appeal to the commissioner, who can then review that decision. So, there is a step between the action and the judgment as to any court action.

Mr LEWIS: I understand; the minister is responding to the inquiry I make as though it were across a longer period than the period available to the citizen for them to entertain themselves in a way which they think is appropriate. So, if they are barred I think the minister is implying that they do not have any choice; if they are told they are too drunk and will not be served, they cannot be served, whether or not they are drunk. Can they then sue the publican if in their opinion they were unreasonably being barred, or is the law as we see it sufficient to ensure that there is no liability on licensees or their servants?

The Hon. I.F. EVANS: If the member for Hammond is talking about refusing someone because they are intoxicated, that is not dealt with under this provision. We have not touched that provision: it is in other provisions in the act and we have not amended those. This provision deals specifically with a judgment about whether the serving of alcohol will put seriously at risk the welfare of the person seeking the drink or the welfare of a person residing with the person seeking the drink. If you are talking purely about intoxication, that argument is not covered by this provision. Under this

provision, if someone is not served because the responsible person makes a judgment that pursuant to this clause they will not serve them, what loss has the person suffered to sue for? They can walk down the road and buy a drink at the next hotel if the responsible person there makes a different judgment. For what economic loss can that person sue?

This is the point we make to the committee: the refusal of one drink hardly creates a sufficiently strong case to sue, because what have they lost? They have lost the capacity to have one drink. They can drive down the road to the next pub and hope that the responsible person there makes a different judgment. We would argue that the chances of someone successfully suing under this clause absolutely minimal. So, from that point of view, we oppose the member for Ross Smith's amendment.

The CHAIRMAN: This is the honourable member's third question.

Mr LEWIS: I understand, Mr Chairman; I have three fingers here. I am unlike other people: they have four. I have a habit of clicking the knuckles. I believe that, given that we have this crazy legislation, we ought to make it simply impossible for anybody to sue a licensee. If the licensee or a servant of the licensee chooses not to serve someone, that is tough. I am surprised that the minister has not simply, in law, prevented anyone from suing on the grounds that they were wrongly refused service. I thank the minister for his explanation about intoxication. I also put to him that it would have been better if, elsewhere in the act, if not in this clause, we made it impossible for someone to sue where they were of the opinion that they had been unreasonably refused service.

If the licensee takes that step, they know the risk that they might offend one person or even a whole class of people, but it ought to be their choice to decide that they simply do not want to serve someone and, in so choosing, as it were, establish an image for their premises, in the way in which the Clappis family did; but they did it through excruciatingly painful and long-term measures of encouraging those people to come to the Maylands Hotel whom they saw as being patrons of a kind which they desired, whereas they discouraged patrons of a kind that did not fit with that image in more subtle ways, without appearing to be doing so.

In time the Clappis family established an outstanding patronage for their premises in several different categories of service to the public. I always enjoyed going there. Now they have put ruddy poker machines in, so I will never go back. That is a pity, because it was a great pub. However, I am strongly of the view—and I want the minister to take note—that, in the event that it is possible at some subsequent time when amendments are being moved to this legislation to put beyond doubt any thought that a patron who believes they have been unreasonably refused service, they cannot sue a licensee.

The Hon. I.F. EVANS: I will certainly note the comments of the member for Hammond on the next occasion that amendments are before the House.

The committee divided on the amendment:

AYES (18)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D. (teller)	De Laine, M. R.
Foley, K. O.	Geraghty, R. K.
Hanna, K.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.
Rankine, J. M.	Rann, M. D.
Stevens, L.	Thompson, M. G.
White, P. L.	Wright, M. J.

NOES (26)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F. (teller)	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Lewis, I. P.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	Meier, E. J.
Olsen, J. W.	Oswald, J. K. G.
Penfold, E. M.	Scalzi, G.
Snelling, J.J.	Such, R. B.
Venning, I. H.	Williams, M. R.

Majority of 8 for the Noes.

Amendment thus negatived.

Mr Atkinson interjecting:

The CHAIRMAN: Order! The member for Spence.

Mr ATKINSON: It would be nice, when we are considering a clause of a bill—

The CHAIRMAN: Will members please take their seats or leave the chamber.

Mr ATKINSON: It is good legislative practice not to put clauses in bills while members are still walking back to their seats after a division. That is really all I wanted to say.

Clause passed.

Remaining clauses (38 to 42) and title passed.

Bill read a third time and passed.

SUMMARY OFFENCES (PROSTITUTION) AMENDMENT BILL
PROSTITUTION (REGULATION) BILL
PROSTITUTION (LICENSING) BILL
PROSTITUTION (REGISTRATION) BILL
STATUTES AMENDMENT (PROSTITUTION) BILL

Adjourned debate on second reading.

(Continued from 28 June. Page 1507.)

The Hon. D.C. KOTZ (Minister for Local Government): I rise to speak in support of the Summary Offences (Prostitution) Amendment Bill, which will amend the Summary Offences Act 1953. This is a bill that aims to close some of the loopholes in the present law and give police in this state a power they do not currently have, which will enable them to successfully prosecute all involved in the prostitution game, including the clients. I will not continue to identify the areas that the present law does not cover. This bill does address issues that have been of concern to many of us for some time. So, I am pleased to say that this bill addresses issues which we have sought to address in the past, and that is why I will be supporting it.

The remaining bills proposed in this process of law reform seek to legalise prostitution and do not have my support. People in this House would know that I have been a campaigner against the legalisation of prostitution for many years, because I believe that prostitution works against social justice and community morality in a number of ways.

The act of prostitution degrades all humanity. The buying and selling of human beings for whatever purpose has long been regarded by society as one of the lowest forms of human behaviour. The bill before us seeks to license legal brothels where the act of prostitution

will be deemed to be legal and acceptable, and the state of South Australia will formally become the pimp for a legally regulated network of organised prostitution.

We are also asked to determine this issue without the benefit of moral consideration. To say that public issues of this magnitude should be determined without regard to discussions of morality is to deny the need for us to have any sense of right or wrong any longer, and those who wish us to define policy on prostitution without reference to any concept of public morality are saying that the concept of right and wrong is irrelevant to government policy and the law.

Those comments that I have just made are actually repeated word for word from the text recorded in *Hansard* of 6 April 1995, as the opening statement of my contribution in the debate on the Prostitution (Regulation) Bill which at the time sought to decriminalise prostitution. That bill was defeated as was the one before it. However, I believe that that bill was used as a softening-up process to test the moral fortitude of members of parliament to present the so-called new age non-judgmental latitude to morality. It was used to test members of parliament's tolerance levels towards greater acceptance of liberality of interpretation of new attitudes and opinions. It was used in the public debate by the Sex Workers Alliance, which is the marketing and promotional arm of the prostitution industry, to create the remarkable perception that decisions based on moral considerations were anachronistic and, therefore, had no place in the law-making process of the day.

Whether the prolonged and ongoing lobby by the prostitution industry has won or lost that debate will certainly be seen by the end result of the vote on the bills now before us. However, I will continue to unashamedly promote that the protection in law of moral values enhances the wellbeing of society and certainly preserves the basic attributes of humanity. In the previous debate, I quoted from the famous work of Lord Devlin, *The Enforcement of Morals*, and I revisit his words. They were relevant when he wrote them, they were relevant in 1995, and I consider that they are still relevant today. I quote:

Society is entitled by means of its laws to protect itself from dangers, whether from within or without. . .an established morality is as necessary as good government to the welfare of society. Societies disintegrate from within more frequently than they are broken up from external pressures. There is disintegration where no common morality is observed and history shows that the loosening of moral bonds is often the first stage of disintegration, so that society is justified in taking the same steps to preserve its moral code as it does to preserve its government and other essential institutions. The suppression of vice is as much the law's business as the suppression of subversive activities. It is no more possible to define a sphere of private morality than it is to define one of private subversive activity.

I certainly trust that members will consider those words very carefully. I do not know what reaction other MPs have had from their constituencies on this matter, but I have indeed been inundated with letters and faxes from people throughout my electorate, as well as from people across the state, urging me to vote against the legalisation of prostitution. I was interested to note how local government councils have dealt with the proposals in these bills. Councils who had an opinion to offer stayed well away from the question of legalisation and dealt predominantly with the development aspects in the legalisation proposals. For this reason, I was extremely pleased to note that the City of Tea Tree Gully has come out strongly against any legalisation of prostitution.

However, there was one very small hiccup in coming to this decision. When the matter was first brought to the council's attention, the council voted for legalisation on the casting vote of the previous mayor, Bernie Keane, who is now the Labor candidate for Newland. A Messenger newspaper article reported on the council's reason for overriding Mayor Keane's casting vote, which supported legalising prostitution. That article said:

The council was forced to perform—

Members interjecting:

The SPEAKER: Order, the member for Hart will come to order.

The Hon. D.C. KOTZ: The article stated:

The council was forced to perform a backflip after offering support for prostitution law reform. Councillors had to deal with hundreds of calls and letters from protesting residents, and at their next meeting they voted to reverse the decision.

I sincerely commend the Tea Tree Gully council for reconsidering this issue, as this is what representative decision making is all about. Therefore, it is also pertinent to point out to members of parliament not to disregard the immense public interest in this matter. If you have not already canvassed this issue with your constituency, it would be extremely foolhardy to take for granted the acquiescence to the very dramatic and visible changes the bill supporting legalisation will have on our community, and there will be dramatic and visible change should this parliament move to support legalisation. When your constituencies—

Members interjecting:

The SPEAKER: Order! The member for Hart will remain silent.

The Hon. D.C. KOTZ: —face the reality of legal brothels openly allowing prostitution—

Members interjecting:

The SPEAKER: Order! The minister will resume her seat. I do not care whether it is 11 o'clock at night; if people are going to interrupt the debate and turn it into a circus again, the chair will take some action. I expect the House to adhere to the rules of debate tonight. I know everyone is tired, but we should get on with the debate without too many interruptions.

Members interjecting:

The SPEAKER: Order! I warn the member for Hart. I am in no mood to put up with any nonsense tonight.

The Hon. D.C. KOTZ: When your constituencies face the reality of legal brothels openly allowing prostitution to be flaunted blatantly in their faces, I would suggest that they most definitely will not thank you for that decision. I go back to my comments about the Tea Tree Gully council area, which covers four state electorates with parts of two others included. The people in those areas were so incensed by the decision to support legalisation that their outrage was certainly both swift and ferocious. Councillors were taken completely by surprise and could not wait for the next council meeting to reverse their ill taken decision. I would like also to hear members in this House who may be supporting legalisation explain to the parents of school children how they have made sure on the parents' behalf that the proposed new acceptable and legal prostitution services would have no impact on children as the latest brothel now opening in their area was situated some 200 metres from their children's school which I consider is just down the road.

I also note that we have another amendment here that looks at changing that 200 metres to 100 metres. I would also like to see members of this place assuring parents that the availability of drugs in their area, or in fact at the children's school, would also not increase. This brings me to one of the

most important aspects of this issue, namely, the exposure of children to prostitution. A former Adelaide prostitute has told how children were sold off by parent prostitutes and exposed to drugs. The prostitute said:

> A mother that didn't care any more would be offered $500 or $600 for half an hour with a 10 or 11 year old kid and she didn't care. Then there were parents who thought it was a laugh to see their kids stoned out of their brains, two or three year old kids walking around with a joint hanging out of their mouths.

If this parliament legalises prostitution in this state, I have no doubt that we will be responsible for a likely rise in child prostitution. Late last year the United Nations announced that in its Save the Children Report—

Mr Foley interjecting:

The SPEAKER: Order! I warn the member for Hart for the second time.

The Hon. D.C. KOTZ: The Save the Children Report found that Victoria and New South Wales, which have legalised prostitution, are the two worst states in Australia for child prostitution. Indeed, the South Australian Police warned in an official prostitution report in May 1998 that legalising prostitution could tempt minors to enter the industry at a greater rate than under-age drinking.

During the period of the last debate, the Police Commissioner of the day clearly stated that any legalisation or decriminalisation of prostitution might result in an increase in the involvement of children and in the incidence of rape in children. He advised members of parliament, after a review undertaken by the South Australian Police Department, to tighten up the legislation. He went on to say:

> Give police the tools of trade to be able to carry out their duties in a proper and efficient manner. I don't really see why police officers should have to be putting themselves at risk in evidence gathering because of the lack of clarity of the legislation or judicial interpretations. . . one of the most frightening aspects is the exploitation of children who become ensnared with prostitution rackets. Perpetrated by paedophiles, the sexual involvement of children with adults for money merely becomes an extension of the sexual relationship with the paedophile, who often act as a pimp.

This is still is the Police Commissioner talking—not me. He continued:

> . . . such victims were often runaways or missing children, trapped by the need to survive. Most found a means of financial or emotional support in prostitution and pornography. They are attractive to clients because of their age and because they usually sell their services far more cheaply than their adult counterparts.

We only have to look at Victoria and New South Wales, which have legalised brothels, yet still today neither has solved its prostitution problems. Victoria chose a licensing system in the mid 1980s which saw illegal brothels outnumber licensed ones by two to one. Legal brothel numbers in Victoria have soared, and it is reported that there are three times as many illegal brothels operating than there were five years ago.

In addition, advertising is encouraging children to work in the trade, whilst street prostitution continues to rise. An account by a former prostitute tells a story of a startling incidence of street prostitution and illegal brothels in Melbourne. The prostitute has told us:

> Some MPs claim that legalising brothels cuts down the amount of street prostitution, but that isn't happening. Brothels can be unfriendly places for girls to be in. They are treated like cattle in a meat market. They are constantly competing with other girls. The older and less attractive ones that can make life miserable for others.

In New South Wales brothels operate just as other businesses do. Brothels are in fact fully legal and operate in huge numbers in commercial zones to comply with planning laws. However, it has been reported that many brothels continue to operate illegally in residential zones. I do not believe that we should not go down the same path as New South Wales and Victoria. Instead we should, as this bill proposes, tighten the laws we have in this state to control prostitution, to protect children, and to clean out the criminal elements who thrive on all the sordid aspects of drug and criminal activities that prostitution attracts. Legality only legitimises the criminal on the one hand and enhances the victim syndrome on the other.

In my view there is no redeeming future to support legalisation of this trade that barters in human beings. If you truly want to see reform, think about South Australia as the state that has the opportunity to set in place a program of reforms that can be tested and evaluated by comparison with the two eastern States—Victoria and New South Wales—which have already moved to legalisation. What a perfect opportunity for this state to include in legislation a three to five year review to test the opinions that we have all expressed in this House. I urge all members to think about tightening our laws, doing it differently from the eastern states and thereby setting in place the perfect opportunity to compare by valid research the outcomes that a three to five review could produce.

There are researchers who would give their eye teeth to have in place a model such as this. Those that exist in the eastern states at the moment, both in Victoria and New South Wales, have almost been set up for this state to have a damn good look at. It would be an excellent, rational and normal move for this state to think about doing exactly the opposite and setting up this evaluation process so that a review such as that could determine at the end of time where the comparisons lie, who is right, who is wrong, and what improvements need to be made.

I sincerely fear, as members can well imagine from my comments, that if we legalise prostitution in this state we will see an enormous increase in the prostitution trade and in the additional workers, unfortunately maybe some of the young and very innocent people whom we already know.

I refer to some of the comments made by other members in their contributions: it was talked about in many instances but they had no conclusive evidence to support the contention that prostitution causes physical and psychological damage, that it would increase through promotion of the trade if it is legalised, and certainly they considered they had no evidence that it could involve more children if the trade was legalised and decriminalised. The member for Elizabeth made comments such as that. I will provide the member for Elizabeth and others with the evidence that they are seeking.

First, from Oslo we have criminologists Professor Cecilie Hoigard and Dr Liv Finstad. They are scientists, not Christians, and they have conducted the only long-term study of individual prostitutes in the western world of which I am aware. In their book published called *Back Streets* in 1992 Hoigard and Finstad said:

> Prostitution tears feelings out of women's bodies. The necessary emotional coldness from the public 'prostituted' self spreads and takes possession of large portions of the private 'self'. . . The feelings are burned out of the body as well. Prostitution is a game played with feelings. Self-respect and-self imagine are also destroyed.

It goes on to give the research answers and recommendations that came through that very long and extensive research. They went on to say:

> When prostitutes talk about the damages of prostitution, however, it is not the (physical) violence they emphasise most. Fractured jaws

heal, split lips will mend. Even anxiety dulls and fades. Regaining self-respect and recreating an emotional life is far more difficult.

In 1996 Dr Finstad spoke on Adelaide radio and said:

We found in every case we studied deep emotional damage was done to the women. They use elaborate defence mechanisms to maintain an emotional distance from their customers. But over time the effect is very destructive.

There are many such examples, and I would be happy to pass all those examples on to anyone who is interested in reading them.

Legalising prostitution has given the sex trade in the other states a government stamp of approval, causing the whole trade to boom. It has not resulted in safer sex or less street or child prostitution, and talking to St Kilda police will attest to that. It has meant that many more women are choosing prostitution as a way to make money and are deeply and emotionally damaged by it. People in this place have stood here in the past 24 hours and said that, if they only knew in 1992 what they knew now, they would not have voted for the gambling and gaming machine bill. Let me say now that everyone here now has the opportunity to take that same thought with them when it comes to prostitution.

Some years afterwards are we still going to stand here and say that we did not know all this information about prostitution? I do not believe that we can say that. We already know what will happen if prostitution is legalised in this state. We know what happened in Victoria. Despite its government's best efforts, Victorian prostitution is out of control. The *Australian* newspaper reported on 2 March 2000 that 40 shootings have occurred in south-west Sydney in three months as gangs fight for control of the sex and drug trade—in the New South Wales legal, regulated prostitution system.

Yes, it is in fact out of control there, too. Legalisation either by licensing or by regulating will never control prostitution, but it certainly will encourage its expansion. Only by tackling the exploiters behind the sex trade, the pimps and brothel owners and the advertisers, will we be able to minimise what I believe is an extremely damaging business to all who are concerned.

Members of this place had the opportunity to meet and listen to Lynda Watkins, the former Perth prostitute and madam who now runs a House of Hope for prostitutes who seek work in a regular form of employment. Listening to Lynda, I think members should have understood very well, from the situation that she raised with each and every one of us, that very significant psychological and physical damage occurs to the people in this trade.

It is not a victimless trade: it is in every sense full of victims. This parliament in the last stages of making some very big changes to the society in which we live at the moment should take into consideration the very evidence that we have seen, that is there for anyone who cares to look and see, that what has happened in the eastern states, both in Victoria and New South Wales, has not worked.

Mr KOUTSANTONIS (Peake): I wish to continue the comments of the member for Playford before the debate was last adjourned. This debate has nothing to do with choice: few prostitutes freely choose to enter prostitution. Invariably they are coerced, either directly by an overbearing pimp or indirectly by the circumstances they find themselves in. It may be because of the need to finance a drug habit; it may be because of grinding poverty. But, once in the trade, practically no-one freely chooses to remain in prostitution as a working prostitute.

The bills we have before us are about whether the House gives its approval to coercing men and women to remain in prostitution. They are about abandoning certain people to prostitution, drug abuse and crime with little hope of being able to return to the comfort of mainstream society that members of this House take for granted. Let us consider legal prostitution purely as a question of personal liberty.

Liberalisers argue that prostitution is an issue of personal autonomy in which the state has no right to interfere. Provided that the act of prostitution is conducted in a consensual way between adults and in private, what right does the state have to interfere? We do not have laws against adultery in this country, for example, and we had the courage to be one of the first states to legalise sexual acts between adult males. In this light some may think that our prostitution laws look pretty antiquated in this time of personal liberty.

Advocates of legalised prostitution usually are definitively influenced by or actually cite as their authority the famous dictum of John Stuart Mill:

In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign.

Two things need to be said about this famous quotation. First, a person's exercise of absolute autonomy rests only 'in the part which merely concerns himself.' But prostitution concerns prostitute, client, client's wife or partner, those who live off prostitution, advertisers, and society as a whole. Therefore, those involved in prostitution cannot appeal to this remark of Mr Mill.

Secondly, J.S. Mill is not a recognised authority as far as law making is concerned. This is the same man who denied the right to vote to those who were not educated in the way that he thought they should be educated. He stated:

I regard it as wholly inadmissible that any person should participate in the suffrage without being able to read, write and, I will add, perform the common operations of arithmetic.

There is no point citing this man as an authority when society as a whole has, quite rightly, never implemented his principles. On the other hand, the Enlightenment political philosopher Thomas Hobbes defended the notion of inalienable rights. These are rights of which I cannot be deprived, and nor must I deprive myself. One of those rights is the right to liberty or freedom.

Hobbes' notion of inalienability has received universal recognition and implementation in documents such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The thing about prostitution is that it is rarely engaged in as a matter of free choice or liberty. Even where it might be thought to be engaged in freely, it involves a person surrendering their body, mind and soul into the power of another.

Prostitutes are enslaved to the money, the drugs and to those who enslave them, because they know that it will be difficult, if not impossible, for them ever again to find proper employment. If you want to come out of the prostitution trade, what do you say to a prospective employer about your employment history? That you have been a prostitute for the last 10, 15 or 20 years?

The really sad thing about this whole debate is the refusal on the part of many members of this House to accept that prostitution represents catastrophic harm to all those involved in it, especially the prostitutes themselves, and that as lawmakers we can and ought to do something constructive about repressing prostitution and assisting prostitutes to find a way to get their lives back again. We can do better than

appeal to Mill's utilitarian philosophy as an excuse for libertarian policy that effectively makes slaves out of prostitutes, a philosophy that has never gained universal acceptance.

But we do have a responsibility to protect fundamental human rights which are inalienable and which do not permit of legally and socially approved exceptions. Lost in the debate about rights and personal autonomy, about the needs of the men who visit prostitutes and about doing what I want with my own body, has been the welfare of men and women who become prostitutes.

However the brothel madams and pimps might like to portray their industry as clean and nice, the reality will always be different, legal or illegal. The member for Newland was good enough to invite Ms Lynda Watkins, a former prostitute and madam, to talk of her experiences, and her story explodes the spin that the sex industry would have us believe. She spoke of young girls vomiting when being forced to give fellatio to 80 year old men; of women forced to work the whole menu, that is, of having to provide whatever forms of sexual gratification a client asks, provided that he pays the money.

As evidence given to the Social Development Committee by the Prostitutes' Collective of Victoria showed, the days of good old-fashioned missionary position sex are long gone and brothel prostitutes have no rights when it comes to refusing particularly degrading acts of sexual gratification.

There is, I think, a misconception about our current laws and the motivation behind them. There is a misconception that they were driven by outdated Victorian mores regarding sexuality. In fact, when first drafted, they must have been refreshingly progressive. For one thing, the member for Unley is wrong: they never intended to discriminate against prostitutes. Instead, they were aimed squarely at pimps and brothel owners.

The only offence that can ever be brought against a prostitute is that of being in a brothel. Other than that, there is no offence that actually penalises prostitutes. I think that this should continue to be the case. The law should be aimed at the pimps and the brothel keepers, those who traffic in human misery. If, as I believe, the prostitutes are themselves victims, that law should continue, as far as possible, to refrain from penalising them. It is strange that members here, who quite rightly would throw the book at anyone who made unwelcome sexual advances to any woman in any other context, seem to think it okay as long as the woman gets paid.

Finally, I want to dismiss the notion that prostitution is a necessary evil; that there will always be some men who will only be able to get sex by paying for it and that if they do not get it they will rape women. This is based on the long-dismissed Freudian belief that the sexual drive is the primary motivation of male behaviour. In reputable psychological circles, this aspect of Freudian teaching has been disregarded as overly simplistic. Most men who commit rape are not undersexed desperadoes.

Rapists are generally motivated by a twisted, misogynistic view of women, often caused by or, at least, compounded by pornography. Greater access to prostitution will do nothing to elevate the potential rapist's view of women. On the contrary, it is likely to entrench the view that women are purely objects freely available for their personal sexual gratification.

The argument 'it will always be with us' is easily dismissed. Were we to repeal every law that people continued to break, we would not have a law on the statute books. Indeed, this parliament would scarcely have a reason to exist. Let us end this nonsensical argument now, because if that is the best the liberalisers can come up with, then the day that we liberalise our prostitution bills will be a dark day for parliamentary democracy in South Australia.

The member for Unley happily throws around the accusation 'hypocrite' at anyone with whom he does not particularly agree. I am more reluctant to use it because it questions the very core of someone's being. It suggests that a person is acting in bad faith and makes a judgment about a person's personal disposition that I think only God is able to make.

I ask those members who would not want their own daughter to work as a prostitute, 'How can you expect any mother or father to accept it?' The men, women and children trapped in prostitution are not anonymous; they have families, and they have parents. We should think very carefully about making a law that expects of other mothers and fathers what we cannot expect of ourselves. That concludes the member for Playford's remarks.

Mr CONDOUS (Colton): The decision we have to make tonight is not an easy one. Having been in this position on two previous occasions, about three weeks ago, I decided that, in the year 2000, the time had come when consenting adults (a man and a woman) who decided to have sex at a price in the privacy of one's home or a brothel—

Mr Lewis: What about a man and a man?

Mr CONDOUS: A man and a man, a transvestite and a man, mix them up as much as you want to—but I felt that, in the year 2000, the time had come when, if an agreement had been reached, adults had the right to have sex, that it was their affair.

I have not written what I am about to say on paper, because about 10 days ago I lived through an experience lasting four days when I visited 10 brothels in New South Wales and spoke with 20 or 30 working girls. I went out with two responsible New South Wales police officers to look at the problems of prostitution. The thing that shocked me the most was the street prostitution.

On the Friday night, I was privileged to go out with Detective Sergeant Michael Fuller and Detective Tony Roche of the Kings Cross Police Station at Potts Point. What I was about to see was something that even the strongest person would be worried about. I saw people as young as 15 years of age prostituting themselves in back alleys, in William Street, on Darlinghurst Road and at the wailing wall opposite the hospital. The greatest problem was that, of those street workers, 99 per cent were drug addicts. They were prepared to sell themselves and have unsafe sex without a condom to get another lot of heroin for their next hit.

This problem currently exists in Adelaide. If you think that it does not, you are putting your head in the sand. I told the member for Peake recently that, whilst driving to my electorate office on Henley Beach Road, I had seen a young girl of about 17 or 18 years of age trying to hitch a ride. I felt sorry for her because she looked down on her luck. I thought that if she was going to Henley Beach I would give her a lift. I stopped the car and said, 'Where are you going?'. She said, 'I'm not going anywhere, I'm a working girl and I'm prepared to give you sex for $50.'

When I told the member for Peake about this he said, 'Steve, there are about six girls who work the Henley Beach Road on a daily basis making out that they are trying to get a lift.' I have since found out from other constituents that this

practice exists on Marion Road, the Anzac Highway, South Road and other main thoroughfares.

One of the things that I noted in New South Wales was that prostitution is a huge industry. It is made up of nearly 800 brothels, 400 of which are legal and 400 illegal. The industry is out of control, and the New South Wales authorities have thrown up their hands because they can no longer control it. To operate a brothel legally in New South Wales, all you have to do is hold up a document to show that your local council has given you permission to operate a brothel and then you are able to work. It does not matter if you have a criminal record. You could have held up the Commonwealth Bank five years ago, you might have got out of gaol six months ago having served a sentence for armed robbery, you might have assaulted an old woman at an ATM, but you would have the right to operate a brothel.

When I spoke to some of the people who were operating legal brothels, they said, 'Why did we go to the trouble of paying $30 000 to go through the planning appeals courts to get legal documentation, which means that the council's health inspectors come in and look at us, when the illegals down the road continue to trade?' I said, 'What do the council inspectors do about trying to close them down?' They said, 'They've given up.' These brothel operators were going to the planning appeals courts, but it was taking 12 months to get their case through, and when a decision was about to be made they moved four doors further down and continued their business. The council said that it was too expensive and too time consuming and gave the problem away completely.

Another thing that changed my mind was that, after visiting these 10 brothels and speaking with about 30 girls, the one thing that will never leave my mind was the expression on their faces. When I asked these young ladies, some of whom were stunningly beautiful, what the psychological effect of being a prostitute was like, the answer was consistent right across the board in about 95 per cent of cases. They said, 'How do you think you'd feel getting up in the morning knowing that you were going to work to satisfy seven or eight men during the day all of whom you do not want to sleep with, but you do it because of the money.' These girls earn very good money. Most of them see a psychiatrist on a regular basis to try to maintain some sort of sanity so that they can continue to work.

What worries me is that if we support the regulation bill we will give carte blanche permission to anyone who fits the criteria to operate a brothel. This will be no different from poker machines: instead of finishing up with, say, 100 brothels, which we have now, everyone will think that it is a viable proposition, so we will finish up with 300 brothels in Adelaide. What will happen to home activities? The regulation bill provides that, if you are the owner of a house and live in that home, you can employ one other girl and operate a home activity without having to apply for planning approval from a council.

What will we 47 members of parliament do when the telephones in our electoral offices start ringing and little Ms Jones who lives down the road says, 'The young girl who lives next door to me has become a prostitute and looks after five men a day or, with her girlfriend, 10 men a day, five days a week. So, I have 50 fellows parking out the front and going into the house.'? Who is going to stop this, who is going to regulate it, and who is going to keep some sort of sanity in this? Members must think before they act, because this may become a monster that we cannot control.

Before I went on this trip the member for Waite asked me to look up WorkCover because he was concerned about what would happen if the state had to be responsible for WorkCover. I know that most of the ladies on the other side of the House want to keep up their Labor traditions and make WorkCover an important part of all this. Let me tell you a couple of things. First, there is not a prostitute in New South Wales who works for a brothel. The 10 000 or so prostitutes in New South Wales rent rooms off the person who runs the brothel and the brothel owner does not handle the money. The working girls parade in front of the client; the client selects the girl of his choice; they go up to the room and the girl negotiates the deal knowing that she has to pay the brothel owner $90 for one hour's use of the room; and whatever else the girl has done in negotiation goes into her pocket. I have an agreement from one of Sydney's leading brothels and it has all the conditions in it. You do not have to consider WorkCover. Every girl is self-employed.

Ms Key interjecting:

Mr CONDOUS: Yes; but what am I going to tell some lady who comes into my office and says, 'I have been waiting for six months to have a hip replacement at the hospital,' when we may have 100 girls on WorkCover suffering from genital herpes, or something else, and the state is paying out millions of dollars a year?

Ms Key interjecting:

Mr CONDOUS: The honourable member is shaking her head. What happens if she says she caught it in a brothel from a client—

Ms Key interjecting:

Mr CONDOUS: —and that she wants to be covered? She says, 'I can no longer work because herpes will not go away; there is no cure for it, so the state can look after me for the rest of my life, because I have lost my right to work.' The agreement is there; it is in black and white, and every brothel in Sydney is using it. Members opposite want to make it different here in South Australia: you want to give prostitution credence and say that it is an upstanding profession; therefore, you have to be under WorkCover.

What would happen if Schumacher decided that he wanted to take out WorkCover to cover him when he is driving his Formula One car at 360 km/h, just in case he has an accident? Who will cover him when he is in a high risk profession? Absolutely no-one at all. Let me tell you something else: of the 10 people I saw who ran brothels, I would say that half of them were responsible people; they were responsible to their staff and looked after them properly. But the other half were not that way: they treated the girls like dirt; they abused them and simply wanted them to earn more money for them.

We must control also the type of person who runs the brothel. They must be responsible people. I do not know that this legislation goes far enough in doing that. I believe it is a matter of simply decriminalising the industry and then walking away and then letting it regulate itself—or even having a body to do it: I do not think it is that simple. Anyone who has studied the situation in Victoria will know the problems. I observed the problems in New South Wales—I know what they are there—and I certainly do not want to see in Adelaide a repetition of the problems currently being experienced in Sydney. If that were to happen we would have a proliferation of hundreds of brothels. The more brothels you have, the cheaper it becomes and the greater the risk the girls are prepared to take because, when the competition is tough, they will throw away the condom. I am not talking about all girls, because a lot of them in the industry are very respon-

sible and very health conscious, but those at the end of the line will take that risk to earn money that is not around because of the competition.

I do not think this issue is as cut and dried as we all think it is. We are about to make a very important decision for the state of South Australia. We may have been the last kids off the block on a lot of issues, but the one thing on which we do pride ourselves in this state is that, when we do make the decision, we make the right decision. Surely, having seen what has happened in the eastern states, having seen Beattie's new legislation which came into effect on 1 July, the warning signs are there to make us tread with great caution because our decision may be one that we live to regret in future.

Prostitution is not an easy racket. It is tough on the lives of many young Australian girls. It is generally conceded that about 80 per cent of those who work in the industry have been sexually or physically abused at some stage during their young life. They have not had the care, the love and attention that comes with a responsible family upbringing and, therefore, they turn to prostitution as an easy way of making money. All I am saying is this: before we make this decision tonight, we should think carefully because it may be one that we could regret for many years to come.

Mrs PENFOLD (Flinders): The topic of prostitution is one that I would prefer not to talk about or to have to deal with, but it exists. I am compelled to consider it as a member of parliament charged with making laws for the whole of the population and not just my constituency of Eyre Peninsula. It is widely recognised that the legislation regarding prostitution and related offences in South Australia is inadequate. Given this inadequacy, the policing of offences relating to prostitution creates many difficulties. Today's society is adept at passing the buck; at demanding that someone else do something; at refusing to accept responsibility. This attitude makes it doubly hard for our police officers who are at the coalface when it comes to prostitution and enforcing the law.

At various times our police force has come under criticism from different directions, including politicians, prostitutes, the courts, brothel owners and church groups in regard to the policing of the prostitution industry. Each group has its own special views on legislation surrounding prostitution. As is recognised in the 1998 police report on prostitution, given the limitations imposed on them by current legislation, the police cannot hope to meet the demands of any single party even under the most ideal circumstances, let alone the conflicting demands of all the interest groups.

One of my staff members recalls a senior police officer speaking at a school welfare conference many years ago. He gave the instance of two people entering into an agreement for one to use the other's body in return for payment of some kind—not necessarily money—and said that it would be impossible to police a law prohibiting such an agreement or action. Society today gives out confusing signals to young people concerning sexuality. Sexual activity is presented on television, in films and magazines as the ultimate experience and one to be pursued. The current television program *Sex in the City* is an example of this.

At the same time, society—thankfully still the majority of society—condemns child abuse and child prostitution. The way that sexuality is popularly presented is unbalanced because the pain, degradation, despair and destruction of self-esteem that occurs in indiscriminate sexual relationships, let alone abusive and prostituted sex, are not shown. If greater powers to police were granted through appropriate legislation, then concomitantly greater protection could be afforded to minors who may be enticed or forced into the industry.

Members of South Australia's police initiatives Operations Patriot and Torpedo conducted in the 1990s allege that there is some evidence of child prostitution. Operation Patriot located and identified five minors working as prostitutes in brothels in the 18 months to February 1995. All were females with an average age of 15 to 16 years who had either run away from country areas or interstate, or had been homeless and living on the streets.

Two of these children were located operating brothels alone, and in one extensive documentation was discovered revealing details of male clients repeatedly raping the child. Child prostitutes, both male and female, are rumoured to be available to trusted clients of some escort agencies.

Research has shown a link between child abuse, especially child sexual abuse and child prostitutes and those entering the industry as young adults. Such people are doubly abused by society. I do not approve of prostitution or condone the trade in any way. However, as a member of parliament I must consider all those who are involved, irrespective of whether or not I approve of their actions, just as, for instance, we must also consider demonstrators and see that they are protected, irrespective of whether or not we agree with them.

Current laws do need changing. They do not protect the young or naive people in the trade or society in general. I have personal knowledge of a young country woman who innocently accepted a position in an escort agency, only to find to her horror what was expected of her later in the night.

Prostitution has been the subject of various parliamentary inquiries and failed bills. The five bills before the House have drawn on the vast resources of information that committees have accumulated over the years. I am strongly of the opinion that prostitutes and clients should be treated equally. In the past, prostitutes have been guilty of offences while clients have not been charged. The approach in four of the bills is to treat the clients and prostitutes the same. I fully support this approach. It brings the treatment of prostitution out of the double standards of the Victorian era, where men were expected and young men encouraged to sow their wild oats, but any woman who acted in a similar manner was condemned or ostracised. Prostitution requires two people; both should be treated equally under the law.

People generally condemn prostitutes for passing on sexually transmitted diseases. Any person who infects a prostitute with a sexually transmitted disease should be equally guilty of an offence. In addition, brothel owners, pimps, procurers and any third persons profiting from prostitution should be held responsible for illegal activities that help to provide their income, including child prostitution and drugs. Assets should be forfeited and used to help fund law enforcement and prevention programs for people at risk, such as young street kids and rehabilitation of workers themselves.

I will now quote a letter from the Reverend Michael Semmler, who wrote:

> As you consider the prostitution legislation, may I put before you some considerations which I think are important.
> - Make laws as few and as simple as possible.
> - Resolve to keep those laws.
> - Resource the police appropriately so that they can be effective; to preserve their morale; to preserve their standing in the community; to give them appropriate access and ability to police.
> - Protect all citizens (even those who remain in the prostitution trade).

- The government ought not to be involved in any kind of agency or management of prostitution.
- Cover escort agencies as well as brothels.
- Concentrate on the harm, e.g. violence, drugs, crime, sex slaves, paedophilia, under-age prostitution, blackmail, communicable diseases, advertising, loitering, money-laundering and the like—issues that harm society.

In your deliberations of this vexed issue, you are protecting, ordering and promoting a healthy society.

Obviously from the church, we would like to see prostitution out of existence! No society has achieved that, so the protection of society and the promotion of family and positive helpful values needs to be uppermost in your legislating. It is the task of the church to shape people from inside, but for governments to regulate and promote society, including curbing and controlling the harm that some seem bent on achieving. Our churches pray for you and encourage you toward good government. We are grateful for your major contribution to the society we are privileged to enjoy and wish to continue to promote.

This letter succinctly sets out the problems with which we are dealing as politicians in considering these bills before the House.

The role of government is to govern for all people. I have spoken of some points in relation to children. Personally, I would prefer a law that stated that no person under the age of 25 is allowed to work in the prostitution industry. I believe that 18 is far too young to be making such an enormous life decision as to whether or not to become a prostitute. However, I realise that this is unlikely to be possible.

From these bills I hope that we will be able to fashion a bill that will not exacerbate the current situation and may help to improve what we have at present. May we as a society help to establish more intervention programs for people at risk of becoming prostitutes, and provide houses of 'hope' as have been started in Perth by Linda and the Reverend Barry Hicky, so that those who are drawn towards prostitution and those who have succumbed have places to go, should they choose to turn away, where they may have some hope of being assisted in their decision.

Mr ATKINSON (Spence): I rise to support my bill in this debate—the Statutes Amendment (Prostitution) Bill—not with any great hope that it will carry the day, but because I think its merits ought to be put before the House. The first thing to say about the discussion of prostitution law is that the current law which we have in South Australia is hardly worth defending, from the point of view of those who do not want prostitution to proliferate in South Australia.

Prostitution is extensively advertised in the morning paper and in the Telstra yellow pages. Prostitution appears to be growing slowly. Obviously, if any of the three government legalisation bills are carried, it will grow more, and it will grow at a faster rate. It is a matter of regret to me that the Prostitution (Regulation) Bill seems likely to be carried; it appears to have the numbers in the House. However, one has to accept that as a reality and try to make the best of that bill.

I think a lot of the debate has been superficial to date, but I do not want to be too hard on some of my fellow members, because they have a lot of work to do and prostitution is not uppermost in their mind. I am sure my contribution on something like electricity restructuring would be superficial also, but I choose to resolve that by not contributing to those debates. For some reason, people who have not thought very much about prostitution feel compelled to make a contribution on this debate, particularly supporters of the regulation bill.

The virtue of my bill—the Statutes Amendment (Prostitution) Bill—is that it does not divide prostitution into an unlawful and a lawful trade. In fact, my bill removes all penalties from prostitutes themselves, except in the case of public soliciting. So, my bill is the most liberating of all the bills for prostitutes. Under all the three government legalisation bills, you will have a legal trade and you will have an illegal trade. For those prostitutes working in the illegal trade, nothing has really improved.

So, I do not think those who are voting for the government bills—leaving aside the Summary Offences (Prostitution) Amendment Bill—are really doing much for the great majority of prostitutes who will continue to work on the illegal side. They will continue to work on the illegal side, because it gives them freedom to refuse customers and to refuse certain sexual acts which the lawful brothels will compel them to do. The fact is that, if you work as a prostitute in one of the large brothels in Adelaide, you have to work the whole menu; whatever the house offers, you have to work. And that is a pretty repressive system. One of the virtues of prostitutes working alone from their own home, as escorts or from the Penhall is that they can choose what sexual services they provide and can say no to other services.

My bill tries to minimise prostitution from the demand side, not from the supply side. So, for the first time it will be an offence for a client to be involved in prostitution. The penalty is not great: it is a maximum fine of only $750, expiable on payment of $150. So, it is barely more than a traffic fine, but I think that a lot of the men who use prostitution in South Australia, who do not think twice about using it now, will think twice about it if they are liable, if there is some risk (small though it be) that they will be issued with an expiation notice for $150. It will drive some of the punters away and, in my view (not the view of the member for Unley), that is a good thing, to minimise the prostitution trade in this state.

The Hon. M.K. Brindal interjecting:

Mr ATKINSON: The member for Unley is being conciliatory at this stage, and I thank him for that. My bill includes a WorkCover provision, so that prostitutes who are employed would be entitled to WorkCover. It gives them rights under the Industrial and Employee Relations Act, and it deems them to be the employees of the organiser of the brothel. That is a very important provision because we know that many brothel madams will go to any length to deny that their prostitutes are employees. They will characterise them as independent contractors and then they will deny them any decent rights as workers.

Importantly, whatever bill is carried (and, at this stage, it looks like the regulation bill), prostitutes working for madams will be deemed to be employees, so that they have some rights to decent pay and to occupational health and safety. I know that most of my Liberal colleagues will not agree with that: they can vote as they want to and I will vote as I want to. However, I say to some of my Liberal colleagues who are opposed to prostitution: one thing you can do to minimise the trade in this state is to introduce decent workers' rights and WorkCover, because the organisers of prostitution will not want to pay a decent salary and provide protection, and many of them will get out of the trade when they have to do that.

An honourable member interjecting:

Mr ATKINSON: Anyway, we will agree to differ on that one. My bill encourages small scale prostitution. The nuisance factor arises with respect to prostitution where you have large premises. It is not the girls who create the trouble: it is the customers, queuing up, getting impatient, arriving drunk and leaving drunk. That is where the trouble arises. If you

have women working alone with, perhaps, their pimp acting as a receptionist and bouncer, in my view, that is the ideal way to deliver the service, because then you do not get customers queuing up and the sex worker and their receptionist can make decisions about which customers will or will not be admitted and the neighbourhood is not subjected to nuisances.

I do not support the registration and licensing bills because they make a futile attempt to sanitise the prostitution trade. It really is a joke to look at all these left wing Labor people and left wing Liberals trying to sanitise prostitution by introducing all these provisions about how it will be cleaned up, how the government will supervise it, that everyone will wear a condom and that no-one who has an STD will be allowed to be a customer. It is all a joke. The sex trade will go on as it has always gone on and it will do what it wants to do, and it will completely ignore these regulations. They are just window dressing.

It is very important that, if the prostitution trade is to be sensibly regulated, the police are involved. I am against these bills that introduce local government officials and state public servants as regulators. They are people who would be easier to bribe when exposed to this trade. They would be mugs. What you need is the police, with strong corporate discipline and harsh punishment for violating that discipline, still regulating the trade. It is very important to keep the police involved. Some of these people who are voting for the three government bills seem to be under the illusion that you can have effective laws against child prostitution, effective laws against procuring prostitutes by the offer of drugs, effective laws against coercing illegal immigrants to work in the prostitution trade and not have the police involved. This is quite incredible.

I do not understand how the police will discover all these serious offences if they are no longer involved in the trade. That is why my bill (bill No. 5, if members are looking for it) introduces an expiation fee which applies to customers and to organisers of brothels and which will attract the police into the trade. The police will go through brothels and escort agencies if they think that there is a chance of a result; if they think that they might ping someone. If they come home with a few infringement notices filled in that will keep them involved in the trade and, while they are involved in regulating the trade for those minor offences, they will come across, from time to time, the major offences.

If you pull out the police, as the regulation, licensing and registration bills do, you can forget about all the more serious offences: they just will not be policed. My bill contains a ban on advertising. I was the originator of the nuisance provision which, I believe, appears in all of the bills. I was also the originator of the banning provision, which my opponents have picked up and placed in all the bills, and I thank them for that. They also picked up from me a ban on bodies corporate being involved in the trade, and I thank them for picking that up. I do think it is obscene that the largest brothel in Melbourne, the Daily Planet in Elsternwick, is listed on the stock exchange.

Being incorporated is a legal privilege and I do not think that it is a legal privilege that should be available to people who are in the prostitution trade. You should not be able to hide behind the corporate veil. In my view, if you are going to have people running brothels and escort agencies they ought to do it on their own account and be individually responsible and not hide behind a corporate veil or a board.

My bill is a modest reform. It can be pushed further towards legalisation if circumstances demand that. But, if you vote for regulation, registration or for licensing you will create interest groups that will never allow a roll back. There will be no going back from the three government bills. Once you pass them interest groups will be created—economic interest groups will not allow any roll back of prostitution in this state.

Mr Williams: There will be no cap.

Mr ATKINSON: That is right, there will be no cap if members vote for the Prostitution (Regulation) Bill. One reason that I am not a fierce defender of the current law is because our current law was gutted a few weeks ago by the Attorney-General (the Hon. K.T. Griffin) when he reduced the penalty for procuring a person to be a prostitute from seven years maximum imprisonment to three months maximum imprisonment or a fine. From that point, there was no point in defending the current law. The current law was rendered substantially ineffective. We must move on. I wish we could move on through my bill, the Statutes Amendment (Prostitution) Bill, fifth on the agenda.

I will be voting for the Summary Offences (Prostitution) Amendment Bill, even though I do not believe it is good public policy or workable. I will keep faith with my comrades but I do not think that it will be carried. Regrettably, the Prostitution (Regulation) Bill will be carried and what those of us who want to limit the market for prostitution in this state must do is work through the committee stage of the Prostitution (Regulation) Bill to make it the best possible bill for South Australians.

Mr VENNING (Schubert): I did not intend to speak on this bill. I thought it might have been wiser to say nothing. I intended to speak the other evening but I was offended by comments made by the member for Hammond. I chose not to speak that night but I rise now to make a brief contribution. I have never used or needed to use a prostitute. I am happily married. I have three lovely children and we are a happy family, and I thank God for that. I know that others are not as fortunate. As far as I know none of my children has ever used or considered using a prostitute because they all have lovely relationships. Prostitution is not part of our private lives nor do I believe that any of my friends are involved.

I agree that prostitution is not a victimless crime. I did National Service for two years, and I saw the effects of prostitution first-hand. Often I would get young soldiers out of these institutions. I took on the role of the YMCA representative to assist young regular soldiers who not only got themselves involved in the drug scene but also contracted a disease. Once they were involved, it was very difficult for them. When the army went on an exercise (and I spent a fair bit of my time in Queensland), the following train was usually a train load of prostitutes. It got so bad that, when you stood on the parade ground waiting to get a leave pass to go on leave, if you did not have a condom in your hand, you never got a leave pass. No condom, no leave pass—that is how bad it got. I know that was 35 years ago, but I do not believe it is much better now. We have addressed some of the disease problems.

I must also say that I was most impressed with the speech by the member for Colton tonight. Last week I sat in my office and discussed this matter with the honourable member. It is refreshing to hear the speech tonight from the member for Colton, who relayed his experience from his visit to

Sydney last week. I got a lot of encouragement from that speech, and I thank him for that.

My experience of two years in national service opened my eyes. It was an education for me and for all those involved. I was also opposed to the legalisation of homosexual behaviour. I know it happened, but you do not have to make it legal and, therefore, acceptable. I have not changed about my mind about that, either. Just because it happens, we do not have to make it legal. Will we next legalise illicit drug trafficking, because that happens, too, and it has been happening for centuries as well?

'Alcohol and tobacco are legal, so why not the rest?', one might ask. We must make a stand somewhere and try to uphold the moral standards of our society. I am happy to keep prostitution in South Australia suppressed. If people want it, let them travel to New South Wales and Victoria for it, but it should not be here. I am not so naive to know that it will not continue. That is why I will be voting for the Summary Offences (Prostitution) Amendment Bill.

I regret that we legalised poker machines in South Australia. We discussed that in an earlier debate today. A similar thing happened then as is happening today—we followed other states into that, and we got that wrong, too. Western Australia has not legalised and will not legalise poker machines, and it is much better off for it.

This is a conscience vote, and I have rested very easily with my decisions on the matter. I know my decision to support the Summary Offences (Prostitution) Amendment Bill will upset some people, including some friends of mine. However, my beliefs are already on the record, and I have not changed, and will not change, my mind. My electorate of Schubert is a wonderful electorate full of wonderful people. I have sought their advice on this matter on more one occasion both directly and via a program newsletter and a poll. I have no doubt at all about how they think, and they think with a fair bit of passion on this subject. So, I thank them for ringing me up and sending me letters in their hundreds on this matter, and I thank the Lutheran pastors for contacting me. I also thank them for the their prayers in relation to our consideration of this matter.

If this bill fails, I will have to consider what I will do: either to support the regulatory bill or vote against the rest of them. I find this a very difficult issue, because I have always said that it happens, but so long as it does not happen close to home. I certainly agree 100 per cent with what the member for Colton said.

I am surprised at the position that some people have taken on this matter. Knowing the nature of the industry and what can happen, I believe that if we legalise this we will see this industry get out of control. I do not think it is an acceptable standard. I do not want my family involved in it, and I will vote yes for the Summary Offences (Prostitution) Amendment Bill and no on all the rest.

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): First, I would like to thank all members for their contributions. In the nearly seven years that I have been in this place, this is among some of the most difficult issues members have had to deal with, because, as a member of parliament, one has one's own conscience and one must listen to one's constituents. It has been a difficult but important situation, whereby members of parliament must contribute if they believe that we are to address one of the very difficult issues that we as members of parliament face.

Secondly, I would like to place on the record my appreciation and thanks for all the contributions by members of parliament on all sides of the parliamentary spectrum. I would also like to thank the officers involved, as well as my colleagues within the cabinet subcommittee. Clearly, just like the parliament or the community at large the cabinet subcommittee has different opinions on what should happen when it comes to prostitution.

Prostitution existed prior to the birth of our Lord, and that is a matter of fact. What we have been dealing with today is no different from what members of parliament have been dealing with through successive parliaments. There have been some good contributions to the debate thus far. Sadly, tonight the debate has come on too late and, at nearly two minutes to midnight it is not appropriate to complete the debate on something so important.

I have had officers of the government working hard over a period of months with people from all spectrums, such as the police, those within the industry who have issues to raise, members of Parliament and ministers, and they have, for I think the first time in the history of this parliament, come up with four bills plus that of the member for Spence which, in my opinion, does not fit into the equation—a matter to which I will be happy to refer again at a later time.

Whether we look at criminalisation or licensing, for the first time in this history of this parliament members have been able to look at all sections of the spectrum. I thank all members for their contribution to the debate. I seek leave to continue my remarks tomorrow.

The SPEAKER: Is leave granted? Leave is granted. The adjourned debate to be made an Order of the Day for?

The Hon. R.L. BROKENSHIRE: Tomorrow, sir.

The SPEAKER: Is that motion seconded?

An honourable member: Yes, sir.

The SPEAKER: For the question say aye, against no.

An honourable member: No.

The SPEAKER: I believe the ayes have it.

An honourable member: Divide!

The House divided on the question:

AYES (40)

Armitage, M. H.	Atkinson, M. J.
Bedford, F. E.	Breuer, L. R.
Brindal, M. K.	Brokenshire, R. L. (teller)
Brown, D. C.	Buckby, M. R.
Ciccarello, V.	Clarke, R. D.
Conlon, P. F.	De Laine, M. R.
Evans, I. F.	Foley, K. O.
Geraghty, R. K.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Hanna, K.	Hill, J. D.
Hurley, A. K.	Ingerson, G. A.
Kerin, R. G.	Key, S. W.
Kotz, D. C.	Koutsantonis, T.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	Meier, E. J.
Olsen, J. W.	Penfold, E. M.
Rann, M. D.	Stevens, L.
Such, R. B.	Thompson, M. G.
Venning, I. H.	White, P. L.
Wotton, D. C.	Wright, M. J.

NOES (4)

Condous, S. G.	Lewis, I. P.
Scalzi, G.	Williams, M. R. (teller)

Majority of 36 for the Ayes.

Motion thus carried.

ADJOURNMENT

At 12.6 a.m. the House adjourned until Thursday 13 July at 10.30 a.m.