# LEGISLATIVE COUNCIL

**Tuesday 14 November 2000**

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

## FIRST HOME OWNER GRANT (NEW ZEALAND CITIZENS) AMENDMENT BILL

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

## QUESTIONS ON NOTICE

**The PRESIDENT:** I direct that written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 16, 20, 27, 29, 30, 36, 38, 40, 48 and 58.

### DRYLAND SALINITY

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

1. (a) What programs are the state government undertaking to combat the serious land degradation problem of dryland salinity which is currently estimated to affect 400 000 hectares of South Australia's agricultural land and is increasing?

(b) How much does the state government intend to spend on this problem?

2. Has the state government sought any assistance from the Federal government?

3. What likelihood is there of the spread of dryland salinity being halted and then reversed in the next ten years?

**The Hon. DIANA LAIDLAW:** The Deputy Premier, Minister for Primary Industries and Resources, and Minister for Regional Development has provided the following information.

Dryland salinity is a major, and worsening, natural resource management issue afflicting agricultural areas of Australia. The problem is associated with the slow rise in watertables that has commonly occurred since clearing, which can bring saline groundwater to near the soil surface. The rise in watertable occurs due to the higher recharge rates to groundwater under low water use annual crops and pastures (compared to the high water use of the native vegetation that was cleared).

1. (a) The state government is investing heavily in the prevention and remediation of dryland salinity, and in situations where remediation is unlikely to be a viable option, in the productive use of the salinised land.

Key Programs in Primary Industries and Resources SA are—

- Catchments Back in Balance: This state-wide extension program works to increase the adoption of strategies to better manage dryland salinity and rising watertables. The program provides direct assistance to local communities to enable them to produce technically competent Salinity Action Plans, and assists community groups to access the support services and funding required for successful implementation.
- Mapping of Salinity in South Australia: PIRSA has recently completed a comprehensive mapping of the state's agricultural regions for dryland salinity. This will be an essential local planning tool and will provide a sound benchmark against which actions may be assessed in the long term.
- Coorong and Districts Local Action Plan: This implementation plan aims to reduce groundwater recharge to 50 per cent of 1994 levels, driven by a nationally acclaimed cost sharing arrangement between private landholders and the commonwealth, state and local governments.
- EP Strategy: Whole catchment planning, and implementation of drainage works, is being supported through Eyre Peninsula restructuring initiatives.

There are also in excess of 70 community Landcare projects that address aspects of dryland salinity that are aided by the state.

(b) The state has invested heavily to address the problem through various channels including direct State Programs, state funding and technical support to Natural Heritage Trust and Murray Darling Basin Commission projects to address dryland salinity. For example the state will spend $9 million over six years towards the drainage works program in the USE under the cost sharing agreement (total cost $24 million). Other large annual investments of state funds are Catchments Back in Balance $161 000 (plus NHT $161 000), the Coorong and Districts Action Plan approximately $300 000 (via the MDBC) and state services of $100 000 for dryland salinity management.

The state has provided the framework for in excess of 75 current community projects that address dryland salinity issues. The total investment by the Natural Heritage Trust is approximately $1.5 million for 1998/99 supported by an equal or greater amount of community contribution for each project.

2. The state government has sought and received, the assistance of the commonwealth via matching funding under the Natural Heritage Trust for key state projects to address dryland salinity.

The state has also agreed to be a partner to Phase II of the National Dryland Salinity Program which combines research funding from LWRDC, GRDC, RIRDC and other sources to ensure coherent and collaborative funding of research, development and education spending across Australia.

3. The wide scale drainage and flood management program in the Upper South East will be fully operational within 10 years and will permanently lower groundwater over the majority of the 260 000 ha of land currently affected by dryland salinity. When combined with other initiatives such as revegetation and lucerne planting to reduce recharge, it is expected that the area of productive land currently affected by salinity will be greatly reduced.

Halting the spread of dryland salinity elsewhere. In many circumstances this could halt the further spread of salinity within the catchment but is unlikely to reclaim land that is already degraded. A major reduction in recharge requires significant change in land use and requires the widespread adoption of high water use farming systems including woodlots, alley farming and the use of perennial pastures.

There have been major announcements of salinity policy at the state, Murray-Darling Basin and commonwealth level and some new project initiatives at the state level. The following addition/update is provided to the response above to account for these developments. In August 2000, the Government released its overarching salinity policy statement *Directions for Managing Salinity in South Australia* which declared the government's commitment to reversing the trend of rising salinity in the state, and where possible, reducing its impacts on our resources and assets. A key goal of the statement is to protect the land resource from salinisation: and stop the total area of land affected by dryland salinity increasing beyond the current area of 400 000 hectares.

Significant new or additional public investments are proposed including—

- revegetation and other on-ground works such as drainage;
- technical support to communities to develop effective salinity management plans; and
- innovative R & D to support the development of profitable new farming systems for minimising recharge and better using saline resources.

In October 2000, the Government released the draft *State Dryland Salinity Strategy* which had been prepared by the Soil Conservation Council SA following a process of broad stakeholder consultation. The draft Strategy provides the specific detail to the broad directions for better managing dryland salinity that were outlined in the statement *Directions for Managing Salinity in South Australia* and the specific investments that are required. The Strategy will be finalised and an Action Plan developed following the close of public consultation on 30 November 2000.

Also in October 2000, the Prime Minister announced "*Our Vital Resources: A National Action Plan for Salinity and Water Quality in Australia*". This statement recognised the national importance of the dryland salinity issue, the significant costs to the land resource, the environment and water quality, and proposed directions for a joint response by Governments and the community to addressing the issue.

The policy directions proposed by the commonwealth are consistent with those proposed in the State Salinity Statement *Directions for Managing Salinity in South Australia* and its two underpinning strategies the *SA River Murray Salinity Strategy* and the *State Dryland Salinity Strategy.* Commonwealth funding of $700 000 per annum over 7 years is proposed to be matched dollar for dollar by the states. Details of the package are still being negotiated but it is likely to significantly increase the total investment in salinity management in SA.

In September 2000, the Murray-Darling Basin Commission released the draft *Basin Salinity Management Strategy 2001-15* for public comment. The draft outlines how the six Governments responsible for managing the Murray-Darling Basin's natural resources propose to address the rising threat of salinity. It complements state salinity strategies and has been developed to ensure a Basin-wide, coordinated approach by the partner Governments in tackling salinity. Of note to South Australia is the need to manage river salinity arising from dryland sources in the Mallee region.

It can be seen that Governments at all levels; industry organisations such as the National Farmers Federation and the Grains Research and Development Corporation; and community organisations such as the Australian Conservation Foundation are collectively coming to realise the importance of the salinity issue and the enormous scale of investment now required to address the problem. The South Australian Government is at the forefront of this policy agenda and will be ensuring that appropriate levels of investment now occur in South Australia and in the neighbouring states that cause salinity impacts on South Australia.

Several new projects concerned with the better management of dryland salinity have recently commenced within South Australia. Of most note is '*One Million hectares*', a major project funded by the Grains Research and Development Corporation that aims to reduce salinity impacts in the cropping belt through new and improved farming systems that reduce rates of recharge to groundwater.

## PUBLIC TRANSPORT BOARD

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

1. Can the minister provide a copy of the responsibilities of the bus contractors in providing good public transport?

2. (a) Can the Minister provide a list of current Public Transport Board (PTB) members;

(b) The criteria used to select them for the Board; and

(c) Some indication of their personal participation in public transport use?

3. Can the Minister provide information on any provision of cars in the salary packages of senior PTB employees?

4. Can the minister provide performance indicators that will be used to assess all contractors of public transport provision?

5. Can the minister provide information regarding the infrastructure and areas of responsibility (maintenance, etc.) of all equipment used in the provision of public transport?

6. How will the new bus operators report to the PTB?

7. Can the Minister provide a complete and user-friendly list for which areas the PTB is responsible?

8. Can the minister detail PTB efforts to ensure that all users of public transport services have adequate shelter, seating, lighting, timetable information and other relevant information clearly visible at each stop?

9. Can the minister provide public transport patronage figures and trends for the last five years?

**The Hon. DIANA LAIDLAW:** The Contractor must provide services—

- in a proper, competent and professional manner;
- in accordance with world's best practice;
- with due care, skill and diligence;
- in a timely and expeditious way;
- in a way designed to prevent injury, death or damage to property;
- using vehicles that meet the relevant standards;
- that are customer focused and sympathetic to the environment;
- consistent with an integrated system; and
- promote the services.

2. (a) As at 24 May 2000, membership comprised Mr Michael Wilson (Chair), Ms Dagmar Egen, Ms Heather I'Anson, Mr Greg Crafter and Ms Noelene Buddle. The Deputy Member position was vacant.

As from 1 July 2000, membership comprised Ms Dagmar Egen (Chair), Ms Heather I'Anson, Mr Greg Crafter, Ms Noelene Buddle, Mr Rod Payze and a Deputy Member, Ms Jennie Bell.

(b) Division 2 of the Passenger Transport Act 1994 provides that—

'A person appointed as a member of the Passenger Transport Board must have such managerial, commercial, transport or other qualifications, and such experience, as are, in the Minister's opinion, necessary to enable the Board to carry out its functions effectively.

At least one member of the Board must be a woman and at least one member must be a man.'

(c) I am advised that all members of the board use public transport from time to time.

3. Consistent with the provisions of the SA Public Service—five staff of the PTB employed at an Executive level, have the option of a private plated vehicle as part of their Total Employment Package. Four have accepted the vehicle option and one has chosen an annual public transport ticket as a salary package option.

4. Assessment of Contractor performance occurs in the following areas—

- delivery of passenger services (on-time running);
  customer and public safety;
- service review and improvement;
- quality assurance;
- handling of passenger enquiries and reporting;
- management of infrastructure (including buses and depots);
- fare compliance;
- fraud prevention;
- timetable production and distribution; and
- employee management.

5. Responsibility for infrastructure and all equipment used for public transport is divided into three parts—

- Strategic responsibility—PTB is responsible for all strategic level decisions;
- Medium term management responsibility—Transport SA (Roads including the O-Bahn track, Bus and Depots), TransAdelaide (rail and tram) and PTB (maintenance of ticketing system, bus radio system and destination signs); and
- Operational responsibility—service providers are responsible for vehicle maintenance. Councils are responsible for bus stop maintenance.

Signage is a crucial part of Adelaide's integrated "metroticket" bus stop system and as such involves approximately 6 800 bus stops.

The PTB is the owner of all bus stop posts and signage infrastructure. The PTB delegates the responsibility for the maintenance of signage infrastructure of approximately 5 000 bus stops to the service providers. Other infrastructure located at stops such as rubbish bins, bus shelters and passenger benches are owned by the local Council.

The PTB is responsible for the management and maintenance of approximately 2 000 bus stops. These stops are dispersed throughout the public transport network and are located on service routes and at major interchanges. Typically these stops are used by more than one passenger transport service provider.

6. Service contractors provide both monthly reports and immediate reports (in the case of significant events like crashes). They provide information on services direct to the public and the Passenger Transport Info Centre/Info Line will also provide this information. The PTB will continue to conduct audits of services to ensure that service providers provide accurate information.

7. The PTB is a statutory authority established by the Passenger Transport Act 1994, to plan, regulate and fund South Australia's land-based passenger transport. The PTB also undertakes passenger transport research and promotional campaigns and provides information to passengers through the Passenger Transport Info Line and the Passenger Transport Info Centre. The PTB's responsibilities are determined in the Passenger Transport Act under Part 3, Division 1—Functions and Charter.

8. Across the Adelaide metropolitan public transport network, there are 84 train stations, 18 tram stops, 6 800 bus stops and 12 major interchanges, including the Adelaide Railway Station.

Through TransAdelaide and the PTB, over $7 million will be spent on passenger facility infrastructure upgrades this financial year.

The passenger facility upgrade program is providing passenger facilities at Transit Link stops, Go Zone stops, tram stops and some city stops, key stations, major and local interchanges. For example, the safety and security upgrade involves the "Safer Stations" announced as part of the major security and safety upgrade of Adelaide's metropolitan train, tram and bus services. "Safer Stations" will have a ticket purchase facility, help phone, video cameras, high level security lighting and controlled access to and from railcars. The initial "Safer Stations" will be at Noarlunga Centre, Elizabeth, Salisbury, Gawler, Glanville, Brighton and Blackwood.

Provision of bus shelters is a Council responsibility and many are installed by a private advertising company, Adshell.

In addition, the PTB, other Government agencies, service providers and developers will be required to ensure that all bus stops and other infrastructure (interchanges, stations etc) comply with

federal Disability Standards for Accessible Public Transport over an extended period of 20 years after authorisation of the standards.

9. Total boardings for the public transport system (bus, tram and train) for the previous five financial years—

- 1995-96 60 920 000
- 1996-97 60 140 000
- 1997-98 59 340 000
- 1998-99 56 244 000
- 1999-00 55 217 000

The Adelaide Metro system has sustained increases in patronage for each of the last six successive months in 2000 compared to the same months in 1999. Comparing the period April – September in 2000 to 1999, the increase in initial boardings was 2.0 per cent.

## ART GALLERY CAFE

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

1. Would the Minister for the Arts state who manages the South Australian Art Gallery Cafe?

2. How many staff, on average, are employed on—

(a) weekdays;

(b) weekends; and

(c) public holidays?

3. Is the Minister aware of any complaints from the public about—

(a) inadequate staffing levels, particularly on Sundays and public holidays;

(b) the price of products; and

(c) the efficiency of the Cafe?

4. If so, will the minister investigate these concerns to ensure the Art Gallery's Café, as one of the State's premier tourist destinations, has world standard service?

**The Hon. DIANA LAIDLAW:**

1. The operation of the Art Gallery Café is licensed to *Patika Ltd Pty*, a company owned by Mr Roger Vincent, which employs Ms Catherine Kerry as the Manager of the Café. Ms Kerry is one of South Australia's best known chefs and food writers.

2. (a) Three floor staff, with an extra person between 12.30 p.m. to 2.30 p.m. to cover the paying of accounts.

During peak times (special exhibitions, etc) the floor is covered by four staff.

In the kitchen there are two cooks (two chefs or one chef and a kitchen–hand) plus a person responsible for washing dishes.

This makes a total of 34.5 staff hours during weekdays not including the manager and functions coordinator.

(b) Saturdays are very quiet and a reduced menu of sandwiches, hot snacks and open sandwiches is offered. Orders are placed and paid for at the bar.

Saturdays are serviced by two floor staff who both stay to the end of the day as the main activity is after 3.00 p.m.

In the kitchen there is one chef/cook and one person washing dishes.

On Sundays there are three floor staff but all staff stay to the end to service the main rush which is after 3.00 pm. There are two chefs or one chef and kitchen–hand and one dishwasher. During times of peak activity, there are four floor staff and three cooks.

More substantial meals are requested on Sundays, and demand for coffee and drinks after 3.00 pm is significant.

(c) Public holidays are staffed like Sundays.

3. (a) Art Gallery management has not received any recent complaints in relation to inadequate staffing levels, particularly on Sundays and public holidays, although the management is aware that Sundays can have a high demand late in the afternoon for coffee which is individually made on an espresso machine.

(b) Art Gallery Management has not received complaints about the price of products. The Cafe's prices are kept level, if not below, current restaurant and Café prices. Many of the Gallery's prices are less than those at similar venues (eg the high quality coffee served at the AGSA Café costs less than the instant coffee served at the Adelaide International Airport Terminal.)

Coffee is $2.20, soft drinks are between $2 and $2.50. South Australian quality wine is selected that can be sold by the glass for around $5.50.

Food ranges from muffins from $1.50 to $3.80 for a well–filled, quality sandwich. There are mid-range dishes available like hot open Turkish breads with thick toppings and salad. Main courses are available at $17.50.

All food is prepared from fresh ingredients and prepared fresh every day. All cakes are made on the premises. The Café uses only high quality ingredients and does not use frozen, pre–prepared foods.

(c) There have been no complaints about the efficiency of the Café during the last 12 months. The operator of the Café aims to achieve a balance between giving the best possible service and products and being financially viable.

4. The Gallery is one of the state's premier tourist destinations, and its catering services are of a higher standard than most of the world's Museums. The efficiency, high standard and profitability of the Café operator's function catering facility helps the Café sustain a higher level of service.

Meanwhile, I highlight that John Newton of the Sydney Morning Herald has reported that the Art Gallery Café's catering facility should be a benchmark for other Australian galleries. The Café has been praised by Tony Baker of the Advertiser twice in two years—and has received the Australian Gourmet Traveller's Award of Excellence two years running. The Café has also been noted as one of the best eating places in 'Dine – Eating out in South Australia', in 'Mietta's Eating and Drinking in Australia', 'Gourmet Traveller's Restaurant Guide to Australia' and Vogue Australia's 'Wedding Guide'.

## TRAINS, 2000 SERIES

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

1. How long have the 2000 series railway trains been in operation?

2. What is their estimated working life span?

3. When are the 2000 series railway trains likely to be phased out?

4. Has a replacement train been decided on as yet?

5. What is the estimated cost of replacing all of the 2000 series trains?

6. How much have the 2000 series railway trains cost in repairs/maintenance during the years—

(a) 1997-98;

(b) 1998-99; and

(c) 1999-2000?

7. How many breakdowns have occurred with the 2000 series railway trains during the years—

(a) 1997-98;

(b) 1998-99; and

(c) 1999-2000?

**The Hon. DIANA LAIDLAW:**

1. The 2000 series railway trains have been in operation for 20 years; the first railcars in the series commenced operation on 28 February 1980.

2-4. They were designed for a minimum expected life span of 30 years. However, with refurbishment this could be extended considerably as the body structures of all railcars are in very good condition.

5. The estimated cost in current currency dollars of replacing all of the 2000 series trains is in the order of $90 million.

6. (a) 1997-98 – $1 524 500

(b) 1998-99 – $1 656 500

(c) 1999-2000 – $1 080 000

7. Breakdowns of the 2000 class railcars as reported under TransAdelaide's contract with the Passenger Transport Board, which caused delays to customers—

| | Delays 8 minutes and greater |
|---|---|
| 1997-98 | – 65 |
| 1998-99 | – 44 |
| 1999-2000 | – 64 |

## RAILWAY STATIONS, PUBLIC TOILETS

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

1. Why have many of the main railway stations no public toilets?

2. (a) Are there any proposals to open public toilets for transport users at key stations as they are upgraded?

(b) If not, why not?

**The Hon. DIANA LAIDLAW:** The current situation with regard to public toilets at the main stations is as follows—

- Adelaide Railway station has toilet facilities located on the concourse which are available for use by members of the public during the hours that train services are operating.
- At Noarlunga Centre public toilets are open during the following hours—

Monday to Friday 5.30 a.m. – 6.30 p.m.
Saturday 6.30 a.m. – 12.30 p.m.
Sunday 7.30 a.m. – 1.30 p.m.

- At Salisbury Station there are Council toilets available adjacent to the station. However, Council has advised that they are no longer prepared to fund the ongoing maintenance of these toilets. TransAdelaide is currently reviewing options regarding toilets for Salisbury Station in the light of this information.
- At Gawler, Brighton and Oaklands stations there is limited access to toilets on request at the kiosk or to station staff.

The longer term development plan for major interchanges does include provision of public toilets or establishment of arrangements for access to facilities adjacent to the station as at Salisbury.

Experience has shown that where toilets are provided at unattended stations they are invariably targeted by vandals and other undesirable elements, and as a result the toilets are rendered quite unusable by responsible members of the public. This creates a constant and costly maintenance and risk liability in the event someone is injured.

## SPEED CAMERAS

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

1. Will the Minister for Police categorically state that Police Securities Service Division (PSSD) vehicles, which operate dash-mounted speed cameras, meet new motor vehicle regulation standards with regard to windscreen and window tinting?

2. (a) How many vehicles does the PSSD operate; and
(b) Under what guidelines do its motor vehicles work?

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

- The Speed Camera Unit of the Police Security Services Branch operates 20 vehicles, 14 of which have vehicle mounted camera systems. The vehicle mounted camera cars do not have tint on the front windows. Some vehicles have tint on the rear windows; these vehicles comply with the Australian Road Rules requirements.
- Speed cameras are deployed according to one or more of the following criteria in order to achieve SAPOL's speed reduction road safety objective:
  - on roads which have either a high crash history or the potential to contribute to collisions;
  - in response to speeding complaints;
  - for safety reasons at locations where the use of other speed detection methods or equipment is not the preferred option.
- The Traffic Intelligence Section prepares the deployment schedules for speed cameras for Police Security Services Branch. This is determined through calculating a speed-related crash rating for each road. Speed detection personnel and devices are then allocated in proportion to this rating. The supervisor can over-ride the deployment schedule to treat validated speeding complaints or police special events. If a scheduled location is unworkable, another location fitting the base criteria may be chosen as an alternative.

## SPEEDING OFFENCES

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

1. How many motorists were caught speeding in South Australia between 1 January 2000 and 31 March 2000 by—
(a) speed cameras;
(b) laser guns; and
(c) other means;
for the following speed zones—
60-70 km/h;
70-80 km/h;
80-90 km/h;
90-100 km/h;
100-110 km/h;
110 km/h and over?

2. Over the same period, how much revenue was raised from speeding fines in South Australia for each of these percentiles by—
(a) speed cameras;
(b) laser guns; and
(c) other means?

**The Hon. K.T. GRIFFIN:** The Minister for Police, Correctional Services and Emergency Services has been advised by the police of the following statistics concerning speeding offences in South Australia between 1 January 2000 and 31 March 2000. SAPOL records offences in two categories, speed cameras and offences detected by other means. This category includes laser guns.

Motorists detected speeding in South Australia between 1 January 2000 and 31 March 2000—

- 71 593 motorists were detected speeding by speed cameras and 12 546 motorists were detected speeding by other means.

Motorists detected speeding in South Australian between 1 January 2000 and 31 March 2000 for the following speed zones—

60—69 km/h 755
70—79 km/h 56 083
80—89 km/h 6 711
90—99 km/h 1 961
100—109 km/h 585
110 km/h and over 408

Motorists detected speeding in South Australian between 1 January 2000 and 31 March 2000 by speed cameras and other means (including laser guns) and the resulting value of expiation notices—

Speed Cameras $7 691 611
Other Means $1 911 814

During the same period 32 people were killed and 2235 injured in road crashes.

## ADMINISTRATION FEES

40. **The Hon. T.G. CAMERON:** For each State Government department, could the Treasurer please list:

1. All administration fees, fines, charges or taxes that will be increased as a result of the 2000-01 State Budget?

2. How much was each of these administration fees, fines, charges or taxes increased?

3. What were the previous levels of each of these administration fees, fines, charges or taxes prior to the increases?

4. Individually, and in total, how much revenue is estimated will be raised for each of these administration fees, fines, charges or taxes as a result of the 2000-2001 State Budget increases?

**The Hon. R I LUCAS:** This response provides information relating to increases in government taxes, fees, fines and charges as a result of the 2000-01 State Budget.

Before detailing this response it is important to note:

- There were no tax increases, or new taxes established as a result of the 2000-01 State Budget.
- Increases in regulated and unregulated fees, expiation fees and charges levied by non commercial sector government agencies are subject to the government's annual fee and charge adjustment process.
- Fines are not subject to the government's annual fee and charge adjustment process as factors other than movements in the cost of service delivery influence the adjustment of fines, for example ensuring adequate deterrence for contravention of regulations. Fine adjustments are subject to separate processes established by individual agencies.
- This response does not consider increases in SA Government commercial sector fees, fines and charges as these adjustments are subject to separate commercial considerations.

In considering increases in regulated and unregulated fees, expiation fees and charges that are subject to the Government's annual adjustment process, and in interpreting the information provided on adjustments for 2000-01 it is appropriate to note the following:

- In February 1996, the government adopted a process to enable the coordinated indexation and gazettal of non commercial sector fees and charges that are established by regulation. The process excludes own source revenues raised from taxation, fines, and commercial sector fees, fines, and charges.
- Many regulated non commercial sector fees and charges are set on the basis of full cost recovery—with the exception of those where it is government policy to adopt partial cost recovery. Fees and charges are adjusted annually through the use of a single adjustment factor for the non commercial sector. In February 2000 Cabinet approved an indexation factor of 2.8 per cent to be applied for 2000-01.
- The indexation factor of 2.8 per cent is a composite factor based on both movements in the Adelaide CPI and the SA Public Sector's Wage Cost Index. The use of a composite indexation factor reflects the fact that the major element impacting on the

cost of government service provision is the movement in public sector wages. Wages and salaries represent around 70 per cent of current outlays in the non commercial sector, the remaining 30 per cent being outlays for goods and services.

- The introduction of the GST from 1 July 2000 impacts on the pricing of some fees and charges. A large number of non commercial sector fees and charges are GST-free as they are included on the Federal Treasurer's determination of GST-exempt government taxes, fees and charges (the 'Division 81' determination).
- General government fees and charges which are subject to GST will in most instances rise by the full 10 per cent. Cost savings from the abolition of the Wholesale Sales Tax (WST) and reductions in diesel fuel excise are relatively small for non commercial sector government agencies who have been exempt from paying WST in the past—any savings will rely on private sector suppliers passing on their cost savings to Government agencies.
- In addition, under the new Commonwealth-State financial relations agreement, the Commonwealth Government will be reducing grants to the states and territories on account of the cost savings which will arise from tax reform—South Australia will experience a $36 million reduction in funding during 2000-01 as a result of this. With the commonwealth effectively taking away these savings from the State Government through the new funding arrangements, such savings will not be available to offset the impact of GST on general government fees and charges.
- Cabinet adopted a 'rounding down' policy for the 2000-01 fee and charge adjustments. This policy requires that where a full 10 per cent mark-up for GST is required, any rounding of charges should ensure that the rounded price increase does not exceed 10 per cent plus the prescribed indexation factor of 2.8 per cent, a total of 12.8 per cent.
- A summary of regulated fee, charge and expiation fee increases by portfolio and by regulation is provided in Attachment A. Approximately 300 fees and charges, out of the 1900 fees and charges summarised in Attachment A are subject to GST.
- In considering the information provided in Attachment A the following should be noted:
  - Although the majority of fees, expiation fees and charges were increased in line with the composite adjustment index adopted in 2000-01, there are instances where the average level of increase is greater or less than the adjustment index. The main reason for increases greater than the adjustment index is previously endorsed cabinet strategies to increase the level of cost recovery associated with specific fees and charges.
  - Revenues for individual fee, fine and charge categories may increase by more than the 2.8 per cent adjustment factor due to the issue mentioned above, and because revenue estimates include both pricing and activity effects. The revenue estimates by portfolio provided in Attachment A are exclusive of GST.
  - Attachment A indicates that in 2000-01 the total revenue collected from non commercial sector regulated fees and charges is expected to increase by only $193 888 to $502.798 million. The largest movement is a forecasted decline of $15.124 million in revenues from drivers license fees in the DTUPA portfolio in 2000-01. This forecasted decline in license fees has been largely offset by small revenue increases in most other areas.
  - The majority of fees and charges listed in Attachment A were last increased on 1 July 1999, in line with the government's annual adjustment process.
  - There were no increases sought in regulated fees and charges for the departments of Premier and Cabinet, Industry and Trade.

This response does not provide specific information on increases in unregulated fees and charges, and regulated or unregulated fines. However the following should be noted:

- Unregulated fees, fines and charges are most commonly set by ministers, chief executives or boards of organisations.
- From 1999-2000 the cabinet approved indexation factor has also applied to the adjustment of unregulated non commercial sector fees and charges. Accordingly the cabinet approved adjustment factors for 2000-01 of 2.8 and 12.8 per cent also applied to increases in unregulated fees, fines, and charges.
- As the annual adjustment processes for these items are either not subject to, or subject to separate cabinet and parliamentary procedures, portfolios are not required to supply central agencies with detailed information on annual adjustments. Detailed reporting requirements only apply to adjustments in regulated fee, expiation fees and charges.
- Although not subject to detailed external reporting requirements, annual adjustments to unregulated fees and charges are subject to the same policy guidelines that apply to increases in regulated fees and charges.

Attachment B lists those non commercial sector regulated and unregulated fees, fines and charges that increased by more than the cabinet approved adjustment factors of 2.8 or 12.8 per cent, and new fees and charges that were introduced in 2000-01.

Should any member require more detailed information on specific fee, fine or charge increases this is available through either:

- The *Government Gazette* of 25 May 2000, which lists all regulated fee, charge and expiation fee adjustments that took effect from 1 July 2000 under the government's annual fee and charge adjustment process.
- The individual minister, portfolio or agency that is responsible for levying a particular fee, fine or charge.

2000-01 Adjustments to Regulated Fees and Charges

| Act | 1999-2000 Revenue Est (excluding GST) | 2000-01 Revenue Est (excluding GST) | Change in Revenue Est (excluding GST) | Average % Change in Revenue | Description | Subject to GST | Other Comments |
|---|---|---|---|---|---|---|---|
| NIL RETURN - PREMIER AND CABINET PORTFOLIO | | | | | | | |
| NIL RETURN - INDUSTRY AND TRADE PORTFOLIO | | | | | | | |
| PRIMARY INDUSTRIES, NATURAL RESOURCES & REGIONAL DEVELOPMENT PORTFOLIO | | | | | | | |
| Seeds Act, 1979 | 273,224 | 279,760 | 6,536 | 2.39% | Various seed testing fees. | Partial | All but 3 of these fees are subject to GST. The increase in revenue excludes $27,975 for GST payments. |
| Mining Act, 1971 | 2,347,431 | 2,383,101 | 35,670 | 1.52% | Various fees - application, preparation, renewal, retail, inspection of registrar. | Partial | All fees are GST-free with the exception of mining rentals. The increase in revenue excludes $222,009 for GST payments. |
| Opal Mining Act, 1995 | 282,772 | 258,595 | (24,177) | -8.55% | Various application fees, lodging a bond, and withdrawing a caveat. | No | All fees are GST free as per Division 81 list. Decrease in revenue due to a reduction in projected activity levels. |
| Mines and Works Inspection Act, 1920 | 699 | 703 | 4 | 0.57% | Various fees - application & examination fees for Managers Certificate, License fee. | Partial | Two examination fees are subject to GST. The increase in revenue excludes $26 for GST payments. |
| Petroleum Act, 1940 | 1,607,723 | 1,811,482 | 203,759 | 12.67% | Various fees - application, annual License fees, bond. | Partial | Some fees are currently GST free as per Division 81 list. Annual fee for petroleum product licence is subject to a 16 per cent increase as it was last adjusted in 1991. |

2000-01 Adjustments to Regulated Fees and Charges

| Act | 1999-2000 Revenue Est (excluding GST) | 2000-01 Revenue Est (excluding GST) | Change in Revenue Est (excluding GST) | Average % Change in Revenue | Description | Subject to GST | Other Comments |
|---|---|---|---|---|---|---|---|
| Meat Hygiene Act, 1994 | 210,000 | 240,000 | 30,000 | 7.20% | Various fees for the accreditation of meat processors. | No | All fees are currently GST free as per Division 81 list. Increase in fees reflects an agreement to increase the level of cost recovery. The SA Meat Hygiene Advisory Council, on which the relevant industry sectors are represented endorsed the proposed fee structure at its meeting on 14 March 2000. |
| Fisheries Act, 1982 | 12,214,000 | 12,684,000 | 470,000 | 7.20% | Commercial fishing license fees, gear registration fees and transaction fees. | No | All fees are currently GST free as per Division 81 list. Fees reflect the level of service required by the private sector from Government to ensure that the fisheries are managed in a sustainable and long term manner. Consultation on licence fees for 2000-01 has been conducted through the Fishery Management Committee - the committee comprises various fishing industry stakeholders. |
| Sub - Total Primary Industries, Natural Resources & Regional Development Portfolio | 16,935,849 | 17,657,641 | 721,792 | 4.26% | | | |
| TREASURY & FINANCE PORTFOLIO | | | | | | | |
| Petroleum Products Regulation Act, 1995 | 766,600 | 788,400 | 21,800 | 2.84% | Licence to sell and keep petroleum products. Regs under both Dangerous Substances Act 1979 & the Petroleum Products Regulation Act 1995, prescribe a number of common fees in relation to the keeping and selling of petroleum products. | No | All fees are GST free as per Division 81 list. Increased revenue is due to a forecasted increase in activity levels. Receipts from licences to sell petrol are administered and retained by DTF, receipts from licences to hold dangerous substances are administered and retained by DAIS. |
| Tobacco Products Regulation Act, 1997 | 37,000 | 38,000 | 1,000 | 2.70% | Licence to sell tobacco products. | No | All fees are GST free as per Division 81 list. |
| Lottery and Gaming Act, 1936 | 15,500 | 15,850 | 350 | 2.26% | Applications fees for lottery promotions. | No | All fees are GST free as per Division 81 list. |
| Land Tax Act, 1936 | 134,600 | 138,200 | 3,600 | 2.67% | Certificates for liability for land tax. | No | All fees are GST free as per Division 81 list. |
| Sub - Total Treasury and Finance Portfolio | 953,700 | 980,450 | 26,750 | 2.80% | | | |
| JUSTICE PORTFOLIO | | | | | | | |
| Acts committed to the Attorney-General & administered by DAIS | | | | | | | |
| Real Property Act, 1886 | 32,982,656 | 33,854,637 | 871,981 | 2.64% | Various including registration and transfer fees, plan of survey examination fees, miscellaneous deposit, application and filing fees. | No | All fees are GST free as per Division 81 list. |
| Strata Title Act, 1988 | 29,461 | 25,196 | (4,265) | -14.48% | Various including application and document lodgment fees, issue of certificate of title, appointment and removal of an administrator of a strata corporation. | No | All fees are GST free as per Division 81 list. Reduction in revenue due to forecasted decreases in activity levels. |
| Community Titles Act, 1996 | 272,863 | 342,854 | 69,991 | 25.65% | Various application for deposit of plan of community division, issue of certificate of title for each lot generated, examination of plan or amendment of a community plan, lodgment of by-laws, cancellation of plan, appointment and removal of administrator. | No | All fees are GST free as per Division 81 list. Increase in revenue due to forecasted increases in activity levels. |
| Real Property (Land Division) Regulations, 1995 | 257,400 | 264,300 | 6,900 | 2.68% | Application for division of land, amalgamation of allotments. | No | All fees are GST free as per Division 81 list. |
| Bills of Sale Act, 1886 | 64,500 | 59,400 | (5,100) | -7.91% | Registration and filing fees for Bills of Sale. | No | All fees are GST free as per Division 81 list. Reduction in revenue due to forecasted decreases in activity levels. |
| Registration of Deeds Act, 1935 | 9,660 | 9,888 | 228 | 2.36% | Document registration fees, copy fees. | No | All fees are GST free as per Division 81 list. |
| Workers Liens Act, 1893 | 11,480 | 11,760 | 280 | 2.44% | Lien lodgment and entering a memorandum of cessation of lien. | No | All fees are GST free as per Division 81 list. |
| Sub - Total Acts Administered by DAIS | 33,628,020 | 34,568,035 | 940,015 | 2.80% | | | |
| Acts committed to the Minister for Consumer Affairs & administered by Attorney-General's | | | | | | | |
| Land Agents Act, 1994 | 479,269 | 491,826 | 12,557 | 2.62% | Various fees for regulatory services, real estate | No | All fees are GST free as per Division 81 list. |
| Conveyances Act, 1994 | 129,117 | 132,450 | 3,333 | 2.58% | Various fees for regulatory services, real estate | No | All fees are GST free as per Division 81 list. New fee introduced for a licence replacement card of $15. |
| Plumbers Gasfitters and Electricians Act, 1995 | 882,074 | 907,123 | 25,049 | 2.84% | Licence and registration fees. | No | All fees are GST free as per Division 81 list. New fee introduced for a licence replacement card of $15. |
| Fair Trading Act, 1987 | - | - | - | na | Expiation fees. | No | All fees are GST free as per Division 81 list. |

2000-01 Adjustments to Regulated Fees and Charges

| Act | 1999-2000 Revenue Est (excluding GST) | 2000-01 Revenue Est (excluding GST) | Change in Revenue Est (excluding GST) | Average % Change in Revenue | Description | Subject to GST | Other Comments |
|---|---|---|---|---|---|---|---|
| Trade Measurements Administration Act, 1993 | 391,285 | 398,309 | 7,024 | 1.80% | Various including licence fees, instrument verification and testing charges | Partial | Verification and testing fees subject to GST. 2000-01 revenue estimate derived as 10/11ths of total revenue including GST. New fee introduced for a licence replacement card of $15. |
| Births Deaths and Marriages Registration Act, 1996 | 2,286,440 | 2,366,100 | 79,660 | 3.48% | Change of name, correction and search | No | All fees are GST free as per Division 81 list. Fees have been rounded to the nearest whole dollar amount. |
| Cremation Act, 1891 | 174,000 | 180,000 | 6,000 | 3.45% | Cremation permits | No | All fees are GST free as per Division 81 list. Fees have been rounded to the nearest whole dollar amount. |
| Sexual Reassignment Act, 1988 | 30 | 31 | 1 | 3.33% | Registration of certificate | No | All fees are GST free as per Division 81 list. Fees have been rounded to the nearest whole dollar amount. |
| Retirement Villages Act, 1987 | 500 | 500 | - | 0.00% | Various application Fees | No | All fees are GST free as per Division 81 list. No increase in fees proposed. |
| Appointment. of Proclaimed Bank Managers and Certain Justices | 7,400 | 7,600 | 200 | 2.70% | Appointment fees for bank managers and certain justices | No | All fees are GST free as per Division 81 list. |
| Security and Investigations Agents Act, 1995 | 814,042 | 835,866 | 21,824 | 2.68% | Licence fees | No | All fees are GST free as per Division 81 list. New fee introduced for a licence replacement card of $15. |
| Building Work Contractors Act, 1995 | 3,378,180 | 3,470,650 | 92,470 | 2.74% | Various fees including application fee for Licences for building work for body corporates and individuals, registration fees, application for approval as a building work supervisor, approval and default penalty. | No | All fees are GST free as per Division 81 list. |
| Travel Agents Act, 1986 | 140,541 | 144,626 | 4,085 | 2.91% | Travel agent Licence fees | No | All fees are GST free as per Division 81 list. |
| Secondhand Vehicle Dealers Act, 1995 | 264,180 | 271,785 | 7,605 | 2.88% | Business Licence and registration fees | No | All fees are GST free as per Division 81 list. Fees have been rounded to the nearest whole dollar amount. New fee introduced for a licence replacement card of $15. |
| Public Trustee Act, 1995 | 5,800,000 | 6,000,000 | 200,000 | 3.45% | Various fees - preparation of documents, taxation, property inspection, examination of statements and accounts. | Yes | Fees are subject to GST. |
| Consumer Transactions Act, 1972 | - | - | - | na | | | No activity projected - no adjustment submission. |
| Commercial Tribunal Act, 1982 | - | - | - | na | | | No activity projected - no adjustment submission. |
| Landlord and Tenant Act, 1936 - Reg 6(2) | - | - | - | na | | | No activity projected - no adjustment submission. |
| Residential Tenancies Act, 1995 | - | - | - | na | | | No activity projected - no adjustment submission. |
| Goods Securities Act, 1986 | - | - | - | na | | | No activity projected - no adjustment submission. |
| Sub - Total Acts Committed to the Minister for Consumer Affairs | 14,747,058 | 15,206,866 | 459,808 | 3.12% | | | |
| Associations Incorporation's Act, 1996 | 170,436 | 175,887 | 5,451 | 3.20% | Various fees including incorporation, amalgamation, late fees, name change. | No | All fees are GST free as per Division 81 list. |
| Business Names Act, 1985 | 3,062,309 | 3,178,802 | 116,493 | 3.80% | Fees for regulatory services and business name searches. | No | All fees are GST free as per Division 81 list. |
| Co-operatives Act, 1997 | 14,039 | 14,548 | 509 | 3.63% | Various fees including registering cooperative dissolved and various lodgment of documents. | No | All fees are GST free as per Division 81 list. |
| Gaming Machines Act, 1992 | 211,847 | 217,327 | 5,480 | 2.59% | Application fees. | No | All fees are GST free as per Division 81 list. |
| Liquor Licensing Act, 1997 | 613,410 | 630,369 | 16,959 | 2.76% | Application fees and other charges. Small increase in activity levels. | No | All fees are GST free as per Division 81 list. |
| Casino Act ,1997 | 60,000 | 60,000 | - | 0.00% | Application for a casino licence. | No | No fee increase is being sought. Fees are GST free as per Division 81 list. |
| Sub - Total | 4,132,041 | 4,276,933 | 144,892 | 3.51% | | | |
| Courts Administration Authority | | | | | | | |
| Courts Administration - Various Regulations | 10,945,000 | 11,235,000 | 290,000 | 2.65% | Various fees and charges - Sheriff's Fees, Environment Resources & Development Court Fees, Native Title Legislation, District Court Fees, Supreme Court Fees, Magistrate Court Fees, Criminal Law (Sentencing) Act 1988, Youth Court Fees, Fine Enforcement. | No | All fees are GST free as per Division 81 list. No recommended increase in transcript fees due to the impending implementation of a new on-line reporting system which will result in reduced transcript production costs. The Supreme Court Probate postal application fee will be abolished on equity grounds. |
| Sub - Total | 10,945,000 | 11,235,000 | 290,000 | 2.65% | | | |
| Police, Correctional Services and Emergency Services | | | | | | | |

2000-01 Adjustments to Regulated Fees and Charges

| Act | 1999-2000 Revenue Est (excluding GST) | 2000-01 Revenue Est (excluding GST) | Change in Revenue Est (excluding GST) | Average % Change in Revenue | Description | Subject to GST | Other Comments |
|---|---|---|---|---|---|---|---|
| Firearms Act, 1977 | 2,565,000 | 2,636,000 | 71,000 | 2.77% | Including application fees for Licences, renewal of Licences. No increase is proposed for the Firearms Safety Course Training Levy. | No | All fees are GST free as per Division 81 list. |
| South Australian Metropolitan Fire Service Act 1936 | 1,958,000 | 2,008,000 | 50,000 | 2.55% | False alarm calls to monitored alarm systems, fire safety fees, fire training fees, salvage/fire watch charges. | Yes | Subject to GST - Revenue estimates exclude GST - the average % increase in fees is 12.5% including GST. |
| Road Traffic Act and Motor Vehicles Act, 1959 | 39,951,000 | 41,030,000 | 1,079,000 | 2.70% | Expiation fees for contravention of Acts. | No | All fees are GST free. |
| SAPOL Services | 4,243,000 | 4,280,000 | 37,000 | 0.87% | Police service fees including police history checks, copies of reports, escorts. | Yes | Some fees subject to GST - Revenue estimates exclude GST - the average % increase in fees is 12.7% including GST. |
| Ambulance Services Act, 1992 | 52,396,000 | 53,920,000 | 1,524,000 | 2.91% | Ambulance transport and cover fees. | No | All fees are GST free as per Division 38. Revenue increase also due to forecasted increases in activity levels. Without increasing fees the Government would be required to increase its subsidy or SAAS would be forced to reduce the level and/or quality of service. |
| Sub - Total | 101,113,000 | 103,874,000 | 2,761,000 | 2.73% | | | |
| HUMAN SERVICES PORTFOLIO | | | | | | | |
| SA Health Commission Act, 1976 | na | na | na | 2.60% | Patient Fees - Incorporated Health Center Compensable and non-Medicare fees for the SAMHS, IDSC, and Julia Farr. | No | All fees are GST free as per Division 38 and Division 81 list. Activity levels are not available. |
| SA Health Commission Act, 1976 | na | na | na | 2.60% | Patient Fees - Recognised hospital and Incorporated Health Center Compensable and non-Medicare fees for domiciliary maintenance and care visits. | No | All fees are GST free as per Division 38 and Division 81 list. Activity levels are not available. |
| SA Health Commission Act, 1976 | 5,200 | 5,340 | 140 | 2.69% | Private hospital registration fee. | No | All fees are GST free as per Division 38 and Division 81 list. |
| SA Health Commission Act, 1976 | 3,200 | 3,275 | 75 | 2.34% | Service Fee $23 per hour to recover costs associated with services provided to Compensable clients in accessing disability services and $205 to prepare report to assist legal reps to prepare submissions for insurance reports on clients. | No | All fees are GST free as per Division 38 and Division 81 list. The fee to prepare reports to assist legal reps to prepare submissions for insurance reports on clients is subject to GST. Revenue estimate excludes $210 in GST collections. |
| Public and Environmental Health Act, 1987 | 91,404 | 95,544 | 4,140 | 4.53% | Controlled Substances (Pesticide) Regulations 1988 - Licence fees for pest controllers. | No | All fees are GST free as per Division 38 and Division 81 list. Increase in revenue due to a projected increase in activity levels. |
| Public and Environmental Health Act, 1987 | 118,424 | 122,327 | 3,903 | 3.30% | Controlled Substances (Poisons) Regulations 1989 - Licence fees for manufacture, wholesale, retail, supply and application fee for analysis of poisons. | No | All fees are GST free as per Division 38 and Division 81 list. Increase in revenue due to a projected increase in activity levels. |
| Public and Environmental Health Act, 1987 | 3,005 | 3,094 | 89 | 2.96% | Controlled Substances (Drugs of Dependence) Regulations 1990 - Licence fees for premises | No | All fees are GST free as per Division 38 and Division 81 list. Increase in revenue due to a projected increase in activity levels. |
| Public and Environmental Health Act, 1987 | 5,000 | 5,225 | 225 | 4.50% | Public and Environmental Health (Waste Control) Regulations, 1996 - Licence fees. | No | All fees are GST free as per Division 38 and Division 81 list. Increase in revenue due to a projected increase in activity levels. |
| Radiation Protection and Control Act, 1982 | 377,536 | 398,967 | 21,431 | 5.68% | Radiation Protection and Control Act, 1982 - Registration and Licence fees. | No | All fees are GST free as per Division 38 and Division 81 list. Increase in revenue due to a projected increase in activity levels. |
| Adoption Act, 1988 | 61,900 | 61,900 | - | 0.00% | Adoption fees - application, registration and release of information. | No | All fees are GST free as per Division 81 list. Adoption fees are only being increased for the first stage of the four stage adoption process - the fee for the release of adoption information is also unchanged. |
| Housing Improvement and Rent Control Act, 1940 | 31,280 | 32,062 | 782 | 2.50% | Application Fee. | No | All fees are GST free as per Division 81 list. |
| Sub - Total Human Services Portfolio | 1,700,000 | 1,742,000 | 42,000 | 2.47% | Total revenue across all Acts - as provided by DHS. | | |
| TRANSPORT, URBAN PLANNING, & THE ARTS PORTFOLIO | | | | | | | |
| Road Traffic Act, 1959 | 1,116,729 | 1,141,222 | 24,493 | 2.19% | Fees for inspection. | Yes | Subject to GST - 2000-01 revenue estimate derived as 10/11ths of total revenue including GST. The average % increase in fees including GST is 12.4%. |
| Development Act, 1993 | 460,000 | 470,000 | 10,000 | 2.17% | Various development application fees. | Partial | Most fees are GST free as per Division 81 list, with the exception of building rules and certificates of occupancy. The revenue estimate reflects State Government revenues. The total amount of revenue raised cannot be estimated because approximately 90% of development applications are processed by councils - councils benefit financially from this increase. |

2000-01 Adjustments to Regulated Fees and Charges

| Act | 1999-2000 Revenue Est (excluding GST) | 2000-01 Revenue Est (excluding GST) | Change in Revenue Est (excluding GST) | Average % Change in Revenue | Description | Subject to GST | Other Comments |
|---|---|---|---|---|---|---|---|
| Passenger Transport (General) Regulations 1994 | 796,824 | 810,754 | 13,930 | 1.75% | Including accreditation fees, taxi Licence tender fees, issue of replacement registration plates application for Licence. | Partial | Most fees are GST free as per Division 81 list, with the exception of inspection fees and the issue of replacement registration plates. Due to system constraints fees are rounded to the nearest dollar. No change in driver accreditation fees are proposed. |
| Passenger Transport (General) Regulations 1994 | 46,000,000 | 46,650,000 | 650,000 | 1.41% | Metroticket fares. | Yes | Differential rates of fare increases apply to individual customer segments. This revenue estimate includes GST collections. |
| Harbors and Navigation Regulations 1994 | 2,185,500 | 2,246,267 | 60,767 | 2.78% | Vessel Survey, certificates of competency, boat licensing and registration fees. | Partial | Most fees are GST free as per Division 81 list. As the recreational boating levy generates sufficient revenues and an ongoing review of boat mooring fees - no increase in these fees are proposed. |
| Motor Vehicles Act, 1959 | 37,738,000 | 39,962,000 | 2,224,000 | 5.89% | Heavy vehicles - Fixed by road Transport Charges (ACT) Act 1993. | No | Fees are GST free as per Division 81 list. Heavy vehicle registration fees are defined under the Commonwealth Road Transport Charges Act. Transport Ministers have voted for the implementation of the second generation fees to come into operation from 1 July 2000. Under provisions contained in Section 5 of the Motor Vehicles Act, the Commonwealth charges are automatically applied in SA. |
| Motor Vehicles Act, 1959 | 137,010,000 | 140,716,731 | 3,706,731 | 2.71% | Light Vehicle Fees. | No | Fees are GST free as per Division 81 list. |
| Motor Vehicles Act, 1959 | 35,528,459 | 37,618,212 | 2,089,753 | 5.88% | Administration fees. | No | Fees are GST free as per Division 81 list. No change in fee levels - revenue increase is solely due to forecasted changes in activity levels. |
| Motor Vehicles Act, 1959 | 36,780,000 | 21,655,890 | (15,124,110) | -41.12% | Driver's Licence fees. | No | Fees are GST free as per Division 81 list. Significant revenue reduction due to fall in activity level - the result of 'peaks and troughs' arising from the change from a 3 to 5 year license period. |
| Motor Vehicles Act, 1959 | 3,469,098 | 3,477,581 | 8,483 | 0.24% | Miscellaneous fees inc: Late Transfer Fee, Trade Plate Fees, Special Number Plate Sales, Training Courses, Driver's Instructors Licence Fees, Examiner Proficiency Tests, Motor Vehicle Accident Lectures and Disabled Persons Permits. | Partial | Fees except training courses and examiner proficiency tests are GST free as per Division 81 list. The small increase in revenue reflects a forecasted decrease in trade plate sales. |
| Motor Vehicles Act, 1959 | 184,075 | 246,767 | 62,692 | 34.06% | Accident Towing Roster regulations. | Partial | Form fees are subject to GST, the remainder are GST free as per Division 81 list. Increase in revenue reflects significant fee increases (in agreement with industry aimed at moving to cost recovery) and includes GST related revenues. |
| Local Government Act, 1999 | - | - | - | 1.6% to 2.7% | Various fees payable to the Valuer General. No revenue estimates provided. | No | Fees are GST free as per Division 81 list. |
| Private Parking Areas Act, 1986 | - | - | - | 0.0% to 57.9% | Expiation fees payable to councils for parking offences - therefore no revenue estimates are shown. | No | Fees are GST free as per Division 81 list. |
| Sub - Total Transport, Urban Planning and Arts Portfolio | 301,268,685 | 294,995,424 | (6,273,261) | -2.08% | | | |
| ADMINISTRATIVE AND INFORMATION SERVICES PORTFOLIO | | | | | | | |
| Roads (Opening and Closing) Act, 1991 | 94,711 | 97,430 | 2,719 | 2.87% | Fees for notification, examination and deposit of plans. | No | Fees are GST free as per Division 81 list. |
| Valuation of Land Act, 1971 | 3,986,425 | 4,260,830 | 274,405 | 6.88% | Various - fees for extract of valuation roll, review of valuation. | No | Fees are GST free as per Division 81 list. Increase in revenue predominantly reflects increased average land valuations. |
| Occupational Health, Safety and Welfare Act, 1986 | 5,467,000 | 5,620,000 | 153,000 | 2.80% | Including inspection of plant, removal of asbestos Licence, certificate of competency, blasters Licence. | Partial | All fees, with the exception of inspection fees are GST free as per Division 81 list. 2001/02 revenue includes $4.741m in employer registration fees - 97.61% of which is payable to Workplace Services by Workcover. |
| Dangerous Substances Act, 1979 | 843,000 | 867,000 | 24,000 | 2.85% | Fees for Licences to keep LPG, flammable liquids, dangerous goods and autogas. | No | Fees are GST free as per Division 81 list. |
| Explosives Act, 1936 | 72,000 | 74,000 | 2,000 | 2.78% | Licence fees for manufacture, storage, transport, importing, inspection and testing. | Partial | All fees, with the exception fees for the 'testing of explosives' are GST free as per Division 81 list. |
| Employment Agents Registration Act, 1993 | 2,000 | 2,000 | 0.00 | 0.00% | Fees for registration and Licence renewal of Employers Registry Office. | No | Fees are GST free as per Division 81 list - no increase in fees proposed for 2000-01. |
| State Records Regulations, 1999 | 870,000 | 895,000 | 25,000 | 2.87% | Include copies of documents, research services, postal charges, storage of records. | No | Fees are GST free as per Division 81 list. |

2000-01 Adjustments to Regulated Fees and Charges

| Act | 1999-2000 Revenue Est (excluding GST) | 2000-01 Revenue Est (excluding GST) | Change in Revenue Est (excluding GST) | Average % Change in Revenue | Description | Subject to GST | Other Comments |
|---|---|---|---|---|---|---|---|
| Sub - Total Government Enterprises Portfolio | 11,335,136 | 11,816,260 | 481,124 | 4.24% | | | |
| ENVIRONMENT & HERITAGE PORTFOLIO | | | | | | | |
| Botanic Parks and State Herbarium Act, 1978 | 2,622 | 1,069 | (1,553) | -59.23% | Tree inspection fees, plant identification and advisory service fees. | Yes | Fees are subject to GST - revenue decline due to forecasted reduction in activity levels. |
| Crown Lands Act, 1929 | not available | not available | not available | 2.62% | Application and document fees. | No | Fees are GST free as per Division 81 list. No revenue estimates are provided. |
| Environment Protection Act, 1995 | not available | not available | not available | 2.80% | Depot application fee under Beverage container regulations, 1995. | No | Fees are GST free as per Division 81 list. No revenue estimates are provided. |
| Environment Protection Act, 1996 | 2,760,000 | 2,837,280 | 77,280 | 2.80% | Various - Fees and Levy Regulations, 1994. | No | Fees are GST free as per Division 81 list. The revenue estimate for 2001-02 has been derived from the 2000-01 estimate and is based on an average increase of 2.8% applying. |
| National Parks and Wildlife Act, 1972 | not available | not available | not available | 0.60% | Wildlife Regulations - wildlife permit fees, emu farming permit fees, application for approval of a trading premises. Hunting Regulations - hunting permit fees. | No | Fees are GST free as per Division 81 list. No revenue estimates are provided due to systems constraints. Fauna fees remain unchanged as they were significantly increased in 1999-2000. |
| Pastoral Land Management and Conservation Act, 1989 | 1,836 | 1,883 | 47 | 2.56% | Application fees, document fees, miscellaneous fees. | No | Fees are GST free as per Division 81 list. |
| Historic Shipwrecks Act, 1999 | not available | not available | not available | 400.00% | Fee for a copy of register. | No | Fees are GST free as per Division 81 list. A single charge that has increased from $0.20 to $1.00 - the new charge is in line with fees for similar services. |
| Prevention of Cruelty to Animals Act, 1985 | not available | not available | not available | - | Applications to perform rodeos, and licence fees for research. | No | Fees are GST free as per Division 81 list. No increases are recommended for scientific and rodeo permits (30 in number) - a review is to be undertaken of these fees in the near future. |
| Dog and Cat Management Act, 1995 | not available | not available | not available | - | Various dog and cat registration and management fees. | No | Fees are GST free as per Division 81 list. |
| Heritage Act, 1993 | - | - | - | 0.00% | Register entry fees and application for certificate of exclusion. | No | Fees are GST free as per Division 81 list. No revenue has been generated from these fees since 1999-2000 - no fee increases are being sought. |
| Sub - Total Environment & Heritage | 2,764,458 | 2,840,232 | 75,774 | 2.74% | | | |
| EDUCATION, TRAINING AND EMPLOYMENT PORTFOLIO | | | | | | | |
| Fees Regulation (Education) Regulations, 1990 | 2,315,000 | 2,819,250 | 504,250 | 21.78% | Annual tuition fees for overseas primary and secondary students, and Open Access College fees. | Awaiting ATO ruling | Revenue increase due to introduction of new tuition fees for overseas primary students, and new Open Access College fees. Two Overseas secondary student tuition fees increase by 5.75% and 4.50% in order to maintain level of cost recovery and ensure interstate parity. |
| Sub - Total Water Resources | 2,315,000 | 2,819,250 | 504,250 | 21.78% | | | |
| WATER RESOURCES PORTFOLIO | | | | | | | |
| Water Resources Act, 1997 | 766,440 | 786,184 | 19,744 | 2.58% | Various including application, copy fees, rent of meter and fees for providing information. | Partial | Most fees are GST free as per Division 81 list, with the exception of document copies - excludes GST revenue of $1089. |
| Sub - Total Water Resources | 766,440 | 786,184 | 19,744 | 2.58% | | | |
| TOTAL ESTIMATED REVENUE FROM FEES & CHARGES | 502,604,387 | 502,798,275 | 193,888 | 0.04% | | | |

Total revenue has decreased by 0.04% across all fee and charge adjustment submissions, this is predominantly due to a forecasted $15.124 million reduction in Driver's License Fees in the DTUPA portfolio in 2000-01.

SA GOVERNMENT
Increases in regulated non commercial sector fees, fines and charges greater than 2.8% Or greater than 12.8% (Inclusive of GST) and new fees, fines and charges introduced in 2000-01 (1)

| Portfolio | Regulation/Activity | No of Fees Increasing >2.8% or 12.8% New Fees | Total Revenue Est 1999-2000 (exc GST) (4) (2) | Total Revenue Est 2000-01 (exc GST) ($) (2) | Change in Revenue (exc GST) ($) (2) | Average Increase in Revenue (%) (2) | Description of Fee, Fine or Charge | Comments/Justification | Subject to GST |
|---|---|---|---|---|---|---|---|---|---|
| Premier and Cabinet | Nil for regulated fees, fines and charges | | | | | | | | |
| Industry and Trade | Nil for regulated fees, fines and charges | | | | | | | | |
| Primary Industries, Natural Resources and Regional Development | Petroleum Act, 1940 | 1 | 1,607,723 | 1,811,482 | 203,759 | 12.67% | Various fees - application, license fees and bonds. | Annual fee for a petroleum product license is subject to a 16% increase from $150 to $174 as it was last adjusted in 1991. | Yes |

SA GOVERNMENT
Increases in regulated non commercial sector fees, fines and charges greater than 2.8% Or greater than 12.8% (Inclusive of GST) and new fees, fines and charges introduced in 2000-01 (1)

| Portfolio | Regulation/Activity | No of Fees Increasing >2.8% or 12.8% New Fees | Total Revenue Est 1999-2000 (exc GST) (4) (2) | Total Revenue Est 2000-01 (exc GST) ($) (2) | Change in Revenue (exc GST) ($) (2) | Average Increase in Revenue (%) (2) | Description of Fee, Fine or Charge | Comments/Justification | Subject to GST |
|---|---|---|---|---|---|---|---|---|---|
| | Meat Hygiene Act, 1994 | 1 | 210,000 | 240,000 | 30,000 | 7.20% | Various fees for the accreditation of meat processors. | Increase in fees reflects an agreement to increase the level of cost recovery. The SA Meat Hygiene Advisory Council, on which the relevant industry sectors are represented endorsed the proposed fee structure at its meeting on 14 March 2000. | No |
| | Fisheries Act, 1982 | 6 | 12,214,000 | 12,268,400 | 54,400 | 7.20% | Commercial fishing license fees, gear registration fees and transaction fees. | Fees reflect the level of service required by the private sector from Government to ensure that the fisheries are managed in a sustainable and long term manner. Consultation on licence fees for 2000-01 has been conducted through the Fishery Management Committee - the committee comprises various fishing industry stakeholders. | No |
| Treasury and Finance | Nil for regulated fees, fines and charges | | | | | | | | |
| Justice | Plumbers, Gasfitters and Electricians Act, 1993 | 1 | 882,074 | 907,123 | 25,049 | 2.84% | License and registration fees | New fee of $15 introduced for a license replacement card. | No |
| | Trade Measurements and Administration Act, 1993 | 1 | 391,285 | 398,309 | 7,024 | 1.80% | License, instrument verification and testing charges. | New fee of $15 introduced for a license replacement card. | No |
| | Coveyance's Act, 1994 | 2 | 129,117 | 132,450 | 3,333 | 2.58% | Various fees for regulatory services and real estate. | New fee of $15 introduced for a license replacement card. | No |
| | Public Trustee Act, 1995 | 2 | 5,800,000 | 6,000,000 | 200,000 | 3.45% | Various fees - preparation of documents, taxation, property, inspection, examination of statements and accounts. | Two fees for property and taxation inspections creased from $85 per hour to $90 per hour (5.88%). | Yes |
| | Travel Agents Act, 1986 | 1 | 140,541 | 144,626 | 4,085 | 2.91% | Travel agent license fees. | New fee of $15 introduced for a license replacement card. | No |
| | Security and Investigating Agents Act, 1995 | 1 | 814,042 | 835,866 | 21,824 | 2.61% | License fees. | New fee of $15 introduced for a license replacement card. | No |
| | Births Deaths and Marriages Registration Act, 1996 | 5 | 2,286,440 | 2,366,100 | 79,660 | 3.48% | Change of name, correction and search. | Fees have been rounded to the nearest whole dollar amount. | No |
| | Cremation Act, 1891 | 1 | 174,000 | 180,000 | 6,000 | 3.45% | Cremation permits. | Fees have been rounded to the nearest whole dollar amount. | No |
| | Sexual Reassignment Act, 1988 | 1 | 30 | 31 | 1 | 3.33% | Registration of certificate. | Fees have been rounded to the nearest whole dollar amount. | No |
| | Secondhand Vehicle Dealers Act, 1995 | 1 | 264,180 | 271,785 | 7,605 | 2.88% | Business license and registration fees. | Fees have been rounded to the nearest whole dollar amount, and a.new fee of $15 introduced for a license replacement card. | No |
| Human Services | Adoption Act, 1988 | 2 | 69,100 | 69,100 | - | 0.00% | Fees for applications, registrations and release of information. | Fee for 1st stage in adoption process increased by 15% ($21.50) and 14% ($13.60) for the second application - aimed at increasing the level of cost recovery. | No |

SA GOVERNMENT
Increases in regulated non commercial sector fees, fines and charges greater than 2.8% Or greater than 12.8% (Inclusive of GST) and new fees, fines and charges introduced in 2000-01 (1)

| Portfolio | Regulation/Activity | No of Fees Increasing >2.8% or 12.8% New Fees | Total Revenue Est 1999-2000 (exc GST) (4) (2) | Total Revenue Est 2000-01 (exc GST) ($) (2) | Change in Revenue (exc GST) ($) (2) | Average Increase in Revenue (%) (2) | Description of Fee, Fine or Charge | Comments/Justification | Subject to GST |
|---|---|---|---|---|---|---|---|---|---|
| | Dental Services | Various | 100,000 | 1,038,000 | 938,000 | na | Dentate Needs:<br>$10 per visit for eligible adults holding a Pensioner Concession Card or Health Care Card and having full eligibility benefits.<br>15% of the Local Dental Officer (LDO) fee (or derived) for each item of dental care for 'Part' pensioners/card holders.<br>Some free items and variations for care provided by dental students and 'special needs' patients.<br>Max of $22.50 for emergency services.<br>Max $96.50 for 'general' dental services.<br>Edentulous Needs (Dentures):<br>Same copayment for services provided by salaried dentists as applies for all eligible adults receiving denture services in country areas under the Pensioner Denture Scheme (PDS) where care is provided by private dentists and funded by SADS. Fees for dentures increased from $10 per unit to $55 (as an example for a single denture unit). | New copayments for all general 'dentate' dental items of care provided by SADS dental operators and dental students, and an increase in copayments for dentures. Proposed by the Minister of Human Services and approved by Cabinet as a part of addressing the demand for public dental services and the impacts of the loss of the $10m of Commonwealth Dental Health Program funding in 1997. Copayments for edentulous needs were revised to match existing copayments for care provided under the PDS. | No |
| | Domcillary Care | 4 fee levels + 2 fee caps | na | 840,000 | na | na | For recipients without a concession card:<br>$8.00 fee per service<br>$4.00 fee per week per item of equipment<br>maximum four week fee of $50<br>For recipients with a concession card:<br>$5.00 fee per service<br>$2.50 fee per week per item of equipment<br>maximum four week fee of $20 | New Domiciliary Home Care Help fees were proposed by the Minister of Human Services and approved by Cabinet to respond to funding pressures under the HACC program. This will not affect fees and charges currently in place for Domiciliary Care Services provided to compensable or non-Medicare clients outlined in Recognised Hospital and Incorporated Health Centre (Medicare Patients) Fees Regulations, 1987. | |
| Transport, Planning and the Arts | Motor Vehicles Act, 1959 | na | 37,738,000 | 39,962,000 | 2,224,000 | 5.89% | Heavy vehicle fees. | Heavy vehicle registration fees are defined under the Commonwealth Road Transport Charges Act. Transport Ministers have voted for the implementation of the second generation fees to come into operation from 1 July 2000. Under provisions contained in Section 5 of the Motor Vehicles Act, the Commonwealth charges are automatically applied in SA. | No |
| | Motor Vehicles Act, 1959 | 14 | 184,075 | 246,767 | 62,692 | 34.06% | Accident towing roster regulations. | Increase in revenue reflects significant fee increases adopted in agreement with industry aimed at moving to cost recovery and includes GST related revenues. | Partial |
| | Motor Vehicles Act. 1959 | 1 | 36,780,000 | 21,665,890 | - 15,114,110 | -41.12% | Driver license fees. | Increase in license fees of $1.00 pa from $21.00 to $22.00 (an increase of 4.8%) - decline in total revenue due to forecasted decline in activity levels - no increase occurred in 1999-2000. | No |
| | Harbors and Navigation Regulations, 1994 | 2 | 2,185,500 | 2,246,267 | 60,767 | 2.78% | Vessel survey, certificate of competency, boat licensing and registration fees. | New fee introduced for the issue and replacement of trader's plate - issues fee set at $47 and replacement fee at $32. | Partial |
| Administrative and Information Services | Nil for regulated fees, fines and charges | | | | | | | | |
| Education, Employment and Training | Education (Teachers Registration) Regulations, 1996 | 2 | 130,000 | 136,500 | 6,500 | 5.00% | Regulatory fees associated with the proper provision of primary and secondary education. Teacher registration fees including assessment fee, restoration fee and duplicate certificate fees (3-year fee). Application for authority as an unregistered teacher (1/3rd of the Teacher registration fee). | Revenue does not accrue to the SA Government - utilised to fund activities of the Teachers Registration Board. | No |
| Environment and Heritage | Historic Shipwrecks Act, 1999 | 1 | na | na | na | 400.00% | Fee for copy of register. | A single charge that has increased from $0.2 to $1.00 - the new charge is line with fees for similar services. | No |
| | Environment Protection (Fees and Levy) Regulations, 1994 | 2 | 2,760,000 | 2,837,280 | 77,280 | 2.80% | Various fees and levies | Inspection fees increased from $5.65 to $6.00 (6.2%) and photocopies from the public register increased from $2.30 to $3.00 (30.4%) | |

SA GOVERNMENT
Increases in regulated non commercial sector fees, fines and charges greater than 2.8% Or greater than 12.8% (Inclusive of GST) and new fees, fines and charges introduced in 2000-01 (1)

| Portfolio | Regulation/Activity | No of Fees Increasing >2.8% or 12.8% New Fees | Total Revenue Est 1999-2000 (exc GST) (4) (2) | Total Revenue Est 2000-01 (exc GST) ($) (2) | Change in Revenue (exc GST) ($) (2) | Average Increase in Revenue (%) (2) | Description of Fee, Fine or Charge | Comments/Justification | Subject to GST |
|---|---|---|---|---|---|---|---|---|---|
| Water Resources | Nil for regulated fees, fines and charges | | | | | | | | |

Notes: (1) Note the above list does not include fees and charges where the increase is only slightly above 2.8% or 12.8% due to rounding for administrative efficiency.

(2) Total revenue under the Act or Regulation.

## SPEED CAMERAS

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

1. How many times were speed cameras used on South Australian roads in each postcode area during 1998-1999?

2. How many speed camera fines were issued in each postcode area during 1998-99?

3. How much revenue was collected from fines in each postcode area during 1998-99?

4. How many serious motor vehicle accidents were reported to the South Australian Police in each postcode area?

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

1. Speed camera fines were used on South Australian Roads a total of 9 945 times during 1998-99 (financial year). Refer to the table below for the breakdown of use in each postcode area.

| Postcode | Times speed cameras used | Postcode | Times speed cameras used |
|---|---|---|---|
| 5000 | 763 | 5031 | 205 |
| 5006 | 183 | 5032 | 240 |
| 5007 | 96 | 5033 | 25 |
| 5008 | 81 | 5034 | 25 |
| 5009 | 110 | 5035 | 107 |
| 5010 | 61 | 5037 | 23 |
| 5011 | 91 | 5038 | 76 |
| 5012 | 30 | 5039 | 30 |
| 5013 | 104 | 5040 | 33 |
| 5014 | 130 | 5041 | 100 |
| 5015 | 27 | 5042 | 141 |
| 5016 | 10 | 5043 | 94 |
| 5017 | 14 | 5044 | 36 |
| 5018 | 2 | 5045 | 127 |
| 5019 | 16 | 5046 | 35 |
| 5020 | 3 | 5047 | 29 |
| 5021 | 7 | 5048 | 28 |
| 5022 | 118 | 5049 | 84 |
| 5023 | 171 | 5050 | 97 |
| 5024 | 196 | 5051 | 41 |
| 5025 | 49 | 5052 | 60 |
| 5061 | 63 | 5125 | 7 |
| 5062 | 134 | 5126 | 22 |
| 5063 | 58 | 5127 | 23 |
| 5064 | 166 | 5131 | 4 |
| 5065 | 63 | 5132 | 7 |
| 5066 | 104 | 5133 | 2 |
| 5067 | 77 | 5150 | 121 |
| 5068 | 25 | 5151 | 1 |
| 5069 | 103 | 5152 | 115 |
| 5070 | 180 | 5154 | 1 |
| 5072 | 28 | 5155 | 3 |
| 5073 | 28 | 5156 | 5 |
| 5074 | 31 | 5157 | 15 |
| 5075 | 102 | 5158 | 119 |
| 5076 | 22 | 5159 | 154 |
| 5081 | 265 | 5160 | 29 |
| 5082 | 94 | 5161 | 109 |
| 5083 | 18 | 5162 | 264 |
| 5084 | 229 | 5163 | 99 |
| 5085 | 78 | 5164 | 2 |
| 5086 | 97 | 5165 | 12 |
| 5087 | 31 | 5167 | 55 |
| 5088 | 28 | 5168 | 17 |
| 5089 | 8 | 5169 | 5 |
| 5090 | 31 | 5171 | 5 |
| 5091 | 45 | 5172 | 35 |
| 5092 | 81 | 5201 | 1 |
| 5093 | 61 | 5202 | 11 |
| 5094 | 67 | 5203 | 1 |
| 5095 | 108 | 5204 | 1 |
| 5096 | 64 | 5210 | 18 |
| 5097 | 101 | 5211 | 130 |
| 5098 | 55 | 5212 | 12 |
| 5107 | 151 | 5213 | 9 |
| 5108 | 155 | 5214 | 3 |
| 5109 | 151 | 5220 | 4 |
| 5110 | 39 | 5222 | 2 |
| 5111 | 1 | 5223 | 18 |
| 5112 | 119 | 5232 | 6 |
| 5113 | 94 | 5234 | 6 |
| 5114 | 29 | 5241 | 3 |
| 5115 | 9 | 5244 | 1 |
| 5116 | 6 | 5245 | 5 |
| 5117 | 1 | 5250 | 1 |
| 5118 | 16 | 5251 | 11 |
| 5120 | 1 | 5252 | 1 |
| 5121 | 10 | 5253 | 12 |
| 5254 | 2 | 5454 | 1 |
| 5255 | 7 | 5481 | 2 |
| 5260 | 11 | 5491 | 8 |
| 5261 | 14 | 5501 | 1 |
| 5264 | 12 | 5510 | 2 |
| 5265 | 12 | 5540 | 100 |
| 5266 | 3 | 5550 | 4 |
| 5267 | 32 | 5555 | 1 |
| 5268 | 31 | 5600 | 51 |
| 5271 | 17 | 5605 | 4 |
| 5275 | 5 | 5606 | 28 |
| 5276 | 8 | 5608 | 7 |
| 5277 | 24 | 5670 | 2 |
| 5280 | 8 | 5680 | 3 |
| 5290 | 142 | 5690 | 17 |
| 5322 | 6 | 5700 | 102 |
| 5330 | 25 | 5710 | 18 |
| 5333 | 27 | 5720 | 13 |
| 5340 | 25 | 5723 | 2 |
| 5341 | 33 | 5724 | 6 |
| 5342 | 5 | 5725 | 14 |
| 5343 | 37 | 5731 | 2 |
| 5344 | 14 | Grand Total | 9945 |
| 5345 | 26 | | |
| 5346 | 3 | | |
| 5351 | 6 | | |
| 5352 | 24 | | |
| 5353 | 11 | | |
| 5355 | 37 | | |
| 5356 | 5 | | |
| 5357 | 10 | | |
| 5371 | 1 | | |
| 5374 | 8 | | |
| 5381 | 2 | | |
| 5412 | 2 | | |
| 5413 | 7 | | |
| 5414 | 8 | | |
| 5417 | 15 | | |
| 5418 | 5 | | |
| 5419 | 2 | | |
| 5422 | 21 | | |

| Postcode | Times speed cameras used |
|---|---|
| 5431 | 3 |
| 5433 | 6 |
| 5434 | 4 |
| 5440 | 9 |
| 5451 | 7 |
| 5452 | 10 |
| 5453 | 13 |

2. Speed camera fines were issued on South Australian Roads a total of 247 797 times during 1998-99 (financial year). Refer to the table below for the breakdown of use in each postcode area.

3. Revenue raised from speed camera fines during 1998-99 (financial year) was $26 325 326. Refer to table below for the breakdown of revenue in each postcode area.

| Postcodes | Issued | Revenue $ |
|---|---|---|
| 5000 | 19 568 | 1 966 586 |
| 5006 | 6 014 | 609 085 |
| 5007 | 1 545 | 150 645 |
| 5008 | 1 800 | 171 118 |
| 5009 | 3 253 | 321 401 |
| 5010 | 2 009 | 202 868 |
| 5011 | 2 090 | 198 193 |
| 5012 | 597 | 62 653 |
| 5013 | 7 041 | 730 511 |
| 5014 | 3 266 | 288 853 |
| 5015 | 291 | 24 922 |
| 5016 | 127 | 12 051 |
| 5017 | 476 | 46 260 |
| 5018 | 2 | 314 |
| 5019 | 98 | 11 670 |
| 5020 | 13 | 1 175 |
| 5021 | 110 | 10 702 |
| 5022 | 4 665 | 510 678 |
| 5023 | 3 059 | 340 628 |
| 5024 | 4 220 | 448 855 |
| 5025 | 709 | 67 112 |
| 5031 | 5 075 | 466 413 |
| 5032 | 5 584 | 651 964 |
| 5033 | 365 | 24 645 |
| 5034 | 147 | 16 635 |
| 5035 | 1 928 | 174 191 |
| 5037 | 229 | 25 662 |
| 5038 | 1 742 | 154 642 |
| 5039 | 376 | 40 091 |
| 5040 | 916 | 98 807 |
| 5041 | 1 250 | 135 466 |
| 5042 | 4 777 | 525 838 |
| 5043 | 1 850 | 214 908 |
| 5097 | 3 890 | 427 043 |
| 5098 | 1 357 | 143 830 |
| 5106 | 1 040 | 104 899 |
| 5107 | 4 311 | 422 002 |
| 5108 | 1 924 | 188 750 |
| 5109 | 4 779 | 509 027 |
| 5110 | 2 167 | 261 363 |
| 5112 | 2 719 | 284 822 |
| 5113 | 3 124 | 306 072 |
| 5114 | 864 | 102 613 |
| 5115 | 155 | 20 289 |
| 5116 | 36 | 4 080 |
| 5117 | 25 | 3 127 |
| 5118 | 301 | 30 085 |
| 5120 | 2 | 314 |
| 5121 | 87 | 10 242 |
| 5125 | 3 | 551 |
| 5126 | 439 | 50 841 |
| 5127 | 1 313 | 171 832 |
| 5131 | 34 | 4 947 |
| 5132 | 63 | 7 845 |
| 5133 | 17 | 2 525 |
| 5150 | 7 982 | 934 803 |
| 5151 | - | 655 |
| 5152 | 5 834 | 759 125 |
| 5154 | 37 | 7 182 |
| 5155 | 28 | 3 277 |
| 5156 | 52 | 9 035 |
| 5157 | 49 | 6 579 |
| 5158 | 2 477 | 303 232 |
| 5159 | 3 207 | 385 735 |
| 5160 | 974 | 98 811 |
| 5161 | 3 830 | 459 989 |
| 5162 | 8 888 | 886 895 |
| 5163 | 3 155 | 356 530 |
| 5164 | 49 | 8 087 |
| 5165 | 101 | 9 701 |
| 5167 | 1 251 | 169 019 |
| 5168 | 215 | 22 041 |
| 5169 | 16 | 2 771 |
| 5171 | 27 | 615 |
| 5172 | 134 | 12 037 |
| 5173 | - | 1 151 |
| 5202 | 183 | 24 275 |
| 5211 | 851 | 91 231 |
| 5212 | 7 | 924 |
| 5213 | 31 | 3 364 |
| 5220 | 2 | 382 |
| 5223 | 10 | 1 298 |
| 5232 | 26 | 3 254 |
| 5233 | - | 301 |
| 5234 | 11 | 1 853 |
| 5237 | - | 183 |
| 5241 | 26 | 3 946 |
| 5242 | - | 183 |
| 5243 | - | 118 |
| 5244 | 5 | 615 |
| 5245 | 54 | 5 715 |
| 5251 | 71 | 7 568 |
| 5252 | - | 484 |
| 5253 | 202 | 23 438 |
| 5255 | 11 | 1 913 |
| 5260 | 74 | 7 125 |
| 5261 | 184 | 19 135 |
| 5264 | 5 | 628 |
| 5265 | 105 | 10 229 |
| 5266 | 70 | 16 206 |
| 5267 | 160 | 13 841 |
| 5268 | 22 | 2 578 |
| 5270 | - | 301 |
| 5271 | 170 | 18 112 |
| 5275 | 65 | 6 012 |
| 5276 | 13 | 1 604 |
| 5277 | 151 | 14 557 |
| 5280 | 57 | 6 360 |
| 5290 | 2 818 | 305 477 |
| 5304 | 1 | 785 |
| 5322 | 45 | 6 076 |
| 5330 | 277 | 33 700 |
| 5333 | 89 | 11 517 |
| 5340 | 321 | 33 258 |
| 5341 | 159 | 17 322 |
| 5342 | 8 | 997 |
| 5343 | 386 | 46 599 |
| 5344 | 175 | 25 482 |
| 5345 | 177 | 20 090 |
| 5346 | 6 | 619 |
| 5351 | 15 | 1 612 |
| 5352 | 237 | 30 627 |
| 5353 | 73 | 4 574 |
| 5355 | 246 | 27 903 |
| 5356 | 43 | 5 534 |
| 5357 | 230 | 27 236 |
| 5374 | 3 | 123 |
| 5413 | 79 | 11 599 |
| 5414 | 14 | 1 243 |
| 5417 | 36 | 3 883 |
| 5418 | 4 | 560 |
| 5419 | 5 | 492 |
| 5422 | 11 | 806 |
| 5431 | - | 183 |
| 5433 | 1 | - |
| 5434 | 4 | 118 |
| 5440 | 7 | 942 |
| 5451 | 15 | 1 052 |
| 5453 | 92 | 7 620 |
| 5491 | 12 | 1 489 |
| 5501 | - | 301 |
| 5510 | 1 | 1 611 |
| 5522 | 8 | 4 359 |

| Postcodes | Issued | Revenue $ |
|---|---|---|
| 5540 | 804 | 86 016 |
| 5554 | - | 118 |
| 5555 | 5 | 1 151 |
| 5556 | - | 773 |
| 5573 | - | 301 |
| 5575 | - | 1 977 |
| 5576 | - | 236 |
| 5600 | 499 | 42 232 |
| 5605 | 1 | 123 |
| 5606 | 126 | 12 001 |
| 5607 | 1 | 191 |
| 5608 | 83 | 11 151 |
| 5680 | 3 | 123 |
| 5690 | 124 | 16 647 |
| 5700 | 1 611 | 177 734 |
| 5710 | 43 | 4 914 |
| 5720 | 15 | 1 820 |
| 5723 | 18 | 1 366 |
| 5724 | 37 | 3 699 |
| Recorded between 2 postcodes | 2 517 | 317 796 |
| Unknown | 350 | 37 663 |
| Total | 247 797 | 26 325 326 |

4. The Minister for Police, Correctional Services and Emergency Services has been provided with the latest available statistics by the Police for the period May 1998 to April 1999.

Serious crashes May 1998-99 (serious ie: admit hospital or fatal)

| P/Code | Crashes | P/Code | Crashes | P/Code | Crashes |
|---|---|---|---|---|---|
| 5000 | 55 | 5072 | 9 | 5150 | 3 |
| 5006 | 8 | 5073 | 4 | 5151 | 0 |
| 5007 | 4 | 5074 | 5 | 5152 | 7 |
| 5008 | 17 | 5075 | 6 | 5153 | 9 |
| 5009 | 7 | 5076 | 1 | 5154 | 2 |
| 5010 | 15 | 5081 | 8 | 5155 | 4 |
| 5011 | 9 | 5082 | 2 | 5156 | 2 |
| 5012 | 15 | 5083 | 5 | 5157 | 8 |
| 5013 | 18 | 5084 | 9 | 5158 | 12 |
| 5014 | 8 | 5085 | 9 | 5159 | 8 |
| 5015 | 6 | 5086 | 10 | 5160 | 1 |
| 5016 | 4 | 5087 | 7 | 5161 | 8 |
| 5017 | 4 | 5088 | 4 | 5162 | 11 |
| 5018 | 3 | 5089 | 0 | 5163 | 5 |
| 5019 | 7 | 5090 | 3 | 5164 | 2 |
| 5020 | 0 | 5091 | 3 | 5165 | 0 |
| 5021 | 3 | 5092 | 14 | 5166 | 1 |
| 5022 | 8 | 5093 | 3 | 5167 | 1 |
| 5023 | 9 | 5094 | 4 | 5168 | 6 |
| 5024 | 3 | 5095 | 4 | 5169 | 4 |
| 5025 | 2 | 5096 | 6 | 5170 | 0 |
| 5031 | 11 | 5097 | 2 | 5171 | 3 |
| 5032 | 5 | 5098 | 4 | 5172 | 7 |
| 5033 | 11 | 5106 | 0 | 5173 | 4 |
| 5034 | 4 | 5107 | 10 | 5174 | 6 |
| 5035 | 5 | 5108 | 18 | 5201 | 3 |
| 5037 | 4 | 5109 | 9 | 5202 | 2 |
| 5038 | 8 | 5110 | 6 | 5203 | 2 |
| 5039 | 4 | 5111 | 0 | 5204 | 9 |
| 5040 | 0 | 5112 | 7 | 5210 | 7 |
| 5041 | 8 | 5113 | 7 | 5211 | 14 |
| 5042 | 12 | 5114 | 12 | 5212 | 2 |
| 5043 | 14 | 5115 | 0 | 5213 | 2 |
| 5044 | 5 | 5116 | 2 | 5214 | 7 |
| 5045 | 7 | 5117 | 1 | 5220 | 1 |
| 5046 | 6 | 5118 | 11 | 5221 | 1 |
| 5047 | 4 | 5120 | 5 | 5222 | 1 |
| 5048 | 4 | 5121 | 3 | 5223 | 7 |
| 5049 | 4 | 5125 | 5 | 5231 | 4 |
| 5050 | 1 | 5126 | 2 | 5232 | 2 |
| 5051 | 5 | 5127 | 1 | 5233 | 1 |
| 5052 | 6 | 5131 | 1 | 5234 | 4 |
| 5061 | 9 | 5132 | 2 | 5235 | 8 |
| 5062 | 7 | 5133 | 1 | 5236 | 4 |
| 5063 | 6 | 5134 | 1 | 5237 | 0 |
| 5064 | 8 | 5136 | 0 | 5238 | 7 |
| 5065 | 4 | 5137 | 3 | 5240 | 1 |
| 5066 | 5 | 5139 | 2 | 5241 | 5 |
| 5067 | 10 | 5140 | 0 | 5242 | 2 |
| 5068 | 7 | 5141 | 0 | 5243 | 0 |
| 5069 | 6 | 5142 | 0 | 5244 | 5 |
| 5070 | 6 | 5144 | 2 | 5245 | 6 |
| 5250 | 1 | 5351 | 9 | 5522 | 4 |
| 5251 | 12 | 5352 | 2 | 5523 | 5 |
| 5252 | 4 | 5353 | 13 | 5540 | 15 |
| 5253 | 8 | 5354 | 1 | 5550 | 4 |
| 5254 | 2 | 5355 | 13 | 5552 | 2 |
| 5255 | 7 | 5356 | 1 | 5554 | 8 |
| 5256 | 1 | 5357 | 3 | 5555 | 2 |
| 5259 | 1 | 5360 | 3 | 5556 | 1 |
| 5260 | 4 | 5371 | 5 | 5558 | 2 |
| 5261 | 2 | 5372 | 2 | 5560 | 0 |
| 5262 | 4 | 5373 | 2 | 5570 | 1 |
| 5263 | 1 | 5374 | 1 | 5571 | 1 |
| 5264 | 2 | 5381 | 1 | 5573 | 3 |
| 5265 | 3 | 5400 | 0 | 5575 | 4 |
| 5266 | 3 | 5401 | 1 | 5576 | 3 |
| 5267 | 2 | 5410 | 1 | 5577 | 3 |
| 5268 | 9 | 5411 | 1 | 5580 | 0 |
| 5269 | 1 | 5412 | 4 | 5581 | 3 |
| 5271 | 3 | 5413 | 2 | 5582 | 3 |
| 5272 | 2 | 5414 | 1 | 5583 | 1 |
| 5273 | 2 | 5415 | 0 | 5600 | 7 |
| 5275 | 3 | 5416 | 1 | 5601 | 1 |
| 5276 | 5 | 5417 | 3 | 5602 | 2 |
| 5277 | 4 | 5419 | 2 | 5603 | 0 |
| 5278 | 1 | 5422 | 2 | 5605 | 0 |
| 5279 | 2 | 5431 | 2 | 5606 | 13 |
| 5280 | 10 | 5432 | 0 | 5607 | 1 |
| 5290 | 15 | 5433 | 4 | 5608 | 11 |
| 5291 | 8 | 5434 | 1 | 5609 | 1 |
| 5301 | 3 | 5440 | 4 | 5620 | 2 |
| 5302 | 2 | 5451 | 2 | 5631 | 2 |
| 5303 | 1 | 5452 | 0 | 5632 | 2 |
| 5304 | 4 | 5453 | 7 | 5633 | 1 |
| 5306 | 0 | 5460 | 0 | 5640 | 5 |
| 5307 | 2 | 5461 | 5 | 5641 | 3 |
| 5308 | 0 | 5463 | 0 | 5652 | 2 |
| 5309 | 1 | 5464 | 1 | 5655 | 1 |
| 5311 | 1 | 5470 | 0 | 5661 | 1 |
| 5320 | 3 | 5471 | 0 | 5670 | 1 |
| 5321 | 0 | 5472 | 0 | 5680 | 2 |
| 5322 | 1 | 5473 | 2 | 5690 | 10 |
| 5330 | 6 | 5480 | 1 | 5700 | 19 |
| 5331 | 0 | 5481 | 4 | 5710 | 4 |
| 5332 | 0 | 5483 | 1 | 5720 | 10 |
| 5333 | 8 | 5485 | 2 | 5722 | 2 |
| 5340 | 6 | 5491 | 0 | 5723 | 7 |
| 5341 | 9 | 5495 | 4 | 5724 | 7 |
| 5342 | 0 | 5501 | 10 | 5725 | 10 |
| 5343 | 7 | 5502 | 1 | 5730 | 1 |
| 5345 | 3 | 5510 | 6 | 5731 | 7 |
| 5346 | 0 | 5520 | 2 | 5733 | 4 |
| 5350 | 2 | 5521 | 1 | 5734 | 1 |

## HOLDFAST SHORES

58. **The Hon. M.J. ELLIOTT:**

1. (a) What major components of these developments were, and are, the responsibility of the State Government; and
   (b) How much did and/or will each of them cost?
2. (a) How much of the 17.6 hectares of the total developable area for the Holdfast Shores project will be returned to the Council for public use?
   (b) How much of the 17.6 hectare area (other than water) will remain part of the development?
   (c) Were independent valuations of the developable area made for the government prior to signing the development agreement with the Consortium?
   (d) If not, why not?
   (e) If so, what value was placed upon the area?
   (f) If independent financial estimates were not made, what value of the developable area did the State Government estimate?
3. What financial costs has, and will, the Government incur in managing the project?
4. (a) Who is responsible for the maintenance of the inner marina, the Patawalonga basin, lock and weir gates; and
   (b) At what cost?

5. (a) Does the Government still believe its Budget provision of $750 000 per annum is adequate to fulfil its ongoing liabilities in relation to the developments?
   (b) If not, what is the current estimate?
6. (a) Will the Government inform South Australians of the nature and detail of the profit sharing arrangement with the Holdfast Shores Development Consortium; and
   (b) Will the government detail any current expectation of profit emerging from this profit sharing arrangement?

**The Hon. R.I. LUCAS:** I advise this question was responded to via letter direct to the honourable member from both the Minister for Government Enterprises (dated 20/7/00) and the Treasurer (dated 13/8/00).

### PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

Police Superannuation Board Report, 1999-2000

By the Minister for Industry and Trade (Hon. R.I. Lucas)—

Department of Industry and Trade Report, 1999-2000

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

Reports, 1999-2000
- Claims against the Legal Practitioners Guarantee Fund
- Legal Practitioners Conduct Board
- Legal Practitioners Disciplinary Tribunal
- Legal Practitioners Education and Admission Council
- South Australian Totalizator Agency Board

Rules of Court—Supreme Court—Supreme Court Act—Amendment No. 79—Cease to Act

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

Department for Correctional Service Report, 1999-2000

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

Commissioner for Consumer Affairs Report, 1999-2000

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

Reports, 1999-2000
- Enfield General Cemetery Trust
- South Australian Greyhound Racing Authority
- South Australian Psychological Board
- TransAdelaide
- West Beach Trust.

## QUESTION TIME

### WATER CONTRACT

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

Leave granted.

**The Hon. P. HOLLOWAY:** The Council would be aware of significant issues of probity surrounding the operations in West Java of the government owned SA Water and its subsidiary company SA Water International. The Premier first announced the arrangements between SA Water and the province of West Java with considerable fanfare on 8 January 1998, shortly after the Hon. Rob Lucas became Treasurer. Over the past week the following has been revealed to the Economic and Finance Committee:

- $10 million has been spent on the operation without any return to the taxpayer;
- the West Java operations are not separately and independently audited;
- the head of SA Water's West Java operations makes payments to his employees in cash and carries a hand gun;
- the Premier's and minister's claim that the deal gave South Australian companies first right of refusal on water and waste water contracts in West Java was false and in contravention of Indonesian law;
- a major consultancy was awarded by the company to the brother of the Governor of the West Java province;
- SA Water was involved with the failed port of Tanjung-Priok project.

They are just a few of the revelations. Paragraph 23(1)(a) of the Public Corporations Act provides that a public corporation may not form a subsidiary such as SA Water International without the approval of the Treasurer. Paragraphs 23(2)(a) and (b) of the act further provide that, as a condition of such approval, the Treasurer may require a subsidiary's company memorandum or articles of association to impose limitations on the nature and scope of the company's operations or impose other controls or practices.

My questions are:

1. Did the current Treasurer provide approval for the establishment by SA Water of its subsidiary, SA Water International?

2. Did the Treasurer require the imposition of any limitations on the nature and scope of the company's operations, or impose other controls and practices, and specifically what were they?

3. What due diligence did the Treasurer undertake prior to allowing the formation of this subsidiary company?

4. Is the Treasurer satisfied that the operations of SA Water International meet all the requirements of probity and honest and accountable operations?

5. Does the Treasurer believe that the activities of SA Water International, including those in West Java, represent value for money to the taxpayer?

6. Will the Treasurer insist to the Minister for Government Enterprises that the operations of SA Water International in Indonesia and Mozambique, as well as the now defunct offices in the Philippines and Malaysia, be independently audited?

**The Hon. R.I. LUCAS (Treasurer):** I am happy to take those questions on notice and bring back a reply.

*The Hon. P. Holloway interjecting:*

**The PRESIDENT:** Order! Does the member have a supplementary question?

**The Hon. P. Holloway:** Those questions were—

**The PRESIDENT:** Order! Are you asking a supplementary question?

**The Hon. P. Holloway:** —to the Treasurer in his role as—

**The PRESIDENT:** Order!

*The Hon. P. Holloway interjecting:*

**The PRESIDENT:** Order! The honourable member is out of order.

### ABORIGINES, HEALTH

**The Hon. T.G. ROBERTS:** The deputy treasurer answered that question. I seek leave to make a brief explanation prior to asking the Minister for Transport, representing the Minister for Human Services, a question on diabetes and kidney disease in Aboriginal communities.

Leave granted.

**The Hon. T.G. ROBERTS:** It is appropriate to ask these questions on Diabetes Day. In the Aboriginal community,

kidney disease and diabetes is rife, and it is hard to get figures on the percentage of people in the Aboriginal community who suffer renal failure and diabetes compared with the rest of the community. I understand that, in the wide community, an increasing number of adults are contracting full-blown or type 2 diabetes, and more children are being diagnosed as glucose intolerant and, in a lot of cases, it relates to diet.

It is understood by health professionals working in Aboriginal communities that a combination of diet, lifestyle and abuse of alcohol, drugs and petrol sniffing is causing a lot of problems in these communities. It is about time that all states and the commonwealth pooled their resources as much as possible to bring about some outcomes to change the circumstances and bring about better health outcomes rather than watch the figures blow out. I am in no position to determine whether the situation in South Australia is getting worse, whether it is stable or getting better, so my questions are:

1. Is there a campaign to recognise diabetes and renal disease in Aboriginal communities and, if not, why not?

2. What testing and treatment programs are currently being run for diabetes and renal disease in regional and remote areas?

3. Is there any cooperation between the South Australian Health Commission and Northern Territory officials in dealing with these health problems created by diet, alcohol, lifestyle, drug abuse and petrol sniffing?

4. Will the government initiate discussions through the commonwealth ministers' meeting to highlight the linkage between alcohol abuse and poor health and whether it would help if our labelling laws were improved, particularly on flagons and casks containing port and strong fortified wines?

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

## FOOD LABELLING

**The Hon. CARMEL ZOLLO:** I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning, representing the Minister for Human Services, a question on food labelling.

Leave granted.

**The Hon. CARMEL ZOLLO:** I am informed that the new Australia New Zealand Food Authority draft, 'Australia New Zealand Food Code', does not include sugar as mandatory nutritional information on all food labels in Australia. Only when foods claim to be low in sugar must this information be labelled. Many Australians are conscious of their sugar intake and nutritionists claim that excessive sugar intake is a key cause of dental problems and obesity, yet ANZFA has chosen not to include sugar content under the proposed labelling requirements. I also note that saturated fat is not included as a required category on food labels—another area of concern for consumers.

Today, 14 November, as my colleague the Hon. Terry Roberts has mentioned, is World Diabetes Day and food labelling is a real issue for Australians with diabetes. I understand that the issue of primary concern is not necessarily the labelling of sugar content but, rather, the inclusion of saturated fat and the glycaemic index rating. The glycaemic index (GI) is a rating on foods and how they affect blood sugar levels. Research indicates that this information is important in the management of proper blood sugar levels.

Preliminary results of the AusDiab study, released in May 2000, reveal that 7.2 per cent of Australians over 25 have Type 2 diabetes, around half of whom are undiagnosed. This represents some 400 000 Australians who have undiagnosed Type 2 diabetes. Type 2 diabetes sufferers are also at high risk from heart attack; hence, the importance of listing saturated fats on labels. While the new food standard has positive initiatives, such as the compulsory labelling of a percentage of a food's categorising ingredients, Australian consumers need to know there are minimum amounts of fruit in their jams and meat in their pies and that foods include vital nutritional information on labels. My questions are:

1. Will the minister make representations to the federal government and ANZFA to increase consumer protection by including the glycaemic index, sugar content and saturated fat as a mandatory requirement under the Australia New Zealand Food Code?

2. Will the minister ensure that minimum food content standards for food, such as jams and icecream, be included in the code in the same way minimum meat content for meat pies has now been included following community pressure?

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

## AUDITOR-GENERAL'S REPORT

In reply to **Hon. CAROLYN PICKLES** (5 October).

**The Hon. DIANA LAIDLAW:** The Premier has provided the following information:

Mr O'Loughlin's employment contract is the standard Chief Executive contract used in government. With regard to its compliance with the Auditor-General's recommendations, as reported in response to other parliamentary questions, the treatment of performance criteria and assessment is currently being discussed by Senior Management Council and ministers. Any recommended approach from this work will be included in chief executive contracts including Mr O'Loughlin's.

Chief executive contracts are not made public for reasons of privacy of the individual. The government is publicly accountable for key details of such contracts through the agencies' annual reports, and the scrutiny of the Auditor-General.

The position description for this position sought "Superior ability to think and act strategically and to lead the creation of cohesive and integrated strategies that take account of the agency's environment and provide a proactive stance for achieving the agency's vision.

Mr O'Loughlin met these requirements through tertiary qualifications and executive experience applicable to both private and public sector management. His skills have been judged suitable for the task of leading the portfolio of the Department for Transport, Urban Planning and the Arts.

Mr O'Loughlin was selected by a panel of senior South Australian government and community members chaired by the then Chief Executive, Department of the Premier and Cabinet, Mr Ian Kowalick. The selection process comprised national advertisement, review of written applications, and interview by a government panel.

## BAROSSA HEALTH SERVICES

In reply to **Hon. SANDRA KANCK** (5 October).

**The Hon. DIANA LAIDLAW:** The Minister for Human Services has provided the following information:

1. Funding for a new hospital facility for the Barossa Valley is not included in the current formal capital forward program for the years 2001-02 and 2002-03. A new Barossa Valley facility will need to be considered against other priorities when forward capital planning is being developed. Land for the proposed hospital has been identified and is being purchased.

2. An assessment of Angaston and Tanunda hospitals will be undertaken to determine the requirements to sustain the assets in the short term.

3. An announcement on a new facility for the Barossa Valley Health Services Inc. will only be made when it is confirmed that funding will be available.

## DOG LEGISLATION

In reply to **Hon. CARMEL ZOLLO** (5 October).

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

The Dog and Cat Management Act 1995 provides that dogs in public must be under effective control at all times. The intent of this provision is that control must work—so either dogs must be restrained on a leash by a person capable of controlling the animal, or they must be sufficiently trained such that they are totally responsive to the commands of their handlers at all times.

A person is currently committing an offence if a dog is not being effectively controlled. The board has provided the Minister for Environment and Heritage with a series of recommendations to which the minister is giving careful consideration and in the context of other advice from officers of his department and interstate agencies.

## MOSQUITOES

In reply to **Hon. R.R. ROBERTS** (10 October).

**The Hon. DIANA LAIDLAW:** The Minister for Human Services has provided the following information:

1. The government announced on 3 October 2000 the provision of up to $200 000 annually for subsidy funding on a dollar for dollar basis for mosquito control activities undertaken or coordinated by local government on land, including Crown land, where breeding is high and may contribute to an increased risk for the transmission of Ross River virus (RRv) infection and other arboviral diseases.

This new funding is aimed to encourage local government to address nuisance mosquito breeding on land, including Crown land, which would not normally be carried out because it is beyond the resources of the council. The program aims to improve amenity for communities adjoining heavy mosquito breeding sites. The program provides an opportunity for state and local government to work together with a common goal to reduce the impact of biting mosquitoes breeding in coastal and other natural wetland environs adjacent to nearby residential communities.

Regional Mosquito Control Committees have been formed in the Riverland and Port Pirie, and an officer of the Department of Human Services with experience in integrated mosquito management provides support to both.

2. This is a matter beyond the Human Services portfolio, however, it is understood the Minister for Water Resources has within his jurisdiction a program known as the Catchment Management Subsidy Scheme to which councils can apply for subsidy funding.

3. Chemicals recommended by the Department of Human Services for use in larval control programs include the bacterium *Bacillus thuringiensis var israelinesis* (Bti), and chemicals S-methoprene and Temephos which target specific larvicides and are considered ecologically sound. Bti and S-methoprene are the predominant currently recommended larvicides, however, Temephos is more effective in areas with dense vegetation coverage.

Bti is a bacterium occurring naturally in soils and aquatic environments globally. It acts through viable endospores and delta-endotoxin crystals which effect the mid gut wall of the mosquito larvae and causes death within 4 to 24 hours. Comprehensive toxicity studies have shown Bti to be non-toxic, non-pathogenic, non-irritant and caused no sensation on a wide variety of species including various plants, birds, mammals, non-target insects, amphibians and fish.

S-methoprene is an insect growth regulator specifically designed for aquatic habitats which acts on the larval stage of the mosquito to inhibit the morphological process between egg and adult mosquito in such a way that the adult mosquito does not emerge or is severely deformed. Application of this larvicide is by briquette, pellet and sand granule and it is not generally used for broad area control. No acute effects are known or expected from the use of this product.

Temephos is an organophosphate that is applied as a sand granule in dense vegetated areas that inhibit the effective application of liquid larvicides. It does have some effect on crustacea, molluscs and foraging water birds, however at recommended application rates toxic effects can be minimised. It has low toxicity to humans and no residuals have been detected in samples of finfish taken from the Barker Inlet. This product has shown resistance in some areas of Australia after many years of continued use and is now only used in small specific areas where other larvicides can not be effectively applied. S-methoprene sand granules have replaced this product in many programs.

The department has been operating the Torrens Island and Environs Mosquito Control Program on behalf of the Committee for over the last 30 years. It has been found that, except in explosive breeding conditions, the most effective control measure is hand spraying of identified breeding sites as this eliminates the mass application of chemicals to water bodies where breeding occurs.

Aerial spraying is very expensive, provides short-term relief and is only used in circumstances where hand control methods cannot be used to control emergence. In most cases larval treatment is only effective for up to a week as the area is usually reseeded by migrating adults from other areas. Whilst some long-term control chemicals are available for still water bodies, they are not effective in tidal or flowing waters or in water that is heavily contaminated, as found in most of the state's coastal wetland environs.

4. It is not possible to provide any guarantee that mosquito breeding can be prevented in ecologically sensitive coastal wetland environs. To prevent breeding would require the complete drainage of the area which will destroy the natural wetland environs.

Consequently, it is appropriate to put in place strategies to manage the environment and surrounding conditions to minimise the impact.

Mosquito control in South Australia is dealt with under the provisions of the Public and Environmental Health Act and is the responsibility of local Councils in incorporated areas of the state and the Department of Human Services in unincorporated areas.

A draft strategic mosquito management plan for South Australia has been prepared which includes the provision of financial assistance to local government. The plan has been sent to local government for comment and when finalised it is envisaged it will provide a long-term strategy to deal with mosquito problems throughout the state.

The government's recent funding initiative for specific high risk areas is an indication of a serious commitment to address an emerging public health issue.

5. For any mosquito program to be successful it requires an integrated approach combining direct control measures, engineering intervention strategies to prevent inflow impact on natural wetland environs and localised programs to address mosquito breeding in the residential environs, coupled with self protection measures for individuals.

The Port Pirie Regional Council has formed a mosquito control committee with representatives from the community, the Council staff and elected members, and the Department of Human Services. A field officer is employed to undertake surveillance, monitoring and control of mosquito breeding sites in and around the City of Port Pirie. All stages of the program are monitored and action is undertaken where necessary to reduce the number of adult mosquitoes. An education program is being prepared to advise ratepayers of their responsibilities and active participation by schools in the area is being encouraged.

## ARTS FUNDING

In reply to **Hon. A.J. REDFORD** (24 October).

**The Hon. DIANA LAIDLAW:** In the honourable member's question he asked whether both companies (Port Community Arts Centre and Junction Theatre Company) were aware that funding would be cut from 1 January 2000. The date in question is 1 January 2001.

In my reply to the honourable member I stated that Junction had received $87 500 and a business consultancy. Junction received $42 000 funding from the Healthy Initiatives Program, not business consultancy funding, and Port Community Arts Centre received $5 000 funding for a business consultancy.

## STATE DEBT

**The Hon. L.H. DAVIS:** I seek leave to make an explanation before asking the Treasurer a question on the subject of state debt.

Leave granted.

**The Hon. L.H. DAVIS:** My attention was irresistibly drawn to page 10 of the *Sunday Mail* of 12 November and the headline 'State debt slashed to $2 000 a head'. The article written by Michael Owen very neatly outlined the position of state debt in South Australia and made the point that, when the Liberal Party took office in 1993 after the State Bank

disaster, the Auditor-General's figures showed per capita South Australians owing $6 416 a head. As a percentage of gross state product that represented 27 per cent.

However, today, every man, woman and child in South Australia now owes only $2 006 a head in state debt. That represents only 7 per cent of gross state product, as against 27 per cent seven years ago. What is more, the state's credit rating has been raised to AA+. The article also makes the point that state debt was $8.4 billion in 1993-94 and that since then it has been dramatically reduced following asset sales of the State Bank—which of course the Labor Party had acceded to—the Central Linen Service, parts of Transport SA, SGIC, the Pipelines Authority of SA, Terra Gas Trader and, most importantly, the total package of ETSA sales, which in aggregate raised $5.3 billion. This has resulted in state debt being cut to around $3 billion.

The article said that the estimated interest savings (according to no less a figure than the Auditor-General, Mr MacPherson) were $210 million in the current year, 2000-01. The article also makes the point—and I think the Hon. Paul Holloway could well have benefited from reading this—that $1 billion of the sales returns has been spent on separation packages for public servants.

What drew my attention to the article most of all was the quote from the opposition Treasury spokesman, Mr Kevin Foley—who was shown with a particularly wild look on his face in the accompanying photograph—that the government is still running its daily budgets heavily in the red and spending more than it is earning. This puzzled me in view of the fact that many other Labor spokesmen claim that this government simply is not spending enough money. My question is: will the Treasurer comment on the accuracy or otherwise of the claim made by Mr Foley that the government is still running its daily budgets heavily in the red?

**The Hon. R.I. LUCAS (Treasurer):** I, too, was amused by the statement made by the member for Hart (Kevin Foley) in the weekend newspaper. All members who have at least taken the trouble to look at not only this budget but the last two or three Liberal government budgets (of $6 billion or $7 billion) will see that we have had a broadly balanced budget over those three financial years with a surplus—I do not have the figures with me—of about $50 million in one year, I think, a deficit of about that order in another year, and possibly this year—I think the final results will be brought down some time next week—a deficit probably smaller than that projected even at budget time.

So, we have a budget of almost $7 billion a year (for all intents and purposes, a balanced budget) contrasted with, as I have said on many occasions, the budget that we inherited in 1993-94 where the outgoing Labor administration was spending $300 million a year more than it was earning. Some difficult decisions were taken during that period, and difficult decisions have had to continue to be taken to try to ensure that, in general terms, we spend no more than we earn in terms of our budget position. For anyone to suggest otherwise is not in tune with the facts as presented by both the budget papers that the government presents and, more importantly, the audited budget statements that the Auditor-General brings down at the end of each financial year—more latterly, for the financial year 1999-2000.

*The Hon. T.G. Cameron interjecting:*

**The Hon. R.I. LUCAS:** Well, Kevin may not have added it up right. The only other point I make is that the hypocrisy of the Labor Party in this area knows no bounds. In the areas of health, education, justice and community safety we continue to see Labor Party spokespersons in parliament, at public meetings and in letters to their constituents either criticising the government for not having spent enough or committing a Labor government or Labor administration to spending more in these areas whilst, at the same time, Kevin Foley and the Hon. Mr Holloway criticise the government for its wild extravagant spending on education, health and justice.

The two Departments of Human Services and Education, Training and Employment account for significantly more than 50 per cent of the total state budget. If the Labor Party is arguing that the government is spending too much, the only way that it will be able to reign in or reduce expenditure will be to do so in the key spending portfolios, and they are Human Services, Education and Training, Justice and some others.

The full focus of the media spotlight and community spotlight are not yet on the Labor Party—and one can understand that at this stage—but as we get closer to the election both those spotlights will be turned full onto the alternative policies being put by the Labor opposition. At that stage this hypocrisy that, in some way, you can criticise every revenue and tax increase and oppose every expenditure cutback or reduction and every privatisation to reduce debt and interest costs that the government introduces and support every 18 per cent wage increase for firefighters and others on the steps of Parliament House because you want to cheer-chase in front of the unions and, at the same time, have a Leader and a shadow treasurer who promise that not only will they reduce debt but also balance the budget—

**The Hon. L.H. Davis:** And increase spending.

**The Hon. R.I. LUCAS:** And increase spending. If you believe that, you believe in fairies at the bottom of the garden.

**The Hon. L.H. DAVIS:** As a supplementary question, is the Treasurer prepared to donate to a fund to raise money for fees to enable the opposition treasury spokesperson, Mr Foley, and its financial spokesperson, the Hon. Paul Holloway, to enrol for Accountancy I at Adelaide's tertiary institutions?

**The PRESIDENT:** The Hon. Mr Davis, I do not think that has anything to do with the original question.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. R.I. LUCAS:** As much as I am attracted to the notion of making donations, there are a range of training courses available for—

**The Hon. CARMEL ZOLLO:** On a point of order, Mr President.

**The Hon. R.I. LUCAS:** —even opposition spokespersons.

**The PRESIDENT:** The Hon. Carmel Zollo, if you have a point of order you stand, and the Treasurer will resume his seat.

**The Hon. CARMEL ZOLLO:** Mr President, I believe that you ruled him out of order, as indeed you should have.

**The PRESIDENT:** I had not exactly ruled him out of order, but I made the point that the supplementary question had nothing whatsoever to do with the original question. You started to raise the point of order and then sat down. I rule that your point of order was correct.

## HOLDFAST SHORES

**The Hon. M.J. ELLIOTT:** I seek leave to give a brief explanation before asking the Attorney-General, representing the Minister for Government Enterprises, a question about the Holdfast Shores development.

Leave granted.

**The Hon. M.J. ELLIOTT:** On 17 February 1999 I asked a question on notice which requested details of the state government's involvement in the Holdfast Shores development. Eventually, on 2 May 2000, almost 15 months later, I received a reply from the Minister for Government Enterprises, as follows:

> The government contribution has been identified in the capital works budget papers throughout the course of the project. The government has made a total budget provision of $750 000 per annum for Glenelg Harbour and West Beach Haven maintenance, including dredging.

In relation to sand dredging, I note that the maintenance figure was about $450 000 greater than that claimed by the Minister for Transport on 28 September 1999 in this place when she said:

> Direct maintenance costs for dredging of the harbour to the end of June 1999 were $306 000. Future expenses for further dredging are not expected to exceed this figure.

I note also that the response from the Minister for Government Enterprises did not state how much was spent on harbour maintenance in the years 1999 and 2000, only what was budgeted. As a consequence, I lodged a second question on notice to the minister to which he replied on 20 July this year, as follows:

> It is understood that the annual funding of $750 000 has been exceeded due to a number of factors.

Still no answer was given as to how much was spent. On 18 October this year the Minister for Transport released details to the *Guardian Messenger*. The minister said that the amount spent on seaweed removal and sand dredging was $1.24 million for 1999-2000 and that the budgeted amount was $2.2 million for the year 2000-01—figures confirmed by the minister's office to the ABC just yesterday.

While I commend the Minister for Transport for finally releasing some figures to the South Australian public, I am disappointed that the Minister for Government Enterprises has refused to face scrutiny in parliament by answering questions that have been outstanding for 1½ years. Secondly, there is the issue of the state government's lack of accountability and its failure to provide me with capital works budget papers. My office made a number of requests to see the papers referred to in the minister's answer (because without those papers the answer was incomplete). These papers clarify the detail of the state government's involvement in the Holdfast Shores development and were implied to be easily available in the answer given by the Minister for Government Enterprises on 2 May this year. Up until this time I have still not been offered those papers so that they might be examined.

The response I received from the Minister for Government Enterprises on 20 July did little more than repeat the vague figures of the previous response. Even despite promises from the Treasurer's office in May that I would receive information on these issues in a week, it seems that Minister Armitage's office has not felt fit to help the Treasurer honour this promise and I am still yet to receive those documents.

It is in this context of almost 18 months of trying to get answers on the state government's role in the Holdfast Shores development that I note reports in yesterday's *Advertiser* that the state government is a joint venturer in the project. This means that the state government is responsible for carrying out environmental impact assessments, approving construction, as well as maximising profits. This raises serious questions about a potential conflict of interest. As information continues to slowly seep out through the growing cracks in the state government's cone of silence, the real situation looks increasingly like a cover-up of bungled environmental decisions and conflicts of interest rather than any attempt to protect commercial confidentiality. In fact, in a one-off venture with no future competitors it leads one to ask whether recent claims by the Minister for Government Enterprises of commercial confidentiality are indeed just an excuse for lack of accountability. My questions to the minister are:

1. When will the full details of the state government's involvement in the Holdfast Shores development be made known by the capital works budget papers being put on the public record?

2. Will the minister confirm that the budgeted cost for sand-dredging and seaweed removal has blown out to $2.2 million this year? Will the minister reassure the South Australian public there will be no further blow-outs beyond this budgeted figure?

3. What is the budgeted cost per annum for sand-dredging and seaweed removal in future years?

4. Will the minister explain to the South Australian public why the state government's role as both the joint venturer in the Holdfast Shores project and with responsibility for environmental impact assessment, and therefore subsequent approval to proceed, should not be seen as a conflict of interest?

**The Hon. K.T. GRIFFIN (Attorney-General):** I will refer the questions to my colleague in another place and bring back a reply.

## OVINE JOHNE'S DISEASE

In reply to **Hon. R.R. ROBERTS** (24 May).

**The Hon. K.T. GRIFFIN:** The Deputy Premier, Minister for Primary Industries and Resources, and Minister for Regional Development has provided the following information—

There is no doubt that Ovine Johne's Disease (OJD) is a serious threat to the sheep industry, both nationally and in South Australia.

In South Australia the sheep industry through the South Australian Sheep Advisory Group (SASAG) and the State Ovine Johne's Disease Committee have worked with the Department of Primary Industries and Resources since 1998 to determine prevalence of disease in South Australia. This has been critical for a final decision to be made on future destocking strategies on affected farms and the level of compensation that the sheep industry may have to fund.

SASAG has been determined to provide a way forward for those farmers on Kangaroo Island from restrictions for OJD which prompted the formation of the Sheep Industry Fund, which commenced collecting transaction levies in October 1999. It is expected that this fund will collect over $1 million annually, 75 per cent of which has been targeted to compensate producers whose farms are affected with OJD.

Surveillance activity at abattoirs in South Australia has been carried out over the last 12 months with over 505 000 sheep from 2 200 lines inspected for OJD. Over that period there have been no positive detections to mainland South Australia while infection has been confirmed on 9 properties on Kangaroo Island. There are presently 23 properties on Kangaroo Island quarantined for OJD.

Abattoir surveillance has given some confidence that the prevalence of OJD on mainland South Australia, if present, is very low. On 1 August it was announced that compensation would be available from the Sheep Industry Fund for those producers affected with OJD who elected to destock voluntarily by 1 December 2000.

In the event that compensation claims during 2000-01 exceed the amount available in the Sheep Industry Fund, any shortfall will be met from the BioSecurity Fund. SASAG has undertaken to repay any such calls on the BioSecurity Fund from future levy receipts flowing into the Sheep Industry Fund.

## AQUACULTURE

In reply to **Hon. IAN GILFILLAN** (11 October).

**The Hon. K.T. GRIFFIN:** The Deputy Premier, Minister for Primary Industries and Resources, and Minister for Regional Development has provided the following information—

1. The farmed seafood industry, and indeed the seafood industry as a whole, has been proactive in working to translate the principles of ecologically sustainable development into "grass roots" action. The industry has been assisted in these endeavours by the provision of training in the principles of environmental management and ecologically sustainable development through a number of training providers. These training providers include Spencer Institute of TAFE, Seafood Training Australia, Australian Maritime College, Australian Fisheries Academy, Seafood Training SA and Flinders University. Seafood Training Australia, in particular, offers flexible training targeted specifically at existing industry participants.

2. The training undertaken by individual tuna farmers is rightfully each person's private concern. The Fisheries Act 1982 prohibits the disclosure of private information relating to individual licence holders. However, I note that a number of tuna farmers employ qualified marine biologists to assist in the management of their farming operations.

The government has worked closely with tuna farmers to facilitate the adoption of ecologically sustainable practices by the sector. I am pleased to advise the honourable member that this has resulted in at least one tuna farmer progressing towards environmental quality assurance accreditation under the ISO14000 standard.

3. This type of training is readily available to the aquaculture industry.

4. I note that the Environment Protection Authority provided advice to the Development Assessment Commission in relation to the tuna farming approvals that were subject to the recent case before the Environment, Resources and Development Court. This advice related to the ecological sustainability of the developments and was provided under the referral provisions of the Development Act 1993. The Environment, Resources and Development Court considered that advice and officers of the Environment Protection Agency provided evidence to the Court in those proceedings.

In addition to responsibilities for environment protection under the Environment Protection Act 1993, the Environment Protection Authority is responsible for promoting the pursuit of ecologically sustainable development by the government, private sector and public and conducting education in relation to environmental protection, restoration and enhancement. This role is general and is not specifically limited to any particular form of development.

In reply to **Hon. IAN GILFILLAN** (12 October).

**The Hon. K.T. GRIFFIN:** The Deputy Premier, Minister for Primary Industries and Resources, and Minister for Regional Development has provided the following information—

In responding to the honourable member's question I will give some historical context to my comments.

In March 1999, the Development Assessment Commission (the DAC) granted development consent for the establishment of six tuna farms in the waters adjacent to Louth Bay in Spencer Gulf (the development).

The decision was appealed by the Conservation Council in the Environment, Resources and Development Court (the ERD Court) on the grounds that the development was not ecologically sustainable. During the appeal the DAC argued that it was appropriate to manage the development under an adaptive management regime to ensure ecological sustainability. It was further argued that the appropriate adaptive management regime can be achieved through conditions of a fish farming licence issued pursuant to the Fisheries Act 1982. The ERD Court agreed that an "adaptive management approach, implemented by way of licence conditions…is one means by which the development could proceed in an ecologically sustainable manner". However, the ERD Court ruled that the fish farming licence could not guarantee the ecological sustainability of the development. This point was not argued during the hearing and neither the Conservation Council nor the DAC had the opportunity to put their respective cases. In reaching that decision the ERD Court ruled that "it was not necessary for us to consider the nature of the conditions which might be imposed by the Minister upon a section 53 [fish farming] licence".

The Supreme Court of South Australia reviewed the matter on appeal and in August 2000, set aside the ERD Court's decision. In setting aside the decision the Supreme Court ruled that the ERD Court erred in its interpretation of fish farming licensing powers under the Fisheries Act. That is, the Fisheries Act could provide appropriate powers to ensure the ecological sustainability of the development. Since the Supreme Court assessed the law associated with the decision rather than the merit of the development the matter was remitted to the ERD Court for further consideration in light of the Supreme Court's findings.

In remitting the matter to the ERD Court the Supreme Court recommended that the most practical course would be to consider the terms and conditions of the relevant fish farming licence and then to determine whether development consent should be granted. This was the approach supported by the government since the ERD Court had not considered the conditions that could be imposed on a fish farming licence and whether those conditions could ensure ecological sustainability. However, the Conservation Council argued that the ERD Court should not hear further evidence and should simply refuse development consent. As we know this was the course the ERD Court elected to take.

The ERD Court was clearly at liberty to determine the appropriate course for the matter before it. Nonetheless, I am frustrated that the developments were rejected not because they could not be managed in an ecologically sustainable manner but because the Court had not had the opportunity to consider how ecological sustainability could be ensured.

In the interview referred to by the honourable member I reiterated the government's commitment to managing the aquaculture industry in an ecologically sustainable manner. I also indicated that I was annoyed that the legal system is being used to frustrate development and job creation in rural areas. The tuna farming industry has created more than 1 600 jobs on Eyre Peninsula. This significant contribution to South Australia's rural economy is being put at risk not because the industry is not ecologically sustainable, the Supreme Court has already ruled that it could be managed sustainably, but because the ERD Court has not considered how the industry will be managed sustainably.

The Conservation Council effectively argued that the Court should not have the opportunity to consider whether the development was ecologically sustainable despite "not being against sustainable aquaculture development". I believe that a recent headline in the Conservation Councils Briefs of October 2000 "Tuna on the run—CCSA wins" is disappointing considering that all parties should be working together to achieve outcomes that are sustainable and in the best interests of the state.

1. I believe that my comments were justified, but were certainly not directed personally at Mr Marchant, and until Mr Gilfillan's question I was unaware of his involvement in the Court cases. Mr Gilfillan in his question quotes me as accusing Mr Marchant of certain things. These are the words of Mr Gilfillan, not me, and do not reflect any view that I have held of Mr Marchant.
2. Mr Marchant was invited to join the government's community reference group on aquaculture as a representative of South Australia's conservation interests. His input into identifying those issues of concern to conservation groups has been welcome.

## MAD COW DISEASE

In reply to **Hon. T.G. ROBERTS** (24 October).

**The Hon. K.T. GRIFFIN:** The Deputy Premier, Minister for Primary Industries and Resources and Minister for Regional Development has provided the following information—

The commonwealth government, through the Australian Quarantine and Inspection Service (AQIS), is responsible for ensuring that contaminated products do not enter Australia from overseas.

Import Risk Assessments have been performed by Biosecurity Australia (formerly part of AQIS and still part of the commonwealth government) in conformance with the guidelines of the World Trade Organisation and the International Sanitary-Phystosanitary Agreement.

Live ruminants and high risk materials such as nervous tissue are not imported from countries where bovine spongiform encephalopathy (BSE or mad cow disease) exists.

There is no evidence that semen can carry the BSE agent and therefore it is not restricted because of it. The same applies to dairy products.

All other products, including those for human consumption must meet the conditions that were determined by the risk assessment to ensure Australia's appropriate level of protection.

## MOTOR VEHICLES, REGISTRATION

**The Hon. CAROLINE SCHAEFER:** I seek leave to make a brief explanation before asking the Minister for Transport a question about motor vehicle registration via the internet.

Leave granted.

**The Hon. CAROLINE SCHAEFER:** The minister will recall that for some time I have had an interest in making methods of vehicle registration more accessible and easy for those in remote areas, and particularly since more and more areas are being offered points of presence and online facilities the internet would seem to me to be a convenient method of registration. I recall that in 1998 the government launched a pilot project based on these technologies for the payment and processing of motor vehicle registration. Can the minister give the Council an update as to whether that pilot project is still in process, or whether in fact it has moved on to a more permanent method of vehicle registration?

**The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning):** I am able to advise the honourable member that the pilot project has been exceedingly successful and we are now able to extend the internet facilities provided by Transport SA for people who wish to register their motor vehicles and renew their registration, in particular via the internet.

Since the pilot project commenced in June 1998 until now, the internet hours have been 8 a.m. to 9.30 p.m., Monday to Friday, excluding public holidays. Because of changed arrangements within TransAdelaide with the processing of registration forms after-hours, we are now able to extend internet servicing provisions. People will now be able to renew their registration between 5.30 a.m. and midnight, Monday to Friday. This represents a 37 per cent increase in access for people wanting to renew their registration with Transport SA. An average of 130 people per day use the internet for renewal purposes; that is, on average, 2500 per month.

I am advised that, for people who are concerned about using their credit card in terms of these renewal transactions over the internet, a high-level encryption device has been incorporated into the internet site to protect credit card details from unscrupulous users. I am particularly pleased that Transport SA has been able to prove that the internet is a successful means by which people can deal with Transport SA and that it has been able to extend its operating hours by some 27 per cent.

It is an issue in terms of the opening hours of government offices generally (and particularly with our service centres such as Transport SA registration and licensing facilities), so the internet is one way in which we can provide much greater service. I hope with the extension of hours that we will see many more people take advantage of this facility in the future.

## POLICE COMPLAINTS AUTHORITY

**The Hon. T.G. CAMERON:** I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Police, questions regarding the Police Complaints Authority.

Leave granted.

**The Hon. T.G. CAMERON:** I have received a letter from a Mr Con Loizou regarding his treatment by police from the Sturt police station, and the follow-up by the Police Complaints Authority. The facts are as follows: Mr Loizou was returning home after shopping and was driving south along South Road with his dog when he was flagged down by an officer from a random breath testing unit. Mr Loizou was pulled over and his vehicle was encircled by police officers who were attracted by the noise of his barking dog. Mr Loizou was told to step outside his vehicle to blow into the breath testing unit. Mr Loizou suggested to the officers that, due to his dog's agitated state, it would be better if he could blow into the machine without leaving the car, as his dog may jump out of the car to protect him. The officer agreed, as by now the dog was stirred up by the police officers surrounding the car.

It was then the officer Mr Loizou is complaining about emerged. He demanded that Mr Loizou get out of the car immediately and be breath tested. Mr Loizou again requested to be breath tested without leaving the car and explained that he was worried about the dog jumping out. This officer told Mr Loizou that if he did not get out immediately he would be arrested and if the dog got out it would be shot dead, and the officer patted his hand gun. Mr Loizou asked whether he could drive his car a few metres past the standing police, so that he could get the police out of the dog's view. This request was also denied. At that point another officer approached with a breath testing unit and handed it to Mr Loizou through the car window. He blew into it with a negative reading. The whole time the poor dog was barking at the police and had worked itself into a real state. Mr Loizou believes that this could have been avoided if a little commonsense and courtesy had prevailed. He believes that the officer acted in a rude, arrogant, offensive and aggressive manner.

The core concern is the complete obsession that the police officer had in getting Mr Loizou out of the car to be breath-tested, knowing full well that the agitated dog was almost certain to defend his master. Mr Loizou is 62 years old and is on blood pressure medication. He states in his letter that it was only luck that the incident did not cause him to have health problems. Mr Loizou has been breath-tested on four or five previous occasions, and on each occasion the breathalyser was handed to him whilst he was seated in his car.

Mr Loizou is very annoyed at the manner in which this matter has been investigated by the Police Complaints Authority. He believes that it has treated his case in a dismissive and arrogant manner. I have a copy of Mr Loizou's letter and correspondence from the Police Complaints Authority which I would be happy to supply to the minister. My questions are:

1. Will the minister investigate all the matters raised by Mr Loizou in this case, including the threat to shoot his dog and the disrespectful manner in which he was treated by the police, and bring back a full report?

2. Will he also investigate the actions taken by the Police Complaints Authority?

**The Hon. K.T. GRIFFIN (Attorney-General):** I will certainly refer the questions to my colleague in another place and bring back replies. With respect to the honourable member's question about investigating the way in which the Police Complaints Authority dealt with the matter, I am the minister responsible for the Police Complaints Authority, who is an independent statutory officer, so I cannot give the Police Complaints Authority any direction. Rather than that

part of the question going to the Minister for Police, it is more appropriate that I address the issue.

I will certainly be referring the content of that question so far as it relates to the Police Complaints Authority to the Police Complaints Authority. I will look at that and certainly bring back a reply with respect to that issue. With respect to the other matters, as I said, I will refer them to the minister in another place and bring back replies.

## PROPRIETARY RACING INDUSTRY

**The Hon. A.J. REDFORD:** I seek leave to make an explanation before asking the Minister for Trade and Industry a question about job and investment claims.

Leave granted.

**The Hon. A.J. REDFORD:** I have had a flurry of correspondence and have read letters concerning the economic benefits and, in particular, claims about the number of potential jobs there might be if the proprietary racing industry actually starts in South Australia.

*The Hon. L.H. Davis interjecting:*

**The Hon. A.J. REDFORD:** For the benefit of the Hon. Legh Davis, 'flurry' means lots of. In the *South-Eastern Times* yesterday, it was claimed that the proprietary racing industry would bring tens of millions of dollars of investments into this state. The article went on and said that thousands of jobs would be created by this industry. In fact, I must say that, in some surprise to me, the article further claimed that a St Vincent de Paul report supports the establishment of the proprietary racing industry and any legislation that might assist it that might come before this place in the near future.

I recently received a letter from the Millicent Business Community Association in which it is claimed that some 400 to 800 jobs will be created with the establishment of this industry. Today I received a letter from the Australian Racing Quarterhorse Association asserting that 1 000 to 2 000 jobs might be created as a result of the proprietary racing industry. I note that the entire poker machine industry in this state has created only 4 000 jobs throughout South Australia, and that gives some cause to wonder whether these claims might be sustained. My questions are:

1. Is the minister aware that a St Vincent de Paul report supports the establishment of a new gaming industry, and does this come as any surprise to the minister?

2. Has the minister any idea how many jobs might be created should a proprietary racing industry be established in this state?

3. Will the minister explain how the government determines the veracity of job creation claims by local officials and/or those who seek to establish such an industry?

4. Is there a process by which the government can independently check these types of claims for job establishment, to avoid what some might describe as a cargo cult mentality that exists in some parts of this state?

5. In relation to the assertion regarding the investment of tens of millions of dollars, is there any evidence that any money is forthcoming or available to be invested, and have the proponents of those projects invested anything like the money that they have claimed over the past five years, either in this or in any other industry?

*The Hon. R.R. Roberts interjecting:*

**The Hon. R.I. LUCAS (Treasurer):** I am sorely provoked by the Hon. Ron Roberts but will not take up the invitation. I would have to say that, whilst I am a known supporter of providing gambling options to South Australia, some of the proponents of proprietary racing are indeed much more bullish than I would be in relation to the claimed number of jobs and dollars to be invested. At the outset, however, I must say that I do not profess to be an expert on proprietary racing; others in the government are better placed than I to speak eloquently and articulately on the virtues or otherwise of proprietary racing.

I must admit that I have been interested in some of the publicity from the South-East. If indeed just a minor proportion of the claims are true, I know my brother-in-law and fellow teachers at the Millicent High School will be delighted, and I am sure the Hon. Terry Roberts will also be delighted, because all current and future unemployment for many years to come will be mopped up by the advantages of the jobs being provided from proprietary racing options. From that viewpoint, whatever the actual numbers of jobs end up being, I am sure the Wattle Range Council and others in Millicent will be grateful for whatever number of jobs might eventuate from a particular development. But, being a conservative member of parliament I am cautious—

**The Hon. A.J. Redford:** Do you think they might be overstating it? Do you think there is a risk of that?

**The Hon. R.I. LUCAS:** All I would say is that I think they are more bullish than I would be, and indeed I have heard others. I would not want to overstate my position at this stage, but I think one needs to be cautious about some of the claims from the proponents, not just in recent times but also over the years, right from the first germ of an idea we heard about this some years ago, during and leading up to the 1997 state election campaign. I repeat: even if the numbers are somewhat less than those that are being claimed by the proponents, I am sure that country communities such as Millicent will welcome even more modest job growth from such developments.

**The Hon. L.H. Davis:** If they get it up and running Ron Roberts could have a horse called 'Interjection'.

**The Hon. R.I. LUCAS:** I think Mr Roberts will be looking for any venue at which some of his horses and others can perform, given some of their performances over recent times. As to whether the Department of Industry and Trade has had a closer look at some of these issues and whether it is in a position to provide any further information, I will need to take advice to see whether or not it has done any work and whether it is able to provide any greater clarity on the number of prospective jobs. It is a bit difficult in these circumstances to be able to accurately put an alternative figure on the table, but I am prepared to take up the issue with officers in the department and see whether or not it is possible to provide any more detailed information for the member.

**The Hon. A.J. REDFORD:** I have a supplementary question. Will the government consider the establishment of or referral to an existing select committee to check and assess the economic benefits and job benefits to South Australia of this industry and any potential downside, such as losses of economic benefit and job benefits to the racing industry?

**The Hon. R.I. LUCAS:** I am not a great personal supporter of hiving off lots of things to select committees. We have seen some problems with such committees reporting with any useful information within a time frame that might allow members of parliament to make a decision. However, this bill is not my responsibility. I am happy to refer the honourable member's question to the minister responsible, get a reply and bring it back for the honourable member's benefit.

## PUBLIC SECTOR UNIONS

**The Hon. R.K. SNEATH:** I seek leave to make a brief explanation before asking the Minister for Workplace Relations a question about payroll deductions for state government workers.

Leave granted.

**The Hon. R.K. SNEATH:** Some time ago this government made a decision that required unions to re-sign state government workers to payroll deductions every 12 months. Recently the Premier, the Treasurer and other government members have praised trade unions, especially when they have been attempting to attract businesses to South Australia, citing South Australia's low rate of industrial action over the past 10 years, and it has been a good tool to attract business to South Australia.

The continuity of membership as far as workers and union members go is affected greatly by trade unions having to sign them up every 12 months. It has not had a great effect on the union movement but it has had an effect on the members because, if members miss two or three months because they did not re-sign, did not receive the form or did not send it back, the relevant department does not take out the membership dues and that causes a lapse in membership. Such members then get an account from the relevant union for a larger amount to fill up that gap. If the members do not pay it, that could be detrimental in their having a say in trade union elections. I am sure that the minister does not want trade unions or their members to be treated differently from anybody else in the community, so my questions to the minister are:

1. Are the requirements for payroll deductions the same for other organisations such as insurance companies, hospital benefits and the RAA as they are for unions?

2. Are such groups required to re-sign their members every 12 months?

3. If not, does the minister intend to review this with the intention of allowing trade unions the same privileges as are extended to others and, if not, why not?

**The Hon. R.D. LAWSON (Minister for Workplace Relations):** I begin by saying that I certainly agree with the sentiment in the honourable member's question about the attractiveness of South Australia as an investment destination by reason of its low incidence of workplace disputation and hours lost in consequence of that. This government is certainly not anti-trade union. We would encourage a vibrant trade union movement in this state, but the requirement that unions re-sign members on an annual basis is one that is based upon the principle of freedom of association. Members of this place will know that it is common practice for organisations to write each year inviting members to renew their subscription and explaining to members the benefits they might have obtained by being in the association during the previous year and what is planned for the next year. Similarly, with trade unions, it is incumbent upon them to ensure that they maintain contact with their members and that their members seriously do see the benefits of remaining members of the particular union. It is for that reason that we believe it is appropriate that unions should give their members an annual opportunity to remain a member.

The honourable member talked about whether other organisations such as insurance companies, health funds and the RAA are in some way treated differently from trade unions in relation to payroll deductions. I do not have the detail in relation to those particular private arrangements, but I will certainly seek information and bring back a further reply in due course.

## ADAM PROJECT

**The Hon. SANDRA KANCK:** I seek leave to make a brief explanation before asking the Minister for Disability Services a question about the ADAM project on Eyre Peninsula.

Leave granted.

**The Hon. SANDRA KANCK:** At present, there is no accommodation on the West Coast and Eyre Peninsula to house people with an intellectual disability. Parents and carers are forced to send their loved ones away either to Whyalla or beyond to cater for their high dependency needs, which is both distressing and expensive for the families concerned.

Two years ago, a public meeting was held to assess the need for disabled accommodation on Eyre Peninsula. There was found to be a significant need and the Assisted Disabled Accommodation Project (ADAM) was borne from this meeting. A steering committee was formed with representatives from the intellectually disabled and their family and friends and relevant community organisations. Two meetings were held with the Hon. Robert Lawson and he asked the committee to provide evidence of the need for the service and to show community support and compare facilities within the state. As a consequence, a survey was conducted and it demonstrated a significant need—60 people wishing to access the service if and when it were to become available.

The committee visited a comparable facility in Victor Harbor. A submission was then prepared for an eight bedroom, high needs facility with staff available from 3 p.m. to 9 p.m. daily. At this point the Housing Trust had also identified suitable premises with four double unit trust homes. The service would also have included respite and emergency care. The tenants would access day options or the Moving On Program between the hours of 9 a.m. and 3 p.m.

The ADAM project proposal was submitted in December 1999. The committee was told that, as there is no accommodation for people with an intellectual disability on the West Coast, the application would be looked upon favourably. They were also told to expect a decision on the matter as early as February 2000. A decision was not made in February 2000. The ADAM committee was then told that a decision would be forthcoming by the 2000 budget yet this had not occurred by the end of June. It is now the middle of November and a decision has still not been made.

In the 2000 budget, the government acknowledged $12 million for supported accommodation yet the ADAM committee has still not received a reply from the Department of Human Services or the Intellectual Disability Services Council. When the organisers contacted Ms Liz Penfold, the member for Flinders, to arrange a time to meet with Minister Lawson, they were told it would be 'a waste of time for six months'.

As a result of these delays, the Housing Trust premises originally identified are no longer available, and the ADAM committee is left bewildered as to the status of its project. My questions are:

1. Why should a person with an intellectual disability have to leave their community (including their family) to access care in an alien environment away from their loved ones?

2. What has happened to the money allocated from the 1999 and 2000 budgets to address the needs of the intellectually disabled in rural and regional South Australia?

3. What is the cost benefit analysis of the $12 million budget allocation, including the percentages allocated to rural and regional areas?

4. Why has the minister been slow in responding to the ADAM project submission?

**The Hon. R.D. LAWSON (Minister for Disability Services):** I reject the notion that I have been slow in responding to the ADAM project proposal. In fact, I met with Ms Moira Shannon at Port Lincoln prior to the establishment of the steering committee. I was most encouraging of the committee's efforts because I know that in some other parts of South Australia there have been successful community organisations established for the purpose of providing accommodation for people with disabilities (not only intellectual disabilities but also physical disabilities). In my view it is important for there to be a strong community organisation behind services of this kind. It is not simply a matter of handing over these services to a government organisation such as IDSC and expecting it to run the service appropriately. It is vitally necessary for there to be community involvement, and I commend the members of the ADAM project steering committee for their commitment.

I am surprised to hear the honourable member say that there was any suggestion that it would be a waste of time seeking a meeting with me for six months. In fact, I have on a number of occasions seen Ms Shannon and other persons who are promoting this project. However, all the details will have to be worked through if there is to be a vibrant service that provides the sort of accommodation that is needed as well as other support for people with disabilities.

This matter is within the purview of the Intellectual Disabilities Services Council. It is true that, in the additional budget allocation this year of not $12 million but $6 million from state funds and $4 million from commonwealth funds, attention is being paid to how those funds can be most appropriately applied. By and large, in respect of disabilities, we look at the needs of particular individuals and, where additional funds are allocated, it is the desire of the government to ensure that those funds go to support individuals and families in greatest need. That does not necessarily mean that a particular region, whether it be Eyre Peninsula or Lower Eyre Peninsula or anywhere else will be allocated funds. Our primary responsibilities are to those families and individuals who are in the greatest need.

I hope that in the ongoing examination that is presently being undertaken within the Disability Services Office and the Intellectual Disabilities Services Council an appropriate level of funding (in combination with the Housing Trust and other community groups) will be available for the purpose of ensuring that the ADAM project gets under way and that there are additional accommodation places for people with disabilities in the Port Lincoln area.

The plan of the steering committee is to establish a facility of eight bedrooms. We are not currently establishing institutions of that size. We prefer to establish group homes for between four and five persons to provide a non-institutional home-like setting for individuals. It is important that we do not seek to re-create what were, in the past, institutions which do not give the best quality of life for the individuals concerned. In recent weeks I have not received a report on the developments in relation to ADAM, but I will seek a further report. I assure members of the steering committee that a prompt response will be sent from the department and the IDSC to the latest correspondence, which I must say I have not seen.

## INDEPENDENT GAMING CORPORATION

**The Hon. NICK XENOPHON:** I seek leave to make a brief explanation before asking the Treasurer a question about the Independent Gaming Corporation.

Leave granted.

**The Hon. NICK XENOPHON:** Page 430 of the Auditor-General's Report refers to the fact that the IGC has been established pursuant to the Gaming Machines Act to monitor gaming machine operations at licensed venues and has, with the Treasurer's approval, set a charge on licensed gaming machine operators to provide for the ongoing cost recovery of its operations. My questions are:

1. Does the Treasurer agree with the Auditor-General's assessment as to the scope of the role and the charges imposed by the IGC?

2. What degree of overview does the Treasurer's office have over the operations of the IGC, in particular the costs raised by the IGC associated with the monitoring of gaming machine operations?

3. Does the Treasurer concede that costs recovered by the IGC should be limited to monitoring costs only and associated administrative costs, and what has been the extent of any surplus over the past three years with respect to the IGC's operations?

4. What material and criteria does the Treasurer take into account before setting the charges the IGC can levy?

5. Given that similar matters were raised in this place on 11 October, will the Treasurer indicate an approximate time line for responding on this and related issues?

**The Hon. R.I. LUCAS (Treasurer):** I will need to refresh my memory as to the statements the Auditor-General has evidently made in his report on this issue. I am happy to do so, to get advice expeditiously and, in response to the honourable member's last question, get back to him as soon as possible.

## PETROL PRICES

**The Hon. P. HOLLOWAY:** My question, which relates to petrol prices and follows on from the reports in the media a week ago, is to the Treasurer. Can the Treasurer detail exactly what was agreed as a result of the COAG meeting in relation to petrol pricing? Given that COAG has agreed to reconvene on this subject in the middle of next year, can the Treasurer detail the terms of reference for that meeting and say whether it will include a review of the structure of petrol pricing?

**The Hon. R.I. LUCAS (Treasurer):** I am happy to refer that question to the Premier and bring back a reply.

## CONSULTANCY FEES

In reply to **Hon. L.H. DAVIS** (29 June).

**The Hon. R. I. LUCAS:** The total costs for the State Bank Royal Commission and Auditor-General's Inquiry were recorded as $4.5 million in 1990-91, $21.5 million in 1991-92 and $8.9 million in 1992-93. It should be noted that many of these costs were not incurred directly, but were absorbed within agency budgets.

The Taskforce for the Corporatisation of the State Bank and the BankSA Sales Task Force Unit recorded total expenditure of $20.5 million, including public service salaries, legal costs and consultancy fees. Expenditure on consultancy fees was $2 530 000 in 1994-95, $5 339 382 in 1995-96, and $353 977 in 1996-97.

Separate figures for expenditure on consultancy fees for 1992-93 and 1993-94 were not available.

The lead consultants employed to facilitate the SAGASCO sale earned fees of $323 106. This was made up of $195 650 of hourly rates, $115 940 transaction fee and $11 516 out of pocket expenses. In addition, legal advisers were appointed and earned $146 444 in fees.

Beyond May 1993, advisers were not appointed by the government to assist in the sale of the remaining shares. Most of the negotiations at this stage were led by a senior adviser from the premier's office.

It should be noted that there were no 'losses' incurred by SAGASCO that required injections of government funds.

Consultants' fees in regard to the sale of SGIC have been estimated based on an aggregation of individual consultants' fee structures. There were six main consulting bodies identified throughout the process employed at various stages from April 1994 to the completion of the sale on 30 November 1995.

Treasury and Finance estimates total consultants' fees throughout the sale process to be in the order of $2.7 million. This represents approximately 1.6 per cent of the total sale price achieved ($169.9 million). However, it has not been possible to locate all documents to confirm these figures.

In relation to the sale of Forwood Products Pty Ltd, a total of $1 575 030 was attributed to consultants' fees, composed of 14 consulting bodies. This figure represents 1.21 per cent of the sale price of the asset.

## GAMBLING RESEARCH

In reply to **Hon. NICK XENOPHON** (4 October).

**The Hon. R. I. LUCAS:** The main findings of the KPMG Report of the 1999 Longitudinal Community Impact Study as set out in its executive summary are consistent with the Productivity Commission's report Australia's Gambling Industries released in November 1999:

- 11 per cent of adult respondents said that they or a member of their family had experienced difficulties with excessive gambling;
- The vast majority of residents (98 per cent) are at no risk of problem gambling;
- Most people were found to play gaming machines for social and entertainment reasons and derive a recreational benefit from this activity. To significantly restrict access to poker machines could therefore reduce these benefits;
- Half of those surveyed had participated in gambling in the last six months, despite widespread disapproval of gambling; and
- Significant investment in clubs and hotels has occurred in recent times, and the introduction of gaming machines has been a key factor in underpinning the viability of such investments.

The survey attempted to differentiate itself from the broader role of the Productivity Commission report by comparing specified regions within Victoria. While KPMG noted their small sample size may have impacted on the assessment they conclude that the survey found no significant differences in gambling patterns between regions.

This study has not provided significant new information for guidance in making gambling policy decisions.

The benefits of undertaking such a comprehensive study in South Australia when it is unclear and even unlikely that any new light would be shed on the social impacts of gaming would need to be weighed against the significant costs associated. I reiterate the comments made in my initial response on 4 October in saying that the cost of such a study is better spent on providing services to those with gambling problems.

## GAMING MACHINES

In reply to **Hon. NICK XENOPHON** (11 July).

**The Hon. R. I. LUCAS:** I understand that the commissioner has already advised the honourable member of the availability of information in relation to details of past major prizes.

The commissioner's powers under condition (g) of Schedule 2 of the Gaming Machines Act relate to giving directions to the holder of the gaming machine monitor licence in relation to monitoring all gaming machine operations conducted pursuant to this Act.

This does not extend to requiring the licensee to provide information for research and statistical purposes.

I also understand that the time, work and cost associated with assessing past major prize payouts is considerable. Further, the monitoring system only records significant wins of $1 000 or more and information in relation to wins of $500 or more is not available—except as part of the total win figure for each gaming machine.

Information regarding major prizes and games played is not routinely provided to the Office of the Liquor and Gaming Commissioner. Any change to do so would impose additional administrative overheads upon both the IGC and OLGC.

You also sought my view with regard to the release of information to consumers on the likelihood of winning a particular prize or jackpot. As a matter of principle I support the provision of information which will help players make reasoned intelligent decisions on gaming options.

The government, through a range of interjurisdictional forums, is currently considering issues associated with the provision of improved information to gamblers. It is important that information provided to gamblers is useful and is in a form that encourages responsible gambling. Further action or decision in this area, with regard to major prizes or otherwise, will await the outcome of these discussions.

## STATE BUDGET

In reply to **Hon. P. HOLLOWAY** (11 October).

**The Hon. R. I. LUCAS:**

1. Cabinet took the decision not to pursue the measurement of outcomes in the 2000-01 budget.

2. The decision not to pursue the measurement of outcomes was part of a strategy to improve performance measures within existing reporting frameworks (ie outputs and output classes) before adding a new layer (ie outcomes). Further improvements are needed in this area and these will be continued to be addressed during the next 12 months.

## ELECTRICITY, PRIVATISATION

In reply to **Hon. P. HOLLOWAY** (5 July).

**The Hon. R. I. LUCAS:** A calculation to estimate the cost of departmental officers reviewing and correcting the Electricity Pricing Order (EPO) has not been undertaken by the Electricity Reform and Sales Unit. Any estimation would now require an arbitrary allocation of the relevant officer's time, because as full time officers they did not keep a record of the time spent on the task. In any event, as full time employees of the government, the state did not incur any additional expense.

However, I can confirm that the total cost (approximately $127 000) of the consultants undertaking the audit of the EPO, providing the government with private legal advice on potential liability associated with the mistakes and undertaking the required rectification work has been voluntarily met by the consultants.

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## ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 9 November. Page 395.)

**The Hon. R.I. LUCAS (Treasurer):** I thank members for their contributions to the Address in Reply debate. This is one of the opportunities that members of parliament have to range far and wide, as their heart takes them, to address issues that are of importance to them and their constituencies. Certainly, as I have again read back in the last few days on the contributions from members, there has been wide ranging contribution from members on a significant number of issues. As is the tradition—I am not in a position and time does not allow me to respond to all the issues that were raised by members—there are a number of contributions I want to comment about.

From the outset, I congratulate the Hon. Bob Sneath on his maiden contribution to the parliament. Members treated the

maiden speech with the respect that maiden speeches deserve: there was no evident interjection during the Hon. Mr Sneath's contribution to the Legislative Council. Government members all welcome him to the Legislative Council, as we have done informally and privately. I do so publicly in the Address in Reply debate in acknowledging his contribution to the debate and the range of issues he canvassed.

It was of some interest to many of us to hear some of the stories relating to his history in working with workers within the union movement over many years. His experiences in the South-East were of some interest to a number of members in this chamber, in particular to those who have had some long-standing connection with other parts of the South-East, I am sure not the least of whom is the Hon. Terry Roberts with his connection to Millicent and surrounding areas.

I was also pleased to hear the Hon. Bob Sneath's strong defence—I was going to say passionate defence, but perhaps that is too strong—of politicians and their families. We welcome that because he, perhaps with not all but most of the other members of this chamber and another chamber, and maybe our mothers and fathers if they are still alive and possibly some of our children, but not all, are probably the only living beings in South Australia who have that point of view. I agree with the Hon. Mr Sneath that, whilst it is probably the reality, it is indeed a sad indictment of the noble profession that all of us have chosen to pursue and the important work that we all know is achieved by members of parliament, whether as members of government or opposition parties.

All I can say to the Hon. Mr Sneath is that we welcome his view now. Any ongoing influence that he might still have with some of his erstwhile union colleagues who are trotted out whenever the latest members' of parliament salary increase occurs would be welcomed. As we saw over the weekend, because the remuneration tribunal is looking at the extent of electorate allowances of members of parliament in terms of servicing their electorates, this was portrayed by one section of the media as another greedy cash grab by members of parliament who have already had a salary increase earlier this year and—shock, horror—there will be another salary increase in 12 months.

I am not sure—and the Hon. Mr Sneath can inform me later—but I do not think there are any other working members of the South Australian working community who do not have some expectation that perhaps once a year or certainly once every couple of years the enterprise agreement or the current structure for renegotiating a salary is reviewed and considered again. If you happen to be lucky enough to have an enterprise agreement, it is at the end of a two or three year period; if you are like the rest who rely on either a tribunal or something else, it is whenever that tribunal or body meets to look at the particular remuneration package for those concerned.

As I said, I think it is a forlorn hope, but any influence the Hon. Mr Sneath has with his former colleagues would not go astray. It will be an interesting test because his former colleagues who have gone before him, like the Hon. Ron Roberts and the Hon. Terry Roberts, and others who have come out of the union movement, seem, sadly, to lose influence with spokespersons for the union movement when it comes to commentary on these particular issues.

*An honourable member interjecting:*

**The Hon. R.I. LUCAS:** Well, maybe that is it. The challenge is there for the Hon. Mr Sneath to take up the cudgels on his comrades' behalf, and we can all be comrades with him in this—

**The Hon. T.G. Roberts:** Make him a rep.

**The Hon. R.I. LUCAS:** Well, the Hon. George Wetherill was our union rep before. I think he was self appointed and with it did come the task of providing the barbecue at the pollies versus media cricket day lunch. But if the Hon. Mr Sneath has skills in this area I am sure the Hon. Mr Roberts and others will consider him favourably for the honorary position of union rep, for the members of parliament. Again, I thank the Hon. Mr Sneath for his contribution and I welcome him to the chamber. Whilst I am sure there will be the odd occasion when we disagree, I am sure he will come to realise that people who have spent long periods in the South-East can agree on more issues than disagree and I look forward to working with him on shared objectives for South Australia's future.

I also want to congratulate my colleague the Hon. Julian Stefani on his contribution. I again acknowledge his ongoing contribution to many areas in the South Australian community. He is well known for his long-standing activity with certain charities and also with our ethnic communities in South Australia. In particular, I acknowledge the Settlement Square Project and his contribution to that. Late at night when I am still doing my dockets I get a fright when I hear this familiar voice talking about the Settlement Square Project, and I look up from my books and there is Julian Stefani presenting, as the public face, the commercial for the Settlement Square Project.

It has been a fine project, one to which he has given his heart and soul. It has been very successful and will continue to be so. Having attended two or three functions at the Migration Museum in the past six months, I know that the many people who visit that area are mightily impressed by the project. Indeed, it is something that we all ought to have a look at, as the Hon. Mr Stefani has done, in terms of celebrating the contribution that his parents in particular made to settlement in South Australia and to the South Australian community. I am sure there are many other members of the Legislative Council and the House of Assembly who, similarly, in looking at their family's history might also like to be part of the Settlement Square Project.

In relation to the contribution made by the Hon. Mr Paul Holloway, the shadow minister for finance, made a number of comments, as you would expect, in relation to the Auditor-General's Report, and referred to comments made by my former colleague, Bob Such. I must admit that my colleague the Hon. Angus Redford put it very succinctly and accurately when he commented that he thought that perhaps his recollection of events in the Liberal Party party room and the Hon. Mr Such's were not consistent and that he did not put too much more of a fine point on the member for Fisher's recollections of his attitude on a variety of issues that he has now publicly indicated some concern with and some difference of opinion with the government.

I guess that, when we come to debate some of those issues in particular, some of us will be able to recall with some clarity, in some detail and with some degree of accuracy Dr Such's position on a number of those issues on which he is now professing to have a different view, and some of us, having been a fellow member of cabinet with Dr Such, can back it up with documentation.

*The Hon. T.G. Roberts interjecting:*

**The Hon. R.I. LUCAS:** The Hon. Mr Roberts indicates that that is true. It is almost 30 all. The Hon. Mr Cameron and

the Hon. Mr Crothers have left the Labor Party, and we in the Liberal Party have lost Mr Lewis and Dr Such. There is a question mark remaining in relation to Mr Ralph Clarke, and Mr Murray DeLaine perhaps to a lesser degree.

The Hon. Mr Holloway made some comments, but my interjections obviously did not get into the *Hansard* record, so I had better respond to them. He referred to the Osborne cogeneration contract, as follows:

> It turned out that the final cost to taxpayers of this state was $121 million. In other words, if this contract had not been made, then the taxpayers of this State would be some $121 million better off.

Further on he said:

> This contract was entered into, and as a result of losses of $120 million they have been taken over by the company.

Finally, he also said:

> That is simply not the case. I was simply pointing out how this government, because of the contract it has entered into, has cost the taxpayers of this state a considerable amount of money, that is, $121 million.

As I indicated by way of interjection, those claims made by the Hon. Mr Holloway are simply not true. I guess the reason he did not respond to my interjections on the day was that he did not want my pointing out on the *Hansard* record the facts in relation to the Osborne project. The Auditor-General certainly has not reported, and no-one has reported, that we have already incurred losses on the contract of some $121 million. What is incorporated in the Auditor-General's Report and in other documents is provision for possible losses over the next 17 to 20 years, however long the contract goes, if the price of electricity in the market is different to the price of electricity in the Osborne cogeneration power agreement, or whatever the correct terminology is for that agreement.

In fact, in the first two years of that agreement the provisioned losses have not eventuated. In essence, the contract has actually made money, because the price of electricity during that period has been higher than was previously estimated. As a result of that, the prospective losses were not incurred during the first two years of the project. Therefore, if one also believes the Labor Party claims that electricity prices will forever and a day remain high as a result of government policy in South Australia, then the $121 million that the Auditor-General and others have provisioned for will not be realised. They will be significantly diminished or indeed removed completely, depending on what the extent of the higher price of electricity in the South Australian market might be.

It is therefore not true to claim that the final cost to taxpayers has been $121 million, and it is also not true to claim that the taxpayers would have been some $121 million better off in relation to this. As I understand it—it is certainly not a statement made directly to me—the *Financial Review* has reported that the new operators took a different view about the potential losses on the Osborne project. So, if they took a view, for example, that the potential loss over the next 17 years was to be only some $20 million, you would assume that their provisioning in their bid price for Flinders Power would have taken their assumption into account rather than the assumption the Auditor-General and others have made. So, it was part of the bidding process and we will never actually know, but certainly the *Financial Review* does report comments from a company spokesperson who said that they did not agree with these provisioned estimates in the books of $121 million, and that they believed it was much lower, and perhaps of the order of $20 million.

There is an obvious question then as to what should have been the position for the government in relation to the sale arrangement, and clearly we are in a position where we can go on only the audited statements, and they did include audited statements from the Auditor-General's Report with provision for losses of $121 million.

The Hon. Mr Holloway addressed two or three other issues, and I must admit that I sort of swallowed severely when I heard the statement of the Hon. Mr Holloway which was, to be fair to him, only mirroring statements made by the Leader of the Opposition, Mike Rann, in relation to accusing the Liberal Government of sleaze within government. This comes from a person like Mr Rann who, in his heyday, when advising the Bannon government, would hop into a lift with other ministerial advisers and, when someone else was in the lift with them, make up stories about the sexual preferences of senior Liberal members of parliament in South Australia and, when they hopped out of the lift, have a chuckle and say that that would assist that particular story to get around South Australia. To have someone like that accusing the Liberal Government of sleaze in politics is the height of hypocrisy.

I have spoken to three former colleagues of the current Leader of the Opposition who have personally attested to the technique that was used by Mike Rann in that area and also in taxis in terms of spreading rumour and innuendo about senior Liberal politicians during his period of working in ministerial offices for the Labor Government. As I said, to then have someone like Mike Rann accusing the Liberal Government of sleaze in politics is just the height of hypocrisy. Certainly, from the Government's view point, that sort of technique or tactic that was used by Mike Rann when in opposition is not a technique or tactic that this government would sanction or approve in any way. Certainly the government has not and will not sanction such actions. When one is talking about sleaze in politics, I must admit I was intrigued at a series of articles in the eastern states press about electoral rorting in the eastern states.

**The Hon. Nick Xenophon:** Vote early, vote often!

**The Hon. R.I. LUCAS:** Many of us have said that with some jest, but recent events would suggest that perhaps our worst suspicions are true and that we have a serious issue that we need to address in terms of electoral law and policing. It is an important issue. In fact, members of parliament should address themselves to some of the evidence that has been presented to the CJC in Queensland in relation to electoral rorting in the Queensland elections and also in federal elections. I quote from the Brisbane *Courier* of 4 November this year:

> We are driving across a wide and diverse residential, commercial and rural ramble north of Brisbane on an electoral mystery tour. As houses and cars flash past, signage for caravan parks looms large. For the self-confessed electoral rorter, a Labor figure with a proven track record in state and federal campaigns, caravan parks are like manna from heaven.
>
> 'There are rows and rows of vans—and the number of people you can get out of them is unbelievable,' he says.
>
> Today this man, a Labor foot soldier veteran, reveals a dirty little secret. His claims—that he and others helped to rort the 1987 election in the federal seat of Fisher won by Michael Lavarch, as well as several other federal and state elections—raise an ugly spectre. If Lavarch, who is not accused of any wrongdoing, was the unknowing beneficiary of a poll corrupted by party zealots, how did it happen?
>
> How many elections have been influenced by fraud? How have the rorts influenced the shape of governments in a democracy, robbing voters and candidates of a rightful result? How can the rot be stopped?

I am not able to read all of this into the public record, but it is compelling reading. It is based upon testimony and evidence from a convicted and jailed electoral rorter, prominent Labor Party member Carolyn Ehrmann. This article refers to a number of other people who then, as a result of that evidence, explained other electoral rorting which was commonplace in relation to both state and federal elections. I quote further from the article:

They [the Labor rorters] criss-crossed a vast division of mortgage-belt, middle Australia and door-knocked thousands of houses, flats and caravans to raise Lavarch's profile and match residents against electoral roll records. There were lofty hopes for the Australian Workers Union faction-backed candidate, a member of the Labor Party since the age of 15 when he focused his outrage at the sacking of then Prime Minister Gough Whitlam.

The article further states:

Then he explained how electoral rorting contributed to, and perhaps sealed, Lavarch's win in Fisher. The rort he used was simple. During a campaign, teams of workers with lists of enrolled voters and copies of a street directory fan out. Each team member has a designated area to cover. At every household, the foot soldiers introduce themselves and give a short spiel about the merits of the candidate.

'We were doing two things: introducing the candidate and doing checks as to who was on the roll and who wasn't,' he says.

'The electoral roll is organised alphabetically. Political parties, however, routinely receive the names of voters in a format which organises enrollees by street address. It means a campaign worker with instructions to canvass a street can set out with a list of all the people who are enrolled as being residents of that street.

While making small talk with the residents, the campaign worker intent on rorting votes asks questions to discover if the roll is accurate. Often, particularly in rental properties and caravan parks, the tenants have moved elsewhere. But their names remain on the roll.

'You find that people have obviously moved on somewhere, to another area,' he says. These names are underlined. On polling day, those campaign workers who are in on the rort divide the names and give each of them a vote. The workers regarded as 'too straight' to get involved would never hear about it.

'From each of the branches there were only so many you could trust to get on with the job, no questions asked,' he says.

I might say that most of these were organised through Young Labor in Queensland. The article continues:

In a marginal seat the potential to swing a result is obvious. If just a handful of workers out of a total campaign team of 100 are in on it, the rorting can be significant. Some zealots would quietly compete to get the most names. If eight workers had each come up with 45 names in Fisher, it could have been enough to rort it. Since our first conversation the insider says he cannot be certain Lavarch would not have won unaided.

'We rorted it to ensure he got up,' he says.

Casting the rorted votes is easy. Front up to a polling booth (in Fisher in 1987 there were more than 60) and utter the name of the person being impersonated. Then move on to a neighbouring booth to impersonate someone else from the list. And so on.

'The odds of being caught are small,' he says. 'I have no doubt you could have voted three or four times (per name), but I never took that chance.'

On polling day in Fisher, he recalls, there were many female names on the rort list, but a lack of women in on the scam. One of the team suggested, half joking, that some of the men pose as women to vote. 'But we got one young girl of 16 from Young Labor who thought it was quite exciting. She voted 14 times.'

It is a system that flows, according to the insider, from a subculture which condones rorting because it is better than losing. It is orchestrated with a wink and a nudge—nothing on paper. And the names of the people who get a vote without knowing it are transferred between state and federal elections.

This is indeed an issue of some concern. Many of us in South Australia might think this is the wild north of Queensland, but we are talking about a federal election potentially being rorted, with exactly the same federal election laws applying here in South Australia. In an interview a National Party member in Queensland, Peter Slipper, said he had always thought there was something fishy going on amongst the Labor Party of the time, but they could never prove it. Without at this stage being in a position to provide evidence in South Australia, I have to say that similar claims have been made in South Australia over the past 20 years, where people within the Liberal Party have expressed their concerns about the activities during state and federal campaigns, but there is always the difficulty of being able to prove it.

This demonstrates that there was systematic, comprehensive and well trained rorting within the Labor Party, at the very least in Queensland. Having been involved for 30 years, I for one will not believe that these sorts of occurrences are limited only to Queensland. This sort of systematic, comprehensive and obviously well trained rorting within the Labor Party in Queensland is an example where you would be hard pressed to convince anybody that it was limited only to the particular circumstances of Queensland.

**The Hon. P. Holloway:** Have you got any evidence?

**The Hon. R.I. LUCAS:** I have just read significant evidence into the record. For the Hon. Mr Holloway to be accusing the Liberal government of sleaze, as he did, without any evidence—

*The Hon. P. Holloway interjecting:*

**The Hon. R.I. LUCAS:** No; I can say that I know that senior representatives of the Labor Party in South Australia—front benchers, no less—have travelled interstate. At this stage I do not allege that they have gone to Queensland, but I do know that they have travelled interstate to look at the campaigning techniques of the Labor Party in other states to see what they can pick up from interstate in relation to campaigning in South Australia. I do know (and at this stage I will not name the person) that a particularly seedy character in New South Wales Labor politics who came to an unseemly end and who was a senior representative of the Labor Party was associated with campaigning pursuits over the years leading up to his untimely end.

At this stage, I am not placing on the public record or making any public claim about visits to Queensland, but I want to highlight how easy it appears to be for the Labor Party at a national level to be able to rort the electoral system for federal elections, and that is an issue that should be of grave concern to anyone concerned about free and fair elections, particularly as we come into the year 2001, when we will have a federal election and soon after that, potentially, a state election as well.

**The Hon. T.G. Roberts:** Are you proposing electoral reform?

**The Hon. R.I. LUCAS:** We are proposing a way of trying to prevent the Labor Party at a national level from systematically and comprehensively rorting the system in a way, as has now been revealed before the Criminal Justice Commission and other responsible bodies and authorities, that had no objective of ensuring that a free and fair election was achieved during that period in Queensland.

**The Hon. T.G. Roberts:** We need the Florida electoral commission to come over here and give us a hand.

**The Hon. R.I. LUCAS:** I am not sure about the Florida commission because it has some concerns with a new technique that was meant to solve all the problems, and that is electronic voting. They are having problems with their chads, and that is an issue that we are all following with a great deal of interest. I am concerned about electoral fraud wherever it might be seen. If fraud is found in the National Party, in the Democrats, in the conservative side of politics

or in the Labor Party, I will not stand back and try to defend it, unlike the Hon. Mr Holloway, who is squealing like a stuck pig at the moment. I am not going to defend it but, wherever electoral rorting is found, it ought to be stamped out. I am shocked that the Hon. Mr Holloway would not share my view about his colleagues in Queensland who have been shown to be electoral rorters of the worst degree in evidence before the Criminal Justice Commission and elsewhere. I am surprised that he is not joining with me in condemning—

*The Hon. T.G. Roberts interjecting:*

**The Hon. R.I. LUCAS:** I said that, if there is electoral rorting on any side of politics, I will willingly join in opposing it. We do not want to see a continuation of the sort of electoral rorting of a systematic nature that the Labor Party at the highest levels has been supporting and sanctioning in Queensland. We want to ensure that such rorting is not allowed to continue or to exist in South Australia through the use of similar techniques by the Labor Party or anybody else in terms of electoral roll fraud. I thank members for their contribution to the Address in Reply debate.

Motion carried.

**The PRESIDENT:** I remind honourable members that His Excellency the Governor will receive the President and members of the Legislative Council at 4.15 p.m. today for the presentation of the Address in Reply. I ask all members to accompany me to Government House.

*[Sitting suspended from 4.00 to 4.50 p.m.]*

**The PRESIDENT:** I have to inform the Council that, accompanied by the mover, seconder and other honourable members, I proceeded to Government House and there presented to His Excellency the Address in Reply to His Excellency's opening speech adopted by this Council today, to which his Excellency was pleased to make the following reply:

Thank you for the Address in Reply to the speech with which I opened the fourth session of the 49th parliament. I am confident that you will give your best consideration to all matters placed before you. I pray for God's blessing upon your deliberations.

## LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 405.)

**The Hon. P. HOLLOWAY:** The opposition will support the second reading of this bill. The bill seeks to amend sections 21 and 37 of the Legal Practitioners Act 1981. The first amendment seeks to create a new category of work that can be now undertaken by individuals who are not qualified as lawyers. Although it is quite a minor addition to the list of exempted activities, it will mean that non-lawyers will be able to complete pro-forma documents such as mortgage documents and loan agreements. It is proposed that only standard variables to a pro-forma document, such as names, addresses and interest rates, etc., can be prepared by an unqualified person. The substantial document itself cannot be prepared or altered by anyone other than a qualified person, namely a lawyer. I understand the Law Society has raised some concerns about section 21 of this act and that these were communicated to the Attorney-General. In his response, I wonder whether the Attorney-General might care to address whether he had any comments in relation to those matters raised by the Law Society.

The second amendment to the act is straightforward and sensible and relates to the disclosure of the affairs of a legal practitioner. For instance, a Law Society auditor will examine a practitioner's accounts and records disclosing information only to law enforcement authorities or the Legal Practitioners Conduct Board. This amendment proposes to prevent practitioners from circumventing local regulatory authorities by enabling the disclosure of information in other jurisdictions. Now the information can be disclosed only when requested by another state and then only when disciplinary action is being contemplated. The opposition believes such an amendment to be in the public interest and welcomes such a move. It supports the second reading.

**The Hon. K.T. GRIFFIN** secured the adjournment of the debate.

## HAIRDRESSERS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 October. Page 170.)

**The Hon. CARMEL ZOLLO:** I indicate the opposition's support for the second reading of this bill. I understand the bill arises from a review of the original act by the Office of Consumer Affairs as part of the process to facilitate the implementation of national competition policy objectives. I note the review panel's concern that the current definition of hairdressing is too broad and amounts to an unjustified restriction on competition in so far as it incorporates activities that either do not pose risks to consumers or are not appropriately reserved solely to hairdressers. The examples given by the Attorney-General were the washing of another person's hair and an activity such as the massaging or other treatment of a person's scalp, both of which could appropriately be carried out by other occupations.

Given the obvious examples and the fact that, as pointed out, other health care professionals have occasion to wash a patient's hair in the course of their duties, the opposition agrees that the current definition of hairdressing should be amended so that it does not encompass these two activities. I note that the regulatory scheme for the hairdressing industry is a negative licensing scheme under which a person is not permitted to carry on the practice of hairdressing for fee or reward unless they hold appropriate qualifications.

I am pleased the review panel concluded that there is sufficient justification for the retention of the regulation of this industry at the point of entry. Justification for this regulation is rightly founded on the potential risks to public health and safety inherent in hairdressing. I am certain we all have heard horror stories about experiences endured by consumers. It is a matter of not only substandard work being performed that may be below consumer expectations but also work which may take a very long time for reparatory reasons. Consumer protection should be of paramount importance.

I note that the review panel assessed the requirement in the legislation to hold qualifications as representing a significant barrier to entry. The bill proposes to establish a scheme whereby a person can apply to the Commissioner for Consumer Affairs to make a determination on whether a person has alternative qualifications, training or experience considered appropriate for the purpose of carrying on the practice of hairdressing. Given that consumer protection should be paramount, the opposition does question that an

apprenticeship scheme is such a high barrier. We therefore seek an assurance from the Attorney-General that, at the end of 12 months, statistics will be provided as to how many people were authorised to practise hairdressing under this scheme and whether they were apprenticeship trained or via private college courses.

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

## BARLEY MARKETING (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 401.)

**The Hon. P. HOLLOWAY:** I indicate that the Opposition will support this amendment. This is the fourth or fifth occasion on which I have spoken on the barley marketing act in the last three years. The purpose of this bill, as on several previous occasions, is to extend the single desk powers of ABB Limited, formerly the Australian Barley Board. I would like to touch briefly on the history of this matter, although I have covered it in much more detail in previous debates in this place.

The original decision to review the single desk powers of the barley board came about as a consequence of a national competition policy review. That review, which was undertaken by an independent centre, recommended that the single desk powers for barley marketing be removed. The opposition at that time did not believe that that was the appropriate course of action, nor did the barley industry itself. I am aware that, subsequent to the initial review, the barley industry sought another review by Professor McCauley into the whole economic status of the single desk powers of the barley board. That report certainly put a quite different light on those recommendations.

When the first report was released, Premier Jeff Kennett in Victoria was very keen to see the ending of the single desk powers of the barley board, and the then Victorian Labor Opposition supported legislation to do that. There was considerable negotiation between the South Australian and Victorian governments at that time, because, prior to this amendment bill, the barley marketing act has involved a joint decision making process between the two states.

Originally a compromise was reached after lengthy debate and it was agreed that the single desk powers would be extended to 1 July 2001. Of course, that date is fast approaching. When the original Bill was debated in this place back in May 1999, on behalf of the opposition I indicated that Labor Party policy was that the single desk powers as far as purchase of barley for export was concerned should be continued. I made this comment on Wednesday 26 May 1999, as recorded in *Hansard*:

> I am prepared to give a policy commitment on behalf of the opposition that, subject to industry wishes, we will support the single desk for barley export for South Australia beyond the year 2001 at least to the year 2004, which is the time limit for the single desk of the Australian wheat board, given that that is the industry desire at that time.

I reiterated that promise in another debate on the barley bill in November last year. The opposition certainly made clear at that time that we believed that the phase out of the single desk powers for export barley was not a good idea. I would like to briefly explain why.

The barley board is responsible for marketing barley in our overseas markets, and a great proportion of the barley produced in this state is exported. I checked out these figures today with the ABB. In the 1999-2000 year, of the total of ABB receivals and sales for South Australia, 154 600 tonnes (or 13.9 per cent) went to the domestic market, whilst 956 141 tonnes (or 86.1 per cent) went to the export market. The domestic market for barley was deregulated by an earlier bill passed in this place several years ago. We have no problem with that. Perhaps while I am giving those figures, I might give the respective figures for Victoria to illustrate something about the relative size of the market and the relative importance of export barley to this state.

In Victoria, the domestic receivals by the ABB were 186 600 tonnes—greater than the figure in South Australia—representing 30.7 per cent of all receivals from Victoria, but the Victorian total for export barley was only 420 114 tonnes, representing 69.3 per cent of Victorian receivals but less than half the quantity that was exported from South Australia. We can see that South Australia is certainly the significant player with over two-thirds of its barley exported by the barley board. They were the figures for receivals in South Australia and Victoria for the year 1999-2000. For this year, on the information available, we expect that the figure for barley produced in this state for export may rise to 91 per cent.

Given that most barley in this state is exported, the importance of that for this state and the importance of the single desk powers is that it enables the ABB Limited, the old barley board, in negotiating with other purchasers overseas—and often these are governments—to guarantee that it will receive a certain amount of barley. It knows how much barley will be produced in the State, so it can produce sales and gain a premium for the growers of barley in the state because it has the certainty of knowing it will have a certain supply.

*The Hon. T.G. Cameron interjecting:*

**The Hon. P. HOLLOWAY:** If there was deregulation of the export market, that would mean that ABB would have to compete with barley marketers from other states, and that would mean that they may not be able to guarantee that they would be able to purchase in the market the quantities required, so they would have to be more conservative in their marketing. The barley board and I certainly believe that the single desk powers over export barley do enable a premium to be reached for the barley growers of this state, and that in turn puts more money into the state economy. From my point of view, that is certainly a good thing. That is why essentially the opposition has always supported the single desk powers for barley, at least until such time as the whole market is changed.

During a speech I made on the barley marketing act some 12 months ago, I indicated that the grains industry in this country is currently in a state of flux, because there has been deregulation in a number of markets. It has certainly happened in domestic markets, and some states have removed their single desk powers or are talking about that.

Whereas grain purchasing powers were once the province of the Wheat Board and the Barley Board and grain handling powers were entirely in the hands of bodies such as the South Australian Cooperative Bulk Handling (now AusBulk), what we are now seeing and can expect to see in the future is some merging of activities between grain marketing and bulk handling—and I think we have already seen signs of that.

When this bill was debated in the other place, my colleague the shadow minister for primary industries (Annette Hurley) moved an amendment that we should at least have

some review of this decision in two years' time so that we can see which way the grain industry is heading and, if there is any need for change, respond to that at that time. That seems to me to be a sensible measure.

Finally, in relation to this bill, I want to correct some misinformation which was given during the debate in another place by several government members. The member for Custance (Ivan Venning) and the member for Goyder (John Meier) were both critical of the current Victorian Labor government. I believe that the information that they placed on the record is inaccurate and must be corrected. For example, Mr Venning said (*Hansard* of Wednesday 8 November, page 395):

> Premier Bracks. . . did initially support this single desk system during the election period.

As I pointed out in a speech that I made on 26 May last year:

> There is no doubt that the Victorian government is keen to see a deregulated market. So, too, I might say, was the Victorian opposition, which has a different view on this than the South Australian opposition.

The Victorian Labor Party and the then Victorian Liberal Party, right up to the election, had supported the removal of the single desk powers for barley. As a result of some lobbying from the industry in this state to get the Victorian government (amongst others) to review its situation—supported, I might say, by me when I was the shadow minister for primary industries and subsequently by my colleague Annette Hurley—the Victorian government did seek a review. I will say more about that in a moment. I return to some of the misinformation that was given during the debate. Mr Venning went on to say:

> Premier Bracks should have the courage, as this government has, to legislate to extend their side of the bargain.

I point out that there was no bargain. He goes on to say:

> This government should be commended on its stance. Minister Kerin has been consistent throughout and has remained loyal to his farmers.

I remind the Council of the statement that I made in May 1999 when I indicated on behalf of the opposition that we were prepared to go it alone and that we would support the single desk for barley should Victoria not agree to it. That commitment was not at that time made by the government. Mr Venning states further:

> I wonder whether the ALP would have done the same thing.

The view of the Labor Party has been quite consistent throughout this whole debate—and I believe correctly so. Some similar criticisms were made by the member for Goyder.

To put the Victorian position in perspective, I went to the trouble of checking with the Victorian minister this morning to see what the situation is. The Victorian government, as a result of representations from its own farmers and others (including me), sought a review of the original decision by the Kennett government to phase out single desk powers entirely from July next year.

I refer to a paper on the website dated August this year. This is a report prepared for the Hon. Keith Hamilton MP, Minister for Agriculture in Victoria, entitled 'Industry consultations on the future of single desk export marketing arrangements for barley in Victoria'. The final page of this 17 page report gives three options for consideration by the government: option 1—extend the export single desk for a further period beyond 30 June 2001; option 2—extend the single desk beyond 30 June 2001 but broaden the exemptions to single desk restrictions; and option 3—allow the single desk to sunset on 30 June 2001, which would be in line with current arrangements.

As I understand it, the Victorian government will be making its final decision as a result of that paper within the next few months. Obviously, a decision must be made fairly soon because, as the current barley crop is being reaped as we speak or is soon to be reaped, it is clear that these matters need to be resolved fairly soon. I thought I should at least put on the record the situation in relation to Victoria lest there be any misinformation.

The other point I make—and I do not think this is any secret—is that the concern of the Victorian government is that, having made its position clear, should it reverse the situation, it would clearly have to consider the implications for compensation under the National Competition Council guidelines on this matter. That is obviously something that all governments have to consider when they take these decisions on National Competition Policy reviews.

We have already seen a couple of cases such as the celebrated case in New South Wales where the New South Wales government did not remove the single desk powers for rice marketing and it was subsequently penalised $10 million by the National Competition Council—although I believe that decision may have subsequently been changed. This is obviously a matter that all governments must take into consideration.

I return to the bill as it affects South Australia. The opposition supports the fact that the single desk powers over barley marketing will now continue into the future. What happens in our grains industry will depend very much on the decisions that have been made through the current restructuring of the grains industry. I must say that, in that regard, there are many possibilities that could come about as a result of the current discussions. One of the most significant reasons, I believe, for why we should continue to have a single desk for export barley, at least for the foreseeable future, is the fact that other states have already taken the decision to continue the single desk powers in their state.

If this state were to remove its single desk powers (in other words, its compulsory purchase powers for barley in this state) you could very well have a situation where the New South Wales Grains Corporation could compete within this state for barley produced by South Australian growers, but the Barley Board (the ABB Limited) would not be able to compete in markets in New South Wales because of the compulsory powers in that state.

There seems to me to be an anomaly in competition policy. If you are going to have deregulation in matters such as this, it would be commonsense to deregulate on the same day. If that is the course that you want to follow, then at least do it on the same day so that all the players have an equal opportunity. To throw one body, such as the ABB which has single desk powers in this state, open to competition when you still have statutory authorities in other states which have a monopoly on purchase in those states, does not seem to me to be particularly consistent with competition principles, whatever the merits might be if one confines the argument to that state alone.

So, I think that is an anomaly with the current competition policy arrangements and one of the significant reasons why we should continue the single desk into the future, at least until such time as decisions have been made in relation to the Wheat Board and other major players within the grain industry. With those comments, I indicate that the opposition supports the bill.

**The Hon. T.G. CAMERON:** SA First also agrees with the bill before the Council and will support it through all stages, although it will not take me as long to say why. The bill amends the Barley Marketing Act 1993. As the previous speaker pointed out, it will extend the single desk export powers of ABB Grain Ltd because the Victorian government is unlikely to extend the period of joint Victorian-South Australian operation of the act.

As I understand it, the bill seeks to strike out references to the Victorian act and minister and insert a new section providing for the submission, to the South Australian minister, of the annual report of ABB Grain Ltd and any other information that the minister may request. The government argues that the single desk export powers must be extended until such time as it is no longer of any interest to South Australians—and there is no need for me to canvass the arguments as they have been adequately canvassed by both the government and the opposition. It is a well known fact that Japanese import authorities prefer dealing with statutory bodies, and this measure will accommodate that. SA First supports the bill.

**The Hon. IAN GILFILLAN:** The Democrats support the bill. As a matter of principle I am a very enthusiastic supporter of the single desk marketing of primary product. It is naive to assume that we can expect to optimise the return to producers by having marketing entities compete amongst themselves for overseas markets. This can and quite often does play off local marketers one against the other. Previously when the bill was before us I pointed to the coal industry as being a classic case where the individual marketing of mining companies had meant that mines were being reduced virtually to non-viability through the shrewd bargaining and marketing strength of the Japanese coal buyers.

It is nice to see that surveys of producers indicate that 90 per cent of them are in favour of this measure. The South Australian Farmers Federation policy (quoting from the South Australian Farmers Federation web site) states:

> . . . the South Australian Farmers Federation Grains Council:
>
> 1. strongly supports ABB Grain Ltd retaining control of export barley marketing, via the single desk through grower ownership and control. . .

In his October Chairman's newsletter Trevor Day, Chairman of ABB Grain, expressed support for the extension of the desk. Quoting from an Econtech report on the benefits of the single desk, he said:

> Export premiums received from the single export desk deliver an average annual gain of $15 million to national economic welfare. . . the gain in producer income equates to about $9/tonne. . .

The value of the single desk is clear: it is a vital and integral part of our export industry. Recently there was publicity about a 55 000 tonne shipment of barley to China. This was the most valuable shipment of barley ever handled by ABB Grain, representing a value of approximately $16 million.

It seems unfortunate that Victorian governments of both persuasions are reluctant to support a single desk. Evidence from Victorian producers whom I met at a forum in South Australia and also evidence gained as a result of second-hand information through SAFF indicates that the majority of the growers in Victoria do support a single desk. Therefore, it is unfair that the respective Liberal and Labor governments in Victoria have shown little enthusiasm to pick that up and support it.

Although we were pushing for an extended period with no time frame—as I still do—so that the single desk will be seen as an enduring form of marketing, part of the problem that we had earlier—and I sympathised with the Deputy Premier and the minister at the time—was that the only way the minister could get the Victorians on board, even for that short time, was through the sunset clause. It is clear that South Australia is handling the substantial majority of export grain, and I believe that it promises a more prosperous future for barley producers in this state to continue with it.

It is important to recognise that other growers do not see the single marketing authority as the optimum marketing entity. They believe in the more sophisticated niche and boutique markets where astute deals can be done with flexibility using a variety of marketing agents and entrepreneurs. I can see how that can have a short-term attraction, because some of the more competent and sophisticated growers linked with the marketers for that section of the market may be able to get a premium on the average price per tonne as a result of single desk broad volume marketing.

I urge those people—and I think it is sensible to ponder—to accept that those particularly lucrative small quantity markets could still be sought and achieved by a well-resourced and well-motivated single desk. I think that the single desk, whether it be for barley or wheat, must constantly be aware that it has to be state of the art in world marketing. It is no good just sitting back complacently and saying, 'We have the volume. We have our situation secure in the sun. We are all right. We just have to keep the grain flowing through the ports and everyone will be happy.' They will not be happy.

Although I thoroughly support the intention of the bill, I hope a message gets through to the single desk that it is duty bound to seek out and implement the most sophisticated and efficient way of marketing the harvest, and that part of its responsibility is to cater for the niche markets that would be available from time to time and to let those benefits flow to the producers in South Australia. With those words, I confirm the Democrats support of the second reading.

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

## LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 446.)

**The Hon. T.G. CAMERON:** The bill seeks to stop legal practitioners who also act as mortgage brokers from claiming losses incurred as advisers from the practitioners guarantee fund and to prevent legal practitioners who are suspended or struck off from the roll of practitioners from gaining practitioner-like employment in a legal firm. Currently legal practitioners who also run a mortgage brokerage service can claim for losses they make under the guarantee fund, which is designed for lawyers. By amending the Legal Practitioners Act 1981, section 60 provides that if a person suffers a loss as a result of a fiduciary or professional default and there is no reasonable prospect of recovering the full amount of the loss the person can claim compensation from the guarantee fund.

The bill will provide that all clients who accept mortgage broker services will be in the same position as each other, regardless of whether or not their agent is a legal practitioner. Currently legal practitioners who are suspended or struck off the roll of practitioners are able to gain employment in legal firms as law clerks, paralegals or otherwise in de facto legal practitioner duties because they are not operating. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

## HAIRDRESSERS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 447.)

**The Hon. T.G. CAMERON:** In 1995 the Council of Australian Governments (COAG) entered into the competition principles agreement. A panel consisting of staff of the Office of Consumer and Business Affairs was formed to review existing legislation that restricts competition. That is the background to the bill currently before the Council. As I understand it, it contains a few simple measures, which I shall briefly outline.

The bill provides for the washing, cutting, colouring, setting, permanent waving or other treatment of a person's scalp. A proposed amendment would remove 'washing and massaging or other treatment of scalp' from the current definition of 'hairdresser'. The reason for this is that the current definition of 'hairdresser' includes activities that are regularly carried out by other occupations.

I also understand there is a proposal to change 'qualified person'. Currently, a person who holds prescribed qualifications means a person who was, as of 30 June 1988, required to be registered under the repealed act, which means registration under that act on that day. The proposition under this bill refers to a person who holds prescribed qualifications or a person who, it has been determined by the commissioner under section 4A, has qualifications, training or experience that the commissioner considers appropriate to carry on the practice of hairdressing. The reason for this is that the current term 'qualified person' may exclude someone with an alternative qualification. This would enable that person to make an application to the commissioner to be deemed as a person who is qualified under the act. SA First supports this bill.

**The Hon. K.T. GRIFFIN (Attorney-General):** I thank honourable members for their indications of support for this bill. The Hon. Ian Gilfillan has raised several issues and I want to address them specifically. He has indicated support for the second reading but is not prepared to support that part of the bill which gives to the Commissioner for Consumer Affairs a discretionary power to accept alternative qualifications.

As the Hon. Mr Gilfillan pointed out, this clause is intended to give the Commissioner for Consumer Affairs a discretionary power to accept alternative qualifications to those set out in the regulations for the purposes of determining who is entitled to practise as a hairdresser in this state. As matters stand, only those qualifications set out in the regulations entitle a person to practise as a hairdresser. For most people this arrangement is suitable: however, as the honourable member recognised, there are instances where it becomes unworkable. Not all people wanting to practise as hairdressers in this state will have obtained their qualifications locally. There will be those applicants who have obtained competency interstate and who are not able to take advantage of mutual recognition legislation for one reason or another. There will be those who have gained sufficient competency through years of experience in the relevant field. There will even be those who have obtained competency overseas. In each of these circumstances, the qualifications held by the applicants will not be set out in the regulations and the applicant will therefore be unable to obtain registration under the suggested amendment.

Giving the Commissioner for Consumer Affairs the power to accept alternative qualifications allows those people who are otherwise competent to perform the relevant work without risk to the community the chance to offer their services to the market. This is entirely consistent with national competition policy principles, which form the basis for this amendment bill. In the absence of such a discretionary power, all possible combinations and permutations of qualifications worldwide would have to be listed in the regulations. Alternatively, we would have the economically and socially unacceptable position where those who are already competent would have to do a course of training or pay for recognition of prior learning in order to practise their trade.

In either case there will be a misallocation of resources occurring. The community will suffer through money being diverted away from other areas where it might be more productively spent. It cannot be argued that the community would benefit in any way from the resource misallocation that would be created by the proposed amendment.

I would also point out that with the continued development of nationally approved competencies under the Australian qualifications framework, it is intended that the qualifications listed in the regulations will no longer be provider specific but will rather specify units of competency which will be acceptable, however gained. Once this has occurred, then there will be less need for the commissioner to exercise his discretionary powers. Indeed, it is very likely that they will only be exercised in the cases I have mentioned. However, as the honourable member has identified, there will always be hard cases. It is precisely these hard cases that are best addressed by providing for a discretionary power, and the government therefore maintains that the insertion of such a power into the Hairdressers Act 1988 serves a useful purpose.

I note that the Hon. Carmel Zollo has asked for an undertaking, as I recollect, so that after 12 months an indication be given as to the number of persons who have been approved by the commissioner (a commissioner of consumer affairs) by the alternative means now contained in the amendment bill.

I will undertake to provide that information after the first 12 month period, after the bill comes into operation. I suspect it will not be very many. In most of the occupational licensing statutes which are administered by the Commissioner for Consumer Affairs, the number of persons gaining admission, or registration, or being licensed under the alternative mechanism for recognition of either prior learning or other qualifications, has been as I understand it, fairly small in number. But I will undertake to have it recorded somewhere that we follow up this undertaking to provide that information after the expiration of those first 12 months of operation of the act. I thank honourable members for their indications of support.

Bill read a second time.

In committee.

Clause 1.

**The Hon. CARMEL ZOLLO:** In view of his explanation and his commitment to bring back statistics after 12 months, as we have requested, I indicate to the Attorney that we will be supporting the legislation. I thank him for his explanation also in relation to interstate and overseas mutual recognition of skills. That is a good example, I suspect, where a commissioner should have some discretion.

**The Hon. IAN GILFILLAN:** I would like to make some observations in general terms. I apologise to the committee that the amendments were apparently not put on file. That was an oversight for which I take the blame; however, copies are currently being distributed for the committee to consider. The undertaking that the Attorney has given to the Hon. Carmel Zollo may signal that the opposition has not had a chance to consider the intention of my amendment. In the land agents and conveyancers bills, I signalled that we hold the view that the commissioner should not have that discretionary power and that the licensing requirements should be spelt out in the regulations. That is the principle upon which these amendments are drawn up. It would remove from the bill the power of the commissioner arbitrarily to determine whether an individual would be a qualified person as the bill has it.

I still hold to that view, because the regulations can have a certain degree of flexibility in them, but at least under those circumstances the parliament and the Legislative Review Committee representing the parliament will have a chance to assess them. Therefore, they will have general consistency and responsiveness to the parliament whereas, as it is currently intended, the commissioner will virtually have the autocratic power to determine on his or her own set of criteria whether a person should be qualified. I know that the people we talk to who represent the industry, such as the Hairdressers and Beauty Industry Employers Association, are concerned about the discretionary powers to recognise people as qualified without respect to qualifications listed in the regulations. I would ask for an indication from the Opposition and SA First whether they would like a little time to consider the amendment before we continue with the committee stage. We have been able to achieve a cooperative approach to the way we deal with bills in this place. It may pay to adjourn for a brief time, if members would appreciate that.

Clause passed.

Clause 2 passed.

Clause 3.

**The Hon. K.T. GRIFFIN:** Rather than harass people and exert undue pressure, I suggest that progress be reported.

Progress reported; committee to sit again.

## SHOP TRADING HOURS (GLENELG TOURIST PRECINCT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 365.)

**The Hon. CARMEL ZOLLO:** I indicate opposition support for this bill. We recognise the importance of the Glenelg precinct for tourism, with local, interstate and overseas visitors. I note that the minister referred to some 3 million visitors per annum, with approximately 50 000 visiting Glenelg each weekend, and high levels of interstate and international tourist visits. I also note that 285 businesses operate at the Jetty Road tourist precinct, and of those only 56 do not trade on Sunday at the moment. Many traders have conducted Sunday trading in this area for many years, given that Glenelg has always been a favourite tourist destination, as the above figures tell us. I understand that the amendments to the act would introduce the same shopping hours to non-exempt shops in the Glenelg tourist precinct as apply to the central shopping district in the City of Adelaide; that is, until 9 p.m. every weekday and 5 p.m. on a Saturday and from 11 a.m. to 5 p.m. on a Sunday.

Whilst the opposition agrees that Glenelg is a unique tourism precinct in South Australia, we do not wish in any way to see this support as being construed as further support for total deregulation. The opposition has conferred with both the major retailers and the affiliated union, and they have all indicated their support. The opposition supports this bill for the reason that we recognise Glenelg as a unique metropolitan tourist destination in South Australia. The opposition supports the second reading.

**The Hon. T.G. CAMERON:** The shop trading hours legislation prohibits non-exempt shops from trading on Sundays, and this bill seeks to create a Glenelg shopping precinct where non-exempt shops, that is, those with a floor space area of over 200 square metres, will be able to trade in the same hours as those of the central business district. The proposed hours of trading are until 9 p.m. on a weekday, until 5 p.m. on a Saturday and from 11 a.m. to 5 p.m. on a Sunday. The City of Holdfast Bay wrote to the Minister for Workplace Relations in June 2000 requesting the establishment of a Glenelg tourist precinct. An issue paper was released that supports this amendment bill.

Arguments that have been outlined in support of the bill are that the South Australian Tourism Commission and the City of Holdfast Bay believe that Glenelg is unique and our second most important tourist destination in the state. Other factors include Glenelg having a high percentage of international visitors staying within the vicinity. I understand that some 3 million people visit the area each year, which equates to roughly 50 000 every weekend. It has a high percentage of international visitors staying within the vicinity. It is not far—only five minutes—from Adelaide Airport. Glenelg provides more than 20 per cent of the tourist beds available in Adelaide, or 45 per cent if you take into account the West Beach caravan park and marineland holiday village. That is almost three times as many as the next area, which is North Adelaide.

There are some 285 businesses along Jetty Road. Some 400 000 people were attracted to events within the City of Holdfast Bay in the past financial year. On average, the Glenelg West Beach area attracts 210 000 overnight visits, 750 000 visitor nights per year, with an average length of stay of 2.6 nights. Some 10 per cent of all visitor nights in the Adelaide tourist region are spent in Glenelg. The Glenelg area also has its own unique transport infrastructure, the 1929 Glenelg tram. It takes approximately 25 minutes to get to the Bay, leaves from Victoria Square, goes to Moseley Square and, more importantly, it departs at 15 minute intervals.

Victoria Square is a central part of Adelaide, and there are many hotels around that area. I am well aware that visitors who stay at the Hilton Hotel are encouraged to walk across the square and catch the tram down to the Bay. It is a bit of a pity if they do it on a Sunday at the moment, because the area is not fully open. I understand that the bill inserts a definition of the Glenelg tourist precinct which is set out in schedule 1A of the act. I will not go into the details. It provides for the exemption of the Glenelg tourist precinct

from the normal hours of trade and specifies the hours that the shops may be open.

I place on the record SA First's appreciation to the CEO of the Glenelg council, representatives of the minister's office and members from the Glenelg Traders Association for putting detailed submissions to my office in favour of establishing this area as a tourist precinct.

I read recently in the *Sunday Mail* of a survey that was conducted in South Australia indicating that there is widespread support for Sunday trading. Nothing stays set in concrete forever, and it may well be time for the question of Sunday trading to be further reviewed. Now is not the appropriate time to do that, but it is the year 2000 and South Australia is attempting to market itself to the world as a premium tourist destination; yet Sunday trading does not exist across the suburbs. I am not indicating that I would support Sunday trading, but I do indicate that we need to have a close look at it. SA First supports the bill.

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

## NETHERBY KINDERGARTEN (VARIATION OF WAITE TRUST) ACT REPEAL BILL

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

## RACING (PROPRIETARY BUSINESS LICENSING) BILL

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

**The Hon. K.T. GRIFFIN (Attorney-General):** On behalf of the Hon. Diana Laidlaw, I move:

*That this bill be now read a second time.*

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

Leave granted.

On 3 August 1999 the Government announced its policy position on proprietary racing. The key components to the policy announcement included a commitment to introduce legislation, which would provide for the regulation of licensees to enable them to conduct proprietary racing in South Australia.

Current legislation does not prohibit proprietary racing. However, if it commenced under current legislation, it would do so unlicensed and without appropriate probity checks.

The Government has always recognised that this was a substantial reform within the racing industry and for that reason undertook to ensure that anyone engaged in proprietary racing would need to satisfy the government beyond any doubt that they were a fit and proper person. The approach adopted by government in this area is not dissimilar to those wishing to pursue a license to undertake casino gaming in this State.

South Australia has long enjoyed a reputation for excellence in its proud racing tradition. However, as all members would be aware, it is not good enough to rest upon those laurels. In an increasingly globalised environment underpinned by rapid growth in high technology there is always the need for industry to recognise and exploit new opportunities as they arise.

Traditionally the Government's relationship with the racing industry has always been a very close one. The fundamental reason for this has been to ensure the integrity of the racing and wagering product for the public. It has become evident to all those involved in the racing industry that racing has reached a level of maturity whereby it is no longer essential for government to have such a direct role. The Government has supported the racing industry in its pursuit for greater autonomy in this State as has been evidenced by recent legislation which provided for the corporatisation of the existing statutory authorities that control racing.

This Bill constitutes a further strategic reform initiative designed to support the growth of the racing industry within the new economy.

The *Racing (Proprietary Business Licensing) Bill 2000*, a first for any Australian State, provides for the licensing and strict regulation of racing events when conducted by bodies other than traditional racing clubs or controlling authorities or clubs involved in picnic races. Just as there was a need for Government to ensure the integrity of the traditional racing industry in its early days, this Bill vests substantial powers in the Gaming Supervisory Authority and the Liquor and Gaming Commissioner to ensure that applicants for proprietary racing licences are and remain at all times fit and proper persons to conduct such businesses.

The Bill also seeks to ensure the integrity of the racing event through vesting the power to approve the racing rules, systems, procedures and equipment on an ongoing basis in the Liquor and Gaming Commissioner.

The Bill also does not stop there. It incorporates provisions in the public interest requiring proprietary racing licensees to adopt an advertising code of practice approved by the Gaming Supervisory Authority.

It is the Government's belief that this Bill also provides the potential for substantial economic benefits for South Australia, including the breeding industry, trainers, jockeys, reinspersons and other local industries that benefit from such a capital intensive industry. Given the nature of these diverse activities, regional South Australia particularly stands to benefit.

As stated above, the requirement to hold a licence for races on which there will be betting will be subject to exceptions in favour of the traditional racing clubs (that is, clubs regulated by the controlling authorities), controlling authorities and clubs conducting picnic race meetings. In the latter case, any exemption provided for a picnic race meeting will be subject to the precondition that the Gaming Supervisory Authority has approved the races for betting operations.

Under this Bill, if a corporation contracts with a racing club or a racing controlling authority for the club or authority to conduct racing at facilities provided by the corporation on a fee for service basis, the corporation and the club or authority will not be required to hold a licence or to pay a licence fee.

I commend this Bill to honourable members.

Explanation of Clauses

PART 1

PRELIMINARY

*Clause 1: Short title*

This clause is formal.

*Clause 2: Commencement*

This clause provides for commencement by proclamation. The operation of section 7(5) of the *Acts Interpretation Act* (providing for commencement of the measure after 2 years if an earlier date has not been fixed by proclamation) is excluded. This is to provide flexibility with respect to commencement of the Schedule.

*Clause 3: Interpretation*

This clause contains definitions for the purposes of the measure.

*Clause 4: Close associates*

This clause defines the meaning of close associates so as to cover all parties in a position to control or significantly influence another.

PART 2

PROPRIETARY RACING BUSINESS LICENSING

DIVISION 1—GRANT OF LICENCE

*Clause 5: Requirement for licence*

This clause makes it an offence for a person to carry on a business in which the person conducts races on which betting is to occur (whether in this State or elsewhere) except as authorised by a proprietary racing business licence.

The maximum penalty provided is $100 000.

Race is defined to mean horse races, harness races, greyhound races and other races of a kind prescribed by regulation.

The clause does not apply to races conducted by the traditional racing clubs or racing controlling authorities or to races conducted at race meetings exempted by proclamation (picnic race meetings).

*Clause 6: Eligibility to hold licence*

A licensee is required to be a body corporate.

*Clause 7: Grant of licence*

A licence is to be granted by the Governor, on the recommendation of the Gaming Supervisory Authority (the Authority).

*Clause 8: Term and renewal of licence*

The term of a licence is to be governed by the approved licensing agreement (an agreement that must be entered into between the Minister and an applicant for a licence before the grant of the licence).

A licensee is to have no expectation of renewal but, provided a new approved licensing agreement is entered into, the Governor may renew the licence on the recommendation of the Authority.

*Clause 9: Conditions of licence*

The measure itself fixes various conditions of licence and the approved licensing agreement may fix other conditions of licence.

DIVISION 2—AGREEMENT WITH LICENSEE

*Clause 10: Approved licensing agreement*

This clause sets out the requirement for there to be an approved licensing agreement between a licensee and the Minister.

The agreement is to be about—

- the operation of the licensed business; and
- the fees, or periodic fees, payable for the licence and arrangements for security for payment, payment by instalments and interest and penalties for late payment or non-payment by the licensee; and
- the term of the licence; and
- the conditions of the licence; and
- the performance of the licensee's responsibilities under the licence or the measure.

The agreement has no effect unless approved by the Authority.

The agreement binds the Minister, the Authority and the Liquor and Gaming Commissioner (the Commissioner) and may contain provisions governing the exercise of their powers under the measure or the *Gaming Supervisory Authority Act 1995*.

*Clause 11: Agreement to be tabled in Parliament*

This clause requires a copy of the approved licensing agreement (and any variation of it) to be laid before both Houses of Parliament.

DIVISION 3—DEALINGS WITH LICENCE OR LICENSED BUSINESS

*Clause 12: Transfer of licence*

Transfer of a licence requires the approval of the Governor, which may only be given on the recommendation of the Authority.

The clause ensures that the transferee is bound by the approved licensing agreement.

*Clause 13: Dealings affecting licensed business*

This clause sets out the kinds of transactions that a licensee must not enter into without the approval of the Authority. In general terms any transaction under which another will gain an interest in the licensed business or a position of control or significant influence over the licensee is caught.

*Clause 14: Other transactions under which outsiders may acquire control or influence*

This clause recognises that there are various transactions beyond the control of a licensee by which a person may gain a position of control or significant influence over the licensee.

A licensee is required to notify the Authority within 14 days after becoming aware of such a transaction.

If the Authority is not prepared to ratify such a transaction, the Authority may make orders designed to 'undo' the transaction. The Authority's orders may be registered in the Supreme Court for the purposes of enforcement. Provision is made in Part 6 for an appeal against an order of the Authority under this clause.

*Clause 15: Surrender of licence*

Approval of the Authority is required for the surrender of a licence.

DIVISION 4—APPROVAL OF DIRECTORS AND EXECUTIVE OFFICERS

*Clause 16: Approval of directors and executive officers*

Before a person becomes a director or executive officer of a licensee, the licensee must ensure that the person is approved by the Authority.

Executive officer is defined to mean a secretary or public officer of the body corporate or a person responsible for managing the body corporate's business or any aspect of its business. The Authority may limit the range of executive officers to which the section applies in a particular case by written notice to the licensee.

DIVISION 5—APPLICATIONS AND CRITERIA FOR DETERMINATION OF APPLICATIONS

*Clause 17: Applications*

This clause covers—

- an application for the grant, renewal or transfer of a proprietary racing business licence;
- an application for the Authority's approval or ratification of a transaction to which Division 3 applies (other than the transfer of a licence);
- an application for the Authority's approval of a transaction to which Division 3 would apply if the transaction were entered into;
- an application for the Authority's approval of a person who is to become a director or executive officer of a licensee.

It sets out who may make an application and the requirements relating to an application.

*Clause 18: Determination of applications*

This clause sets out the criteria to be applied to applications by the Authority including requirements relating to the suitability of a person to hold a licence or to become a close associate of a licensee.

In assessing the suitability of a person, the Authority may have regard to a wide range of factors, including—

- the corporate structure of the person; and
- the person's financial background and resources; and
- the person's reputation; and
- the character, reputation, and financial background of the person's close associates; and
- any representations made by the Minister.

The concept of close associate is defined in clause 4 and includes partners, directors, executive officers, shareholders, persons who participate in profits and the like.

DIVISION 6—INVESTIGATIONS BY AUTHORITY

*Clause 19: Investigations*

The Authority is required to carry out the investigations it thinks necessary to enable it to make recommendations or decisions and to keep under review the continued suitability of a licensee and a licensee's close associates.

*Clause 20: Investigative powers*

This clause gives the Authority various powers to enable it to obtain relevant information.

*Clause 21: Costs of investigation relating to applications*

Applicants are to be required to meet the cost of investigations (other than investigations relating to an application for approval of a person to become a director or executive officer of a licensee).

*Clause 22: Results of investigation*

The Authority is required to notify the applicant and the Minister of the results of investigations in connection with an application.

DIVISION 7—GENERAL POWER OF DIRECTION

*Clause 23: Directions to licensee*

The Authority is empowered to give directions to a licensee about the management, supervision and control of any aspect of the licensed business. The Authority must, unless the Authority considers it contrary to the public interest to do so, give the licensee an opportunity to comment on proposed directions.

PART 3

REGULATION OF LICENSED BUSINESS

*Clause 24: Approval of racing rules, systems, procedures and equipment*

This clause requires rules governing racing conducted by the licensee, and related systems and procedures, to be approved by the Commissioner. The Authority can require other systems and procedures, or equipment, to also be approved by the Commissioner.

*Clause 25: Advertising code of practice*

This clause requires a licensee to adopt a code of practice on advertising approved by the Authority.

*Clause 26: Alteration of approved rules, systems, procedures, equipment or code provisions*

This clause allows the Authority or the Commissioner (as the case requires) to require the licensee to make an alteration to approved rules, systems, procedures, equipment or code of practice provisions.

PART 4

ENFORCEMENT

DIVISION 1—COMMISSIONER'S SUPERVISORY RESPONSIBILITY

*Clause 27: Responsibility of the Commissioner*

This clause provides that the Commissioner is responsible to the Authority to ensure that the operations of a licensed business are subject to constant scrutiny.

DIVISION 2—POWER TO OBTAIN INFORMATION

*Clause 28: Power to obtain information*

This clause enables the Authority or the Commissioner to require a licensee to provide information that the Authority or Commissioner requires for the administration or enforcement of the measure.

DIVISION 3—INSPECTORS AND POWERS OF AUTHORISED OFFICERS

*Clause 29: Appointment of inspectors*

This clause allows for the appointment of Public Service inspectors and for the provision of identification cards by the Commissioner.

*Clause 30: Power to enter and inspect*

The powers under this clause are provided to the Commissioner, the members and secretary of the Authority and inspectors (collectively

called authorised officers). The circumstances in which the powers may be exercised are set out in subclause (2). A warrant is required in respect of entry to a place in which there are not any races being conducted by a licensee, or any operations being conducted under a licence.

PART 5
POWER TO DEAL WITH DEFAULT OR BUSINESS FAILURE
DIVISION 1—STATUTORY DEFAULT

*Clause 31: Statutory default*

This Division gives the Authority various powers to deal with statutory default on the part of a licensee.

A statutory default occurs if—

- a licensee contravenes or fails to comply with a provision of the measure or a condition of the licence; or
- an event occurs, or circumstances come to light, that show a licensee or a close associate of a licensee to be an unsuitable person; or
- a licensee becomes liable to disciplinary action under the measure or on some other basis.

*Clause 32: Effect of criminal proceedings*

Proceedings under this Part (apart from the issue of an expiation notice) may be in addition to criminal proceedings. However, the Authority is required, in imposing a fine, to take into account any fine that has already been imposed in criminal proceedings.

*Clause 33: Compliance notice*

The Authority may issue a notice to a licensee requiring specified action to be taken to remedy a statutory default. Non-compliance with such a notice is an offence attracting a maximum penalty of $100 000.

*Clause 34: Expiation notice*

The Authority may issue an expiation notice to a licensee alleging statutory default and stating that disciplinary action may be avoided by payment of a specified sum not exceeding $10 000 within a period specified in the notice.

*Clause 35: Injunctive remedies*

The Minister or the Authority may apply to the Supreme Court for an injunction to prevent statutory default or to prevent recurrence of statutory default.

*Clause 36: Disciplinary action*

The Authority may take disciplinary action against a licensee for statutory default as follows:

- the Authority may censure the licensee;
- the Authority may impose a fine not exceeding $100 000 on the licensee;
- the Authority may vary the conditions of the licence (irrespective of any provision of the approved licensing agreement excluding or limiting the power of variation of the conditions of the licence);
- the Authority may suspend the licence for a specified or unlimited period;
- the Authority may cancel the licence.

The licensee must be given a reasonable opportunity to make submissions. Provision is made in Part 6 for an appeal against a decision of the Authority to take disciplinary action.

*Clause 37: Alternative remedy*

This clause makes it clear that the Authority may, instead of taking disciplinary action, issue a compliance notice.

DIVISION 2—ADMINISTRATORS, CONTROLLERS AND LIQUIDATORS

*Clause 38: Administrators, controllers and liquidators*

This clause puts an administrator, controller or liquidator in a similar position to that of the licensee.

PART 6
REVIEW AND APPEAL

*Clause 39: Review of Commissioner's decision*

A person aggrieved by a decision of the Commissioner under the measure may, within 30 days after receiving notice of the decision, apply to the Authority for a review of the decision.

*Clause 40: Finality of Authority's decisions*

The Authority's decisions are final except as follows:

- an appeal lies to the Supreme Court against a decision to take disciplinary action against a licensee; and
- an appeal lies to the Supreme Court against an order made under clause 14(4); and
- an appeal lies, by leave of the Supreme Court, against a decision of the Authority on a question of law.

*Clause 41: Finality of Minister's decisions*

The Minister's decisions are final.

PART 7
MISCELLANEOUS

*Clause 42: False or misleading information*

This clause makes it an offence to provide false or misleading information under the measure.

*Clause 43: Offences by body corporate*

This is a standard clause making each person who was a member of the governing body or the manager of the body corporate at the time the offence was committed criminally responsible for offences committed by the body corporate.

*Clause 44: Reasons for decision*

Reasons for decisions under this measure need not be given except as follows:

- the Authority must, at the request of a person affected by a decision, give reasons for a decision if an appeal lies against the decision as of right, or by leave, to the Supreme Court;
- the Commissioner must, at the request of the Authority, give reasons to the Authority for a decision of the Commissioner under this Act.

*Clause 45: Power of Authority or Commissioner in relation to approvals*

This clause enables approvals under the measure to be of a general nature and subject to conditions.

*Clause 46: Confidentiality of information provided by Commissioner of Police*

This clause protects the confidentiality of information provided by the Commissioner of Police.

*Clause 47: Service*

This clause provides for the methods of service of notices or other documents under the measure.

*Clause 48: Evidence*

This clause provides evidentiary aids.

*Clause 49: Annual report*

The Commissioner is required to report to the Authority and the Authority is required to report to the Minister. The Authority's report is to be tabled before both Houses of Parliament.

The Authority's report is to contain—

- details of any statutory default occurring during the course of the relevant financial year; and
- details of any disciplinary action taken by the Authority; and
- the Commissioner's report on the administration of the measure together with any observations on that report that the Authority considers appropriate.

*Clause 50: Regulations*

This clause provides general regulation making power for the purposes of the measure.

SCHEDULE
*Related Amendments*

*Clause 1: Amendment of Gaming Supervisory Authority Act*

The amendments are consequential on the expansion of the role of the Authority. They are made in a manner avoiding the need for further amendment if further functions are given to the Authority under legislative schemes in the future.

The opportunity has been taken to make amendments—

- to make it clear that the Authority is an instrumentality of the Crown but not subject to Ministerial direction or control;
- to ensure that the Authority may obtain from the Commissioner a report on any matter relating to the operation, administration or enforcement of an Act under which functions are conferred on the Authority;
- to make it clear that the Authority may conduct meetings or proceedings, and allow persons to participate in proceedings, by telephone or other electronic means;
- to enable the Authority to delegate to a member, deputy member or the Secretary of the Authority or the Commissioner any of the powers or functions of the Authority under the Act or a prescribed Act (other than the conduct of an inquiry or review or appeal);
- to correct a reference in section 16 to employees of the Authority (the effect of section 16 as amended will be to prevent the members of the Authority and the Commissioner from participating in gambling activities to which the Authority's statutory responsibilities extend);
- to ensure that restrictions do not apply to the appropriate passing on of confidential information to officials and the Commissioner of Police.

*Clause 2: Amendment of Racing Act*

The Racing Act is amended to ensure that the concept of racing in that Act can be limited to traditional racing, ie, excluding specified

categories of racing by regulation. Betting operations conducted by TAB in relation to such excluded categories of racing would be conducted under Division 4 of Part 3 (Totalizator betting on other events) and provision is made for the regulations to fix the percentage of the totalizator pool that would be required to be set aside by TAB for administrative and operating expenses, capital expenses and payment into the Recreation and Sport Fund.

**The Hon. P. HOLLOWAY** secured the adjournment of the debate.

*[Sitting suspended from 5.56 to 7.45 p.m.]*

## PROSTITUTION (REGULATION) BILL

Adjourned debate on second reading.
(Continued from 9 November. Page 371.)

**The Hon. R.K. SNEATH:** I have recently come back from a trip to Sydney where I investigated the prostitution industry and visited churches in Kings Cross, the sex workers' Outreach Project office, the Minister for Police, the Manager of Strategic Planning at South Sydney Council, as well as the Kings Cross police. This certainly provided me with a clear understanding of the realities of prostitution. However undesirable prostitution may seem, it cannot be wished away. I believe that to turn a blind eye to prostitution and preserve existing legislation will only ensure that the link between crime and prostitution is maintained and that workers in the industry, who are mostly women, remain unprotected by law. It is difficult to consider an issue such as prostitution without considering the unease of South Australians in relation to drug use, crime and the breakdown of family values. While I acknowledge the significance of such problems, it is untrue to say that prostitution alone is a cause of such problems.

I would like to share with members my findings during my Sydney visit. I would like to spend a few minutes on each of the areas visited. I visited three brothels including one in Pitt Street in the city, 100 metres from the Hilton Hotel, that had a turnover, according to one of the partners, of $13 million per annum. It had 15 bedrooms, some of which were fitted with spas, full bar and lounge facilities, and a full size heated swimming pool. By industry standards, this establishment is in the upper scale. The second brothel, which was in Kings Cross, was a much smaller establishment, a converted terrace house with six to eight bedrooms. From the outside this looked like a residential terrace house. Directly opposite were expensive restaurants with a lot of foot traffic past the door. The third brothel was in suburban Chatswood. It was a two storey premises with approximately 12 rooms—a property that you would pass on your way to work in the morning, whether in a car or on foot, and not recognise as an operating brothel. The owner had purchased these premises from a doctor after working there for some time as a receptionist. This is now a family business run by a mother and her two daughters.

At two of the above brothels I spoke to the working girls who told me that since decriminalisation the industry is much healthier and cleaner, and the reason they work in a brothel is that security is better, they feel safer and they can demand protected sex. I saw a number of working girls in the brothels and their appearance did not relate to the use of heavy drugs, as was the case with the girls and boys working on the street. When I asked the girls why they chose to work in the sex industry, they all had the same answer, which was totally different from that of the street workers. The brothel worker was there to make money, they said, to enable them to live the good life, to buy fancy cars and clothes, nice units and extensive holidays. One working girl, who was married with an eight year old child, had been working since the child was born to give her child the good things in life, and she said that she would continue to work while clients found her attractive enough. She is currently 35.

While the girls put a reasonably good spin on working in a brothel, I must say that I do not think that any of them would be there if there were plenty of jobs in other industries that attracted them with reasonable wages and conditions. It was obvious that there are problems that weigh on their minds during their working time and probably well after they retire. Some of the mentally tougher girls would certainly find it easier than others. However, I am not convinced that making a living as a sex worker is as rosy as some would have me believe.

That takes me to the brothel owners and operators who, no doubt, could sell ice to eskimos. Even after decriminalisation they are taking too big a slice of the cake. They seem to have a consistent view that they are doing the workers, the client and society a whopping big favour at great expense to themselves, except for one at Chatswood who I found to be more genuine in her contribution.

The conclusion that I reached from my visits to these establishments was that they operated for years illegally without a great deal of protection being afforded to the health and well-being of clients or workers. Whilst I do not base much on the contributions of proprietors, having seen the cleanliness of all three establishments and the health of the workers and having watched the frequency of clients visiting these establishments, I think that decriminalisation has resulted in better and safer working conditions for all involved.

I also met with Maria McMahon, the Project Manager of the Sex Workers Outreach Project (SWOP), the equivalent of which in South Australia is the Sex Industry Network. At that meeting I was informed that SWOP receives $660 000 a year in funding from the health department as well as once off funding from WorkCover and the Attorney-General's Department. WorkCover is now working with the industry to ensure that the level of compliance with occupational health and safety regulations is increased. WorkCover cases have been finalised in Victoria and the ACT but not yet in New South Wales.

There is a maximum weekly wage allowable under the relevant acts of $660. Although it has not been tested, it is thought that workers would be regarded as employees not contractors. The levy that is applied is similar to other service industries. Prostitution is not as risky as hospitality. It is a myth that prostitutes are at a higher risk of sexual health problems as most brothels have entrenched safe sex practices which make the risk of sexually transmitted diseases very low. SWOP trains workers to be able to identify the visible signs of sexually transmitted diseases and encourages the use of bright lights in brothels.

Workers are also trained to cope with a client who does not want to use a condom. There is a peer standard in most brothels which ensures the use of condoms. There is a problem of violence associated with escort work. Some brothels use security beepers and employ their own drivers. Decriminalisation makes the industry less attractive to criminals. Therefore, the risk of corruption and violence in the industry is reduced. The advertising costs, the lease of

premises and the employment of security and support staff all contribute to the costs associated with running a brothel. Brothels take between 40 per cent and 60 per cent from sex workers. According to SWOP, councils need to draft a planning policy in the spirit of the act rather than pretend that there are no brothels in their area.

One of the important things to recognise with organisations such as SWOP is that they are not trade unions, but some features are similar. They certainly advise sex workers on what is available to them and the dangers of the industry, and they hold a number of training courses. SWOP produces videos on recognising sexually transmitted diseases and teaching sex workers to handle specific health matters such as using condoms and producing arguments for workers to put to clients who insist on unsafe sex. For instance, it suggests saying to a client who requests sex without a condom, 'The service is for you; the condom is for your wife or partner.' SWOP also circulates some very good booklets and newsletters. It was pleasing to hear from the sex workers that they had contact with SWOP on a regular basis and saw SWOP staff every few months. They were certainly all aware of its existence.

I then met with Cassandra Wilkinson, adviser to the Minister for Police. She informed me that the Attorney General's Department conducted a review of the legislation that was finalised this year. The review found in favour of the existing system but acknowledged that there are some ongoing problems, particularly with street prostitution. The report states:

> The issue of brothels remains a matter of obvious public concern. This is despite amendments in 1995 to the Disorderly Houses Act in response to community concerns and the findings of the Wood Royal Commission which uncovered widespread police corruption associated with prostitution. A review in 1997 found that the act was achieving its stated aims.
>
> I turn first to the rationale for the changes in 1995. The government recognises that brothels will continue to operate regardless of their legal status, and has therefore endeavoured to place clear restrictions on their operation in order to protect the public.
>
> The Disorderly Houses Amendment Act 1995 was introduced by the government in response to an earlier Court of Appeal decision which held that all brothels were per se disorderly houses and therefore subject to closure under the Disorderly Houses Act 1943.
>
> This case created a twofold concern for the government. First, the government was concerned that the fullscale closure of brothels will result in proliferation of street prostitution with consequences for the amenity of the urban environment. Secondly, the government had grave concerns for the risks that this may pose to public health through the spread of AIDS. The health department has advised that prostitutes working in brothels are more strictly supervised in terms of medical checks and condom use than street prostitutes.
>
> It is in this context that the amendments to the Disorderly Houses Act allow appropriately run brothels to continue to operate. A brothel must submit a development application to a local council for approval before it can operate legitimately. In considering a development application, the local council should consider issues relating to noise, public nuisance, parking and the proximity of the proposed brothel to public places including schools and churches. Once approved, the operation of a brothel is regulated through the use of appropriate planning instruments under the Environmental Planning and Assessment Act 1979. If a brothel does make a development application or continues to operate after such an application is refused, the local council may direct it to stop operating.

The report states further:

> Nevertheless, concerns remain and have been expressed to me from various councils, church groups, non-governmental organisations, individuals and other members of parliament. On this basis, it was felt that there would be much to be gained from the establishment of a Ministerial Task Force on Brothels. This task force has been convened and is chaired by the cabinet office.

The report goes on to say what the task force is made up of. The report clearly highlights the improvement in the sex industry since decriminalisation in New South Wales. In New South Wales, local government is vested with the power to give approval to the establishment of a brothel and to police the existence of illegal brothels. The health department conducts regular checks of legal brothels under the act. There are problems with the trafficking of women and the use of Asian women as sex slaves. This, however, is more of an issue for federal policing of organised crime and customs.

As far as an individual's entitlement to unemployment benefits is concerned, no person can be penalised for not taking a job as a prostitute (sex without consent is a criminal offence). There has been considerable reduction in the transmission of sexually transmitted diseases since decriminalisation. There has been a good response from the industry as far as complying with the act is concerned. The ACT works well from a policy perspective but it is unlikely that New South Wales would support the same policy provisions. On summing up the view of the minister's office, there is no doubt that since decriminalisation there have been vast improvements in the legal brothels in regard to health and the transmission of disease and corruption.

I also made a quick visit to the New South Wales Industrial Relations Commission and had a short meeting with a busy commissioner. There does not appear to be any flood of industrial problems regarding sex workers since 1995. However, there has been an odd one concerning a brothel manageress and one concerning a brothel receptionist. Whilst the majority of sex workers are employed as contractors, there does not seem to be any issue taken to the Industrial Commission. This is regardless of the great slice that some providers tend to take.

I also had a meeting with the Manager of Strategic Planning at the South Sydney Council. The council views brothels as using land for legitimate, legal business. In the words of the council, it is necessary to recognise that brothels do exist, especially in South Sydney. Residents do not want prostitutes in shop fronts so it has been agreed that they can be either above or below street level or at the back of a premise. There is still a problem with strip clubs being used as fronts for brothels. Unfortunately, councils do not have the resources to stop the operation of all illegal brothels, but progress is being made.

There are still problems with workers in unsafe conditions and with women being forced to prostitute themselves. Decriminalisation has not changed the number of prostitutes, according to South Sydney Council. As far as council planning is concerned, it is important to avoid clustering. Even though the New South Wales act is silent as to whether a brothel is a commercial business and it does not specify how councils must plan for brothels, in order to grant approval councils must treat brothels like any other commercial business and not confine them to industrial areas.

On summing up the South Sydney Council meeting, I found that this council was switched on and was confronting the sex industry, which has been predominant in that council district for over 100 years. It is now interesting to hear that, as the more wealthy suburban people are moving into areas such as Redfern, Surry Hills and Kings Cross, the council has had added pressure brought to bear.

These new arrivals are spending large sums of money on properties knowing that prostitution, brothels and the homeless have been part of this district for years and are now calling on the council to remove all these elements some-

where else, out of sight of their eyes. This is similar, I might say, to a lot of letters that I have received: there is no consideration or compassion for the human beings involved and no constructive alternatives are given. I do not expect too many South Australian councils to adopt the sex industry policy of the South Sydney Council. However, I hope that they have all acquired a copy and read it with an open mind.

From there I attended a meeting with Sharon Northon, the Sex Industry Liaison Officer at the Kings Cross Police Station. Sharon's thoughts regarding this industry, which I am sure all members would be aware she would know very well, were that most strip clubs have lost their liquor licence because of assaults and drug convictions in New South Wales, especially in the strip known as The Cross. Safe houses are registered businesses but would not meet the standards required by the act of a legal brothel. There is a lot of drug activity in the safe houses. 'Safe houses', whilst not provided for in the New South Wales act, are houses down side streets where street sex workers go to have protected sex. They are run privately: they are not government funded or anything like that. The majority of people we talked to in Kings Cross, including the churches, were concerned that there were not enough safe houses in the area for the girls working on the streets and that there was no government assistance for safe houses.

Fortunately, in South Australia, we do not have a large street prostitution business, as does Sydney in particular. Sharon went on to say that decriminalisation has helped to reduce the amount of drugs used in brothels. It suits police not to have the responsibility for brothels in New South Wales as there is a lack of resources and having the power to close down a brothel exposes police to allegations of corruption and so on.

Making arrests for soliciting is a numbers game for the police. It is all that can be done to satisfy local residents who want street workers removed from their area. Once arrested the street workers are fined, and are put in gaol for a day if they do not pay their fines. This cycle is repeated again and again, but being arrested does not stop the girls from street prostitution. As long as they have a drug habit, they will be working the street the next day to support it.

Section 19 of the Summary Offences Act, which Sharon pointed out, is where police powers lie in relation to prostitution. The person, date and locality must all be proven. I was fortunate enough to go for a tour with the Kings Cross police and see them arrest street sex workers. A paddy van is driven up a side street. The police, dressed in shorts and thongs, get into plain cars and pull up alongside street workers soliciting in places where they should not be soliciting, such as next to schools or inside hospitals. They ask for directions. When the worker comes to the window and goes a bit further than giving directions and asks the police officer whether they would like anything else, the arrest is made. The police officer says, 'Yes, get in the car', and drives them around the corner to the paddy wagon, which, I must say on that night, was loaded with about six to eight street workers in about 10 minutes.

**The Hon. T.G. Roberts:** That's entrapment, isn't it?

**The Hon. R.K. SNEATH:** That's what the girls were saying while they were hitting the officers, but not according to the law. If they are soliciting in places they should not be and they have those things that relate to section 19 of the act, a prosecution can take place.

To summarise the visits to the Kings Cross Police Station, since the Royal Commission into Police Corruption the Kings Cross Police Station and its officers still suffer some difficulty in the courtroom and in going about upholding the law and successfully prosecuting. This seems to me to be totally unfair because the guilty have resigned or been sacked. The work I saw done there would take a special sort of person with special skills. The Sex Industry Liaison Officer's position is relatively new and has been welcomed by the sex workers and the Wayside Chapel in particular. Sharon Northon, who struck me as a very dedicated officer, has great sympathy and compassion for those working on the streets. Like her fellow officers, she had a total dislike of and frustration with the lack of support the law provides and the lack of staffing that continually results in very few prosecutions of the Mr Bigs who continually supply these street kids with hard drugs.

I also visited three churches in the Kings Cross area. The three churches work together in a compassionate way to relieve some of the problems that face the street workers. The churches I visited were the Catholic church, St John's Anglican Church, and the Wayside Chapel. All of these churches provide comfort in food, blankets, conversation and prayers. They are open in their discussions and are generally concerned, worried and play major roles in comforting and protecting those less fortunate than ourselves.

I had an extensive meeting with Reverend Greg Thompson of the St John's Anglican Church, and, in his words, he tends mostly to see young women and men who are drug dependent. Women on the streets are the cheapest option for men who want to pay for sex. It is a combination of personal abuse, drugs and homelessness that leads people to prostitution. There is not a problem with students prostituting themselves on the street, according to the reverend. Legislation is only half the answer. Legislation needs to be matched with financial support and services to help the needy people who turn to drugs. Drug abuse is a systemic issue that is closely tied with mental health.

St. John's runs an organisation Rough Edges, a community support group and meeting place for the homeless. A lot of pressure has been put on the local churches in recent times to stop the support services from being provided in the area that has seen local resident groups lobby churches to stop helping those in need. The view of the residents is that providing services to drug addicted homeless people encourages them to continue their dangerous habits. The view of the local churches is that justice and equity is just as important as morality; therefore, the church will continue to assist those in need rather than turn a blind eye and hope they will go away.

St. John's has an annual budget of $600 000 per annum and receives no government funding. The three local churches, as I said, work together to ensure that the services are not duplicated. It was Reverend Greg Thompson who told me of the drug related deaths that occurred in his church yard, the shocking murder of a prostitute by his back fence, and the continuous sale of drugs that takes place within metres of the church and in the church grounds. Reverend Thompson informed me that his congregation was a mixture of bankers, business people, paupers and prostitutes who prayed together, worshipped together and then go their separate ways until the next service. The St. John's worshippers clearly looked upon the street workers as human beings in need of help and protection, the way any good Christian surely would.

In meeting with the Reverend Ray Richmond of the Wayside Chapel, he said that prostitution is a threat to the family and public health but it cannot be wished away.

Driving it underground is not the answer. Decriminalisation has not broken the link with crime or drugs, as far as the street is concerned. The problem with the current system is that it is difficult to prosecute the illegal brothels. The New South Wales system would be more effective if the requirements for brothels were less stringent but the arrangements for stopping illegal brothels were tighter. Inspectors are required to ensure that unsafe work practices are not carried out. Decriminalisation has helped protect workers but has not stopped the use of underage workers. Street prostitution is difficult to manage as the majority of street workers are drug addicted. Safe house systems do not provide adequate protection for street workers because, simply, there are not enough of them.

By way of a summary of the meeting with Reverend Ray Richmond of the Wayside Chapel, many people are concerned that there will be a direct link between the decriminalisation of prostitution and an increase in drug addiction. Overwhelmingly, the opinions of church representatives in Kings Cross dispel this myth. There are a range of reasons as to why people become drug addicts. Often it is the young people who become disenfranchised with their family and suffer from mental health problems. It is drug addicted people who become street prostitutes to support their drug habit. It is not the case that prostitution causes people to develop a drug habit (as many letters that I have received would suggest).

There was no doubt, on talking to those people, that if people did not have a drug habit they would not sell their bodies—that is, men or women, boys or girls. There is no doubt that the life of a drug addicted street worker is atrocious. However, the answer to overcoming the many problems associated with prostitution is to not leave prostitution as a criminal activity. It is drug addiction that causes people to prostitute themselves on the street. The desperation of a drug addicted person means they often have little regard for the law and are primarily concerned with how they will get their next hit.

According to the Wayside Chapel, the only way to tackle prostitution is to transform treatment for drug addicts and improve mental health services. The three churches said that they support safe injection rooms that have been or are about to be established in some areas of the Cross—there is no doubt about that. But they did not totally come out and say that the supply of free drugs—and free hard drugs like heroin—in those safe injection rooms would be the way to clean up street prostitution.

When I suggested it to them, they certainly did not disagree. There is no doubt that if later on, in our wisdom, we have safe injection rooms administered by qualified practitioners for those who are trapped in heroin addiction and who are selling their bodies to pay for their habit, or robbing their neighbour, or whatever—and I think it was back in the 1930s that you could actually buy it from chemist shops—there would not be these people on the streets.

Drug use in brothels, according to the churches, is certainly minimal, especially since decriminalisation. Greater surveillance of conditions in brothels since prostitution was decriminalised in 1995, the preference of the employers for healthy workers and a peer standard are all factors which contribute to keeping drugs out of the brothels—the legal brothels, or decriminalised brothels. From what I could gather, it seems that the circumstances of prostitutes in brothels are varied, but each has experienced financial difficulty and has made a choice to earn money through prostitution to support themselves and in many cases their children.

Like street prostitution that would not exist without drugs, all prostitution would not exist without clients—unfaithful partners, frustrated males and females, sex starved people, oversexed people, etc. These people make up a community. They are part of everyday life. They might be your friend, relative, partner, neighbour—who knows? Brothels advertise, clients do not. But we only have to look at today's *Advertiser* to see that we do not know what our neighbour is like; we do not know what our school teachers are like; and in Queensland recently we did not know what our politicians were like.

It is not hard to put your faith in somebody who might be doing these terrible things to people who are not consenting, let alone not knowing whether your neighbour is having consenting sex at a brothel and paying for it. They might even trot along to church with you every Sunday. We do not know—and we do not know what these people are doing. What these people are doing, according to the front page of this paper, is disgraceful because they are doing it without consent. And not only school teachers and politicians but even heads of churches are doing it without consent. There is no doubt that the three churches I have mentioned and the Kings Cross police station are convinced—and in my opinion are correct—that as far as street prostitution goes the drugs come first and the prostitution follows to pay for the habits, unlike a lot of people's thinking in South Australia.

One of the many stories is that of Sally. I met Sally at the Wayside Chapel. She started on the streets of Kings Cross when she was 12 and had her first child at 13. She is now 32 and a grandmother of twins. The only time Sally stopped prostitution was when she kicked the heroin habit for six months. People in the three churches know Sally, and they know she stopped going to the streets. Sally is a farmer's daughter from country New South Wales and goes home at shearing time every year and helps rouseabout, if she has the energy. There are many stories like Sally's and, thank God, in New South Wales there are many people who look after the Sallys.

Some further amendment should be discussed. A licensing or registration system should be looked at as a way of ensuring that only those who meet the requirements of any act and who are registered or licensed are able to advertise. Every effort must be made to enact the best legislation in Australia that protects the workers, clients and residents. Although it is the case that generally the sex industry has worked to comply with the act in New South Wales, the lack of acknowledgment by councils that brothels exist has meant that obtaining planning approvals in some suburban Sydney areas has been impossible. We must ensure that, if prostitution is decriminalised, councils cannot refuse to consider the application of brothels as a commercial business. If the bill is passed, we must also have an amnesty period to allow existing brothels time to comply with the legal requirements.

My trip has confirmed my belief in Australians as some of the most caring and compassionate people in the world. Before I left I was wondering whether this was the case, on reading some of the letters I had received. However, the three wonderful preachers that the churches mentioned and the wonderful volunteers, who spend hours looking after the less fortunate, have restored my faith in fellow Australians. Workers such as Kathryn, Greg and Estelle at the Wayside Chapel and many other volunteers at all the churches and their drop-in centres are wonderful, caring people. Work done by SWOP volunteers and Sharon and her crew at the Kings

Cross Police Station all contribute an enormous amount. We in South Australia are also blessed with many caring people who are out there today and who I am sure would come out if needed in the future. In the words of Father Sinn, the Catholic priest:

> The voices of those who want prostitution stopped are the voices of the residents who don't want it in their area and want the churches to stop providing services. Residents give all sorts of reasons for opposing prostitution, but the problem is with a society that refuses to acknowledge that the world is full of people who have been wounded by society and are in deep emotional pain. The opposition to prostitution is understandable but fundamentally, we have a responsibility for all people. The person on the street could be your brother, your sister but because they are on the street they are not liked but fundamentally, they are human beings who have a lot to offer.

And they deserve a lot in return. He continues:

> People who think that legalising prostitution will encourage drug use on the street are not talking about the real world.

He also says:

> People who think decriminalisation of prostitution will stop drug use are not talking about the real world.

He appreciates the view that the law should not condone prostitution but that we do have to give prostitutes protection.

Mental health services need to be increased. Drug addicts have a struggle with their sense of belonging and need to be able to reconnect to the community. Long-term counselling is the only solution for this. He said that there is a need for programs similar to 'Big Brother, Big Sister' which has young people spending time with adults for friendship and sense of belonging. Volunteers for this program come from the Young Christian Workers.

I have not touched too much on the policy of the South Sydney Council, but it is available if anybody would like to look at it or have a copy of it. It is a very enlightening policy. Like all other members, no doubt, I have received 1 000 letters on this subject, and some are very ordinary. I certainly would not write such letters. I received one late today on the fax machine from a person to whom I gave audience a couple of weeks ago and who I understand is a Christian—she said she was a Christian. She must have seen the death notice of my mother in last week's paper, because she wrote to me in this fax that it would be nice if I honoured my mother by voting against this bill. My mother was a very good, practising Christian, and I was fortunate enough to talk to my mother on the weekend before she passed away about this very bill, because she did want me to vote against it. I had the opportunity to sit down and tell mum exactly what I have told members today, explaining the plight of people who work in this industry in New South Wales and other states. It did not take a lot to convince mum to change her mind.

South Australia has an opportunity to learn from the experience of other states and get it right with respect to passing this legislation, which will protect workers in the sex industry; ensure that the link between prostitution and crime is broken; widen the powers of the police to prosecute those who do not comply with any new act; and put fewer obstacles in the road of police while they are exercising their duties. I support the second reading.

**The Hon. NICK XENOPHON:** In the last parliamentary session this bill was debated in the other place, and was passed in the early hours of the morning, just before parliament rose before the end of that session, and I will have something to say about that process shortly. In recent weeks members have contributed to the debate in this chamber and, whilst I might disagree with some of the views expressed, I nevertheless respect those views on what is a difficult issue. If I may comment on what the Hon. Bob Sneath said in relation to correspondence concerning his mother, I think that those sorts of comments are highly intolerant and entirely counterproductive to a sensible debate on this issue. I am sorry that the Hon. Bob Sneath had to be subjected to such rubbish in that extreme comment.

Changes to the law on prostitution should not be seen in absolute black and white terms. It is an issue fraught with complexity, emotion and value judgments. Notwithstanding the differences among members on this issue, I believe all members have common ground in seeking to reduce and stamp out exploitation, especially of children and the vulnerable. In this regard the government's sexual servitude legislation, passed with the support of all members in this place a number of months ago, is certainly a step in the right direction.

Some members have said that this bill is a dog's breakfast in that it is unsatisfactory in many respects, that it was cobbled together with haste and that essentially this chamber has been left to pick up the pieces. I suppose in some respects that is an important role of houses of review. I agree with those sentiments, particularly as I spoke with a number of members of the other place who voted both for and against the bill and, notwithstanding some diametrically opposed views, the common theme was that the bill was a mess. Members in the other place had different emphases as to where the mess was, depending on their stand on the issue. I understand that some members wanted it out of their place so they would not be inundated with the correspondence and phone calls that all of us here in the Legislative Council have experienced in recent weeks.

That sort of attitude seems to be a very unsatisfactory approach to making new laws in this state, although I understand that members in a number of electorates wanted it out of their house because the lobbying campaign was picking up speed, in a sense. It also caused me some bemusement to be told by one member of the other place who supported the bill but who was also very critical about the very existence of an upper house that it was all up to the Legislative Council to sort it all out. This bill is not, as some in the community would portray it, about whether or not prostitution continues to exist—that cannot be an issue—but, rather, about whether a regime of regulation and, with it, in essence a sanctioning of the state to some degree, will lead to a better outcome than the status quo.

Those favouring the legalisation and regulation of the industry believe that, amongst other things, it will lead to a safer industry, health issues will be addressed and the criminal element will be reduced. Many will see these as laudable aims, but the experience of legalisation in New South Wales and Victoria on some accounts but not all, because the Hon. Bob Sneath has a different perspective of that, suggests that those issues have not been dealt with as intended and evidence has been referred to by a number of members in this debate that illegal brothels have increased, as has the criminal element, as a result of the way in which regulation and legalisation were adopted.

Reports in the interstate press have reported of the frustration by police in ensuring compliance by legal brothels because their powers are limited, and I have read reports recently in the Melbourne *Age* in respect of one case in which I understand that a man has been charged with using drugs, I believe it was heroin, to procure women in the trade, and

that involved a legal brothel. I am not saying that this is a widespread problem but there are serious problems, including serious practical problems of police enforcement of those laws, that should give members pause to reflect. I also have concerns in the present bill about the lack of power local councils have in assessing such applications. To exclude local government and, by extension, the views of local communities from the approval process is something that the Local Government Association is understandably concerned about.

I agree with the views of the Hon. Paul Holloway, who believes that the current laws on prostitution are in many respects inconsistent and unsatisfactory, and I also endorse his view that heavy penalties should apply for pimping and other criminal activities associated with the prostitution trade. I also believe that his views supporting lighter non-criminal sanctions in relation to prostitutes and their clients have some merit and should be explored further.

I have a real difficulty in supporting a legislative regime as this bill anticipates that would give the industry, or at least parts of it, the imprimatur of the state's sanctioning it. The comment that I have seen in correspondence and heard in this place is that the bill could be telling young people that prostitution is somehow sanctioned by the state, that it is somehow acceptable, and I believe that the bill in its current form could give that impression. For that reason I am unable to support the second reading of the bill but, should this bill pass the second reading, I look forward to participating with all members in constructive debate.

*There being a disturbance in the gallery:*

**The PRESIDENT:** Order! If there is any further demonstration in the gallery I will have to ask people to leave.

**The Hon. T.G. CAMERON:** There is no need to provide that warning, Mr President, because I doubt that I will get rousing applause when I finish. I support the second reading of this bill and I would describe my position as being fairly similar to that of the Hon. Trevor Crothers. I support legislative reform in this area but, like the Hon. Trevor Crothers, I am not happy about certain sections of the bill, nor am I happy about some of the amendments that have been moved, but I will come back to them later. I foreshadow at this stage that I will be moving two amendments, one in relation to the 200-metre rule where brothels can be located, and a further amendment, the detail of which I have not sorted out and which I will address later in my contribution, in relation to the power of police to enter suspected brothels.

I am not happy with the drafting of the bill that has been passed by the other place, but I make my position clear: I support the second reading and I am prepared to support the passage of legislation to provide for reform of legalisation laws through this place but, as I indicated earlier, I am not prepared to support the bill in its current form nor all of the amendments. I guess it will be a fairly hit and miss process as we go through committee.

Once again in this place we are debating the issue of prostitution, the age-old profession which has not always been on the other side of the law. The illegality of this industry is a recent and contemporary phenomenon. If one looks at the prostitution laws that have operated in this country over a very long time, one surprisingly might find that, during periods when we appeared to have tougher laws against prostitution, prostitution proliferated. Before I comment specifically on the bill before this place, I would like to reflect on the current situation, as I understand it, that exists in the other states in Australia. I confess that I do not have the same first-hand and intimate knowledge of brothels as the Hon. Robert Sneath. I did not avail myself of the opportunity to visit brothels interstate but I did take the opportunity to visit a number of brothels in South Australia. Whilst the decor may change from brothel to brothel, the same product is sold and it is sold for the same consideration. One would expect that what transpires in a brothel interstate would be the same thing that transpires here.

Significant changes have occurred in prostitution laws in Australia over the past few decades. New South Wales, Victoria and the ACT have established what I would describe as more legal space for prostitution practices, although the acts that those jurisdictions passed vary, as they vary in relation to the degree of legal space that they provide for prostitution practices. It would be fair to describe the overall trend in Australia as being towards decriminalisation, although some states such as ours and good old Queensland have not followed suit, but I will come back to the laws as they operate in Queensland and outline my objections to them.

Feminists and sex workers have argued for over a decade that decriminalisation is a first step in improving the living and working conditions of sex workers. I guess the ultimate step in improving the living and working conditions of sex workers would be to do something about the apparently insatiable demand for their services from clients, something in excess of 98 per cent of whom are men. It needs to be said that, without the demand for this service, the service would not be provided; yet all of the blame for prostitution and for the dreadful life that many of these people lead somehow or other gets heaped back onto the prostitutes, and I do not think that is an accurate reflection of where the blame should be laid.

To date there has been little academic critique of the ramifications of decriminalisation of prostitution and the various models, with the focus on working conditions in the sex industry. However, Barbara Sullivan, in *Social Alternatives* (1999), offers an excellent critique and I will be quoting extensively from her research as I draw comparisons between other models and the model before this place today. Victorian legislation follows a different path from that of Queensland, New South Wales and the ACT. In 1986 significant changes to the prostitution laws were introduced and then again in 1995. The Victorian legislation in my view is not the ideal model and even blind Freddy could see that the original model would allow illegal prostitution to proliferate in Victoria, and the current situation is that Victoria has more illegal brothels than legal brothels. That is certainly not the objective that I am looking for in any model that I am prepared to support in this place.

*The Hon. R.R. Roberts interjecting:*

**The Hon. T.G. CAMERON:** I thank the Hon. Ron Roberts for his interjection because I believe it is important to outline some of the problems with the Victorian legislation. Without going into too much detail, they made it too difficult and too expensive to set up a legal brothel, and the powers of the police to act against illegal brothels do not exist in any meaningful way. My view, which is supported by evidence given to the Social Development Committee, is that to make legislative reforms work they must positively encourage those who want to work in the industry and must positively encourage those people to enter 'the legal arena'; in other words, they must go through the process of getting their planning permit before they set up their operations.

I believe the proposals passed in the other place provide a reasonable model for providing brothels with permits. One of the big mistakes in the Victoria legislation is that they handed the power to issue permits over to local government, and if you listen to local government—

**The Hon. Diana Laidlaw:** And big business.

**The Hon. T.G. CAMERON:** And big business—you need a lot of capital to set up a legal brothel in Victoria. The criminal element worked that out very quickly and said, 'We will let those who want to set up a legal brothel do that, but why should we bother to pay the money to get a permit and abide by the regulations when the police do not have the power to do anything much to stamp us out, anyway?' Of course, illegal brothels have proliferated in Victoria.

The current legislation before this place provides for the Development Commission to approve brothels in South Australia and removes the power from local government. The Local Government Association and the councils are bleating that we are taking power away from them, and that they should have the power to do all of this, but any realist looking at this situation knows that if the power is given to local government we will end up with a situation very similar to that in Victoria. The processes, the cost and the time involved in setting up a legal brothel will deter the criminal element from doing so; they will find it easier to hang up a shingle and open a door somewhere else. I do not believe the Victorian legislation is the ideal model, and I understand that it allows for sex workers to work from their homes as solo operators or in brothels, massage parlours or an escort agency.

I have strong reservations about allowing sex workers to work from their homes as solo operators, which is similar to the Queensland model where I understand prostitution has not been decriminalised but they allow sex workers—I will not call them 'working girls' or the Hon. Diana Laidlaw will kick me afterwards—

**The Hon. Diana Laidlaw:** Yes, but I call myself a working girl.

**The Hon. T.G. CAMERON:** Yes, but you are liberated.

**The Hon. R.R. Roberts:** Do you want to expand on that?

**The Hon. T.G. CAMERON:** No, you can see the Hon. Diana Laidlaw in your own time if you want to determine how liberated she is. I do not support a proposition that allows sex workers to work from their homes as solo workers—even in a commercial or industrial area. As legislators, if this legislation is passed we should take every possible step to ensure that there is a very clear demarcation line with respect to sex workers carrying on their business anywhere near young children. I am concerned that sex workers are often single mothers working in the industry to support themselves and their family.

Whilst I have no quarrel with the Hon. Bob Sneath's comments about the connection between drugs and street workers, I believe that same link is not there between drugs and sex workers who work in brothels. Many women working in brothels are single parents supporting their family. For that reason, I would find it very difficult to countenance any proposal that allows sex workers to work from their homes—particularly in a residential area.

I refer to the Hon. Diana Laidlaw's new clause 10A which provides:

> The establishment of a small brothel or use of premises as a small brothel is excluded from the definition of 'development' for the purposes of the Development Act. . .

The new clause goes on to define a small brothel, as follows:

> the total number of prostitutes employed or engaged in the sex business or the sex businesses carried on at or from the brothel does not exceed 2;

New clause 10A sets out other conditions as well. I will find it difficult to support the amendment for two reasons: first, it will encourage women to work on their own in a brothel. If one looks at the Queensland experience, I do not consider that that is safe. I do not pretend for one moment that, if the Hon. Di Laidlaw's amendment is not carried, it will stop women who are currently working as prostitutes from working at home, but we have that situation at the moment. I cannot see any real purpose gained from supporting this amendment. The other problem I have with it, as well, is that I am not quite sure how the police would police that particular section. If there were five women there, how would they know whether two were engaged in the sex business and the others were visitors, or what have you? I can foresee some practical problems associated with that amendment.

However, the situation in Victoria allowed for almost anything to operate as long as they obtained planning permits from the local council. All the reports I have received is that these permits are difficult to obtain. It was pointed out to me that the Victorian legislation allows women to work on their own in their own home. Why is it that women working on their own in their own home have not sought planning permits? The answer is so self-evident that I guess I do not have to say it: a woman working on her own in her own home is hardly likely to spend $30 000, $40 000 or $50 000 to obtain a permit, especially in the knowledge that it would be almost impossible for the police to catch that individual unless, of course, there was some kind of entrapment or guilty plea put forward. I make the point and I ask the Hon. Di Laidlaw to consider her position in relation to small brothels: if she is concerned at all about the safety of working women engaged in the sex business, then do not let them work in their own home on their own or with just two of them there.

*The Hon. M.J. Elliott interjecting:*

**The Hon. T.G. CAMERON:** The Hon. Mike Elliott interjects and says, 'They will probably have regular clients.' It is my understanding that most women who work as solo operators do have regular clients and have a small clientele, but it did not stop a number of working women from being slaughtered in their own home in Queensland. There is no safety there at all. If one of the things about which we are concerned in the passage of this legislation is to do something about some of the victims who are engaged in this business, then that is one of the things we should look at. It might sound strange, but women who are engaged in the sex business are much safer working in a brothel with a number of other women, where there may be some security or even security in numbers, than they are working on their own.

I go back to the Victorian situation. The law changed again, I think in 1995, and licensing fees were introduced for all prostitution service providers. These licensing fees are very high and applicants must undergo rigorous police scrutiny of their background and financial affairs. No-one would argue with rigorous police scrutiny of their background. I do have some question marks about why the police would be investigating their financial affairs. I would have thought it was probably up to the individual; if they get into financial trouble running a brothel, then that rests on their head. Sullivan in her writings says:

> The cost of legal scrutiny involved in the licensing process means that many, perhaps the majority, of prostitution businesses in

Victoria remain illegal. In fact, the Victorian model for decriminalisation, because of its restrictive regulations, has left an illegal industry in place, out of the state's control—

and this is from a researcher who has researched the business—

which continues to prey on mainly the very young, homeless and/or drug affected who continue to engage in street prostitution or work in illegal brothels.

It should be pointed out that, notwithstanding the introduction of a legislative model in Victoria, it would appear to have done little to cut back street prostitution. I guess if there is an aspect of this industry that is undesirable it is street prostitution.

I note that a number of speakers in the other place and this place have said that street prostitution does not exist or there is very little of it in South Australia. It would be fairer to characterise street prostitution in South Australia as being much less than in Victoria and New South Wales, where there appear to be delineated areas for street or kerb crawlers, as they are known. The situation in South Australia is much more spread out than that but, notwithstanding our current prostitution laws, you can drive along a street in certain places in South Australia and someone will bob out and pretend to be hitching a lift from you. If you genuinely stop to offer them a lift, they only want to go to the next street corner. Of course, they are not hitching a ride but, rather, engaging in street prostitution. By and large, it is not a problem in South Australia and the police are commended for their efforts in ensuring that it has stayed that way.

The New South Wales situation is different again. Street soliciting is legal and has been since 1979, although restricted to not near a church, residence, school or hospital since 1983. Since 1995 brothels have been able to operate legally provided they have a planning permit from their local council. There is no licensing or registration system operating in New South Wales. Workers from the sex workers Outreach Project (in Sullivan's article) argue that the absence of a licensing framework has been positive for workers. The power of the big operators in the industry has been reduced and conditions are very conducive to small operators' starting their own business. A significant number of sex workers in New South Wales continue to operate illegally on the street or from premises without a planning permit.

The Australian Capital Territory has a very different system for regulating prostitution. I have read the evidence put before the Social Development Committee and I have conducted my own research. I have also talked to members of parliament, such as the Hon. Bob Sneath who has visited brothels interstate, although I note he did not go to the ACT. I understand that Mick Atkinson and the Hon. Sandra Kanck and others have visited brothels. Heaven forbid, I was even able to drag Tom Koutsantonis, the member for Peake, who is strongly opposed to regulating prostitution, into a brothel that was situated just across from his parliamentary office.

**The Hon. Diana Laidlaw:** Did he know it was a brothel?

**The Hon. T.G. CAMERON:** I do not know that he did know it was a brothel, but he knew when he walked inside. Be that as it may, I respect Tom Koutsantonis's position. It had no effect on changing his mind. In the ACT since 1992, all providers of prostitution services have had to be registered with a public authority, the registrar of brothels and escort agencies. This process involves a listing of a name and address, business and residential, of the operators and a small annual registration fee—and I emphasise the word 'small' because it has to be small if you set a registration fee.

Only brothels are required to operate in industrial zones in Canberra. Street soliciting is prohibited, and it would appear that there is very little illegal street prostitution in the ACT. To be fair, I must say that comparing the ACT with South Australia, Victoria or New South Wales—even though we are talking about the sex business—is a little bit like comparing apples with oranges. As everyone knows, the ACT is a planned city. It does not have industrial or commercial activities mixed up with residential areas like the three states that I have mentioned. There is a clear delineation between residential and industrial, and there are no residential premises in any industrial areas.

The net result is that most prostitution services offered in the ACT operate legally. Only a fool would suggest that there are no illegal prostitution services being provided. Basically, they are operated on the basis of setting up brothels containing a number of rooms with women providing the prostitution services at those brothels. Sullivan argues that the reason there is very little illegal street prostitution in the ACT—and there is no doubt that there is much less than operates in Victoria and New South Wales—is 'because other employment opportunities in the sex industry are readily accessible'.

I will briefly touch on Western Australia. It is estimated that there are 3 500 sex workers, approximately 3 per cent of whom are street workers. Western Australia has completed its legislative review. A few months ago, legislation was passed reversing the burden of proof: the onus is now on the arrested sex worker to prove that they were not carrying out prostitution. Brothels, street soliciting and any form of sex work remains illegal—I am not sure if that applies to Kalgoorlie—but a significant change has seen the burden of proof reversed so that an accused person is no longer innocent until proven guilty.

Has decriminalisation worked? According to Sullivan, there have been some advantages for sex workers regardless of specific decriminalisation models. Sullivan suggests that decriminalisation improves the situation for sex workers, because legal workers are more able to resist exploitation and report offences committed against them. I would have thought that was fairly obvious. If you are working in an illegal brothel and you have a blue with the employer, to whom do you go?

*There being a disturbance in the gallery:*

**The ACTING PRESIDENT (Hon. J.S.L. Dawkins):** Order! the gallery must remain silent.

**The Hon. T.G. CAMERON:** There is no-one to whom you can go. I suggest that, if you had a referendum on this subject, based on all the opinion polls that I have seen, a move to introduce legislative reform of this industry would succeed. However, I think the good people of South Australia have better things to do than vote on a referendum as to whether or not we should legalise, decriminalise, or regulate, etc. prostitution. Sullivan went on to argue that they are more able to access the health, welfare and legal resources of the community. It also enables them to be employees and receive the benefits associated with this status such as sick leave, workers compensation and superannuation. I have strong reservations about the clauses in the award which define these people as employees when, strictly speaking, in my opinion, they should be regarded as contractors. However, I will come to that in committee.

The registration systems set up in Victoria and the ACT are not primarily concerned with the employment conditions of sex workers. These systems are primarily concerned with the exclusion of organised crime and known criminals from

the industry. Sullivan offers a preliminary analysis of the relative advantages and disadvantages of the three regimes of decriminalisation. The main differences between these regimes pertain to the application or not of a regulatory framework. Victoria has a most extensive framework which focuses on licensing, New South Wales has no specific licensing or registration requirements for sex businesses, and the ACT has a minimal registration system. All three jurisdictions require local government to play an active and important role in reviewing the location and impacts of sex businesses which, I may state, is a role that local government currently plays in relation to other businesses.

Victoria, the ACT, New South Wales, Queensland and Western Australia have all introduced legislative reform in this area. However, no state has adopted the same model. So, I guess that no state has a mortgage on the way to deal with this problem. Sullivan goes on to argue that the Victorian licensing system clearly dissuades many operators from making the transformation to a legal business. Thus, much of the sex industry in Victoria remains illegal and out of the state's control. So, the raison d'etre for introducing the legislation, by virtue of the legislation, has meant that they have not achieved their objective. In contrast, the minimal registration or licensing requirements in the ACT and the absence of any in New South Wales have contributed to a legal norm for sex businesses in those two jurisdictions.

It is widely acknowledged that the current laws are unworkable and in need of reform. I must say how disappointed, even dismayed, I was with the position of some members of this place who agreed that we have problems with the current legislation and spoke in some detail about those problems, yet I did not hear one person (who is not supporting the second reading of this legislation) proffer any alternatives, suggestions or amendments to overcome the difficulties that we have in South Australia, the last state to introduce reform in this area.

At least they could be honest and have the courage to stand up in this place and say, 'We are opposed to this legislation because of the moral implications associated with it.' Instead, we have seen some pretty pathetic attempts by some individuals to justify their moral position by either pointing to weaknesses in the legislation—and there are plenty—or putting other fallacious or spurious arguments to support a position which, basically, is based on a moral objection to this bill.

I do not have a problem with any individual—I respect their right to have a moral objection to this legislation—but, if you are going to object to this legislation on moral grounds, at least have the courage to stand up and say so and do not use a range of spurious arguments to defend your position. I was disgusted with the contribution of a couple of my compatriots—I cannot say 'comrades' any more—in this place who were not even prepared to support the second reading.

I recall supporting the second reading on a piece of legislation in this place which cost me my membership of the Australian Labor Party, and I did so on the basis that the issue was too important to be buried by not having the courage to allow debate to continue. Basically that was the position of my comrades in the Australian Labor Party: they wanted to gag the debate and did not want it to go any further, which was why a resolution was carried in the caucus to lock us into opposing that second reading.

After that I made a promise to myself that I would always support second readings—although I am having second thoughts about that now in view of the actions of some others in this place—on the basis that we should support a second reading and allow the debate to continue so that there is, on the record, a proper explanation as to why some people in this chamber support the legislation and, more importantly, why others oppose it.

I refer to the unworkable nature of our current laws and the fact that they are in need of reform. We have a strange legislative situation here in South Australia that under the Summary Offences Act the act of prostitution is not illegal. I am sure that everyone in this chamber realises that, but I will say it again for those people not sitting in the chamber: the act of prostitution in South Australia is currently not illegal; but if you are caught on premises where the act of prostitution is taking place then it is illegal, and there are a whole range of other anomalies.

We have had the Attorney-General, the Treasurer and the Hon. Rob Lawson QC argue that the current laws are unenforceable, that they penalise the sex worker and not the client, that they are not targeted at pimps and those who are really profiting from prostitution, and that they fail to protect the safety of sex workers and to provide a safe environment in which sex workers are not exploited. The Hon. Trevor Griffin, the Hon. Robert Lawson and the Hon. Robert Lucas are 110 per cent correct when they state that, but where are the alternatives? They have not even had the courage at this stage to foreshadow that they will introduce amendments to tighten up the existing legislation.

The single plea that the representatives of the South Australian police force made when they presented evidence to the Social Development Committee was that they were not there as legislators to draw up legislation and nor were they going to act as moral police. However, they said that they would like the legislators to realise that they have placed the police force in an extremely invidious position, an unwinnable position, and that is that the current law is unenforceable. Yet the current law has existed for decades. This chamber and the other chamber have, I think on four or five occasions, refused to grapple with this very complex and very difficult issue. Professor Chilla Bulbeck at the University of South Australia, in a letter she wrote to me, stated:

> The proposed bill is an improvement because, in decriminalising prostitution, it allows sex workers the rights of other workers to insurance, the protection of the law when economically exploited or sexually abused, for example. . . also reduces the costs of policing the sex industry and police resources can be directed to cover other crimes that actually do have victims and. . . it also does not attract money laundering and other criminal involvement, and encourages the payment of taxes by sex workers.

I have outlined some of what I believe are very important reasons for the need to reform prostitution laws in this state. Law reform must achieve a number of objectives. It must protect children at all costs. I cannot see how anybody can argue that if brothels are required to get a planning permit and we have very stringent and tough laws against illegal prostitution, as well as giving the police appropriate powers to stamp out illegal prostitution, then we must provide an environment that is safer and will provide more protection for children.

Whatever you do, do not bury your head in the sand and assume that under our current system we do not have underage children engaged in the sex business here in South Australia. I had one case reported to me of children as young as 12 years old working out of hotels in Hindley Street—12 years old. The more you push prostitution under ground

the more you will, in direct proportion, increase the exploitation and the probability that young children will be used in this business. Make no mistake about it—and the Hon. Bob Sneath referred to it—there are people out there in our community who want to have sex with young children. Some of them do not care whether they are boys or girls, just so long as they are young. As the Hon. Bob Sneath said, you might not know who those people are, you might be dining with them or you might be sitting next to them. It is all under ground.

If the police knew where the brothels were they would be in a much better position to protect underage children from exploitation by paedophiles. If you know the right people here in Adelaide you can make an appropriate telephone call and an hour later someone under the age of 17 will turn up at your place and be more than prepared to accommodate your needs. The current laws are not protecting children at all.

Surely people can see that if we know where prostitution is, and it is under the eye of the police, then underage prostitution is much less likely to occur. Underage prostitution will occur in the establishments where they know the police do not know where they are, they do not know what they are up to and they do not have a planning permit. The most likely provider of a sexual service with an underage person will be a pimp: it will not be in a brothel but will be provided by an escort—and I will come back to that a little later, because it might surprise some people to know that 70 per cent of all the prostitution services provided in South Australia are through the escort business.

Another factor that law reform must achieve is that it must remove the criminal element from the industry, such as drugs and money laundering. The first thing we need to do before we can remove drugs and money laundering is to get rid of some of the criminal elements that are operating in this industry in South Australia. You only have to talk to the police to find out that there are some pretty shady individuals currently running brothels in South Australia at the moment.

If you have strict criminal checks on people's criminal background and if you do conduct extensive checks on these people as proposed by the legislation, surely the opponents of the bill can see that you are increasing your chances of getting rid of the criminal element. Only a fool would stand here and argue that, if this legislation is passed, from that day onwards we will have no criminal elements operating in the prostitution business in South Australia.

Only a fool would argue that. But surely blind Freddy could see that under this model—as flawed as it is, and we will tidy it up before it gets out of here—you would be reducing and limiting the opportunities for criminal elements to become involved in the prostitution industry.

It just seems to me that a whole range of things that the opponents of this law want to stamp out, want to get rid of and want to put people behind bars for doing could be achieved with this legislation. Under the current legislation, nothing is happening at all. What is the alternative? This is a very mild model—a soft model, if you like—for the sex industry. What are the alternatives? Will we go further down the decriminalisation path? Or are we to go the other way and put the clients in stocks and chains, stick them in Rundle Mall, jail all prostitutes and give them 10 years hard labour?

Anybody who knows anything about this position—and I cannot believe that the opponents of this legislation cannot see this—knows that, if we leave things the way they are, what is currently happening in South Australia will continue. Currently we have exploitation, under age prostitution, drugs linked with the prostitution industry, and criminal elements operating brothels or using front people to run those brothels.

Another aspect of this trade that I find hideous is that, right now as I speak, we have women who have been dragooned from countries such as Thailand, the Philippines and various other South-East Asian countries currently working as prostitutes here in South Australia on working visas or other visas. I made an inquiry with the department of immigration about what it does if it finds a woman attempting to leave the country who has been here for a couple of years and has over-stayed a three month visa. The answer I received was fairly straight forward: 'We just tell them they have done the wrong thing, then we stick them on the plane. We ring up the other end and tell them that someone who has over-stayed their visa is coming. We cannot fill up our jails in this country with people who have over-stayed their visa, so we let them go home.' What happens when they go home? Well, if they are smart, they have $US100 stuck in their back pocket, they give it to them and proceed on their way out of the airport.

Quite frankly, there is a hideous trade that exists in this kind of prostitution, and we saw some evidence of it the other day where working women had to provide the first 500 services free of charge. On the current rates in New South Wales, they had to provide $50 000 worth of free services for the brothel owner—or pimp—before they started earning any money whatsoever. What are we doing about this hideous trade here in Adelaide at the moment? We are doing absolutely nothing. We cannot do anything about it whilst prostitution remains underground. I suppose we could allocate 20 per cent or 30 per cent of the police force to go out and stamp out all those illegal brothels but, again, the more you send it underground, the more the really objectionable and offensive aspects of the industry come to the fore. Law reform must have the objective of placing the industry under some form of state control or regulation. That is what this bill, in a small way, seeks to do.

I am probably only about halfway through my contribution so I will skip the 10 minutes or so that I was going to spend talking about the various provisions in the bill and move on. I have no desire tonight to break my record for speaking far too long in this place at times. I would just like to—

*The Hon. T.G. Roberts interjecting:*

**The Hon. T.G. CAMERON:** Well, you can shut up. I will keep you here for another 10 minutes. I want to refer briefly to a proposition—

*The Hon. R.R. Roberts interjecting:*

**The Hon. T.G. CAMERON:** I did give the Hon. Ron Roberts a bit of a warning earlier on. I said that my contribution would be much shorter if he did not interject, and I must say that he has been very well behaved tonight.

One of the clauses of the bill provides that no brothel may be established within 200 metres of a church, school, a place where children play and so on. I fully support a 200 metre limit. However, there is a practical problem associated with that. I intend to move an amendment to provide that the 200 metres does not have to apply within the Adelaide City Council area. My reasons for doing that are pragmatic. I have received correspondence, as many members did and, if you look at all the establishments in Adelaide where either there is a church, a school or one of the criteria which do not allow you to set up a brothel within 200 metres, you find that there is nowhere in the Adelaide CBD where, even if this legislation were passed, you could set up a brothel.

There are a number of brothels—and not enough fingers on my hands to count them—that are currently operating in the CBD area. I foreshadow that I will be moving an amendment to reduce that 200 metres to 100 metres in the Adelaide City Council area, and I do so for a number of reasons, but it is mainly to satisfy some criticisms that Tom Koutsantonis raised with me when we visited a brothel in his electorate—and I must hasten to add, for Tom's sake, as observers. My concern is that, if we do not have a 100 metre proviso in the Adelaide City Council area, there will be no brothels in the Adelaide City Council area, and it is a real concern that we could end up with some of the industrial and commercial areas down there at Mile End, etc., becoming a corridor area for brothels. I do not think it is terribly fair to foist all of the brothels that currently may be located in the Adelaide CBD area down into one area in Tom's electorate.

I saw first-hand the impact that a well orchestrated campaign can have on this subject. I was a member of the Social Development Committee when the Hon. Bernice Pfitzner was the chair of it and she would jump around every time Tom Koutsantonis and Michael Atkinson letterboxed his area. Mind you, their representations to their electorates were not very accurate nor fair, but sometimes that does not matter in politics—the old saying being 'What works is what counts'.

I have a number of other issues that I want to touch on briefly. I said earlier in my contribution that the escort business is not governed by this legislation. My view is that any legislation covering the escort business would be very difficult to implement. One of the things that the police outlined to us in great detail was the great difficulty, almost impossibility, of trying to get convictions in the escort business. One of the reasons I am prepared to support this legislation is on the basis that it would be my fervent hope that if this legislation was to pass it would see a transfer of business away from the escort industry to the brothel industry. I would be happy about that because the escort business is not as safe as working in a brothel, hence the reason why some of the escort agencies go through the motions of trying to convince their clients that they have a bodyguard sitting out the front waiting for the service to end.

The truth is that most of these bodyguards drop the woman off and then go on and do another run and then come back a bit later when the service has been provided. In my opinion we would be improving the industry and making it safer and placing it before the police if we could wind down the escort business and encourage the business to operate through brothels that have a planning permit.

I want to touch briefly on the moral argument that is used in relation to this. I am often asked, 'Would you like your wife or daughter to work as a prostitute?' Well, the answer to that is a resounding no. I do not think there would be anyone in this chamber, either a visitor or participant, who would answer yes. But that is a silly question to put to anyone. I briefly mention the Festival of Light. I read everything that I receive from the Festival of Light, and I understand that a couple of times I have featured in their newsletters. I had a two hour meeting with a delegation from the Festival of Light which was headed up by Ros and David Phillips. I recall that I enjoyed the meeting for its frankness and the way that, even though they knew they were speaking to someone who held different views to theirs, they gave me a very good hearing and an opportunity to outline my position to them.

I do not disrespect people if they say they have a set of moral values or that their moral values in relation to a subject are influenced, if not determined, in conjunction with their religious views. That is everybody's right. I respect the Festival of Light members' right to hold the views they do on this subject, and I respect their right to go out and argue their case. They do so with a degree of panache and style at times which surprises me. However, I do take issue with the Festival of Light, as I do with anybody who runs the moral argument and then attempts to use spurious or fallacious information or arguments to justify their moral position. That is wrong, and I do not believe that it is a moral way to behave.

I wish to deal with some of the issues that have been put forward. The Hon. Bob Sneath referred to the incidence of STDs in the prostitution industry. I support his statement that STDs in the sex business are few and far between, for the reasons he outlined. I am not suggesting for one moment that that means you will not be able to find a prostitute here in Adelaide who will provide sex for you without a condom. The most likely place you will be able to find someone who will provide sex without a condom is a brothel employing illegal workers on illegal visas working here in Adelaide at the moment providing sexual services. Once again I would argue that, by trying to push this industry out of the police view, you create an environment or structure where the police do not know what is going on, where it is going on and who is running it, and that is when you run the risk of drugs, sexual services being provided without condoms, etc.

I point out to the Hon. Bob Sneath, with respect to a bit of information that he came across in his extensive studies on this subject, that he seems to put almost blind faith in condoms. I have read all sorts of statistics on the reliability of condoms, and the statistics can range anywhere from 2 per cent to 14 per cent. I would suggest that if you were having a condom breakage rate of 14 per cent then you ought to change brands.

*An honourable member interjecting:*

**The Hon. T.G. CAMERON:** I will not respond to your interjections, because it would offend the visitors' gallery if I did. Dr Wardell from the Sexually Transmitted Diseases Clinic here in Adelaide put evidence before the Social Development Committee that the incidence of STDs amongst working prostitutes is much less than that among the general population. He argued that, in fact, if you want to put yourself in danger of catching an STD, you should go out to one of the local hotels and get yourself some casual sex for the night. He said that that is where STDs are occurring. He had more confidence in the efficiency of condoms than does the Hon. Bob Sneath; however, you cannot argue with the facts and statistics. I think it was Dr Wardell and the Hon. Sandra Kanck who finally prevailed upon me not to insist on medical checks as a mandatory part of this legislation. It is a fact that, since HIV and AIDS became bywords in the sex industry, the incidence of STDs has diminished substantially, although the latest evidence would appear to show that it is once more on an upward trend.

To touch on a few other issues, I notice that advertising was banned in the model that was carried by the lower house. However, the Hon. Carolyn Pickles has some amendments in place to set down certain regulations in relation to advertising, and I intend to support them for the following reasons. First, if you take away the right of brothels to advertise, how will they then go about advertising? They will advertise in interstate papers, to start with, and in magazines that are

printed out of the state but distributed in this state. The main reasons why I would oppose any limits to advertising is that I do not want to turn every taxi driver in South Australia into a pimp. Basically, that is what will happen. I have seen it elsewhere.

Without advertising, the taxi drivers will be on $5 or $10 for every person they take to a brothel. You only have to look at what happens in Victoria to see that that might take place. I do not think it would be a very sensible proposition to create an environment where a man on his own or two men together will jump into a cab, and the next thing you know the taxi driver will turn around and ask them whether they want to go to a brothel. We will end up with a situation where taxi drivers and other people who might be rewarded with a commission if they provide a client are actively out there touting for business on the basis that they will get a commission.

**The Hon. L.H. Davis:** In the *Advertiser* you have relaxation services, haven't you?

**The Hon. T.G. CAMERON:** The Hon. Legh Davis interjects just as I was about to refer to the *Advertiser*. If you pick up the *Advertiser* and look under 'adult relaxation services' you will see dozens—well over 100.

**The Hon. L.H. Davis:** There were 373 the other day.

**The Hon. T.G. CAMERON:** The Hon. Legh Davis interjects and says there are 373 advertisements. The current law is really working well, isn't it! There are 373 advertisements for prostitution services in our only newspaper in this state, but I do not blame the *Advertiser* at all for that. I thought about bringing the *Advertiser* in here and reading out a few of the more choice ads but, quite frankly, they are offensive and some of them are disgusting. They refer to sex, age, nationality, weight, etc. I point out to members that the Hon. Carolyn Pickles' amendments would prevent advertisers from referring to age and nationality and some other things. I intend to have a close look at the Hon. Carolyn Pickles' amendment, which I will support, although I may have a small amendment to make to it.

I refer now to part 4, enforcement, and clause 19, which provides for powers of police officers. I cannot believe that the other place has actually passed a bill that will make it more difficult for police to enter brothels than the current law does. As I understand the law, section 32 of the Summary Offences Act currently applies. That provides that the Commissioner or any superintendent or inspector of police or any member of the police force authorised in writing by the Commissioner or a superintendent or inspector of police may at any time enter and search premises that he or she suspects on reasonable grounds to be a brothel, or words to that effect. Yet the measure in this bill requires police to make application to a magistrate and it sets out a procedure and the limits on warrants that can be granted. For example, they will not remain in force for more than seven days and they will be valid for 24 hours only.

Like many other members in this place, I have received correspondence from the South Australian Police Association, and I think that its secretary's name is Andrew Dunn. I rang Mr Dunn today to find out from him precisely what were the concerns. Its main concern is that, even under section 32 of the Summary Offences Act, it is very difficult for the police to get sufficient evidence with which to launch a prosecution against an illegal brothel. By the time they get in there, it is extremely difficult. I suggest to people who oppose this legislation to chat with the police and talk to them about the practical difficulties associated with the current law in getting a prosecution and they should also read their correspondence to find out what they think about part 4, enforcement.

For the opponents of prostitution, let me state that I have not yet met one member of parliament in either house who condones, supports and argues for legal prostitution. In conversations that I have had with the people who supported the bill in the other house, they said that, even though they are against prostitution and have always been against it, they are on about harm minimisation, about creating a model that will allow us to do something about this industry.

If we do create a legal regime to tidy up this industry, we cannot ask the police to do something about all the illegal brothels with their hands tied behind their back. It is absurd and I make my position quite clear. I will not support this bill going through this place if, at the third reading, it contains part 4, enforcement. Like every other member of this place, I do not condone or support the practice of prostitution. What we are attempting to do in a pragmatic way is to exercise more control over this industry and to tidy up some of the more unsavoury aspects to it.

If people want any evidence for that, they should look at the penalties that will prevail under the legislation for illegal prostitution. If those penalties are going to be meaningful in any way, let us give the South Australia Police the power to do something about illegal brothels. That is why I am prepared to support this legislation, because I believe that it will be the first time in this state's history that we will be able to do something about stamping out the unsavoury and insidious practices that are associated with the brothel trade in this state.

*There being a disturbance in the gallery:*

**The Hon. T.G. CAMERON:** I do not respond to interjections from the gallery, so do not waste your time. Please, do not waste your time; otherwise you will not stay here.

**The PRESIDENT:** Order!

**The Hon. T.G. CAMERON:** Go! I am not supposed to respond and you are not supposed to interrupt when we are speaking. If you want to speak to me, come and see me.

**The PRESIDENT:** Order!

**The Hon. T.G. CAMERON:** When I made that statement about some of the insidious and unsavoury practices that are operating in the brothel industry in South Australia, I did not want everybody to assume that I was referring to each and every operator within the business because, with my own eyes from inspections, I have seen that a number of brothels in South Australia are run professionally and properly. There are no drugs, the women who work there are paid 50 per cent, condoms have to be used and drunken people or undesirables are thrown off the premises. One of the brothels that comes to mind is the brothel that is operated—

**The Hon. T. Crothers:** Can you do that with some speakers?

**The Hon. T.G. CAMERON:** The brothel that comes to mind is the one operated by Stormy Summers, which I have visited in the capacity of an observer on a number of occasions. I foreshadow that I will introduce amendments to give police appropriate powers to stamp out illegal brothels if this legislation is successful. Whom do people think they will be attacking when they attack the illegal brothels under this regime? Criminal elements, the dodgy operators, the very people whom we want to get not only out of this business but hopefully out of this state.

In my conversation today with Andrew Dunn from the police union, he pointed out to me the problems associated with section 65 and he referred to a recent court case in which a police officer by the name of Pippos had to defend himself against a private litigation. I ask the Attorney-General to look at this, because it does not seem right to me that a police officer exercising his duty, acting on a lawful command from a superior officer, can then end up in court because the lawyer representing the brothel owner takes a civil prosecution against him which never went to trial. However, according to Mr Andrew Dunn from the police union, some $60 000 of union members' money was spent defending one of their officers. I would ask the Attorney-General to look at that. I would hate to think that we are going to enter a situation where, just because lawyers do not like what a police officer has done, they can subsequently take a civil prosecution against him. I have plenty more here that I could go through but, as the Hon. Trevor Crothers has just pointed out to me, perhaps I have gone on for long enough. In committee I will have an opportunity to address some of the individual clauses of the bill.

In conclusion, I urge honourable members to support the second reading. I believe that honourable members who object on moral grounds and who are not prepared to allow the debate to proceed are engaging in an act of cowardice. I believe that debating an issue and teasing out a particular clause is never a problem for anyone. I will be disappointed if this legislation fails because members in this place did not have the courage to support the second reading. I urge those who are opposed to this bill on moral grounds not to look at the legislation with blinkered eyes and closed ears but to look at if for what it is. It is a genuine attempt by a bunch of politicians who do not condone or endorse or hang a shingle at the entrance of Parliament House which says, 'It is now okay for everyone to work in the prostitution industry.'

The ACT and Victorian legislation has not turned those states into a modern day Sodom and Gomorrah. The argument that if this legislation is passed the morals of our young children will be perverted for ever and a day is a load of nonsense. I ask all honourable members who have spoken against this legislation to examine their conscience, to look at the arguments put forward and to remember that voting against this legislation is leaving everything exactly the way it is. No-one will know where we are going and what to do. Worst of all, there will be no clear instructions from this place to our police force on how we want them to deal with this legislation. I support the second reading.

**The Hon. A.J. REDFORD:** This bill seeks to change in a substantial way the laws affecting activity associated with the practice of prostitution. I find prostitution not only distasteful and immoral but, to a large extent, exploitative in its worst sense. However, while I am personally and morally against prostitution, I have endeavoured to approach this issue from a pragmatic point of view rather than from a moral point of view. The Attorney-General and the Hon. Legh Davis have already most adequately explained the bill and the history of prostitution in this state. All honourable members have spoken on the bill and the quality of the speeches has been informative and of a high standard.

I have received over 1 000 items of correspondence on the issue, and I have spoken at length with people such as Father John Fleming, women from the Women's Legal Service, the Festival of Light, people I know and trust and respect from my former church, police officers whom I respect, and ordinary women—particularly, women from Zonta. Indeed, I pay a tribute to the women from Zonta who played no small part in me coming to my conclusion. Zonta is a service organisation and the reasoned and impassioned submissions that they made were of great assistance to me. I make a number of points on this issue. First, not one person has sought to justify the existing law—

*Members interjecting:*

**The PRESIDENT:** Order! It is very hard to hear the honourable member.

**The Hon. A.J. REDFORD:** Everyone I have spoken to agrees that the current law is a disgrace. No attempt to tighten the law in the past few years has succeeded. I totally oppose any scheme of licensing because we would finish up with the Victorian situation with two sets of prostitution—one legal and one illegal and all the consequent problems that come with them.

I have spoken in the past about other issues associated with prostitution. The current law is flawed in a number of respects, and in some previous contributions some detailed critique has been outlined. Indeed, as was pointed out by a number of speakers, the single act of prostitution is not illegal in this state. What has been made illegal are activities associated with prostitution including the management of a brothel, the taking of money in a brothel and the receiving of money in a brothel. A simple act of prostitution between consenting adults provided it is not done on premises which can be described as a brothel or does not involve any form of procurement is not in itself illegal in South Australia.

As a consequence, the enforcing of the law has been arbitrary and unfair. Indeed, the police have successfully investigated and launched prosecutions against brothels in South Australia on many occasions in the past few years. However, to my knowledge not one successful prosecution has been instituted against the owners, managers or operators involved in the escort industry. It is important to understand that the escort industry is, essentially and practically, beyond the ability of police in South Australia to police it, given the current state of the law. There are a number of reasons for that, not the least of which is the state of the law.

On the other hand, brothels are easy to prosecute: they do not shift, they are readily identifiable and, as a consequence, they attract enormous police attention. The nature of the industry in South Australia is such that escort agencies are generally owned and operated by men, and in a substantial number of cases those men reside in other states of Australia. It is also important to understand that escort agencies generally attract a greater criminal element to the extent that there is strong evidence that it is dominated by organised crime. However, brothels tend to be owner operated and there is a much greater opportunity to ensure that associated criminal activity is properly policed. Unfortunately, with the state of laws and the way in which they are enforced in South Australia there is a tendency to push out people from brothels and into escort agencies, and therefore, in my view, into the clutches of organised crime.

Indeed, the Social Development Committee report that was tabled in 1996 made a number of comments. Page 151 of the report states:

> We hope that our changes might reduce the supply of escorts which can be dangerous work but command 75 per cent of the South Australian market and redirect them to the comparatively safer work in brothels.

That was part of the majority report which recommended licensing. As I said earlier, I do not support that. Indeed, the

report accurately encapsulates the views that I have previously held. I think it is incumbent upon us all, no matter how difficult it is and no matter how hard an issue might be, to allow the debate to continue. I am not sure what my position will be at the end of the committee stage. However, I think it would be inappropriate, given the numerous attempts that have been made over the years to reform this law and the complete failure on the part of those who would seek to tighten up the existing law, to close the door for debate. It is my view that to vote no at this stage would condemn this state to the existing unsatisfactory laws for a further period of two to three years given that no parliament will ever deal with anything remotely connected with prostitution in an election year. At least to vote yes will allow the debate to continue.

I acknowledge that this will upset and annoy many of those who have sought to suggest to me that I ought to vote no at this stage. I would merely say that the debate is not yet over, and I would hope that they provide some constructive suggestions about how this bill might be improved in relation to the way in which this community deals with prostitution. I think my position in relation to this is summed up by Stephen Grellet's rather pertinent statement when he said:

> I expect to pass through this world but once. Any good thing that I can do or any kindness I can show another human being, let me do it now, for I shall not pass this way again.

It would be grossly irresponsible for this parliament to walk away from this difficult issue because there may not be an opportunity to pass this way again, and we all would be just as culpable for the current extraordinarily poor state of the law as those who inflicted those laws upon us many years ago. I support the second reading.

**The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning):** In summing up, I note that this bill has been deemed to be a conscience vote for all members, and that would account for the large number of members who have spoken and the wide range of views that have been expressed. I note that no member, even those who have supported reform, is a fan of prostitution. None of them want to encourage proliferation of the sex business or encourage more people to become prostitutes. With few exceptions, even the members who oppose this measure at the second reading acknowledge considerable unease about current practices. The different views range from the Hon. John Dawkins, who said that the situation in which prostitution exists in South Australia is unsatisfactory, to the Hon. Caroline Schaefer who has expressed concern about prostitutes being beaten, contracting disease and lacking protection simply because of the law.

I refer briefly to the contributions of the Hon. Robert Lawson and the Hon. Ron Roberts. Both stated that the bill was unworkable. I recall expressions such as 'a dog's breakfast'. Both noted various issues from planning to mandatory sentencing as being unsatisfactory, but they never once acknowledged that when I introduced the bill for debate in this place I also foreshadowed, at the same time, various amendments to address the very same issues of which they were critical and which gave them reason to not support the second reading debate and progress the measure so that we could, in fact, debate the amendments and address the issues that they highlighted as flaws in this bill.

*There being a disturbance in the gallery:*

**The ACTING PRESIDENT (Hon. J.S.L. Dawkins):** Order! The gallery must remain silent.

**The Hon. DIANA LAIDLAW:** We are elected as legislators. We are paid as legislators. This is what is commonly called a house of review and it is my very strong view, after 18 years in this place, that our responsibility is to advance debate on measures, whether we like the measures or we feel comfortable about the measures before us, and particularly when there is universal acknowledgment in this place that the current laws are unworkable, unenforceable, discriminatory in terms of women and penalise the sex worker and not the client. As the Hon. Legh Davis remarked so strongly, and I think the Hon. Trevor Crothers and the Hon. Terry Cameron highlighted, we have an escort business that flourishes in this state. It happens to be the most dangerous part of the sex business, but it exists. It is advertised yet those who oppose the measure before us or any reform measure are prepared to accept this inequitable and unsatisfactory condition.

I highlight briefly that the bill before us has been developed with the benefit of practice and reform interstate. The ACT and the Northern Territory models, in particular, have decriminalised prostitution, and they have been shown to be successful in providing prostitutes with the protections that are afforded to workers in other industries without encouraging young people to view prostitution as a viable occupation. The reference to the fact that reform in Victoria has not stamped out the illegal practice of prostitution ignores, as the Hon. Terry Cameron so eloquently said, the fact that the measure before us contains a very different model of prostitution law reform. Our model provides for regulation: it does not allow corporate involvement in the industry and it does not provide for direct involvement by councils in the planning approval process.

I refer to the issue of child exploitation in the sex industry and exposure to prostitution. I highlight, as did the Attorney-General so effectively in his contribution, that the Criminal Law Consolidation (Sexual Servitude) Amendment Act addresses those issues. That act was passed unanimously by the parliament earlier this year and must be seen in the context of the reform before us.

I briefly refer to members' concerns relating to the job search scheme. Some members have highlighted that decriminalisation of prostitution may result in young people being compelled to work as prostitutes under Centrelink's Australian job search scheme and that they may lose their unemployment benefits if they refuse. The Hon. Sandra Kanck pointed out—effectively, I think—that section 66 of the Criminal Law Consolidation Act provides heavy penalties for anyone who compels or induces another to provide or continue to provide commercial sexual services and that this amounts to sexual servitude.

I note, too, that Centrelink staff would, therefore, be guilty of an offence if they attempted to compel a young person to work in a brothel. There is also an employer Australian job search code of conduct which specifically precludes advertising for vacancies for sex workers in the Australian job search scheme. I understand that, notwithstanding those perspectives, the Hon. Mike Elliott, if this bill passes the second reading, will introduce amendments to clarify that point.

The amendments provide for the Development Assessment Commission to assess the applications and, using uniform planning principles, they also provide for the views of local government to be sought in relation to the brothel approval process and the assessment of applications. The LGA has raised a number of issues in terms of consultation with councils and the way in which brothels would be considered in respect of category 2 notification. Those issues

are addressed in amendments that I have on file. The Local Government Association has also raised concerns about the transition provisions, and I understand that some amendments may be moved by members to address those matters.

The Hon. Terry Cameron mentioned my amendments about home-based businesses and expressed some concern. If this bill passes the second reading, I look forward to discussing those issues with him. Regarding advertising, the Hon. Carolyn Pickles has amendments on file to deal with this issue and the issue of mandatory sentencing.

When I introduced this bill on behalf of the government after its passage through the other place, I acknowledged at the outset that there are anomalies and deficiencies. The amendments that I moved at the outset seek to address those issues. Members (including the Hon. Terry Cameron regarding police powers) have other matters that they would like to address. Many of us who support the second reading are keen to discuss these amendments and have an open mind about these matters. Overall, this measure, after many years of acknowledgment that we have bad law and unenforceable practices, presents us with an opportunity. It is not our place to be elected here and paid to hide because we simply do not like an issue and would rather not address it.

I thank those members who have researched this measure well and will support the second reading. I think they have shown a considerable sense of responsibility about the role of a Legislative Councillor. To those who do not support the second reading, whilst I except the moral position or religious grounds of most of those speakers, I have great difficulty in coming to terms with the fact that they acknowledge that the law does not work but that, as we move into the next century, they would prefer to accept that an unworkable law is preferable to addressing issues involving exploitation and danger in terms of women in particular, especially when we have this extraordinary circumstance where escort work is legal and flourishes but the safer practice in brothels, which is provided for under this bill, is not acceptable even for further debate let alone its passage as a timely reform.

The Council divided on the second reading:

AYES (9)

| | |
|---|---|
| Cameron, T. G. | Crothers, T. |
| Davis, L. H. | Elliott, M. J. |
| Gilfillan, I. | Laidlaw, D. V. (teller) |
| Redford, A. J. | Roberts, T. G. |
| Sneath, R. K. | |

NOES (8)

| | |
|---|---|
| Dawkins, J. S. L. | Griffin, K. T. |
| Lawson, R. D. | Lucas, R. I. |
| Roberts, R. R. | Stefani, J. F. |
| Xenophon, N. | Zollo, C. (teller) |

PAIR(S)

| | |
|---|---|
| Pickles, C. A. | Holloway, P. |
| Kanck, S. M. | Schaefer, C. V. |

Majority of 1 for the ayes.

Bill thus read a second time.

## CONTROLLED SUBSTANCES (DRUG OFFENCE DIVERSION) AMENDMENT BILL

In committee.

Clause 1.

**The Hon. CARMEL ZOLLO:** I indicate the opposition's support for the amendments. The opposition did not support the bill in the first instance because the mandatory nature of the diversion system was being removed. As my colleague (Hon. Carolyn Pickles) placed on the record, I also place on the record the opposition's recognition of the role of the Drug Assessment and Aid Panel. The opposition is pleased to see that the government has taken heed of the experts in the field and has reinstated this legislation to the *Notice Paper* with the amendment and consequential amendments we have before us.

The opposition believes it is important that diversion program services be mandatory. We do not believe that federal government funding should remove this mandatory provision. We are pleased to see the discretionary nature of the bill removed. I think it is difficult for anyone to argue that referrals will not increase if they are mandatory. Since the tabling of the report 'An Evaluation of DAAP' the opposition has received, as I am certain other members have as well, several comments and, on behalf of the opposition, I will now raise the following questions with the Attorney-General.

Who will be doing the assessments, individual assessors or panels of assessors? If the answer is 'both', how will the differentiation be made between offenders being offered individual assessment and those being offered panel assessments? How will legal consultation/advice be made available to individual assessors? This is very important given that offenders could end up with a criminal conviction at the end of the process. What will be the relationship between the Drug Assessment and Aid Panel as continued by the bill and any individuals or bodies newly accredited as assessors? Will existing members of the panel be able to function as individual assessors? If not, why not? This is an important issue given the experience and qualifications of existing panel members. Who will have responsibility for recruitment, accreditation, training and support of assessors?

Where will confidential assessment information, medical and criminal records be secured? Who will have responsibility for communication with the Police Commissioner for decisions as to non-diversion or breach of undertakings? Who will be responsible for the maintenance of statistical and qualitative data on the new diversion scheme? What measures will be put in place to ensure financial accountability for the commonwealth and state funding involved? What evaluation measures will be put in place from the outset to ensure that the scheme can be reviewed regularly and accountably? The opposition certainly believes that the experience and expertise of DAAP should be utilised in all the areas outlined in the questions raised.

In relation to the tabling of the evaluations we ask: why was a 12 month evaluation exercise with a minimum budget of $65 000 set up in January 2000 but then terminated by the Drug and Alcohol Services Council with a payment of nearly $42 000 to outside consultants after two months, and why were reasonable comments from DAP on the second report not reflected in the report which has now been tabled? It should be noted that any comments on the assessment process in the report were the results of the observations of only one assessment.

**The Hon. K.T. GRIFFIN:** If we could leave it on the basis that I shall take the questions on notice. I thought it might be helpful if all the questions could be asked tonight (or as many as possible) so that I can get the answers sorted out for tomorrow with a view to supplementing the information, if members wish to have the information supplemented as a result of responses I give tomorrow. That might facilitate the consideration of the bill. If I could take the Hon. Carmel Zollo's questions on notice, once any other members have

raised their questions we will seek leave to report progress and finish if off tomorrow.

**The Hon. M.J. ELLIOTT:** I hope the Attorney-General feels he can answer some questions now, otherwise we will be in the position of receiving answers and wanting to proceed immediately. I had grave concerns about the bill as it was originally structured and I am not confident at this stage that the amendments have really addressed my concerns satisfactorily, and I suppose that is really what I want to explore now. We have not had any real explanation in this place as to what effect the government believes the amendments will have and what their real meaning is. I would invite the Attorney-General, even if he does it briefly now and with more substance later, to explain what he thinks the intended effects are of the amendments that have been placed on file.

When we debated this last time we did not have the Siggins and Miller report before us. I do appreciate the fact that this is one of the rare occasions the government has a report and has made it available, and I thank the Attorney-General for that. I appreciate the fact that I have had a chance to look through it. I must say that I did not find anything within this report which really justified what I perceive as a gutting of the current process. Certainly, it raises questions that need to be addressed, but many of those questions are around things like evaluation. It really makes the point that there has not been an evaluation. In so far as it raises issues of concern, they are matters that do not relate to the DAAP process itself but to issues of available resourcing, health services, and those sorts of things.

I must say that having had a copy of this report I am surprised that the Labor Party has changed its position because, on my reading of the bill, how things will work is unclear. We knew how it worked before: people were referred to DAAP. We now find that clause 4 (new section 36) talks about people being referred to a nominated assessment service, whatever that means. Before it meant DAAP, but now it means a nominated assessment service. That is one of the questions I would ask the Attorney-General to at least cover briefly tonight even if he wishes to come back to it again in more detail later. I really want the picture sketched out as to what the structure will become.

Is DAAP one of the nominated services available and, if so, whether it is or is not, what else is considered to be a possible nominated assessment service? If a person is referred, who will decide which service they are referred to? Is it the police officer? New section 36 provides:

> . . . a police officer must offer the person the opportunity of being referred to a nominated assessment service.

However, it does not say who makes the choice of service or indeed when they make the choice. With DAAP essentially you were told: you are being referred to DAAP. I would have to say that I am disappointed that we have not kept DAAP at least as a clear gateway. As a gateway DAAP itself can have a series of panels that can be different in terms of geographical location and in terms of composition so that it can react to ethnicity, aboriginality and so on. Instead, we simply have this vague term 'nominated assessment service' without anything being spelt out as to what that means. Before I proceed any further, I ask the Attorney-General to at least sketch out what this nominated assessment service is meant to be, what the gateway is (as to which one they go to), who makes the decision and so on.

**The Hon. K.T. GRIFFIN:** There are a number of issues there and I shall endeavour to deal with them now. The evaluation of DAAP does not, in my view, deal just with procedure: it deals with some substantive issues that relate to the whole DAAP process. We can debate the merits of the evaluation and perhaps come to different conclusions about it, but my reading of it is that it does raise some important issues of process and substance. But I come back to—

**The Hon. M.J. Elliott:** Does it justify dismantling the process?

**The Hon. K.T. GRIFFIN:** Well, there are two reasons for dismantling the process and one is the evaluation where the clear conclusion is that after 15 years or thereabouts the process had become rigid and centralised. As I have indicated previously, certainly an expansion or an explanation of the framework which I think I sent to members during the recess, has indicated that the Minister for Human Services would retain the responsibility for accrediting services, Human Services would manage the 24-hour referral service which would not be run by police but run by Human Services, and that would be the gateway which determined the assessment service to which the offender was to be referred.

*The Hon. M.J. Elliott interjecting:*

**The Hon. K.T. GRIFFIN:** Yes, a 24-hour service. The police would make the call to the service to get the referral point and that would then be the referral point to which the offender was referred.

*The Hon. M.J. Elliott interjecting:*

**The Hon. K.T. GRIFFIN:** My understanding is that it is made within five days, I think, of the apprehension. I will need to check that and get back to you on that. The proposal is that, when a person is apprehended as a result of the commission of a drug-related offence, it is at that point—if the person is under the influence of a drug—that there could not be, necessarily, informed consent if police were required to give the person the choice. The issue was raised by some of the critics of the bill. You will note that the amendments actually break up the issue of consent and the informed consent is ultimately at the point of assessment rather than at the point of referral by police.

Members will also notice that DAAP is retained. It is acknowledged as one of the accredited assessment services and will be one of others, presumably. Out in the country—I could probably get the information but I do not have it at my fingertips—there are services which have been making approaches asking when they can put up their scheme for accreditation so that, if there is an offender in the South-East, for instance, that offender will be dealt with in the South-East by an accredited assessment service, rather than being dealt with by DAAP in the city.

**The Hon. M.J. Elliott:** How can you be confident that this is not just empire building—another thing we can get into?

**The Hon. K.T. GRIFFIN:** Ultimately, that decision is made by the minister for health as part of the accreditation process. The other point that has to be made is that all jurisdictions—if not all, then most of the other jurisdictions—are moving to this model or to a similar model, partly to take advantage of the funds which the commonwealth is making available for a different drug diversion process. I think the amount that we are eligible for in South Australia will be over $9 million.

What is driving this is partly that, but partly also the evaluation of DAAP. The two are going hand in hand. Whilst we can vary our model, the rigidity of the DAAP system was an area of criticism which we were proposing to address. That is really the essence of this; we wanted to ensure that there

was a greater level of flexibility but that there was nevertheless integrity in the process.

**The Hon. M.J. ELLIOTT:** The Attorney-General has talked about commonwealth funds. What aspects of the program that we had under DAAP did not fit into what the commonwealth required? What was missing that made our current process unsuitable?

**The Hon. K.T. GRIFFIN:** I will take the question on notice. My recollection is that it was the inflexibility of the service and its cumbersome nature.

**The Hon. M.J. ELLIOTT:** Will the Attorney-General tell this committee whether any states had anything like what we had in South Australia in the DAAP process?

**The Hon. K.T. GRIFFIN:** No.

**The Hon. M.J. ELLIOTT:** This is not unimportant. This thing has really grown like Topsy and has gone out of control. We have the Prime Minister announcing he will make money available for drug treatment programs and John Olsen not even knowing what we already have. If you read Siggins and Miller you see that they acknowledge that DAAP had quite a low profile—and quite deliberately so. Anyone who reads it will find that. I suspect that, when John Olsen said, 'Yes, we will be in this,' he did not even know what we already had but, having said he would go into it, we are now in this process where we are setting about justifying an announcement that unfortunately was made without recognising what we already had.

I am not saying the DAAP process is perfect but what worries me is that we are altering a process that has worked well. I have raised in this place deficiencies in the DAAP process, long before the announcements were made about the change, but the deficiencies related to two things. They related to the lack of resources for DAAP itself, and if you read Siggins and Miller they will tell you that referrals in the country were taking six months, but they are now down to 10 days. The other deficiency was that the services to which they wanted to refer them were all full. So, there was a waiting list to get into DAAP and a waiting list for them to send you anywhere. That was not really a fault of the process: that was a lack of funding.

If the commonwealth had made available the $8 million (or whatever was the figure), my God, we could have done something absolutely brilliant with DAAP. I am not saying we would have kept it identical to the way it is. I think there is a need to address issues of having panels that work better in the country and there are issues about having culturally sensitive panels and so on. The help desk was set up six months ago. I know that, even before the legislation emerged in parliament the first time, the government was already recruiting people for it. The decisions and assumptions had already been made about this, so it is all there, waiting to go, and has been for a long time.

So, we are heading down this path without any real justification being put forward as to the real problems. If you want to fix something you have two choices. One is to actually try to fix it and the other is to throw the whole lot away and start again. The government has taken a process that I believe has not been seriously flawed, and is throwing it away and starting again. It was seriously under funded, and that was the only problem, and the commonwealth funds were quite capable of fixing the major deficiencies. I have heard nothing in this place in the second reading stage or in relation to the amendments that have been put before us that has addressed that. We have this superficial amendment that now proposes that DAAPs will continue, but at the end of the day it will be just one of the referral agencies.

I suspect that what will happen is that again the churches will be picking up the pieces, as they do with gambling and everything else. They will put up their hand, as they have tended to do with many of these issues, and say, 'We're prepared to do this.' Anyone who goes to the South-East, where I have spoken with Anglican agencies and others there and elsewhere, will find that they are really stretched and cannot cope. I suspect that they will be the agencies and nominated assessment services. Because of their Christian compassion they will put up their hand and say they are prepared to do it, but they will never get the funds to do it. The funds will go into the drug court.

**The Hon. K.T. Griffin:** They are separate.

**The Hon. M.J. ELLIOTT:** The state funds will find their way, not into the assessment end of things, but into the more expensive, non-delivery ends of these services, as they always do. It is incumbent upon the government, and upon the opposition, to insist that it do so, to establish the flaws. Have a look at Siggins and Miller. I do not think it is saying that the process we had was fatally flawed. I am not saying it did not have problems, but it certainly had no fatal flaws. Simply to make it one of the nominated assessment services is a nonsense. That is one of the amendments: we are no longer getting rid of DAAP; it is one of the nominated assessment services.

*The Hon. T.G. Cameron interjecting:*

**The Hon. M.J. ELLIOTT:** They could be, but all I can say is that it is the government that is doing it here. I have been seriously concerned about the quality of the justification of the change. You do not make radical changes such as this in areas as important as drug treatment without serious justification and thought. I know from talking to professionals in the area whom I know have deep concerns about this current direction.

*The Hon. K.T. Griffin interjecting:*

**The Hon. M.J. ELLIOTT:** Yes, but, as I said before, the biggest concerns have related largely to sufficient resources for DAAP to do its job.

**The Hon. T.G. Cameron:** How do we fix it?

**The Hon. M.J. ELLIOTT:** I would not have started with the current bill.

*The Hon. T.G. Cameron interjecting:*

**The Hon. M.J. ELLIOTT:** That is one of the questions I asked the Attorney; I think he is coming back with an answer on that. I do not believe that the DAAP process in general was not able to be configured to comply with commonwealth requirements.

**The Hon. NICK XENOPHON:** I refer to a briefing paper that the Attorney circulated in relation to this bill, in particular to the sixth paragraph at page 2, which provides that any person apprehended for simple possession and use of illicit drugs will be eligible for participation in these police diversion initiatives, although it does not include people charged with drug related offences such as burglary. In the case of young people, parents or guardians will be involved. I have received representation from a person who works and has been involved in this field for whom I have a great deal of regard. The concern expressed is that the spirit of this change will mean that an in unproven crime, that is, if someone is a suspect of a property crime, they may not be found guilty and it may drag through the courts for many months. That could interfere with these people's getting access to assessment and treatment under these provisions.

The current status quo is that property offences are processed separately and their outcome has nil bearing on the matter of the DAAP dealing with it, in terms of simple possession. The resolution of the simple possession matter, be it through an undertaking or a warning, has no bearing on any other crimes with which the person is charged. Does the Attorney concede that, in respect of what he is proposing now, there will be many cases where a person has been charged with a theft offence with respect to their drug addiction but, because of that, they will not have access under the proposed changed system? If I am wrong I am more than happy to be corrected, and I am not sure what other members such as the Hon. Mike Elliott think. My concern is that it may be well intentioned, but the consequence of this will be that we will be denying help to those people who need it most, that is, those who have been charged with a criminal offence because of their drug addition. At the very least, the spirit of this bill seems to preclude them from assistance in those circumstances. That is a very real concern that has been put to me, and I share that concern on the basis of representations made to me.

The concern that has been expressed to me is whether these proposed changes will mean that an unproven crime might interfere with a person getting access to assistance. That is, while the suspect of a property crime, who is effectively innocent until proved guilty, is being dragged through the courts, will that interfere with that person getting access to assistance under these provisions? My understanding of the current status quo is that, if a person is charged with a property offence, that is processed separately and it interferes with someone getting help. I am not sure whether that is an unintended or intended consequence of the proposed changes or, indeed, as the Attorney says, it is not a consequence of these changes. My understanding is that this proposal could interfere and so impede people who need help and result in them not getting it because they have been charged with an offence.

**The Hon. K.T. GRIFFIN:** I do not see how that necessarily follows, because the present act deals with situations where a person has committed a simple possession offence and then there is reference to an assessment panel. That person may have committed other offences but, if they have committed a simple possession offence and they are charged with that offence, they are by virtue of the operation of the current act referred through the panel process.

**The Hon. NICK XENOPHON:** The Attorney-General's briefing note seems to indicate that that is contrary to what is currently occurring at the moment. So by virtue of being charged with a property offence they will not be able to get assistance through the DAAP.

**The Hon. K.T. GRIFFIN:** I will check this overnight, but my understanding is that the same situation will apply under the amendments as apply under the current legislation. That is, if a person is charged with a simple possession offence, even if it is in conjunction with other offences, that person will be referred to an assessment service. If an offender is not charged with a simple possession offence but has committed other drug-related serious offences, they will not get into the process anyway. It will depend very much on the charge that is laid, and that is more likely to be picked up in the context of the Drug Court than it is in relation to an assessment for a simple possession offence. I will take it on notice and get it checked, but that is not my understanding of the way the system operates at the moment.

**The Hon. M.J. ELLIOTT:** The Siggins and Miller report on page 74 contains a flow chart that shows an apprehension for a drug offence, and there seems to be a splitting where the police prosecutor refers a case to DAAP and splits the file of other charges after the court hearing.

**The Hon. K.T. GRIFFIN:** That is the point that I was making that, if a person is charged with a simple possession offence and with some serious drug-related offences like criminal trespass, they are dealt with in two different streams. I will check that out in the light of the questions that have been raised by the Hon. Mr Xenophon.

**The Hon. M.J. Elliott:** The question is what happens under the new bill.

**The Hon. K.T. GRIFFIN:** I will check that.

**The Hon. T.G. ROBERTS:** Will the Attorney-General also make an assessment of what is happening in a comparable state like Western Australia or Victoria? How are they handling their new responsibilities in relation to the commonwealth funding? The criticisms that I have heard of the current program are similar to those posed by the Hon. Mr Elliott, that is, where an assessment is made of simple possession, for someone with a triple problem of drug, alcohol and mental health service requirements, in a lot of cases we just do not have the funding available for those services to run in conjunction with the assessment programs. What interagency cooperation is being put together in relation to the new circumstances?

**The Hon. K.T. GRIFFIN:** In relation to what is happening in Western Australia, my recollection is that, in a number of jurisdictions, the federal government's drugs strategy, which has been agreed to by the states and territories, has picked up a similar sort of police diversion program as is proposed in this bill. There are variations, and I think that it is fair to say that there are variations in the amount of funds available. I will obtain some information about that. In terms of interagency cooperation with respect to alcohol abuse, drug abuse and mental health services, again, I will have to take it on notice. I just do not have all that detail at my fingertips. Unless there are any other issues that need to be raised in advance, I propose to report progress.

**The Hon. Nick Xenophon:** I have a series of questions to ask the Attorney.

**The Hon. K.T. GRIFFIN:** It is best if I report progress, but I invite members to put their questions on the record so that it might help to facilitate debate tomorrow. I do not have all the answers at my fingertips, but I thought it might help us to facilitate the process of considering this measure if members had questions and I would endeavour to answer them off-the-cuff. If we put them on the record I can get people to look at them and we can deal with it more constructively tomorrow.

**The Hon. NICK XENOPHON:** I thank the Attorney for his approach. I did not expect that he would be in a position to answer a number of technical questions in relation to the bill. The first question is: who will do the assessments? Will it be individual assessors or panels of assessors? If the answer is both, how will differentiation be made between offenders being offered individual assessment and those being offered panel assessment? How will legal consultation/advice be made available to individual assessors?

**The Hon. Carmel Zollo:** I have already asked those questions.

**The Hon. NICK XENOPHON:** My main concern is the dual issue that I raised earlier with respect to an offender being charged with an offence and the whole issue of legal

representation through the process of agreeing to accept the guilt of the offence. I understand that the current model stipulates that a lawyer needs to address these issues before a person is assessed under the DAAP process, and the outcome of clients not having an opportunity to access legal practitioners and what amounts to a legal process is critical. I want to clarify to what extent practitioners will be involved in giving advice in the context of someone being referred to the DAAP.

**The Hon. M.J. ELLIOTT:** Will the Attorney-General advise whether or not this report was taken into account when the legislation was drafted? The report raises a lot of issues, whether in relation to DAAP or any other referral agency. For example, it states that the act precludes DAAP from advising police prosecutors and magistrates about the reasons for referring someone back to the police prosecutors for a court hearing. The Chairman supports removing the discretion of the magistrates to refer clients back to DAAP and proposes an amendment to the act so that the reasons for referring a client back to the courts are made known to the court. It seems that whether it is talking about DAAP or any other agency—

*An honourable member interjecting:*

**The Hon. M.J. ELLIOTT:** That is quite early in the report, on the fourth or fifth page. Observations are made in the report that do not go to the heart of whether or not we should have DAAP but talk about how to improve the process. However, it is still relevant whether it is DAAP or another agency. Will the Attorney-General advise whether or not in drafting this act these matters have been taken into consideration? I am sure drafts of the report were available earlier but we received this report only last week. I would like to know whether or not Parliamentary Counsel had access to the report or had instructions on the basis of the report? If not, when the amendments were prepared were they simply responding to issues raised in this place because there are a lot of issues that do not go to the heart of DAAP but go to the efficiency of the DAAP process or any other process that might replace it?

**The Hon. K.T. GRIFFIN:** From my recollection, the way in which the proposal was developed was from representatives from human services and justice (which included the justice strategy unit in the Attorney-General's Department), the police and my own legal officers. There was a long period of development of the model in conjunction with the Department of the Premier and Cabinet, which had linked into the federal illicit drug strategy.

I understand that the interim evaluation report was taken into consideration but I am not sure as to the weight given to particular aspects. I will undertake to obtain the information and respond when we next deal with the matter in committee.

**The Hon. M.J. ELLIOTT:** How many in that group had any significant knowledge about the DAAP process? I suspect that those in the Department of the Premier and Cabinet and the Justice Department did not have a close association with this issue because it falls within the community services portfolio. How many people working on this had any real knowledge of what was already in place, not necessarily to defend it but to recognise, as Siggins and Miller has, that there may be issues that need to be addressed and learned from previous experience?

**The Hon. K.T. GRIFFIN:** I will ask them.

Progress reported; committee to sit again.

## PARALYMPIC GAMES

Adjourned debate on motion of Hon. R.D. Lawson:

That this Council congratulates all South Australian and Australian athletes, officials and volunteers who participated in and helped organise the outstandingly successful Sydney Paralympic Games.

(Continued from 8 November. Page 363.)

**The Hon. CARMEL ZOLLO:** I rise on behalf of the opposition to support the motion moved by the Hon. Robert Lawson. As many people have already eloquently expressed, Australians have truly set a new standard in the world in the manner in which they facilitated the Paralympic Games. South Australia had a contingency of 28 athletes, all of whom the opposition congratulates, as it does the very many people who assisted and supported them. I note the statistics quoted by the Minister for Disability Services in relation to the number of participants and spectators, and of course both were record numbers.

With such good organisation and commitment to excellence our Australian team won the largest number of medals of any team in the games. I will not single out particular athletes by name as the minister has already mentioned some. I, too, add that many South Australians performed with distinction without being awarded medals. Regrettably, I could not attend the reception at the Town Hall, but saw some marvellous footage on the evening's news. While I personally do not know any of the athletes, I know I speak for all when I say that I certainly felt that the community was able to share with pride their achievements.

We are very fortunate to have such people in our community who afford us the opportunity to appreciate their talent and commitment and unite us in their success. Without any doubt, our standing on the world stage has been increased by the 2000 Sydney Paralympic Games. Once again, we were able to demonstrate how it should be done. On behalf of the opposition, I thank all South Australian athletes and supporters who made it possible for us to be part of this enormous success.

Motion carried.

## BARLEY MARKETING (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from Page 449.)

**The Hon. J.S.L. DAWKINS:** I rise to speak on this bill because I have a particular interest in the barley industry. As some members would be aware, in the past I was a barley grower. Although I am not currently doing that activity, I do have a considerable interest in the industry as someone who deals with a lot of country residents in this state who contribute to the reputation of South Australia as one of the premier barley growing regions of the world.

The single purpose of this bill is to extend the single desk export powers of ABB Grain Export Limited. The Barley Marketing Act currently confers on ABB Grain Export Limited the single desk export marketing arrangements until 30 June 2001. The amendments contained in this bill propose to allow ABB Grain Export Limited to continue with those arrangements indefinitely without a sunset clause. There is an understanding that the legislation may be reviewed following the outcome of a federal review of wheat marketing

arrangements and changes to grain marketing arrangements in New South Wales.

The current act is a joint proposal between the Victorian and South Australian governments that effected changes to marketing arrangements for barley. As the Council has been advised earlier this evening, it is unlikely that Victoria will extend the life of the act in that state, so in the future the legislative scheme for marketing barley will be contained only in the South Australian act. State cabinet approved the drafting of amendments to the Barley Marketing Act in September this year to extend the single desk export powers of ABB Grain Export Limited. The South Australian Farmers Federation (Grains Council) strongly supported the decision to extend the single desk export powers of ABB Grain Export Limited.

The position of the South Australian government to support single desk powers is likely to continue in this state until it can be demonstrated clearly that it is not in the best interests of the South Australian community to continue with such an arrangement. From a competition policy viewpoint, there is recognition that the government can intervene in markets to take into account the social effects of change, regional issues, the environment, equity and unemployment.

In the case of barley, there will be some economic impact as a result of the probable loss of the Victorian legislation. As a result of that factor, there will be some loss of business by ABB Grain Export Limited to Victorian competitors. As a consequence, South Australia needs to legislate to protect the single desk—at least in South Australia. For those reasons, I commend the bill to the Council.

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

## RACING (TRANSITIONAL PROVISIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 405.)

**The Hon. T.G. ROBERTS:** This is an extremely non-controversial bill. It has general agreement between the opposition and the government. The shadow minister in another place has consulted widely with the Bookmakers League and anyone else he thought needed to be consulted.

*An honourable member interjecting:*

**The Hon. T.G. ROBERTS:** Actually, no, he didn't. It is one of his briefer ones, thankfully. This is a facilitating bill that allows for the lodging of the bond that was previously lodged with RIDA to be now lodged with the Gaming Supervisory Authority since the corporatisation bill was passed in October. The opposition will be supporting this bill.

**The Hon. K.T. GRIFFIN:** Mr President, I draw your attention to the state of the Council.

*A quorum having been formed:*

**The Hon. M.J. ELLIOTT:** I appreciate the bells being rung to bring me back to the chamber to make this important contribution on this very important bill. The Democrats support the bill which seeks to patch up something that was not recognised when the previous legislation was passed. It is basically what we call 'rats and mice' and we support it.

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

## ADJOURNMENT

At 11.24 p.m. the Council adjourned until Wednesday 15 November at 2.15 p.m.