LEGISLATIVE COUNCIL

Thursday 5 April 2001

The PRESIDENT (Hon. J.C. Irwin) took the chair at 11 a.m. and read prayers.

SITTINGS AND BUSINESS

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

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15 p.m.

Motion carried.

PROSTITUTION (REGULATION) BILL

In committee.

(Continued from 3 April. Page 1222.)

Clause 14.

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

Page 11—

Line 17—Leave out the penalty provision and insert:

Maximum penalty—

(a) for an aggravated offence—$20 000 or imprisonment for two years;

(b) for any other offence—$5 000.

Lines 18 to 32—Leave out subsection (2) and insert:

(2) Without limiting subsection (1), a person advertises prostitution if—

(a) the person publishes an advertisement, or has an advertisement published, that states or is reasonably capable of implying any of the following—

(i) that a person is available for or seeking to engage in prostitution;

(ii) that a person who is available for or seeking to engage in prostitution may be contacted in a particular way, at a particular place, or by a particular means;

(iii) that prostitution is available at a particular place or can be arranged by a particular person, or in some other way;

(iv) that a person is seeking to be employed or engaged as a prostitute;

(b) the person enters into a sponsorship or other arrangement that publicises the fact that a certain person is a prostitute or a certain business is a sex business.

(3) An offence against this section is an aggravated offence if—

(a) it is committed after the offender has been convicted of a similar offence against this section; or

(b) it is committed after a police officer has given the offender a written notice—

(i) warning the offender that the advertisement or a similar advertisement offends against this section; and

(ii) directing the offender to desist from publication of the advertisement or advertisements of the relevant kind.

The Hon. CARMEL ZOLLO: Had I had the opportunity the other day to speak I would have said that I was supporting the bill in its existing form, for no other reason than that our lower house colleagues thought that was appropriate, and I was not going to support the Hon. Carolyn Pickles. How do the Hon. Angus Redford's amendments clean up, if you like, the existing advertising regime that we see now; and what is the procedure for police to follow in relation to those two offences, aggravated and any other offence?

The Hon. A.J. REDFORD: In relation to my amendments, first, what I have sought to do is extend the definition of 'advertising' to cover sponsorship. My reading of the clause as it arrived from the lower house is that it is debatable that someone who engaged in the business of prostitution might well be prohibited from advertising that business under the clause as it stands but may not be prohibited from entering into sponsorship arrangements and the like in order to promote that business. The rationale behind the clause is section 10 of the Western Australian prostitution act which states that a person cannot agree to enter into any sponsorship arrangement in so far as this sort of activity is concerned. That is the difference between what came from the lower house and what I propose. In other words, I am strengthening the anti-advertising provisions.

The Hon. SANDRA KANCK: I would like to ask a question of the minister in relation to the bill as it currently stands. With this provision in clause 14, will it also cover the current advertising that occurs in our daily newspaper for escort agencies?

The Hon. DIANA LAIDLAW: As the bill currently stands or the Hon. Carolyn Pickles' amendment?

The Hon. Sandra Kanck: No, as it stands.

The Hon. DIANA LAIDLAW: I am advised that it does cover escort agencies, but so does the amendment.

The Hon. SANDRA KANCK: I have a further question then about advertising that is occurring at the present time in both the Adelaide *Advertiser* and the *Yellow Pages*. Is that advertising at the present time illegal?

The Hon. DIANA LAIDLAW: I know it is offensive. I will have to seek ad hoc legal advice. I am advised that, in addition to my personal view that it is offensive, it is in fact legal now for the escort agents to advertise as they are. The bill would make that illegal and the amendment moved by the Hon. Carolyn Pickles, as I said earlier this week, would make it legal but would restrain the nature of that advertising considerably, including taking out any pictorial or figurative references.

The Hon. SANDRA KANCK: If the provision stays in the bill as it is, what effect will that have on *Yellow Pages* advertising, which I understand is not printed here in South Australia? Will material that is printed interstate be obliged to be covered by clause 14 as it currently stands?

The Hon. DIANA LAIDLAW: Although printed interstate, it is specifically for circulation in South Australia, and it would be illegal under the provisions of the bill at the present time. If the amendment of the Hon. Carolyn Pickles goes through, that measure would equally apply to the *Yellow Pages* publication in the future.

The Hon. A.J. REDFORD: I alluded to this issue earlier. I draw members' attention to current section 25A of the Summary Offences Act, which provides:

(1). A person must not engage in procurement for prostitution.

Maximum penalty:

For a first offence—$1 250 or imprisonment for 3 months.

For a subsequent offence—$2 500 or imprisonment for 6 months.

(2). A person engages in procurement for prostitution if the person—

(a) procures another to become a prostitute; or

(b) publishes an advertisement to the effect that the person (or some other person) is willing to employ or engage a prostitute; or

(c) approaches another person with a view to persuading the other person to accept employment or an engagement as a prostitute.

It has been drawn to my attention that on a daily basis there are advertisements in the *Advertiser* that actually allude to positions vacant. Perhaps I have a particular viewpoint and

I read these advertisements in a negative way, but to me it appears very clear that those advertisements, particularly when they are seeking employment, are illegal. Notwithstanding that, it has been suggested that these advertisements are equivocal.

I invite all members and those avid readers of *Hansard* to pick up today's or any other day's paper and look at the appropriate pages, and they will see that there are advertisements there seeking people to procure someone to become a prostitute, and yet there has been no prosecution. I am not sure why there is no prosecution. I am not even sure why an institution as respected as the Adelaide *Advertiser* would publish such advertisements. The fact of the matter is that that does occur.

The Hon. SANDRA KANCK: what I am attempting to do is explore the current situation versus what is in the bill and, by implication, the Hon. Carolyn Pickles' amendment. I note that what is in the bill is not necessarily what the minister prefers, but I need to continue to sort through this. It appears to me from the answer to the last question in relation to the *Yellow Pages* that, because it is prepared for distribution in South Australia, clause 14 would apply to it.

From that I would read, that if advertising was prevented and the Adelaide *Advertiser* could no longer have such advertisements, the Adelaide edition of the *Age* would not be able to have any advertisements but the *Australian* and the *Financial Review*, which are printed for nationwide distribution, would be able to have those advertisements. Am I drawing the correct inference from all of that?

The Hon. DIANA LAIDLAW: I am advised that in terms of nationwide distribution such as the *Australian* and the *Financial Review*, the *Women's Weekly* or anything else, the law would apply when the publication is distributed in South Australia. If somebody picked it up and noted that there was an illegal advertisement in terms of our law, they could take that further. That is one of the difficulties with the provisions in the bill at present and, I suspect, with the Hon. Angus Redford's amendments. The issues raised by the Hon. Angus Redford about advertising for positions vacant in terms of prostitution is addressed in clause 15, to which I know that he also has amendments.

The Hon. R.D. LAWSON: In relation to the current situation, it is my understanding that the publication of advertisements for prostitution does expose the publisher of the advertisement to a prosecution for living off the immoral earnings of a prostitute. That is the view expounded by Mr Matthew Goode, formerly senior lecturer in criminal law and author of the *Information Issues Paper on the Law of Prostitution*, published in South Australia in July 1991. Mr Goode is currently a member of the staff of the Attorney-General's Department. Under the heading 'Living off the earnings' he says:

> I point out here that advertisers such as the *Yellow Pages* or newspapers who let or sell space to prostitutes advertising their services are clearly at risk of conviction of this offence if it can be fairly said that they were aware that the advertisement was for the purpose of prostitution. The fact that some of the more blatant advertising which finds its way into some newspapers and magazines has not been the subject of prosecution can only be explained by the exercise of prosecutorial discretion. In other words, the police have chosen not to prosecute—

The Hon. R.I. Lucas interjecting:

The Hon. R.D. LAWSON: The Treasurer raises an interesting point. Mr Goode actually cites a Queensland paper for this and notes that in 1988 in Queensland—and something must have happened to make them do this—police served notices requiring the cessation of advertising in Queensland newspapers. I believe that in the current situation those advertisements are illegal, and that is a view that is widely supported. The fact that it is not prosecuted is nothing to the point.

Does the minister believe that this prohibition against advertising that is now proposed will prevent advertisements under such euphemisms as 'adult relaxation services' or whatever other term the industry will conjure up with depictions of scantily clad women—

The Hon. R.I. Lucas: Relaxers!

The Hon. R.D. LAWSON: Professional relaxers. Will this measure, in fact, have any effect at all, other than to salve the consciences of some people who want to see a clear prohibition against advertising? I do not support this prohibition against advertising. I do not believe that it will be effective and, in any event, in my view, it is highly hypocritical of this parliament to, on the one hand, pass legislation which legitimises an activity and which allows brothels to operate, and then, on the other hand, says that they cannot advertise their services. So often one hears the story about people in residential streets having men knocking on their doors at all hours of the day and night. Would it not be better if the owners of those businesses were able to clearly advertise that they had a business and give the correct address, so that we would not have people—

The Hon. R.I. Lucas: Neon flashing signs.

The Hon. R.D. LAWSON: Neon flashing signs. If we are to have brothels, let them advertise. Another objection of mine is that this provision, almost more than any other, seeks to favour brothels, in this so-called industry, rather than any other form of operation. When this matter was in the House of Assembly, Ms Stormy Summers was widely quoted as saying that she does not need to advertise because every taxi driver in Adelaide knows where her establishment is. It will not affect her business at all. It will not affect any established business, because their business is already known. But if, for example, someone else wants to move out of Ms Summer's establishment and set up their own business—which, if this legislation passes, will become a legitimate business—they cannot advertise the fact. Why should such a person have that kind of a barrier to entry into this industry? Why should we give a monopoly to existing operators? I am opposed to this what I regard as highly hypocritical, as well as being ineffective, prohibition against advertising.

The Hon. CAROLYN PICKLES: The Hon. Mr Lawson said that the banning of advertising could still permit the euphemism for prostitution, such as relaxation, therapeutic, health or related services, which I know some people use in their advertising. My amendment would make that illegal. The reason why I want to see that in is that I have been heavily lobbied by proper massage therapists and relaxation therapists who do not want to see themselves labelled in the same way as prostitutes, and I think that is very important. I visit a masseur for a therapeutic massage. It has nothing whatsoever to do with prostitution—it is for my health. In fact, in many countries it is an accepted form of medical treatment. I think that that should be kept—

The Hon. Diana Laidlaw interjecting:

The Hon. CAROLYN PICKLES: It would do. It might put them in a better mood, and it might sharpen their wits a bit. One of the things that I was at pains to do (and it was certainly contained in the original bill) was to separate out those two occupations. But, as the Hon. Mr Lawson and other members have said, whether you have a legal activity (which

is what we are arguing here) or not, if you do not want it to be a legal activity you may support my amendment because you feel that you are trying to get a better bill. I know that the Attorney has referred to the fact that he will oppose the third reading but is trying to get the bill to look a bit better in case it passes. I agree with that viewpoint, although at that point it is becoming a little ridiculous.

I think that it is important to allow for advertising, and I think it is important to then regulate the advertising. We do have quite offensive advertising in the general area and, on occasions, I have come out publicly against some of that. I think that, if we can limit the offensiveness and separate the legitimate, medically associated massage services from those that are prostitution related in a legal activity, that is the way that we should proceed.

The Hon. SANDRA KANCK: The impassioned speech by the Hon. Robert Lawson, obviously (although I do not think he said it in quite those terms), would indicate that he will support the Hon. Carolyn Pickles' amendment, for which I commend him.

Members interjecting:

The CHAIRMAN: Order! The Hon. Sandra Kanck has the call.

The Hon. SANDRA KANCK: Well, he may be voting against clause 14 per se. In that case, I will not put words into his mouth.

Members interjecting:

The Hon. SANDRA KANCK: The responses that my questions have thus far brought suggest that the legality of the current advertising that we see in the *Yellow Pages* and in the *Advertiser* is questionable. I think that is probably as good as we can put it at this point. Let us look at the argument that has been put by a couple of members that it is, in fact, illegal but it is not being policed. We can in this parliament make a decision—as some will—to vote against this bill, which gives status quo, which means that we will continue with the situation where advertising in the *Yellow Pages* and the *Advertiser* is illegal but is not policed. On the other hand we can go down the path of having a bill such as this with the Hon. Carolyn Pickles' amendment, which brings it under control and applies some very clear standards. I believe that the latter is the preferable way to go.

If members have looked carefully at the Hon. Carolyn Pickles' amendment, they will see that it places limits on the size of such advertising. At the present time, there are no limits. It does not allow any photographic or pictorial material—in other words, some of the titillating pictures that are now used would no longer be able to be used. It is not allowed to make any reference to the race, colour or ethnic origin of any prostitute. These are the sorts of things that are in the advertisements now. If people opt not to support the Hon. Carolyn Pickles' amendment and then opt to oppose the bill at the end, we will end up with the existing situation. I would argue that, in terms of having an industry that is quiet and unobtrusive, the Hon. Carolyn Pickles' amendment, in a bill such as this, is the best way to go.

The Hon. M.J. ELLIOTT: I rise to respond to the comments of the Hon. Mr Lawson in relation to advertising. The implication of what he said, as I understood it, was that, if this legislation allows prostitution to occur, we should put no constraints on advertising. That was certainly my interpretation of what he said. In this place on previous occasions I have pushed for, and eventually the parliament has supported, moves to ban tobacco advertising. I think that there is a great difference between—

The Hon. Carolyn Pickles interjecting:

The Hon. M.J. ELLIOTT: No, I do not think that he was. Anyway, let us argue the thing—

Members interjecting:

The CHAIRMAN: Order! The Hon. Michael Elliott has the call.

The Hon. M.J. ELLIOTT: He will have a chance to respond further if I have misunderstood his argument. The point that I make is that some people have been arguing that, because this legislation allows this practice to occur within the law, we are condoning it, etc. I do not believe that everyone who is supporting this legislation is saying that prostitution is a good thing. I think that a lot of people who are supporting it are saying that prostitution is occurring and we choose to regulate it or not. There is a multitude of harms, but one of the smaller harms that could be associated with it is the blatant advertising that could occur, which at the moment we are not being confronted with—although I think that some things are starting to push the boundaries a little at the moment.

Just as we in this place chose to cover up some of the pornographic magazines and say that those covers will not be displayed so that people who do not want to see them will not be confronted with them, similarly, when you buy the daily paper, if prostitution is occurring you should not expect that your children or adults who are offended by it looking through the paper will be hit with the sorts of advertisements that the amendment of the Hon. Carolyn Pickles is seeking to remove.

I think it is important that we put constraints on prostitution and in so doing make some statements that we respect people who are offended by prostitution and we respect people who are concerned about their children seeing it—and I would be concerned about my children seeing the sorts of ads that are already starting to creep into our newspapers. I think it is entirely appropriate, even if prostitution is recognised under the law, to seek to constrain the advertising.

The amendment of the Hon. Carolyn Pickles is seeking to do that admirably. Certainly, the clause as it stands in the bill which seeks to ban it will not be effective. There will always be advertising. At least let us have advertising that is honest so we can tell whether or not you are going to a masseur or somebody else. At the moment genuine masseurs are finding life terribly difficult because of the way people seek to circumvent the law in terms of advertising. What is proposed is sensible. Just because it is becoming legal does not mean that we are to be seen to condone it—certainly not allowing advertising which is offensive to large sections of the community.

The Hon. R.R. ROBERTS: I will be supporting the bill in its present form. I draw members' attention to the second reading stage of the bill, when I raised the issue of advertising: I suggested in my contribution that if we make this a legal business we will be involving advertising, and I suggested that that may extend to the boards at the CES. If you read *Hansard* you will see 'Members interjecting', 'Members interjecting', 'Members interjecting'. Let me identify three main interjectors: they were the Hon. Carolyn Pickles, the Hon. Diana Laidlaw and the Hon. Sandra Kanck, who suggested to me that I did not know what was in the bill: look at clause 15, which says that you cannot advertise. My contention then was that, sooner or later, if we make this a legal business, someone will want to take advantage of the law and will say that, because it is a legal business, they ought to be able to advertise and, if we stop them advertising

out the front or in the paper and we also stop them advertising in the CES, that is consistent.

I note in clause 17 that there is nothing about discreet signs; you can have a 20 foot high sign out the front of a small brothel if you like. I suggested that this would be used as a first step to go down the full path. We have now got to the very clauses that were pointed out to me as offering the protections that I was seeking and there are amendments. First, there is general advertising; then we talk about advertising for prostitutes—that is clause 15, and we still have not done that one yet; and then we get to clause 17. Here it is: it is already starting—and more quickly than I thought. I would have thought that the ink would be dry on the document before we started to water it down.

Clearly, the lower house discussed these matters and came up with a proposition that it believed was appropriate—and there are 47 members who claim to be representing and talking to the electorates—and we are seeking to change it. I do not think we can look at just this clause without looking at clauses 15, 16 and 17, because obviously they are all interrelated. The Hon. Carolyn Pickles—and I will put her position as honestly as I can—is saying that she wants discreet advertising because it is a legal business but, when it comes to prohibition against identifying premises as a brothel, it provides:

> A person must not exhibit any sign, symbol or other thing visible to a person approaching a brothel that identifies the premises as a brothel.

If we take her theory, and indeed the theory of the Hon. Rob Lawson—that because it is a legal brothel we ought to allow advertising like any other legal business—we start to impinge on the intentions of clauses 17 and 15. We need to have consistency through all these things. I know that the proponents of the bill have a different view to mine: they want to make the business of prostitution, of running brothels, a legal enterprise, and I do not support that.

If we are going to look at this, even on that premise, there needs to be consistency between clauses 14, 15, 16 and 17. If you undertake that consistency, you go down the road of realising the worst fears of those people who, in their lobbying, have convinced lower house members that this is an area of enormous concern for members of the general public. Even on the premise that we are talking about a legal business, I think the bill as it stands adequately reflects the views of the community as presented to the lower house, and it certainly represents the majority view of the lower house. I am suggesting, for all those reasons, that we support clause 14 and, indeed, clauses 15, 16 and 17 in the form in which they have come from the lower house.

The Hon. DIANA LAIDLAW: I suspect that the Hon. Ron Roberts has inadvertently muddled the issue of advertising and signs. His reasons for reaching the conclusion he has reached are flawed. It is very important to understand that we are talking at this moment about advertising prostitution—clause 14. I draw the member's attention to clause 17, which provides:

> A person must not exhibit any sign, symbol or other thing visible. . .

It provides a penalty, and then subclause (2) provides that this section does not prevent the exhibition of that which conforms with the restrictions and requirements imposed by the regulations. So it is proposed that there will be restrictions and requirements imposed by the regulations to ensure that the very horrors which the honourable member envisages and which might have been canvassed in the other place would not arise. So this place can disallow the 15 foot high sign, the neon lights and all the rest, but I think—

The Hon. R.R. Roberts interjecting:

The Hon. DIANA LAIDLAW: That's right, and subclause (2) provides:

> This section does not prevent the exhibition of a sign. . .

So, there could be symbols and the like, that is true, but the sign is the issue. You may want to seek—

The Hon. R.R. Roberts interjecting:

The Hon. DIANA LAIDLAW: No, you are saying—

The Hon. R.R. Roberts interjecting:

The Hon. DIANA LAIDLAW: Yes, you say that you support the bill. You are disagreeing with what is in the bill, are you?

The Hon. R.R. Roberts interjecting:

The Hon. DIANA LAIDLAW: It was not clear from your earlier explanation—

The CHAIRMAN: Order! One member at a time.

The Hon. DIANA LAIDLAW: I am even more confused about where the honourable member is coming from because he says he supported carte blanche what came from the other place: now he is taking exception to measures in clause 17. I will not get distracted by clause 17 when our focus at the moment is clause 14.

I gave advice earlier that the advertisement in the *Advertiser* and others were not illegal. That is so because there is no particular offence today that says that they are illegal. So, they are not directly illegal. I accept what the Hon. Robert Lawson says: if the Director of Public Prosecutions wanted to take issue with the *Advertiser* or other publication and take it to court and if the court interpreted that the advertisement would suggest that the *Advertiser*, for instance, was living off the earnings, then that must be tested.

However, it has never been tested, and there are many ifs in the scenario that Mr Matthew Goode and the honourable member have presented. I state again that there is no particular offence against advertising at present and, as I understand it, prosecution has not been advanced. In the Hon. Carolyn Pickle's amendment, there is no provision for advertising on television. So, the advertising that would be permitted (in a very restrained away) is in newspapers, magazines, periodical publications, commercial directories or the internet, but not on television.

The Hon. M.J. ELLIOTT: I move:

> Page 11, after line 32—Insert:
>
> (3) A person must not use the name of a brothel in connection with a public promotion, sponsorship or campaign.
>
> Maximum penalty $5000.

My amendment picks up an issue that is also dealt with by the Hon. Angus Redford, and that is the question of promotions. If we seek to control advertising, we know that the cigarette companies try to get around the advertising ban by offering promotions. I recall that there is a brothel in Victoria which sponsors a football team. My amendment seeks to ensure—by making it an offence—that there are no backdoor methods of advertising by way of public promotion, sponsorship or other campaign.

The Hon. DIANA LAIDLAW: I support the amendment. I intended to indicate that I support this issue in terms of the Hon. Angus Redford's amendment.

The Hon. CAROLYN PICKLES: I, too, support the honourable member's amendment.

The Hon. T.G. CAMERON: I direct a question to the Hon. Carolyn Pickles regarding paragraph (c) of her amendment which provides:

An advertisement of some other kind permitted by the regulations.

What kind of advertisement does the honourable member have in mind?

The Hon. CAROLYN PICKLES: This is part of the original clause in the bill as introduced in the House of Assembly. I think it is normal to allow this when you are looking at displaying some kind of permitted advertisement. For example, a small, discreet, simple pictorial might be permitted—I would not oppose that—but the regulations need to be looked into very carefully to ensure that that is not widened in any way.

The Hon. T.G. CAMERON: I have some concerns about the amendment regarding an advertisement of some other kind being permitted by the regulations.

The Hon. A.J. Redford interjecting:

The Hon. T.G. CAMERON: Well, time and again—

The Hon. A.J. Redford interjecting:

The Hon. T.G. CAMERON: The Hon. Angus Redford interjects, 'What minister will allow something to go through under this clause?' Well, time and again I have sat here in this chamber as, ad nauseam, we have debated resolutions to disallow regulations that have been moved by the government. The last thing—

The Hon. A.J. Redford: I'm on your side.

The Hon. T.G. CAMERON: I appreciate that you are on my side; I'm just not sure that I am on your side. I can envisage situations where we will come back to the Council to debate matters. Look at the emotion that this subject triggers. I would feel much more comfortable if paragraph (c) was removed from this amendment so that, if the government or the minister were entertaining the idea of allowing advertisements containing scantily clad women or pictorials or any other matter, that would come back to the parliament.

The Hon. DIANA LAIDLAW: I have just discussed this matter with the mover of this amendment. When this provision was included in the original bill as it was introduced in the House of Assembly, it was not envisaged to address the bikini clad individual but more as an acknowledgment of the rapid changes in the way in which media technology is being advanced today. So, it was the medium that was being considered rather than the nature of the pictorial. That was the earlier intention, but it could be a pictorial of the kind raised by the Hon. Carolyn Pickles.

I have no difficulty if the mover wants to delete the reference to the regulations. It is just a precaution or a device that provides some flexibility if mediums change and we can move quickly, because people in the media are pretty inventive in terms of the ways in which they advertise. It was simply that. If it causes some unease, it can be deleted. The parliament does not move as fast as the media and media technology, and that is why it was introduced. As the government introduced this measure in the lower house, if members wish, it can be deleted.

The Hon. CAROLYN PICKLES: I am willing to move to delete paragraph (c) for the reasons outlined by the minister. I seek leave to amend my amendment as follows:

By deleting paragraph (c).

Leave granted; amendment amended.

The Hon. K.T. GRIFFIN: First, I want to address the Hon. Angus Redford's amendment. I do not agree that his proposal to introduce a provision for an aggravated offence is appropriate. I think that to seek to impose a penalty of imprisonment for someone advertising the availability of a service that might be regarded as a prostitution service is quite draconian. So, I certainly oppose that part of his amendment. I think one must be clear that sometimes it is not easy to discern what is an advertisement that is advertising the availability of sexual services.

I do not know whether this has already been raised but, for example, if there is an advertisement for escort services, I know that some people will jump to the conclusion that that is an advertisement for the provision of sexual services, but there is nothing on the face of it, other than that presumption or the suspicious nature of people, to prove that it is a front for prostitution. It might well be, but that would have to be proved.

There are other titles in the forms of advertisement which may be subtle but which may nevertheless present some difficulty in determining whether or not they are advertisements for sexual services. The real concern is that this seems to apply across the board. It does not apply only to the person who goes into the front office of the particular newspaper and says, 'I want to put a classified advertisement in and this is it.' It puts an onus upon the newspaper to make some decisions on the spot as to whether or not the advertisement is an advertisement for sexual services.

The existing clause provides that a person must not advertise prostitution. Does it mean that the Editor of Messenger Newspapers has a liability for accepting an advertisement or for the acceptance by a staff person or other employee of an advertisement? I would suggest that the clause is broad enough to catch that person. It may not necessarily catch the directors because there is no provision for vicarious liability on the part of directors, but I think it is nevertheless very broad.

I do not like to see the advertisements that appear in the print media for sexual services or for escort agencies which are presumed to be agencies for the provision of sexual services. However, under a legalised regime, while it is appropriate to impose some restrictions, we have to live with the fact that there will continue to be these sorts of advertisements because of the lack of definition of what is an advertisement for sexual services. Each case will have to be judged on its merits. In those circumstances, it is better in my view to go along generally with the amendment by the Hon. Carolyn Pickles, excluding paragraph (c) of subclause (2), than to go for the heavy-handed approach of the Hon. Mr Redford.

There is one other point about the Hon. Mr Redford's amendment that I worry about, and that is proposed subclause (3), which provides:

An offence against this section is an aggravated offence if—
(a) it is committed after the offender has been convicted of a similar offence against this section;

It may be a serious offence or it may be a rather simple and not particularly serious offence, but a second or subsequent offence exposes the person who actually advertises, which I presume is the media outlet, to a potential penalty of imprisonment for two years. The second part of subclause (3) provides that an offence against this section is an aggravated offence if:

(b) it is committed after a police officer has given the offender a written notice—
(i) warning the offender that the advertisement or a similar advertisement offends against this section—

the police officer has to make that judgment, and—

(ii) directing the offender to desist from publication of the advertisement or advertisements of the relevant kind.

I acknowledge that this all relates to an offence. So a police officer can give the warning and if the warning is not agreed with, proceedings must be issued and an offence has to be established. However, it is certainly a mechanism for threatening or intimidating the person who might be publishing or about to publish the particular advertisement. That raises some very important questions about freedom of the press, particularly if the provision about banning the advertisement is not particularly clear. The other point I make about this is that it is a police officer making the judgment, first, that it is an offence, and then issuing the warning, which is what I find particularly troublesome, and I certainly will not support that.

In summary, in the context of this bill, I think that the amendment by the Hon. Carolyn Pickles is to be preferred, without paragraph (c) in subclause (2). I have very strong anxieties about the amendment of the Hon. Mr Redford for the reasons that I have indicated.

The Hon. A.J. REDFORD: The Attorney's criticism was the difficulty in allocating criminal responsibility by people such as an editor or a publisher of a publication. Is that correct?

The Hon. K.T. Griffin: Yes.

The Hon. A.J. REDFORD: All I can do is draw the Attorney-General's attention to some of the provisions in the Trade Practices Act, which has operated since 1975.

The Hon. K.T. Griffin interjecting:

The Hon. A.J. REDFORD: It does not mirror that in terms of words but the principle is there and I am sure the authorities can manage it. In the second instance, he says that he finds offensive the provision of a warning. That is the Attorney's viewpoint. When we were debating stalking legislation I recall that the Attorney-General indicated that that was exactly how the police were going to operate, that they were going to warn stalkers about the fear that it was creating, and that—

The Hon. K.T. Griffin interjecting:

The Hon. A.J. REDFORD: Let me finish. That would then go to assisting the authorities to determine the state of mind of the defendant in making a judgment about whether or not their conduct was capable of causing people fear or apprehension. In this case, the warning will bring very quickly the attention of the publisher to the effect of their advertisement in the mind of some. The publisher can still go ahead and take the risk if the publisher wants, as publishers do. We ban the advertising of cigarettes, as the Hon. Mike Elliott alluded to earlier, and a range of other activities. In a democracy, even where there are freedoms there are responsibilities, and no freedom is absolute. On that score, I accept that the Attorney and I have a different viewpoint.

I think that I can read the numbers based on the indications of the Hon. Robert Lawson and the Hon. Trevor Griffin. I do not believe that, if advertising gets up, I want to be part of a piece of legislation that promotes conduct which I find immoral, and I would find it very difficult to support this bill at all.

The Hon. P. HOLLOWAY: I have some difficulty with the whole concept of this clause. It seems to me that, if we are to legalise an activity, it follows that we would permit advertising. If prostitution is to be legal, which I oppose—

The Hon. M.J. Elliott: Do you support tobacco advertising?

The Hon. P. HOLLOWAY: I was going to put a caveat on it. Usually we would have it unless there were special circumstances. The Hon. Mike Elliott jumped the gun and talked about tobacco. In relation to prostitution, if there were any restrictions, they would relate to advertising that was offensive in some way or available to children in such a manner that it might cause offence, or something along those lines. Usually for a legal activity there would be some form of advertising. Otherwise what is the point of legalising prostitution? I would have thought that the arguments put by those who want to legalise prostitution—

The Hon. M.J. Elliott: Regulate it.

The Hon. P. HOLLOWAY: That's right, regulate it to get rid of illegal brothels. There is extensive advertising in the *Advertiser* every day for what I think clearly are sexual services. That is the reality: it is out there. One would think that, if we were to have a successful regulatory model, it should wipe out the sort of advertisements that exist now. However, if we wipe out all advertising altogether, how would this new legalised prostitution system work? How would people who want to use such services know where they are? That is the fundamental dilemma that we face.

I oppose the legalisation of prostitution and will test that again at the third reading but, if it is to go through, it seems logical that there should be some sort of advertising which is regulated but which is not offensive, although I accept that some people would find any advertising at all offensive. Perhaps some sort of code of practice could limit it.

I accept that Carolyn Pickles in her advertisement provision, through eliminating photographic or pictorial material and such, has tried to limit that. But, if it is to be really effective, it has to eliminate the advertising of illegal activities which now takes place. Whether it will be effective or not seems to me to turn on the question of the definition of prostitution, which then turns on the definition of the provision of sexual services. The question, I guess, is: will brothels, if they want to get around a ban on advertising, provide some sort of non-sexual services, like massages or something like that, that are, arguably, just outside the definition of prostitution but would give them a cover under which they could advertise their establishment? I think this is the sort of difficulty that we will get into if we are not very careful.

I argued earlier for greater police powers, and I understand that the Hon. Angus Redford's amendment does cover police activity, but the problem is that what I was looking at was the police using their time to police illegal prostitution rather than worrying about advertising. I would like to think that, at the moment, the police would be looking at those advertisements and that that would give them a fair guide about where to look if they are policing these activities, if they are doing their job. One would expect that they might be doing that. I would hope that the police would carry out their activities in that area, rather than regulating advertising rigorously, because it is not advertising that is the problem. The problem is what is going on behind it.

I think we are in a very difficult situation. I suspect that whatever amendment we pass, whether we stick with the original bill or whether we support the Hon. Carolyn Pickles' amendments or the Hon. Angus Redford's amendments, two things will happen. One is that we will still get advertising for brothels that are illegal in some form or other: they will find a way around the definition. So, we will be stuck with it,

whatever we do. That will continue. The other thing is that we will still have a problem. If we are effective in outlawing all advertising, then we will not have achieved the fundamental purpose that I thought this bill was introduced for, which was to try to put some regulation and control on the activities—

An honourable member interjecting:

The Hon. P. HOLLOWAY: That is correct, but one would think that regulating advertising would be a little bit easier. After all, it is a bit hard to catch motorists driving right across the metropolitan area. There is only one newspaper in this town, so it should be a lot easier than that.

The Hon. Diana Laidlaw: The Messenger may not like that.

The Hon. P. HOLLOWAY: I must admit that I do not get the Messenger delivered where I live, and maybe that is a blessing.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: No, they do not deliver it in the Hills. I think we are in a difficult situation, particularly those of us who did not support the legalisation of prostitution. However, as I have said, I have tried to be objective in this, and I think that, of the three approaches, the Hon. Carolyn Pickles' amendment is the one that is most likely to work and I will, probably, support that, unless I hear some other arguments to the contrary. But, in saying that, I do not have a great deal of confidence that whatever we pass in this area in relation to advertising and prostitution is ever really going to achieve good social objectives.

The Hon. R.I. LUCAS: I am a little bit like the Hon. Paul Holloway, caught betwixt and between in terms of my approach. I start from the position where I would like, given that I oppose prostitution, to support the bill in banning advertising.

As I understood the answers given to the Hon. Sandra Kanck's questions, it would seem to mean that national publications such as the *Australian*, or whatever, if they were to be circulated in South Australia would be committing an offence, and therefore I presume those publishers would not include those advertisements or indeed would not allow their publication to be distributed in South Australia. The interesting construction of clause 16(5) is that it would not appear to even limit it to prostitution services available in South Australia. For example, I do not know whether the Melbourne *Truth* still exists, but it used to exist—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: A good racing guide, so my father used to say!

An honourable member interjecting:

The Hon. R.I. LUCAS: I certainly did then, but I have some doubt these days. Certainly a publication such as the Melbourne *Truth*, which would have included a whole range of services for customers in Victoria, nevertheless was a publication that was distributed in other states such as South Australia.

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: Free trade between the states. My reading of the bill as it stands is that it would ban that. So it would not even be advertising prostitution services in South Australia. It could be overseas—

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: The Hon. Angus Redford raises a good point which, as I said, I am 'twixt and 'tween. I was half inclined to support the Hon. Carolyn Pickles' amendment, but the Hon. Angus Redford does raise an interesting question. The criticisms that I am making of the original bill relate to international or interstate publications which might be advertising prostitution services and which publications are available for sale anywhere in the world, including South Australia. I am assuming that those publishers, interstate or internationally, would be liable for prosecution. If the Hon. Angus Redford's amendments were successful, potentially they would have very significant—

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: Yes. All I am saying is that, as I understood the Hon. Angus Redford's position and the Hon. Trevor Griffin's explanation, the range of penalties would be significantly greater for an interstate or an international publisher. Does the Hon. Carolyn Pickles' amendment cover the internet?

An honourable member interjecting:

The Hon. R.I. LUCAS: The Hon. Carolyn Pickles—

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: Yes, but if I could follow the Hon. Angus Redford's question—

The Hon. Diana Laidlaw interjecting:

The Hon. R.I. LUCAS: Exactly. I was raising questions about the original bill, and the Hon. Angus Redford rightly raises a question relating to my concerns about the original bill. In essence, an international publisher or an interstate publisher of advertisements for prostitution services in another country or another state, because their publication is sold in South Australia, would be liable for prosecution under both the original bill and, as I understand it from the interjection of the Hon. Angus Redford, the Hon. Carolyn Pickles' amendment. When members look at some of the international newspapers available—for instance, I read the *Manchester Guardian*, or whatever it is called—

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: It used to be in the library. The library used to have it. I am not sure whether it still has it.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: I used to read it to see how Manchester United was going. However, a paper such as that which is circulated around the world and which is in our parliamentary library (or has been), the State Library and others, if that was to include advertisements for prostitution services in Manchester, or wherever else, on my reading of this—and I am not a lawyer, although there are a number of lawyers present—it does not seem to limit the advertising of prostitution services in South Australia—

The Hon. Carmel Zollo interjecting:

The Hon. R.I. LUCAS: It is an offence. We talked earlier—

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: I was going to say that earlier the views of various organisations were raised about another provision which was discussed, and people were concerned, as I understood it in that debate, about what people might do if the law provided for this or that. As I said, I was half inclined to support the Hon. Carolyn Pickles' amendment—and may well in the end have to do so or go absent and not vote at all—but there would appear to be a potential problem with that amendment—

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: Again the point that the Hon. Paul Holloway raises is that ultimately under the current arrangements what is occurring at the moment (so the lawyers have told us) is illegal. The advantage of the Hon. Carolyn Pickles' amendment is that at least it attempts to restrict the

nature of the advertising that will be allowed. Indeed, whether or not that is successful only time will tell as to whether action would be taken by prosecutors to prosecute should someone advertise outside those bounds. If the Hon. Robert Lawson's and Matthew Goode's advice is correct that it is currently illegal but it has been a prosecutorial discretion that they have not been prosecuted—

The Hon. Diana Laidlaw interjecting:

The Hon. R.I. LUCAS: That did not seem to be the Hon. Robert Lawson's and Matthew Goode's view.

The Hon. Diana Laidlaw interjecting:

The Hon. R.I. LUCAS: Exactly. As the Hon. Robert Lawson indicated, it was Matthew Goode's legal advice—with which he seemed to concur—that it was an offence and it was not being prosecuted. So it may well be that, even if the Hon. Carolyn Pickles' amendment is successful, it will run into the same concerns being expressed as to whether or not it is ultimately enforceable. On balance, subject to how much longer this debate continues, if we come to an early vote I might be inclined (as is the Hon. Paul Holloway) to support some version of the Hon. Carolyn Pickles' amendment, but I will listen to the remainder of the debate.

The Hon. CAROLYN PICKLES: I indicate that we agreed right from the outset of the debate on this legislation that it is very complex and that we would be prepared to recommit various clauses at the end. Now if there is some problem with this, as it appears from the matters that have been raised, I am happy to seek some further legal advice from the plethora of lawyers in this place and—

The Hon. Diana Laidlaw interjecting:

The Hon. CAROLYN PICKLES: Yes, that is right but, on balance, what I have attempted to do is to try to get something that is more acceptable if we are to have a legal regime. So it is an honest attempt to get an acceptable legal regime, if we are to have a legal regime. I have already amended my amendment by deleting paragraph (c), which was the objection raised by the Hon. Terry Cameron and, on balance, he is right; people tend not to take too much notice of regulations as they are promulgated or disallowed. However, we are not even debating that point now. As I have already indicated, if my amendment gets up, I will support the Hon. Mike Elliott's amendment.

The Hon. R.I. LUCAS: In relation to the Hon. Carolyn Pickles' amendment, my understanding as the bill currently stands is that small brothels in residential areas are still able to operate, albeit they have to get DAC approval, which I think is the current arrangement. So we still have small brothels in residential areas. Is it the intention of the Hon. Carolyn Pickles' amendment to allow advertisements for small brothels in residential areas in publications such as the *Messenger*? Is it correct that, if her amendment is successful, the house next door to the Hon. Carolyn Pickles, or indeed me or whoever, could be a small brothel operating in a residential street which will be able to advertise in the *Messenger* in the way in which it is currently constructed in her amendment as a small brothel?

The Hon. CAROLYN PICKLES: The answer is that they are doing it now. In fact, I have just been looking at some of the papers, and they tend to identify the suburb with a telephone number. This would make sure that it was a legal regime and that they were less offensive.

The Hon. R.R. ROBERTS: I was interested in the exchange between the minister and the Hon. Carolyn Pickles earlier, when it was pointed out that this would only apply to newspapers and magazines and that you could not have it with television or radio. It also talks about commercial directories and the internet. If all the argument being promoted is that if it is a legal business they ought to be able to advertise, the question then becomes: why can they not advertise on radio and television, for the very same reasons?

It is less offensive now with the suggestion by the Hon. Terry Cameron about taking away the advertisement permitted by regulation. That would have enabled an advertisement of some other kind permitted by regulation, because you may well have had a regulation that says that you can have an advert on television or on radio. I think that if we were to move that no political advertising could go on radio or television there would be a huge scream from here. It would be a question of choice, and they—

Members interjecting:

The Hon. R.R. ROBERTS: They may well, but I am certain that the members of this committee would not. I think that it is a reasonable question. If you accept the argument put by the people promoting this clause that it is a legal business and they ought to be able to advertise—although that is not my position—why can they not use the other forms of legitimate advertising? They could go on the internet and you could get a speaker system and have some nice music, as well.

I think that the minister made the clarification that this does not apply to radio and television. I ask why it does not, given the minister's premise that it is a good thing. Why can they not use that medium?

The Hon. DIANA LAIDLAW: You have raised a reasonable question, but I do not think it is fair to suggest that anybody other than the Hon. Robert Lawson has suggested that a legal business should be able to advertise carte blanche. I have supported advertising of an approved sex business on the basis that it is restrictive advertising practice. What I like about the amendment first introduced in the House of Assembly by the government and now introduced as an amendment by the Hon. Carolyn Pickles is that it does provide the guidelines that this parliament, by majority vote, would see as acceptable practice, restricted practice, for advertising a sex business.

The trouble today is that the business is illegal and no law has been provided through this place to make the advertising of a sex business controlled, so we have the media running whatever they wish in the print media and on television. I rarely watch television, and that is by choice, but I was very surprised on Saturday night that once the clock had struck 1 a.m. I saw hardly anything but sex activities, massages and girls without much on hanging around everywhere all over the television! I had not appreciated that this happened every Saturday night and, possibly, on other nights as well.

The Hon. T.G. Cameron: I suspect that there's a lot else you don't appreciate, either!

The Hon. DIANA LAIDLAW: And nor do I wish to learn. I am quite happy being naive about a whole lot of things.

The Hon. T.G. Cameron: As long as your naivety doesn't show up in this bill.

The Hon. DIANA LAIDLAW: No, I have my eyes wide open in promoting change in prostitution. That is why I am supporting advertising but in a limited form.

The Hon. R.D. LAWSON: Does the minister consider that this legislation would in any way prevent the advertisements that appear after 1 a.m. which, as I understand it, having seen them every night of the week whilst doing dockets, are advertisements for so-called phone sex, which

is not within the definition of prostitution as provided? That form of advertisement, which the minister so deprecates, would continue on the television and on the airwaves and, presumably, in print where it also appears. If that is offensive advertising, why do we not go beyond it and—

The Hon. Diana Laidlaw: Why don't you move an amendment? This is one option you have before you.

The Hon. R.D. LAWSON: My view, as I have made perfectly clear, is that, if people have the courage of their convictions to legitimise prostitution, they should acknowledge that it is a legitimate business and allow it to advertise like any other business. If you do not want to advertise, you should ban the activity.

The Hon. Diana Laidlaw: What—ban cigarette smoking? Ban cars?

The Hon. R.D. LAWSON: Nobody has yet said that sex is bad for your health, minister!

Members interjecting:

The CHAIRMAN: Order!

The Hon. T. CROTHERS: I am more inclined to support the proposition being embraced by the Hon. Ron Roberts, but I would like to direct a question to the minister. What happens if, for instance, Bluebeard's Brothel or Bluebeard's Escort Service, come election time, posts an advert in the press and everywhere else saying, 'Bluebeard's Brothel supports the Liberal Party' or, 'Bluebeard's Brothel supports the Labor Party' or whatever?

They might argue that that is not about advertising prostitution but about supporting the political party of the day. The way that you can compound that beggars belief. I think that this proposition before us is truly the proposition that was put together by several camels when they were trying to make a horse.

The Hon. DIANA LAIDLAW: The matter that the honourable member has raised would be addressed if he supported the proposed amendment that I and the Hon. Carolyn Pickles have indicated we will support, that is, the amendment moved by the Hon. Mike Elliott to the amendment moved by the Hon. Carolyn Pickles regarding sponsorship.

The Hon. T.G. CAMERON: Proposed clause 14(2)(a)(i) provides 'on the internet'. People are worried about what might be put on late night television or what might be put in a particular publication but, for those of you who do not know how the internet operates, what would stop someone from placing any advertisement they liked on the internet—defying subparagraphs (ii), (iii), (iv) (v), (vi), (vii) and (viii)—as well as placing explicit pictorials? We have to face a certain amount of reality here: we will not stop advertising on the internet.

Members interjecting:

The CHAIRMAN: The Hon. Carmel Zollo.

The Hon. CARMEL ZOLLO: When I made my brief comments earlier, I mentioned what members had decided to do in the other place, and I probably should have expanded more. I think that, whilst a majority of members in the other place obviously passed this bill, what we are all failing to recognise, and the reason why we are all still here, having spent several hours debating one clause, is that the business of prostitution is not like any other business, and perhaps we as a society—as legislators—should be thinking that we should not be treating it like any other business. I suspect that members in the other place possibly thought about that, because they are, perhaps, more accountable to their electors than are we, because most of us are elected on the list system in this Council. So, I reiterate that I do not think that the business of prostitution can be viewed like any other business.

The Hon. R.K. SNEATH: I tend to agree with what the Attorney-General has said probably since this bill has been introduced. He has always argued that, if prostitution becomes legal, it is treated in the same way as any other legal business—and I think that the Hon. Mr Lawson touched on that, as far as advertising is concerned. He said something along the lines that those who support it at the end of the day have to realise that. I certainly realise that, and that is why I will be supporting the amendment moved by the Hon. Carolyn Pickles.

The Hon. SANDRA KANCK: I agree with the Hon. Carmel Zollo that we should not treat this like any other business, and I think I have made my position on this issue very clear. I respect the fact that a significant minority in the community is strongly opposed to prostitution, but I do not believe that voting against this bill and making it as complex as one can is a solution. The approach that I am taking throughout is a harm minimisation one—one that makes the industry as unobtrusive as we can possibly make it. The Hon. Carolyn Pickles' amendment, which puts firm controls on the advertisements, will be a more workable model than the current situation, where we have the advertising and everyone turns a blind eye.

I spoke on Tuesday about how the current clause 14 only advantages the existing large, glitzy and well known establishments. The current clause as it stands will not, for instance, deal with the fact that Stormy Summers has a brothel and a neon sign out the front that says 'Stormy's'. It does not say that there is any prostitution happening there; it does not say that there is any sexual activity. It says 'Stormy's', and none of the wording in clause 14 will do anything about that. So, all we do is advantage the large, existing, glitzy brothels, rather than keeping it quiet. If people have fears for their sons or daughters, we need the brothel industry to be subtle and not to be obtrusive in any way.

The South Australian Sex Industry Network has a view that, if the bill gets up with the current clause 14 provision, it would be better that we have no bill at all. I do not hold that view, but that is its view, and I believe it is one that should be put on the record.

The Hon. Paul Holloway said that, no matter what we do, they will find a way to advertise, and it is true that they will. We see how currently there are prostitution businesses that advertise as massage and adult relaxation. In London at the present time a blitz is taking place to prevent any advertising. The net effect of it is that the prostitutes 'accidentally' drop business cards in appropriate places. If one goes into telephone boxes in the greater London district, one will find that the telephone boxes are full of business cards that the prostitutes have left 'accidentally'. They will find a way to do it. If people think that prostitution is an activity that needs to be controlled, having a clause that prevents advertising will only lead to that sort of activity. And if people fear for their sons and daughters and their exposure to it, they will be more exposed to it by retaining clause 14 as it currently stands.

The Hon. A.J. REDFORD: I think that this is now turning into an exercise that a debating society would be proud of. The reality is that we have a political system where, if one took any notice of what took place in the lower house (and I agree wholeheartedly with the Hon. Carmel Zollo's pertinent and precise contribution), the bill would not have got through the lower house. That is the reality of it. As I said

earlier, if the Hon. Carolyn Pickles' amendments get up, I will not be with this bill on the third reading. It is not a matter of drafting: it is a matter of great principle.

An honourable member interjecting:

The Hon. A.J. REDFORD: The honourable member interjects and says 'It is petty.' I have made my position absolutely, abundantly clear both during the second reading stage and also in meetings that the honourable member has attended with me, the Hon. Carolyn Pickles and the minister. I have never shifted or budged from that position. The honourable member has never sought to engage me in any debate on that score.

An honourable member interjecting:

The Hon. A.J. REDFORD: The honourable member was invited.

Members interjecting:

The ACTING CHAIRMAN (Hon. J.S.L. Dawkins): Order!

The Hon. A.J. REDFORD: At the end of the day, they have made their point. I can count the numbers, and I think that the Hon. Carolyn Pickles will be—

Members interjecting:

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

The Hon. A.J. REDFORD: —successful and that, from here, it will turn into a debating farce. I think that, the quicker we can get on and knock this off at the third reading, the better.

The Hon. T.G. CAMERON: My question, which is directed to the Attorney, relates to subclause 2(b), which provides:

(b) an advertisement by way of oral recommendation given in the course of a private conversation;

Can the Attorney tell me what that means legally, and what it may cover? Would it, for example—

The Hon. T. Crothers interjecting:

The ACTING CHAIRMAN: Order! The Hon. Mr Cameron should be heard.

The Hon. T.G. CAMERON: I am trying to ask a question: I am just waiting for the echo to fade away. Would that clause allow, for example, a scantily clad or sexily attired woman to walk up and down Rundle Mall and, provided that she was only having a private conversation with one person at a time, to promote sexual services?

The Hon. K.T. Griffin interjecting:

The Hon. T.G. CAMERON: I am hoping for a meaningful answer. I did not get one to my last question—just a withdrawal.

The Hon. CAROLYN PICKLES: I think that there are now laws that probably cover that kind of behaviour, and I would imagine that they would be applied. Let us get to the stage of being honest. I think that the Hon. Mr Redford has been honest. I am disappointed with his approach—I think he got out of the wrong side of the bed today. I have indicated that I am prepared (as has been indicated with respect to every single clause) to see what we have at the end of the bill and then make the decision about the third reading.

The Hon. K.T. GRIFFIN: I want to make a couple of observations. The Hon. Angus Redford responded to my assertion about the likely outcome of police involvement in giving an offender written notice with a warning and likened that to what he suggested I had said during the debate on stalking. I must confess that I cannot remember that long ago because it was a number of years ago that we introduced the stalking legislation. On the basis that I may have indicated that police, as part of their investigations, may have sought to give a warning to a potential offender about the continuation of his or her conduct which might amount to stalking, I suggest that that is quite a different situation from this.

With stalking, one is trying to prevent significant harm because the criminal offence requires evidence of threats by the person who ultimately is accused of stalking. With respect to the Hon. Mr Redford, I do not agree that there is any similarity between the two situations. The only other point I make about his amendment to subclause (3)(b) is that it is probably unnecessary anyway, because essentially it seems to me that if a second offence is committed then it becomes an aggravated offence under the framework of his amendment.

The difficulty I continue to have with his proposal in relation to police officers' involvement and a direction from the police officer as well as a warning is that it can make a first offence into an aggravated offence. To put that power in the hands of a police officer I think goes beyond what I would think to be a reasonable empowerment of police officers, not only in the context of this bill but otherwise.

The Hon. Terry Cameron's observations about subclause (2)(b) of the Hon. Carolyn Pickles amendment is a good question to raise. If someone is scantily clad and wandering down Rundle Mall, it depends on how scanty the dress is because it may be that it moves into the indecency provisions of the Summary Offences Act.

The Hon. T.G. Cameron: What if it didn't move into that?

The Hon. K.T. GRIFFIN: I was going to get to that point. It may also be a breach of council by-laws which prohibit the handing out of material. You have that on the one hand—the handing out of promotional material without a permit, for example. I suppose you could not put the person in the category of a busker, but there are some by-laws which would fall into that category. I do not know whether it would, but on the basis that the person is handing out promotional material, maybe on a card, then I think that would fall within subclause (2), because it is not an advertisement.

If it is a flyer, that is not a permitted advertisement, so I suspect that, just on the quick look I have had at this, an offence is committed. If it is someone walking along and saying, 'Excuse me, can I tell you about Stormy Summers?', it may well have to be more than that. 'Who is Stormy Summers?' I do not want to be facetious about it—

The Hon. T.G. Cameron: I can imagine it being done.

The Hon. K.T. GRIFFIN: It could be done. 'Can I tell you about Stormy Summers?' 'Well, who is Stormy Summers?'

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: I was really focusing on a public location. If we take that to a hotel environment, personally I think it would be very difficult to prove that the conversation occurred anyway, unless it was a conversation with an undercover police officer, because it is a question of evidence. It may be that paragraph (b) should not be there because, when I saw it, I wondered whether it was going to an extreme, but I had not really reached a conclusion on it. I think it is possible that some discussion by one person promoting Stormy Summers or some other facility would certainly fall foul of that, but the difficulty is proving it. I think that is the main issue. I would be very surprised if it is ever going to have any practical significance.

The Hon. T.G. CAMERON: It is interesting that the Attorney should conclude with the statement that he doubts whether it would have any practical effect. It is a view that I am coming to in relation to the entire clause, and it has been a somewhat interesting debate on this clause, I guess starting from the Hon. Robert Lawson declaring that he considered the current advertising regime in the *Advertiser* to be illegal yet the people who put the advertising forward are not prosecuted.

I do not think there has been any proper debate or discussion about why that is the case; nor has there been any proper debate or discussion about some of the impracticalities associated with the amendment standing in the name of the Hon. Carolyn Pickles. I suspect at the end of the day that the reason for that is—and I am no lawyer—that a successful prosecution under the existing law (despite the differences of opinions about what the existing law is in relation to the advertising that is currently in the *Advertiser*) hinges or turns on—and I think that is the term QCs like to use—whether or not a sexual service is being offered.

If one peruses the advertisements in the *Advertiser,* it is clear that on a literal reading no sexual service is offered, but you could be assured that the intent of the ad and what they are advertising is a sexual service. If you are in any doubt, just dial one of the mobile phone numbers and inquire as to exactly what it is that is being offered. The Hon. Di Laidlaw could try that; it really would open up her eyes. She would not be so naive any more if she was to do that, which I guess begs the question that if there are severe doubts—

The Hon. A.J. Redford interjecting:

The Hon. T.G. CAMERON: I won't respond to those interjections, and particularly the Hon. Angus Redford's.

Members interjecting:

The Hon. T.G. CAMERON: Irrespective of what we put in this clause, it begs the question as to whether we are ever likely to see convictions in any case. If we have a maximum penalty of $5 000, that is likely to lead to a fine of around $1 000.

The Hon. A.J. Redford interjecting:

The Hon. T.G. CAMERON: The Hon. Angus Redford interjects, 'How much less?'

The Hon. T. Crothers interjecting:

The Hon. T.G. CAMERON: I will wait for the answer. A fine probably would not even equal the cost of many of the services provided from just one advertisement.

The Hon. T. Crothers: How do you know that?

The Hon. T.G. CAMERON: Are we not going to be entering into a similar situation? Well, I sat on the Social Development Committee, that is how I know—with the Hon. Sandra Kanck, the Hon. Carolyn Pickles and Michael Atkinson. That is how we know. I will not ask you how you know.

The Hon. A.J. Redford interjecting:

The Hon. T.G. CAMERON: No, I did not travel the country. Anyway, that begs the question. I know that the Hon. Angus Redford has an amendment which provides a 12 month gaol penalty. I support that amendment, because the penalties that are being sought to be imposed under this measure will not dissuade anyone from advertising. They will not dissuade people from putting advertisements in the *Advertiser* featuring photographic or pictorial material. Subclause (2)(a)(v) provides:

> Containing no reference to the race, colour or ethnic origin of any prostitute.

I think that would exclude about 50 per cent of the advertisements that are currently seen in the *Advertiser*. Unless you are going to set up some kind of a system or procedure to control this, I am afraid that all those who oppose it and all those who support it are kidding themselves. The only way that you will ever ensure that advertising is properly controlled and that only legally licensed or regulated—call them what you like—brothels will operate is if you have some sort of a licensing system or regulatory control.

I think under the bill that I put forward when a brothel obtained its licence or was granted planning approval it would have been given a registration number and that registration number would have had to accompany the advertisement. If an advertisement was placed in the newspaper without the registration number, it would have been an offence for the newspaper or whoever placed the advertisement. That is the only way in which you will effect any proper controls over advertising.

It should also be noted that this provision would also pick up escort advertising. That would then affect interstate publications such as the *Yellow Pages*, which contains pages and pages of advertising. That advertising does not conform to some of the conditions set down in the amendments standing in the name of the Hon. Carolyn Pickles. With the sort of penalty of $5 000 that is suggested, unfortunately all those who intend to support the amendment are kidding themselves, because that will have no practical effect whatsoever. That may well be what the proponents of it want.

The Hon. R.D. LAWSON: Apropos the Hon. Angus Redford's—

Members interjecting:

The CHAIRMAN: Order!

The Hon. R.D. LAWSON: —amendment, which seeks to empower a police officer to give written notice warning that a certain type of advertisement not be published in the future, I must say that I have serious reservations about a provision of that kind. I do not believe that a police officer should be given the power to issue general warnings of this kind—and I will come to why they are general warnings.

I have no problem with police officers being empowered to issue a specific warning in relation to a specific offence which must be complied with, but any warning of the kind envisaged in this provision offends the principle that these warnings should be clear and unambiguous. The provision suggests that a police officer have power to issue to someone who has published an advertisement a notice warning that the advertisement or similar advertisements offend against the section and directing the offender to desist from publication of that advertisement or advertisements of the relevant kind. In my view, that power is too wide and will lead to mischief—I am sure, unintended mischief.

People who receive a warning from a police officer should know precisely where they stand. A general warning that you are not to publish a specified advertisement or some similar advertisement invites debate and is not clear and unambiguous. I do not believe that we should burden the police with powers of this kind, because it is a burden and it will involve them in disputation and contention. If people are committing offences, it ought to be clear precisely what they are required to do, and what they are required to do should be in regulation or legislation, not in notices issued by the police.

The CHAIRMAN: The first question will be a test of support for clause 14, as printed, and for the committee to further consider the Hon. Mr Redford's amendment. The

question is that all words in clause 14 down to but excluding 'maximum penalty' in line 17 stand as printed.

The committee divided on the question:

AYES (6)

Cameron, T. G.	Crothers, T.
Redford, A. J. (teller)	Roberts, R. R.
Xenophon, N.	Zollo, C.

NOES (13)

Elliott, M. J.	Gilfillan, I.
Griffin, K. T.	Holloway, P.
Kanck, S. M.	Laidlaw, D. V.
Lawson, R. D.	Lucas, R. I.
Pickles, C. A. (teller)	Roberts, T. G.
Schaefer, C. V.	Sneath, R. K.
Stefani, J. F.	

PAIR(S)

Dawkins, J. S. L.	Davis, L. H.

Majority of 7 for the noes.

Question thus negatived.

The CHAIRMAN: The next question is: that the remaining words in clause 14 stand as printed.

Question negatived.

The Hon. Mr Elliott's amendment to the Hon. Carolyn Pickles' proposed new clause, as amended, carried; the Hon. Carolyn Pickles' proposed new clause, as amended, inserted.

Progress reported; committee to sit again.

[Sitting suspended from 1.00 to 2.15 p.m.]

ADELAIDE PARKLANDS

A petition signed by 3 501 residents of South Australia concerning the City of Adelaide (Adelaide Parklands) Amendment bill, and praying that the Council will protect the parklands by stopping the erection of buildings and other structures on the parklands by rejecting the City of Adelaide (Adelaide Parklands) Amendment Bill, was presented by the Hon. Carolyn Pickles.

Petition received.

SEX SHOP

A petition signed by 212 residents of South Australia concerning the location of a sex shop in the Elizabeth South shopping complex, directly opposite the Elizabeth South Primary School, and praying that the Council will pass legislation that prevents sex shops being within 200 metres of schools, churches or hospitals, was presented by the Hon. T.G. Cameron.

Petition received.

GENETICALLY MODIFIED FOOD

A petition signed by 165 residents of South Australia concerning labelling genetically modified food sold in South Australia, and praying that the Council will, first, legislate to require labelling of all foods with any genetically modified component, secondly, legislate to require adequate segregation of genetically modified crops and, thirdly, urge the commonwealth to prevent the introduction of any further genetically modified foods into Australia until and unless the commonwealth establishes an independent monitoring and testing regime, was presented by the Hon. Ian Gilfillan.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

Adelaide Entertainments Corporation Charter and Performance Statement

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

Local Government Superannuation Scheme Rule—Waiting Period.

AUSTRALIAN ROAD RULES

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to make a ministerial statement on the subject of the Australian Road Rules and also to table a report on their operation.

Leave granted.

The Hon. DIANA LAIDLAW: The Australian Road Rules were implemented in South Australia on 1 December 1999, accompanied by a major campaign to educate all road users about the changes, and generally to promote road safety, courtesy and commonsense. The rules represent the first time in Australia's history that all states and territories have adopted, with few exceptions, a uniform set of road law to apply to all road users, ranging from heavy vehicle drivers to motorists, cyclists and pedestrians. This major breakthrough did require compromise on the part of all state and territory governments.

Overall, the changes in South Australia were minor. However, during the course of the debate on the Road Traffic (Road Rules) Amendment Bill, the government did support an amendment to section 58 to provide that a review of the rules be undertaken 12 months following their introduction, with a report to be laid before each House of Parliament.

The review has now been undertaken by Transport SA. It involved extensive consultation with key stakeholders (as outlined in the report) and market surveys conducted by the company Harrison Market Research. The market survey in April 2000 found that 97.2 per cent of respondents had heard of the Australian Road Rules, with 77 per cent agreeing that the new rules made driving safer and easier. A follow-up survey in October 2000 found that almost two-thirds (63.4 per cent) of respondents agreed that the new rules had encouraged them to be a safer driver.

In both surveys it was determined that most people were 'happy' with the operation of the new rules. However, the research has identified several issues of concern, with 39 per cent of respondents expressing an opinion about one or more aspects of the Australian Road Rules. The following three rules attracted a response from more than 10 per cent of the sample:

1. Rule that only children under 12 years be permitted to ride a bicycle on the footpath.

I note that in relation to this rule respondents were almost equally divided between those calling for the removal of the age barrier and others who fear that footpath cycling generally will result in increased accidents among pedestrians. Meanwhile, road safety research has identified that cyclists are generally safer when riding on the footpath, and such practices present no significant risk to pedestrians.

Certainly, there has been no apparent increase in pedestrian injuries in South Australia since the new rules permitted children under 12 years to ride on the footpath. However, detailed injury data for the 12 months to 1 December 2000

will not be available until later this year. Accordingly, I have referred the issue of footpath cycling (including the matter of making it lawful for adult cyclists to accompany cyclists 12 years and under on the footpath) to the State Cycling Council for further investigation as part of its current review of the State Cycling Strategy.

By June this year the government will have the opportunity to assess the State Cycling Strategy to 2005, and at this time consideration will be given to whether to continue to apply or to vary the current cycling-on-footpath restrictions.

2. Rule that all drivers must give way to buses displaying the 'Give way to buses' sign.

This rule was introduced to promote the easier movement of buses, thereby assisting buses to run on time and overall provide an improved service to passengers. However, a significant number of respondents complained—as did stakeholders—that bus drivers are enforcing their right of way without looking.

It is not my intention to amend the rule. However, in responding to the concern regarding the implementation of the rule, I have asked the Passenger Transport Board to ensure that ongoing training is provided to all new and current bus drivers, highlighting this rule and the community concerns. I have also asked Transport SA to monitor the situation and, if it is demonstrated that concerns persist, that further public education campaigns be conducted.

3. Rule that drivers must not use a hand-held mobile phone while the vehicle is moving or is stationary but not parked.

The report notes that opinions regarding hand-held telephones almost universally supported the rule, while some respondents considered that there should be more enforcement. Accordingly, I brought this matter to the attention of the Commissioner of Police.

While the three rules above attracted the greatest level of response, other issues were raised—from road events to left hand turning on a red traffic light—and they are noted in the report that I have tabled today.

In relation to road events, extensive consultation has been undertaken between the Local Government Association and South Australia Police, and shortly I will issue a revised notice outlining simplified processes. Meanwhile, a review will be undertaken by Transport SA this month regarding the continued use and/or the extended use of the signs permitting motorists to turn left on a red light—a measure designed to improve traffic flow. Also, in relation to expiation fees, feedback from local government in particular has highlighted inconsistencies in penalties for traffic offences. Certainly, penalties were not changed when the Australian road rules were introduced. Therefore, I have asked Transport SA to undertake a review of the fees, in association with local government—and I have not yet alerted the Attorney, but I want his department to be involved as well.

In conclusion, I believe that the report highlights that this parliament has excelled in introducing a set of road rules in South Australia that not only achieves national uniformity (with few exemptions) but has also gained wide community support, understanding and compliance. In this regard, I also acknowledge the work undertaken by Transport SA officers, the police, local government generally, motoring associations and the media. Certainly, there are a few matters that require some further consideration, but they are minimal in number compared to the task undertaken and, in each instance, steps have already been taken, or will be taken over the next year, to address the issues raised during the course of the review.

QUESTION TIME

ALICE SPRINGS TO DARWIN RAILWAY

The Hon. CAROLYN PICKLES (Leader of the Opposition): My questions are directed to the Minister for Transport:

1. Is rolling stock for the Alice to Darwin railway, in fact, subject to the requirement for 70 per cent South Australian and Northern Territory content for the project overall, and exactly what items are excluded from the 70 per cent local content requirement?

2. Following agreement by parliament last week to commit more money to the consortium building the Alice Springs to Darwin railway, can the minister categorically rule out that 110 rail cars will be built within Australia, and what action is the government taking to make good its promise that 70 per cent of the value of goods and services for the railway will be produced by South Australian and Northern Territory companies?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I will have to refer all those questions to the Premier. It is not my direct responsibility to address the tendering processes. Certainly, the tender and the orders will be undertaken by the consortium. The minister responsible to this time, and possibly longer term, is the Premier, and he will be able to provide the answers to the honourable member's questions.

SUSTAINABLE ENERGY

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Treasurer a question about sustainable energy.

Leave granted.

The Hon. P. HOLLOWAY: The report on the National Competition Policy Review of Legislative Restrictions on Competition in the South Australian Electricity Supply Industry, which was dated 1 August 2000, which was prepared by the Electricity Reform and Sales Unit and which was released to the public in November 2000 states:

> The third area of community welfare measures concerns the protection of the environment through reduction of energy demand and emissions. The South Australian Sustainable Energy Authority will be established with two principal objectives:
>
> to reduce levels of greenhouse gas emissions, pollutant wastes and other adverse impacts from the production and use of energy; and
>
> to encourage the development of sustainable energy technology. The proposed functions of the authority are described in section 9.5 of this report.

However, I point out that section 9.5 of the report does not exist. Given that the bill to establish the Sustainable Energy Authority was allowed to lapse in this Council over two years ago, why does the national competition policy report claim that this body will be established?

The Hon. R.I. LUCAS (Treasurer): I refer the honourable member to a rather longer than normal contribution I made to a motion in the Council last evening: I think it was the motion that the Hon. Sandra Kanck has most unkindly moved to get rid of me.

The Hon. T.G. Cameron: You kindly brought it on for her!

The Hon. R.I. LUCAS: I did. In the Hon. Sandra Kanck's absence, I graciously brought on the motion to get rid of myself.

The Hon. K.T. Griffin interjecting:

The Hon. R.I. LUCAS: As the Attorney-General reminds me, it was to give the Hon. Sandra Kanck the chance to get rid of me.

The Hon. Diana Laidlaw interjecting:

The Hon. R.I. LUCAS: I am relying on the Minister for Transport's support in relation to these issues.

The Hon. Diana Laidlaw interjecting:

The Hon. R.I. LUCAS: I think she did, actually, so she might garner support by adding in a few other bits to her motion. Nevertheless, in that contribution last evening at some length I addressed the issue of the Sustainable Energy Authority and the wonderful things the government is doing in relation to sustainable energy. Given that I do not want to take up too much of question time I will not repeat all of that in my response; suffice to say that it is the government's intention to fund out of licence fees from the privatised industry all the four new agencies—the Independent Regulator, the Technical Regulator (although that is a continuing agency), the Planning Council and the Sustainable Energy Authority.

When we added up the amount of money we could charge the new operators of the businesses in South Australia—which came to some millions—we found that we could fund only three of the four agencies—the two regulators and the Planning Council. I think (and I am working on memory here) roughly $3 million to $4 million was required for the Sustainable Energy Authority, but those funds were not there from the licence fees.

It then becomes a budget and policy issue. There has not been the money to fund the agency. As I indicated last night, it may be that the government pursues this course at some time over the coming months or years with an alternative response, subject obviously to funding decisions that the government would need to make. Then I went on at some length to highlight a significant number of sustainable energy projects that are being fast tracked and assisted.

I had an interesting exchange with the Hon. Terry Roberts about wind energy and all that he knew about wind energy in the South-East and elsewhere, and how significant progress was being made in terms of wind energy generation in South Australia. I refer the honourable member—he may not yet have had the opportunity to read that lengthy contribution to the 'get rid of Lucas motion' last night—to that and, if there is anything further he would like, I will be very happy to respond.

DOMICILIARY EQUIPMENT SERVICE

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Disability Services a question relating to the cutting of Domiciliary Equipment Service.

Leave granted.

The Hon. CARMEL ZOLLO: Domiciliary Equipment Service (known as DES) provides a range of specialised equipment to the Department of Veterans Affairs, public hospitals and some government agencies. In January this year an independent report to the manager of DES by law firm Norman Waterhouse concluded that DES is an efficient, profitable and cost-effective community service to the people of South Australia. Indeed, DES is widely acknowledged as a national benchmark for such organisations.

In examining the operations of DES the report made three key findings: the service provides Northern Domiciliary Care with an annual dividend of $120 000; its cost-effective structure enables it to operate at rates of between one-third and one-half of its private sector competitors; and it meets the government's competitive neutrality guidelines and cost reflective pricing policies. In addition, DES is independent of government funding and channels all profits directly into the community that it serves. These findings are supported by another independent audit that was conducted in September last year by Ernst and Young.

In other words, Domiciliary Equipment Service is a showcase for the best the public sector has to offer. Yet, despite this glowing summary, the government wants DES to no longer tender for major contracts such as for the Department of Veterans' Affairs and the Housing Trust. These contracts account for up to 60 per cent of DES work and, without them, the future of up to 27 full-time staff would be jeopardised. My questions are:

1. Does the minister acknowledge that DES is a cost-effective and profitable community service; and, if not, will he provide independent advice to show otherwise?

2. Is the minister aware of the findings of the Norman Waterhouse and Ernst & Young reports; and, if so, can he explain why DES is being shut out of the DVA tendering process?

3. Will the minister confirm that a loss of the DVA contract will see a number of jobs lost within DES; and, if so, how many?

4. Has the minister consulted over the proposed cuts with the Public Service Association which has coverage of DES employees; and, if not, why not?

The Hon. R.D. LAWSON (Minister for Disability Services): A similar question was asked recently by the Hon. Carolyn Pickles. On that occasion, I outlined the history of the competition issues that led to a review of the operations of the Domiciliary Equipment Service. I think it is worth reminding the honourable member that the Bannon and Arnold governments committed this state to national competition policy. That competition policy dictated that state government owned enterprises comply with a principle called the principle of competitive neutrality.

It was found last year that the Domiciliary Equipment Service, which had established a retail outlet and was providing retail services to the community, was not complying with those principles to which the Bannon and Arnold governments had committed this state.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: Accordingly, the Domiciliary Equipment Service was directed to curtail its—

Members interjecting:

The PRESIDENT: Order! When there have been three calls for order, that does not mean that someone should fill up the space. The call goes back to the member on his feet.

The Hon. R.D. LAWSON: The Domiciliary Equipment Service was required to divest itself of its commercial activities and concentrate on its actual core business of providing equipment and services to customers of Domiciliary Care and the Northwest Adelaide Health Service.

On that occasion, the service raised with the government the question of the Department of Veterans' Affairs contract. The direction given was that the service could continue to meet its contractual obligations under that contract but that it would not be permitted to tender again in the future, because that particular activity is one for which there are other businesses in the community well able to tender.

I say nothing adverse about the dedicated people who work in the Domiciliary Equipment Service. There has, however, on the part of their management been a somewhat over-enthusiastic pursuit of business opportunities rather than focusing on the business which the organisation was set up to do. Incidentally, last year I was directed to the web site of the Domiciliary Equipment Service because private sector providers were complaining that the Domiciliary Equipment Service was posting a catalogue of goods at prices that private providers said they could not compete with, and they said that they did not believe that it would be possible for any business to provide prices of that order if they were fully recovering the cost of a service.

The Hon. Diana Laidlaw interjecting:

The Hon. R.D. LAWSON: Yes, indeed, they were being subsidised by other activities. It was interesting to see at that time that the service claimed to have a staff of 21 people employed in various positions, including cleaners, storemen, administrative staff, paramedical aids, artisans, so on. The staff are very conscious of the fact that they are working for a business and that the unit must operate as a self-funding project. It said that it was extending its activities beyond the northern area of Adelaide to Broken Hill and the Northern Territory. One might ask why a service specifically established for the purpose of serving a particular group of clients with undoubted needs would be looking to extend its operations outside the state of South Australia.

I was also intrigued to note that, according to the service, 21 people were employed in that service. However, it is now claimed by the Public Service Association that over 30 people are employed in the service, and those people could have come into the service only after the time when it had been directed to downsize its activities and focus on its core business.

As I have said, I have no adverse comment to make about the people working for the service. I am sure they are doing a good job, and it is not the desire of the government to see them out of work. However, the government is obliged to comply with the competitive neutrality principles. I will be meeting with the Public Service Association and, I gather, representatives of the workers later today. I have assured the PSA that we will have discussions with it concerning any staffing issues arising out of the competitive neutrality issues.

The honourable member has asked whether I have seen the Norman Waterhouse letter of advice. I had not seen it when previously asked by the Leader of the Opposition, but the PSA has now furnished me with a copy of that advice. Once again I say that it is extraordinary that a public sector agency of this kind obtained private legal opinions some months ago and, as I am told, did not forward those opinions to the department or the ministers responsible—either myself or the Minister for Human Services—but produced the advice through the PSA. If bona fide advice is being sought by any agency of government, the correct protocol is to go to the Crown Solicitor and obtain that advice in the ordinary way. If it is necessary to go outside Crown Law, appropriate approvals can be given.

I am still examining the advice tendered by the solicitors, but I do believe that it was based on the information furnished to them by the Domiciliary Equipment Service and I do not believe that the lawyers were in possession of all of the facts, nor could they have been sufficiently informed about our obligations under competitive neutrality principles.

I have been in communication with representatives of the Public Service Association and I will be meeting them later today to continue my discussions with them to ensure an appropriate outcome. If there are any other matters in the honourable member's question that I have not covered, I will bring back a more detailed response in due course.

The Hon. CARMEL ZOLLO: I have a supplementary question. Does the minister agree that Domiciliary Equipment Service complies with the government's competitive neutrality policy? I was unable to ascertain that from the minister's response.

The Hon. R.D. LAWSON: No, I do not. On all the advice available to the government, following an examination last year, the service was not then complying with the competitive neutrality principles. If the service had some proposal to present to government to bring itself within those principles, I would have expected to receive that proposal well before now. I am sure that I speak for any minister with responsibility in this area when I say that, if there are any proposals that might ensure that the service can comply and that it can continue to meet its core responsibilities, they will be examined.

ELIZABETH BOWEY LODGE

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Disability Services a question on Elizabeth Bowey Lodge.

Leave granted.

The Hon. CAROLINE SCHAEFER: Along with a number of other members of parliament, I have been lobbied by the committee for Elizabeth Bowey Lodge, which is a facility that provides respite care for families with children with intellectual disabilities. It provides four respite beds for children in Parafield Gardens and eight respite beds for adults in Davoren Park. Previously, families were offered one weekend a month of respite accommodation and two weeks during the school holidays. Those with children who had particular and challenging behavioural problems were offered more respite than that.

For a variety of reasons, and progressively over some time, this facility, which provides the only such care in the northern and north-eastern suburbs and extends its care as far north as Gawler, has had its funding whittled away. It has dried up to such a stage that the 85 families who use that facility are now offered it only at night, so there is no day facility and no midweek facility, as I understand it. Will the minister advise me as to whether any progress has been made towards reinstating funding for this very important facility?

The Hon. R.D. LAWSON (Minister for Disability Services): I thank the honourable member for her question and I know the interest she takes in disability services, particularly the support of families with children with disabilities. However, at the outset I must correct a couple of impressions that the honourable member's explanation created. She said that funding had whittled away and stated that there had been a reduction in funds to Elizabeth Bowey Lodge in recent years. That is not the position. Last year, the funding for Elizabeth Bowey Lodge was something over $400 000 and, as I am advised, that funding had been in place for some time.

Elizabeth Bowey Lodge is operated under the auspices of the IDSC, and it provides a very good service. I visited Elizabeth Bowey Lodge before last Christmas and met a number of the parents, members of the board and other staff at the lodge, as well as a number of the children. I had a very full discussion with them and I certainly understand some of

the issues that have arisen. However, last year the service ran over budget.

Generally speaking across the disability sector, respite services are provided to individuals, and the norm is 52 days per annum. You might say that is not enough, and we are trying to increase the number of days. However, in order to ensure that everybody gets fair and equitable access to our respite services, 52 days a year or one day week is the conventional allocation. A number of people at Elizabeth Bowey Lodge had been receiving increasing allocations. Some received up to 149 days per annum; others 104 days per annum. That was substantially above the benchmark. Of course, if you are providing additional respite of that kind, for some people it is virtually an accommodation service in place of a service that has been funded for the provision of respite. Under its board Elizabeth Valley Lodge had run up over $200 000 above its allocated budget, and steps had to be taken by IDSC to bring the organisation's deficit under control.

Additional funds were provided last year to do that, but the service was told that it had to limit its provision to the benchmark that applies in all other places in the state. This year, as a result of additional moneys coming into the disability sector, I have been able to allocate a further $150 000 approximately. That is on top of the $439 000 to the service, and the $150 000—it is nearer $155 000 actually—was specifically allocated to the service to enable it to provide respite for some of the older carers, and that had to be done to meet some of the requirements of that funding. I also invited Elizabeth Valley Lodge to make an application under the home and community care program this year.

Members will be familiar with home and community care, particularly in relation to the support of frail, elderly people in our community, but the criteria for it also permit funds to be made available for younger persons with disabilities. Although I am required to secure the agreement of the commonwealth minister for the finalisation of the HACC round, I was delighted to see that, at my encouragement, Elizabeth Valley Lodge submitted a bid for HACC funds. I will certainly be pressing my commonwealth counterpart—and I have no reason to believe that consent will not be forthcoming—to enable a further significant allowance to be made to Elizabeth Valley Lodge.

This is a very good service. I commend it and I commend all the people associated with it, but it is not possible to fund fully every service and disability service to the extent that individual advocates and staff members, as well as parents, might require. However, I assure the honourable member that this government is doing all that it can to ensure that this excellent service continues.

ELECTRICITY, PRIVATISATION

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Treasurer a question about ETSA Utility service standards.

Leave granted.

The Hon. SANDRA KANCK: The chamber will be familiar with the state government's claims that the privatisation of our electricity industry was going to lead to an improved standard of services for customers. My office has been provided with information rebutting that naive expectation. Mr Robin Maslen of Hove contacted my office concerned about a lengthy time delay in having his newly built home connected to the grid. His builder had struck a contract with ETSA to supply electricity to the property on 19 February this year. The connection fee was paid the next day. Mr Maslen moved into his new home on 5 March. As I speak, Mr Maslen is still reliant on an extension cord from a neighbouring property to supply electricity to his home: Mr Maslen is fortunate to have such a courteous neighbour.

He has been informed by ETSA that the power should be connected on Monday 9 April. As it turns out, Mr Maslen is also fortunate that ETSA has taken only seven weeks to connect to his property. ETSA's Customer Services Manager, Mr Jeff Irwin, told Mr Maslen that a wait of between eight and 12 weeks is routine. Builders contacted by my office claim a delay of five months is not out of the ordinary. We now have the absurd situation where builders are completing the construction of houses faster than ETSA is connecting them to the grid. Consider that the gas and telephone are usually connected to new homes within two weeks.

Apparently inadequate staffing levels are responsible for this dismal standard of service. It is worth noting that Mr Maslen's problems took place during a very slow period in the home building industry. My questions are:

1. How many employees has ETSA Utilities shed since privatisation?

2. Does the Treasurer believe that a wait of five months is reasonable for customers seeking to connect to the electricity supply?

3. Given the federal government grants for new home buyers and the expected extra demand for new connections, how does the Treasurer propose to ensure that ETSA delivers a connection service comparable with that provided by Origin Energy and Telstra?

The Hon. R.I. LUCAS (Treasurer): Obviously, I will need to have that matter considered by ETSA Utilities or, at least, ask it: I have no power of direction over ETSA Utilities in relation to individual customers. I thank the honourable member for the detail she has provided. I am not a lawyer, but I am not sure whether Mr Maslen will be pleased to have revealed by the honourable member in this chamber and publicly that he has been using power from a neighbour's property for his property. That is an issue that I would advise the Deputy Leader of the Australian Democrats to check with the Distribution Code and the other legal documents that relate to the provision of power to customers in South Australia.

As I said, I am not a lawyer but the honourable member has made that information public. She might be advised at least to check that issue before she trumpets it too widely to all and sundry—any wider than everybody who is in here at the moment and who is listening. In relation to the ideological blinkers that the deputy leader has on in relation to—

The Hon. Sandra Kanck interjecting:

The Hon. R.I. LUCAS: You do. Here we have one customer example being used as an indication of all that is wrong with privatisation. I will be happy to seek the latest information from the Chief Executive of ETSA Utilities, but I know that, at a recent meeting he attended, my recollection—although I stand to be corrected if this is wrong—is that he indicated that there had been no reduction in staffing since the privatisation of ETSA Utilities, contrary to what the deputy leader has just indicated that she has been told. As I said, my recollection might be wrong: I will have it checked—

The Hon. Diana Laidlaw: The information checked.

The Hon. R.I. LUCAS: I will have the information checked, yes, as well as my memory, if I can also get that

checked. Let me assure the deputy leader that if my memory is correct and that is the information, I will be coming back into this chamber very quickly to take up this issue with her. As I said, the whole foundation of the honourable member's question is that in some way, since privatisation, ETSA Utilities has in essence gutted its workforce, reduced its staffing numbers and significantly lessened its overall service standards.

The deputy leader has provided no evidence for that other than a Mr Robin Maslen who had a power cord going from his property for five months into a neighbour's property, supplying electricity—

An honourable member interjecting:

The Hon. R.I. LUCAS: It wasn't five months: it was five weeks; my apologies. It may be that in this case there is a problem, and my experience with the company, both under public sector operation and now private sector operation, has been a willingness from the management to concede problems where there have been problems and to try to do something about them.

I know that recent problems that customers had in the Riverland with something called a new residents' line was an issue where the company acknowledged that its services were not up to standard and indicated its willingness to try to do something about it. I must confess, having discussed it with the local Mayor up there, that that is an issue that the best minds within the company and elsewhere seem to continue to have problems with, in terms of ensuring a sufficient quality of standard in that area. I will seek information on this example, given that the name has now been put in the public arena (and, I guess, from that viewpoint, confidentiality no longer appertains), and see whether I can obtain a response.

I also refer the honourable member to the quite rigorous legislative requirements in terms of service standards and the requirements on the Independent Regulator and that office that we have established to ensure that ETSA Utilities, under private operation, continues to at least maintain the standards that existed pre private sector operation. I refer the honourable member to the legislative provisions that we included in the legislation, together with the requirements we have outlined in the various codes—including the distribution code—and also the requirements we have placed on the Independent Regulator to ensure that service standards continue to be maintained and protected—and, we hope, in some areas, improved—under private sector operation.

WOMEN AND BANKING

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about women and banking.

Leave granted.

The Hon. J.S.L. DAWKINS: I have heard recently from a number of older women that they do not have the confidence or experience to use electronic banking, whether it be an ATM machine, EFTPOS at the local supermarket or petrol station, or using the internet to pay bills. These constituents have commented that they feel unsafe using an ATM in the street, especially if they have never used one before. I can understand that it could be an intimidating experience.

I note that, early last month, the minister launched a new initiative, providing demonstrations free of charge at the Women's Information Service on the use of the internet, ATMs and other similar technologies for financial transactions. My questions to the minister are:

1. Over the past month, have the free programs at the Women's Information Service been successful, both with respect to attendance by women and the training offered?

2. As women in the country are often isolated from many services, are there any plans to take the Women and Banking program to country areas?

The Hon. DIANA LAIDLAW (Minister for the Status of Women): The program been a very great success, and I thank the honourable member for his interest. To date, 143 women and eight men have undergone the training program, ranging in age from middle aged people to relatively older people. Universally, they appreciated the fact that they could ask questions and, in confidence, test the systems without the fear of making an error or being harassed at the ATM—having to think of a number and then feeling that there were people behind them, pressuring them, and possibly forgetting the number and then getting themselves into a bit of a state, which ensures that they do not repeat the experience. What has concerned me for some time is the way in which the banks and other financial institutions are increasingly installing ATMs, but not training—

The Hon. T.G. Roberts: And insecurity.

The Hon. DIANA LAIDLAW: In many cases they are insecure. As the Hon. John Dawkins mentioned, one is vulnerable in the street—old people, in particular, want more time, and they generally feel quite fearful. I know that, increasingly, women (and this may also be the case with men) are now choosing to use the supermarkets and over the counter methods—EFTPOS—to withdraw money, rather than using the ATMs. But, if there is a big queue of people at the supermarket, they also feel vulnerable about keying in their numbers at that time.

I think the banks have paid very little attention to customer needs, particularly those of older people or people with mental impairment, in terms of banking practices and trends. I was pleased to gain some assistance by having some of the processes explained before I started using EFTPOS. What I have learned from a number of women who have attended these free-of-charge demonstrations is that they were provided with their card and pin number some years ago but never used them because they were too scared to learn how to, and they now have gained that confidence.

Considering the trends in this area, it should be a major concern that, until they gain the confidence to do it, older people will carry more money than they need in their purse at any time, and that makes them vulnerable in the street and in their home until they can withdraw smaller sums or do their banking or pay bills over the phone. It is not easy to go out in all weathers if they are not driving a car or do not have immediate access to public transport.

I have been very pleased with the response to the training through the Women's Information Service. The training will continue at the Women's Information Service on internet banking and bill paying procedures. However, the ATM machine will be returned to Sydney—I think it was supplied by the Savings and Loans Credit Union. I am advised that Goolwa and Victor Harbor will be centres for similar programs in the second week of May. There will be further programs in Whyalla on 12 and 13 June and in Clare on 20 June. I would like to see the programs made available more widely across the metropolitan and country areas, and I hope that by undertaking this program we may have embarrassed the banks—but that might be hard to conceive—into undertaking some of this training—

An honourable member interjecting:

The Hon. DIANA LAIDLAW: As I say, it is hard to conceive, but we might have: one might have a conscience. They might provide this training for their customers. It is my intention to write to the banks, credit unions and other institutions in South Australia highlighting the success of the program to date and outlining the positive response received from customers. I want to see whether we can encourage them to do something, or at least to sponsor the work undertaken by the Women's Information Service. I also want to encourage more men to attend and to see it more broadly available across the metropolitan and country areas.

The Hon. J.S.L. DAWKINS: As a supplementary question, when the minister writes to the banks will she consider asking them to implement similar training at the stands they quite often have at country shows and field days?

The Hon. DIANA LAIDLAW: That is an excellent idea and I will certainly do so. I will report back to you whether I get an acknowledgment to my letter, let alone a positive reply.

BED AND BREAKFAST ESTABLISHMENTS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Attorney-General a question regarding the ability of bed and breakfast establishments to sell wine.

Leave granted.

The Hon. T.G. CAMERON: I have recently been contacted by the proprietor of a bed and breakfast located at Aldinga Beach about the inability, under current licensing laws, of bed and breakfast establishments to sell wines. As I understand it, Victoria has a restricted licence available for a $50 a year fee that enables B&Bs to sell wine to guests by the glass or the bottle.

In South Australia, to sell wines to their guests while they are having a meal proprietors of B&Bs are required to have a residential liquor licence, which costs approximately $1 000, if one takes into consideration the application fee and processing requirements. The proprietor informed me that this inability to sell wine by the bottle or the glass to his guests with their meals means that they either have to bring the wine with them or are forced to travel some distance to a hotel or bottle shop.

The proprietor made it quite clear that they do not want to be in competition with licensed establishments but just want to be able to sell wine when they offer meals to guests who are staying at their bed and breakfast. Considering that South Australia is known worldwide as the wine state and considering that there are over 1 000 bed and breakfasts operating in this state, will the minister investigate the possibility of a restricted licence, similar to Victoria's, to be created in South Australia to enable our bed and breakfasts to sell wine by the glass or the bottle?

The Hon. K.T. GRIFFIN (Attorney-General): The answer is 'Yes', but I should add that the South Australian Liquor Licensing Act contains a number of options for the sale of liquor. When we enacted it back in 1997, it was at the forefront of licensing laws around Australia. Since then, a number of jurisdictions have picked up some of our provisions, including restaurants being able to serve alcohol to a person whilst seated even though not eating a meal. If there is a problem relating to bed and breakfast outlets that needs to be addressed, I will take some advice and bring back a reply.

The Hon. T. CROTHERS: I have a supplementary question. Will the Attorney also investigate the impact that the issuance of such licences, particularly in our winegrowing area, will have on cellar door sales and the number of people employed—

The PRESIDENT: Order! The honourable member can only ask a question.

The Hon. T. CROTHERS: I am asking that it be further investigated, and I am laying down the premise for what I am asking. Is that all right?

The PRESIDENT: A supplementary question must go straight to the question with no explanation.

The Hon. T. CROTHERS: Will the minister further investigate the impact that the issuance of a thousand licences would have on cellar door sales of wine, particularly in our wine producing regions?

The Hon. K.T. GRIFFIN: I do not understand that to be the issue. The Hon. Terry Cameron's point, as I understand it, concerns the ability to serve a glass of wine at the table whilst having a meal—not just breakfast but also dinner.

The Hon. T.G. Cameron: And then only to their guests.

The Hon. K.T. GRIFFIN: And only to their guests. I see that as a much more limited proposal than that to which the Hon. Trevor Crothers refers. On the spur of the moment, I can see very little impact on cellar door sales, but I am happy to take that on board. In conjunction with the question raised by the Hon. Mr Cameron, I will also take up the issue raised by the Hon. Trevor Crothers but, at the moment, I cannot see that it would have a significant impact, because it is not take-away bottles that are the issue; it is being able to drink a glass of wine with your meal.

The Hon. T. Crothers interjecting:

The PRESIDENT: Order! Interjections are out of order!

The Hon. K.T. GRIFFIN: We try to be flexible with the liquor licensing laws to ensure, first, that they are not abused but, more particularly, because we are the wine state and because we have a laid-back approach to the way in which we serve meals—everyone serves them: cafes, restaurants, bed and breakfasts—that the liquor licensing laws ought to serve the people rather than the people being made to conform with the licensing laws, provided, of course, that the licensing laws are reasonable. I will take those issues on board and bring back a reply.

DOMICILIARY EQUIPMENT SERVICE

The Hon. J.F. STEFANI: I seek leave to ask the Minister for Disability Services a question about the Domiciliary Equipment Service.

Leave granted.

The Hon. J.F. STEFANI: My question is: is the minister aware of any complaints about the service provided by DES?

The Hon. R.D. LAWSON (Minister for Disability Services): On looking through my file, I note a significant complaint about the activities of the Domiciliary Equipment Service registered by none other than Mr Michael Atkinson (the member for Spence) in a letter dated 28 February 2000. Mr Atkinson wrote on behalf of the proprietors of Scooter World Australia Pty Limited, which complained about the Domiciliary Equipment Service and, in particular, the fact that the service was opening a shop on Richmond Road selling the same type of equipment as Scooter World, namely, mobile equipment. Mr Atkinson advanced the proposition on behalf of his constituents and, no doubt, on their advice. He said:

> The price that the (DES) sales personnel are quoting for the product at the Richmond Road showroom suggests they are working on only a 5 per cent to 10 per cent gross margin. This is a farce, as the operation could not possibly cover running costs at these margins, which it must do under the principles of competitive neutrality. So, if it is not making a profit for the government, then what is its real purpose?

Mr Atkinson's letter, in quoting the owners, goes on to say:

> The DES also has a huge commercial advantage over private small business operators in that it is gaining direct referrals to private customers through the domiciliary care network . . . It also appears that a number of these people have been taken to the Richmond Road showroom in government cars by domiciliary care workers to purchase equipment. No small business (or large for that matter), can compete against these blatantly unfair trading practices.

That was the proposition advanced on behalf of his constituents by the Labor member for Spence.

I also want to comment on the remarks made by Mr Ralph Clarke in which he accuses the Chief Executive Officer of the Department of Human Services of acting on behalf of someone he claims to be a friend of the Chief Executive, Ms Fij Miller, the Small Business Advocate. Mr Clarke's allegation was that the Domiciliary Equipment Service was directed to close down by the Department of Human Services in consequence of some alleged friendship with the Small Business Advocate. I am advised that that is absolute rubbish and that there is no friendship between the Director of the Small Business Advocate and the Chief Executive of the Department of Human Services, who acted entirely on advice in relation to the directions she gave to Domiciliary Equipment Service.

In this context, I think it is also worth mentioning that it was not only the Small Business Advocate, Ms Fij Miller (who, I believe, performs her function with admirable zeal) who was complaining about the Domiciliary Equipment Service, but also the Employers Chamber, which wrote on behalf of a number of its members who own businesses engaged in the manufacture, supply and hire of equipment and aids for aged and disabled people. That complaint stated:

> They are competing with DES pricing levels which are substantially lower than current market rates.

The chamber went on to say:

> The private hire scheme was established by Domiciliary Equipment Service in July of 1999 to service the broader community. This scheme competes directly with the private sector and was clearly outside of the DES original charter which, according to its own web site was to supply and service equipment and aids used by the aged and disabled 'to internal and external funded health care agencies'.

It was alleged by the chamber and, I believe, was subsequently established that, in fact, the service was operating more widely.

So, in answer to allegations being now promoted by the Labor Party that there was some nefarious activity on behalf of people within the public sector or in the government to close down the Domiciliary Equipment Service, I can assure the honourable member and the Council that nothing is further from the truth.

The PRESIDENT: Does the Hon. Paul Holloway have a supplementary question?

The Hon. P. HOLLOWAY: On a point of order, I wonder whether the minister will table the documents from which he has been quoting?

The PRESIDENT: That is not a point of order.

The Hon. CARMEL ZOLLO: As a supplementary question, does the minister acknowledge that the Queen Elizabeth and Lyell McEwen Hospitals would have to face cost increases of rental equipment of between $3 000 and $5 000 per month if the unit was shut?

The Hon. R.D. LAWSON: Not on the advice that I have obtained. I know it is suggested that, because the Domiciliary Equipment Service was able to bulk buy, it was able to obtain a particular discount. However, if the Domiciliary Equipment Service wished to bulk buy, there are plenty of other government agencies, other domiciliary equipment services, for example, with which it can combine to bulk buy. The state government of South Australia is the largest buyer in this state of that sort of equipment and, if we need to bulk up our buying for the purpose of securing the best price, we will do it. We will not do it by setting up quasi private sector organisations.

FALL PREVENTION HOME ASSESSMENTS

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Minister for the Ageing a question regarding fall prevention home assessments.

Leave granted.

The Hon. IAN GILFILLAN: Falls are the leading cause of injury-related death and morbidity in older people. In 1997, there were 985 deaths in people over 65 years and 32 000 injuries resulting from falls, and that consequently takes up a very high percentage—42 per cent—of all bed days occupied by persons over 65 years.

Fall prevention is one of four immediate priorities specified in the draft national injury prevention action plan. There are many aspects to an effective strategy for the prevention of fall-related injury in older people. Aspects of an holistic approach to reducing fall-related trauma in older people would incorporate ensuring a safe home environment (for example, grab rails, non-slip floors, good lighting), maintaining individual's muscle strength and bone density, encouraging appropriate medication management, and promoting regular eye checks.

Funding by the Department of Human Services to the Make it Safe program has provided a one-off home fall prevention assessment for people over 55 years of age at a cost of $125 per assessment. That was the total cost of all aspects of the service delivery, that is, program administration and management, home safety assessment, client reports, program promotion and a $30 subsidy. This service has provided 1 200 home visits per annum, benefiting over 2 000 clients at a total program cost of $150 000.

The removal of funding by the Department of Human Services to Injury Prevention SA's Make it Safe program was effective as of 1 January 2001. Advice by the minister and by the Director for Statewide Services (Brendan Kearney) said that fall assessment services to clients over 55 years of age will be provided by domiciliary care.

In January this year, metropolitan domiciliary care agencies advised that they were not aware that domiciliary care was to provide fall assessments for people over 55 years of age, nor did they have any formal agreements with the Department of Human Services. On 15 March, domiciliary care Gawler requested details of the Department of Human Services advice that it was responsible for fall prevention home assessments because the service was not aware of it. On 19 March, domiciliary care Western and Southern Region advised that an arrangement was still being discussed and that no service contract had been agreed.

Injury Prevention SA has a central administration, it is highly regarded among the health and aged care sector and it has demonstrated performance. It services the metropolitan and surrounding metropolitan areas, and it has shown that it can provide service and training to regional areas of the state, with very short wait times. If this service is to be transferred to domiciliary care, and since this transfer was done at the end of last year, my questions to the minister are:

1. How many in-home fall prevention assessments have been carried out by domiciliary care since December 2000?

2. How many in-home fall prevention assessments have been carried out by domiciliary care for people over 55 years of age with no long-term health problems since December 2000?

3. What is the waiting time for in-home fall prevention assessment for people over 55 years of age with no long-term health problems in:

(a) Western domiciliary care area?

(b) Eastern domiciliary care area?

(c) Southern domiciliary care area?

(d) Northern domiciliary care area?

(e) In particular, non-metropolitan areas, that is, rural and regional domiciliary care areas?

4. What is the target number of households to be assessed for fall prevention in the year 2001-02?

5. How has the information that domiciliary care services will now be providing preventive in-home fall assessment been communicated to the domiciliary care services themselves, because they appear to be totally ignorant of it, and to the people most affected by this change, that is, healthy people over 55?

The Hon. R.D. LAWSON (Minister for the Ageing): The honourable member asked a series of questions about the number of assessments and particulars of waiting times and so on, matters of an administrative nature which I simply do not carry in my head; nor do I have any information available in the chamber to enable me to give an immediate response. I will obtain that information and bring back specific responses in relation to those matters as soon as possible. The honourable member described the services provided by Injury Prevention SA under the former Make it Safe Program, and I think it ought be said that the view about the effectiveness of the program being conducted by Injury Prevention SA and questions about whether those funds were most effectively devoted through that organisation are open to very serious question.

The honourable member used the expression 'demonstrated performance' in relation to Injury Prevention SA. I would not want my silence in response to that to be taken as assent to the proposition, because, as I understand it, there were very serious concerns about the effectiveness of the program that was being undertaken. I am very familiar with the services provided by the various domiciliary care services around the metropolitan area and through hospitals and health services in country regions, and I have every confidence that domiciliary care workers and staff will be able to provide the assessment service adequately, appropriately and efficiently. They are in touch with local communities and I am sure that the transfer of investment from Injury Prevention SA to the Domiciliary Care Service will be a very wise investment indeed. However, as I say, I will bring back more detailed responses in due course.

ABORIGINAL AFFAIRS, WEB SITE

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to table a copy of a ministerial statement given today by the Minister for Aboriginal Affairs (Hon. Dorothy Kotz) in the other place on the subject of the Department of State Aboriginal Affairs and a web site.

Leave granted.

INDEPENDENT GAMING CORPORATION

In reply to **Hon. NICK XENOPHON** (11 October and 14 November 2000).

The Hon. R.I. LUCAS: The Independent Gaming Corporation Ltd (IGC) holds the gaming machine monitor licence under the Gaming Machines Act 1992. That licence authorises the IGC to provide and operate an approved computer system for monitoring the operation of all gaming machines operated pursuant to gaming machine licences.

It is a condition of the gaming machine monitor licence that the licensee will not charge any fee unless the fee is in accordance with a scale of fees approved by the Treasurer.

As set out in its articles of association the IGC is a non-profit organisation. Consistent with that it establishes its operating budget with the objective of achieving a close to 'break even' result. This is appropriate.

In addition to cost recovery and a provision for capital replacement the monitoring fee charged by the IGC includes a component that funds the $1.5 million per annum contribution from the hotel and club industry to the Gamblers' Rehabilitation Fund and an additional allowance to enable the IGC to distribute funds to the community through sponsorships and charity donations.

On its balance sheet the IGC currently has accumulated funds which stand at $2 195 992 and a current year surplus of $327 588 as at 30 November 2000. In addition they have $3 420 000 in the Capital Replacement Reserve.

The IGC operating results since 1996-97 are as follows:

IGC Profit and Loss Account for Period Ending 30 June

	2000-01 [(a)]	1999-2000	1998-99	1997-98	1996-97
Operating surplus	653 875	926 383	1 489 306	822 758	755 015
Capital Replacement Reserve	(360 000)	(360 000)	(960 000)	(720 000)	(730 000)
Retained operating surplus	293 875	566 383	529 306	102 758	25 015

Note: The yearly surplus is derived after Abnormal items and Contingencies.
(a) Revised budget estimate only.

Part of the reason for the higher than budgeted surpluses of the IGC in the past two years is continued higher than expected growth in the number of gaming machines. This generates additional revenue for the IGC since line fees are charged on a per machine basis. Cost savings associated with the delayed implementation of the new monitoring system also contributed to the result in 1999-2000.

While the IGC has been running operating surpluses since its inception, it has used the cash generated from this surplus along with funds from the depreciation of the monitoring system to retire debt incurred as a result of the purchase of the original monitoring system and also when the IGC purchased the current monitoring system early last year. This has led to the IGC being in the position of

running operating surpluses each year but only going into cash surplus, according to the 1999-2000 budget, in November 2000. This means that the IGC's 30 November 2000 balance sheet shows an accumulation of operating surplus, members funds and a capital reserve of $5 943 580, matched not by cash but rather by the undepreciated value of assets (mainly the monitoring system). Any operating surplus generated after November 2000 would result in a build up of liquid assets.

It must be noted that as a company limited by guarantee the IGC can not pay the operating surplus directly back to its owners (AHA and LCA), it can only use its surplus funds for the activities of the IGC, including capital expenditure requirements, or to fund a reduction in the line fee.

In recently approving the line fee for the period until 2 July 2001 I informed the IGC that I have some reservations regarding the level of operating surplus of the IGC and its strategy with regard to funding capital replacement. While I acknowledge that it is appropriate that the IGC build up a reserve of funds to enable it to meet some level of capital requirements, the amount of any capital reserve and particularly any rationale to meet all capital expenditure through this means needs to be justified. Any further increase in the 'Accumulated Funds' of the IGC would also need to be justified.

I understand that the IGC is currently reviewing these matters and on that basis I approved the line fee until 2 July 2001 but noted that these issues will need to be addressed as part of the IGC's 2001 Budget and in its subsequent submission for approval of the line fee to apply from July 2001.

The process for establishing the line fee each year is for the IGC to lodge a submission with the Treasurer including a proposed Budget for the coming year. Officers of the Department of Treasury and Finance and the Liquor and Gaming Commissioner then review this budget in consultation with the IGC as necessary to clarify outstanding issues.

Based on advice from these agencies the Treasurer would approve or otherwise the proposed line fee. I have previously approved interim fees for short-periods of time to enable the IGC to review matters and provide further information prior to approving the fee for a full year.

The approach I have taken with the IGC over a period of several years is establishing a plan for a reduction in the line fee over the medium term. The results are demonstrated in the following table which shows that the fee has been consistently reducing since the inception of gaming machines, aside from the 10 per cent increase in the fee for 2000-01 reflecting the introduction of the GST.

IGC Line Monitoring Fee

Date from	Fee ($ per annum)
25 July 1994	1440
4 April 1995	1200
1 July 1995	780
1 July 1996	720
1 July 1997	620
1 July 1998	620
1 July 1999	511
1 July 2000	562.10
2 January 2001	522.50

The IGC has advised that a replacement monitoring system would cost between $8 to $12 million.

MOUNT SCHANK MEAT PROCESSING PLANT

In reply to **Hon. T.G. ROBERTS** (9 November 2000).

The Hon. R.I. LUCAS:I am advised that officers from the Department of Industry and Trade who have some background and experience with the meat processing sector visited the abattoir at Mt Schank in late May this year. They report that the abattoir has been maintained in very good condition since its closure, and could reopen at relatively short notice if the owners desired and appropriate licences are in place. However, there is a current condition on the EPA operating licence that requires some monitoring of the environmental effects of the abattoir waste-water disposal be undertaken before the abattoir can reopen. For whatever reason, the current owner has not undertaken this work, and consequently the abattoir can not reopen at present under the current ownership or any other.

The current owners do not seem inclined to reopen the works themselves, and are trying to find a buyer. By Australian standards, the works are not particularly large, and therefore may lack the economies of scale necessary to allow an operator to compete on the world market.

Even if the requirements of the EPA are met, and the monitoring results are such that the EPA is happy for the abattoir to reopen, it is likely that a buyer will have to be found before that reopening occurs. The abattoir has not operated for almost 2 years.

The government has worked hard with the meat processing industry over the past five years, and the industry is now working well in a highly competitive environment. The State's largest abattoir, the T and R Pastoral works at Murray Bridge, now has a record high number of employees. Our other major export works at Naracoorte, Bordertown and Port Pirie are also travelling well at present, and providing a great boost to regional economies in the State.

The government would welcome the reopening of Mt Schank, and would be happy to talk to any operator who is proposing to do so. However, the government will not unnecessarily put taxpayers funds at risk by supporting any proponent who cannot demonstrate they have the expertise and financial strength necessary to bring this to fruition.

WATER SUPPLY, SOUTH-EAST

In reply to **Hon. M.J. ELLIOTT** (15 November 2000).

The Hon. R.I. LUCAS: I refer the honourable member to the ministerial statement regarding water resources legislation made by the Minister for Water Resources, the Hon. Mark Brindal in another place on 30 November 2000.

MOTOR VEHICLES, REGISTRATION

In reply to **Hon. CARMEL ZOLLO** (14 March 2001).

The Hon. DIANA LAIDLAW: As previously advised, advertising material has been included with registration renewal notices since 1991. I understand that this system has been utilised by both non-profit and commercial enterprises. The system has not varied since it was initially introduced.

1. The GE Finance and Insurance brochure "We Loan U" is no longer being included with registration renewal notices.

With respect to those persons who may have difficulty in paying registration fees, since 1 July 1996 vehicle owners have had the option to register their vehicles for periods of 3, 6, 9 or 12 months. Prior to 1 July 1996 owners only had the option to register their vehicles for 6 or 12 months. The quarterly registration option was introduced to assist those owners who may have had difficulty in paying the previous 6 or 12 month fees. These options are made very clear in the registration renewal notice.

2. Transport SA receives a fee for advertising material included with registration renewal notices, but does not receive commissions on any loans granted by GE—and indeed does not receive commissions on any products or services that are advertised in material included with registration renewal notices. The revenue raised is used to offset the costs of administering the Registration and Licensing Section, Transport SA.

3. There are operational guidelines covering the inclusion of advertising material with registration renewal notices. Transport SA carefully vets the material and monitors public reaction. I understand that the inclusion of advertising material has been generally well accepted.

4. Transport SA does not provide any information, personal or otherwise, to private companies wishing to advertise by this means.

5. Despite my earlier recollection that the advertising revenue raised about $1 million a year, I have since been advised that the amount varies between $100 000 and $250 000—according with annual usage. Since 1991, the total amount raised is in the region of $2 million.

SOFTWARE CENTRE INQUIRY (POWERS AND IMMUNITIES) BILL

Adjourned debate on second reading.

(Continued from 4 April. Page 1254.)

The Hon. M.J. ELLIOTT: I do not intend to take up the time of this chamber. I think questions have been asked that

deserve to be addressed. The sooner it is done the better. The Democrats are happy to support the bill.

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their indication of support. The Hon. Paul Holloway introduced a lot of rhetoric into his contribution, but he is entitled to do that even though the rhetoric, in some respects, created false impressions. There is only one matter that I want to make an additional comment about; that is, in the House of Assembly the member for Hammond, Mr Peter Lewis, appears to have been critical of the terms of reference. All that I can say in relation to that is that the terms of reference were crafted by the House of Assembly and supported by the House of Assembly. I am not aware that he actually opposed the way in which they were drafted.

They deal with issues in the past. They certainly have no relevance to the Motorola agreement, in the sense that that agreement is a contractually binding obligation on both Motorola and the state government, and I therefore do not believe that when the answers are obtained they will have any prejudicial impact upon the government or the Premier. I thank members for their contributions. It will be pleasing to see this bill pass with some speed.

Bill read a second time.

In committee.

Clauses 1 to 5 passed.

Clause 6.

The Hon. K.T. GRIFFIN: I move:

Page 4—
Line 20—After 'protection' insert:
, privileges
Line 26—After 'protection' insert:
, privileges

The amendments are drafting matters to ensure consistency of reference to privileges throughout clause 6.

The Hon. P. HOLLOWAY: The opposition supports the amendments.

Amendments carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

COMMUNITY TITLES (MISCELLANEOUS) AMENDMENT BILL

Consideration in committee of the House of Assembly's amendment.

The Hon. K.T. GRIFFIN: I move:

That the House of Assembly's amendment be agreed to.

The bill was amended in the House of Assembly to insert a commencement clause. The commencement clause was considered to be necessary because in this place a new clause 2 was inserted into the bill, which clarified the liability of surveyors with respect to the delineation of service infrastructure on plans of community division. This amendment will, most likely, require the amendment of the regulations under the Community Titles Act and, because of that, we do not want it to come into operation on the date of assent.

As the bill was originally introduced, it was not believed to be necessary for there to be a commencement clause. With the new clause 2, it now is most likely to be necessary to have the commencement clause. It just enables us to have some flexibility.

The Hon. CAROLYN PICKLES: I indicate the support of the opposition for the amendment moved in another place.

Motion carried.

DENTAL PRACTICE BILL

Adjourned debate on second reading.

(Continued from 4 April. Page 1252.)

The Hon. SANDRA KANCK: The Australian Democrats support the second reading of this bill. Dentists, dental prosthetists, hygienists, therapists and dental students will all come under the ambit of this act. After a number of attempts over a number of years, dental prosthetists, known previously as clinical dental technicians, will be allowed to fit partial dentures. I have previously supported bills introduced by the Hon. Mr Holloway and the Hon. Mr Redford to allow this to happen.

The advent of competition policy has forced the government's hand on this issue. I must observe that every now and then—and it is only now and then—competition policy actually causes something sensible to happen. However, it is only on rare occasions. This group of dental professionals has fought long and hard to be recognised in this way, and it is pleasing to see this in the bill.

The bill gives the parliament the opportunity to focus on the problems within our dental health system. The issue of dental health, which had slipped off the political and media agenda, has reappeared due to the introduction of this bill, the latest report from the Australian Institute of Health and Welfare and the fact that we are now in an election year.

It is no secret that dental health in South Australia has deteriorated, with almost 100 000 people currently waiting for treatment. Of these, 90 000 are waiting for fillings, extractions and general checkups, and the remaining 10 000 are waiting for dentures. Not only are many people waiting but the time they are waiting is unacceptably high—in some cases, up to four years for general dental care.

The impact of the federal government's decision to scrap the Commonwealth Dental Scheme has been obvious. This was recently highlighted by the release last month of a report prepared by the Australian Institute of Health and Welfare, which showed the differences in dental health and access to dental care between 1994-96 and 1999. Alarmingly, those who had government concession cards had experienced an increase in extraction of teeth and a decrease in fillings, and the cost of treatment was a significant factor in deterring people from seeking more timely and less drastic measures.

Access to appropriate dental services proves to be closely related to income. The Commonwealth Dental Health Program was introduced in 1994 to address social inequities in oral health as well as ensuring access to dental care for all Australians. It was a welcome program, and South Australians received approximately $10 million of federal funding for the scheme.

There is no doubt that it was effective and achieved its aims, which included increasing the provision of emergency care for people experiencing pain, improved dental outcomes and increased access to basic dental care. With the scrapping of the scheme, the South Australian government has not been able to keep up with demand, even for emergency treatment, and the provision of routine dental treatment has been severely restricted.

The scrapping of the scheme has affected the general physical health of those South Australians who cannot afford private dental treatment. There has been a high social and emotional cost for some of these people. I have been told, for

instance, of cases where severe halitosis, due to untreated gum disease, has affected self-esteem and reduced chances of employment.

The scrapping of the program made no real economic sense. Long waiting lists have only compounded and exacerbated dental problems, which could have been more efficiently and cost effectively provided with early intervention. While the state government lamented the loss of the program, blaming the federal Liberal government for poor dental outcomes for South Australians, other states have opted either to replace the program or to deal with the funding shortfall.

Queensland continued the program with state funds, while Western Australia introduced a means tested system and Victoria and Tasmania introduced a system of co-payments. For more than three years this state government did nothing to address the scrapping of the scheme, and only recently has the government introduced a system of co-payments to begin to address the long waiting lists. This is a step in the right direction but, at this rate, it will take 100 years to clear the waiting list of 100 000 people.

As the bill has come at a time of crisis, there is a certain attraction to use it as a quick fix solution to our current problems, without taking into account the long-term view and direction of dental care for South Australia. I am referring, in particular, to the issue of therapists being able to treat adults, which is possibly the most contentious part of the bill in its current form. According to the opposition, if therapists were allowed to treat adults, this would reduce costs and improve accessibility to dental care. At this point in my research on the issue, I do not have the evidence or data to prove this.

Tasmania is the only state in Australia at the moment to have enabling legislation which makes a trial possible to look at the cost and effectiveness of therapists treating adults. Therapists would have to work under the supervision of a dentist and would not be able to diagnose patients. A number of questions arise from this. Would this make the treatment cheaper for the patient? Would we be doubling up on services if the therapist found a problem which could only be treated by a dentist, therefore, making another appointment with a dentist necessary? Would we be creating a two tiered dental health system, with those who could afford dental care seeing dentists and those who had less money using dental therapists?

There is no doubt that, in some cases, dentists are carrying out some relatively simple work that could possibly be carried out by therapists under supervision. This could lead dentists to concentrate on more complex cases and give them time to see more patients to prescribe appropriate treatment. That could be a useful mechanism to overcome some of the waiting list problems.

While we focus on restorative treatment to tackle the blow out in waiting lists, we should not be distracted from the urgent need of addressing primary care. Dental disease is preventable and, therefore, primary dental health care should be the focus of government policy. I would be interested to hear if the government has any plans to use this new act to deal with these problems, and how it plans to do it.

Over time, industrial issues have clouded some of the arguments regarding the registration of all dental practitioners. It is sometimes difficult to separate issues of vested interests—such as power and status and, ultimately, pay—from issues of community dental health. But it is our role, as parliamentarians, to assess the arguments and weigh them up against any vested interests. The parliament is duty bound to ensure that the changes in this legislation benefit the dental health care of all South Australians.

Many changes will be needed to address the current problems in our dental health system in South Australia. A Bachelor of Oral Health degree is due to be introduced next year, which could change the roles of therapists and hygienists. It is conceivable that, in the next five to 10 years, we will have only one type of dental auxiliary, who will combine the skills of both therapists and hygienists, which seems to be a most logical use of resources.

Dental care of elderly people in nursing homes must also be addressed. People entering nursing homes now still have their own teeth, which was not the case 20 years ago. As a consequence, there is a need for preventive maintenance. An Adelaide study has shown that provision of dental services in nursing homes is at a low level, and there has been little interest from dentists to treat patients. There are few dental hygienists working in nursing homes and little education provided by professionals to nursing home staff. Dental inspections found a high prevalence of tooth loss and cavities amongst nursing home residents.

Other issues in the bill which I am still investigating include changes to the Dental Board, the membership of which is to be increased to 13. There is some contention about the number of dentists as opposed to the number of consumers represented. But, overall, the composition of the board appears to be a positive step forward in its representation of all areas of dental health care. There are a number of complex questions that I am endeavouring to answer before we move into the committee stage of the bill, and I have appointments with a number of groups and people in the next few weeks to assist me in obtaining the answers. But, overall, I welcome the changes to the existing act as a positive step forward in the provision of dental services in South Australia.

The Hon. L.H. DAVIS secured the adjournment of the debate.

STATUTES AMENDMENT (TRANSPORT PORTFOLIO) BILL

Adjourned debate on second reading.

(Continued from 4 April. Page 1251).

The Hon. SANDRA KANCK: The Democrats support the second reading of this bill. Whilst it deals with a number of matters, some quite technical in nature, its most controversial effects will be to enhance the rights of drivers asked to submit to a breath test, and to tighten the case for the prosecution in certain circumstances. The presumption that the concentration of blood alcohol recorded at the time of a blood test is conclusively presumed to have been present throughout the two hour period immediately preceding the blood test strengthens the prosecution's hand. On the other hand, the requirement that two breath samples must be taken for a valid breath analysis reduces the possibility of an individual being unjustly convicted of drink driving.

With slender margins separating a driver legally entitled to be behind the wheel from committing an offence, it is important to ensure that the initial breath test is as reliable as possible: likewise, the requirement that the driver failing to provide a breath test be informed of both their right to a blood test and the consequences of not undergoing either a blood

test or a breath test is in all drivers' interests. It seems to me that this bill strikes a better balance than is currently the case.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank all honourable members for their contribution to this debate. It is true that the bill fits into the category of what we would normally term 'rats and mice' measures—a whole range of complex and technical measures that—

The Hon. Sandra Kanck: Very significant rats and mice, though.

The Hon. DIANA LAIDLAW: Some very big rats and mice in terms of their implications for breath testing, in particular, and road safety, as the Hon. Sandra Kanck has suggested.

It is true that many of the drink driving breath testing measures were promoted in a report that has become known as the Peek report, which was undertaken by the Law Society. I have been asked two questions by the Hon. Carolyn Pickles, about which my office sought advice first thing this morning, but I do not yet have that advice. The questions specifically were: when was the Peek report first prepared by the Law Society, and when was it first presented to the government?

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: The further question asked by the Hon. Carolyn Pickles was: what do the police do when they are faced with someone who does not speak English? This situation, obviously, has been encountered by the police on numerous occasions. I do not have the answer, as I indicated, and the Hon. Carolyn Pickles has just advised that she would be prepared for this bill to be progressed, notwithstanding the answers, on the undertaking that I will provide those answers in the other place. I give that undertaking. I thank the honourable member for her cooperation. She need not be so conciliatory, but it is appreciated.

Bill read a second time.

In committee.

Clauses 1 to 7 passed.

Clause 8.

The Hon. R.R. ROBERTS: I am not familiar with the provisions of the bill and I know there is an agreement that it be passed, but I have indicated on a number of occasions my interest in blood testing and alcotesting. I think I understood from the contribution of the Hon. Sandra Kanck that you can now have two tests. Will the lower reading of the two tests be deemed to be the tested level, as happens in the United States and Europe?

The Hon. DIANA LAIDLAW: I know this matter has been discussed previously. I thought it was addressed in the second reading explanation which I have just been flipping through. I cannot readily find the matter. If it is a question the honourable member would like answered before we progress the bill further, I will have to seek advice because I do not have advisers here. I have an adviser to help me with the prostitution bill but I do not think that that adviser would have any knowledge about blood testing in respect of motor vehicles. If the honourable member indicates that he would like me to provide that information, I will be happy to report progress.

The Hon. R.R. ROBERTS: With regard to compulsory blood testing, I believe that if you do not have a blood test after the alcohol test as distinct from a compulsory blood test where you must submit yourself, the regulations previously provided that if you declined to have that blood test you were then not able to introduce evidence to support your claim of innocence on the alcotest. Have the regulations been changed in any way such that it would affect the operation of this provision?

The Hon. DIANA LAIDLAW: No they have not. I would be happy to speak with the honourable member and officers to advise of any changes that would arise from the bill. If I understand the honourable member correctly as regards the two questions he has asked, one of the problems is the information provided by police to the driver at the time the driver is asked to take the breath test when the driver says that he or she is unable to comply. Under the law they have been required to take a blood test, but it has never been made clear to them—but will be as a result of the bill—that there is a penalty for refusing to take a blood test. So it must be far more upfront in terms of police processes with the driver at the time they are stopped for the purpose of breath testing or blood testing for alcohol.

That is essentially what we are trying to deal with. Whether that leads to changed regulations as the honourable member has said I am not aware, although some of the technical matters related to other provisions will lead to changes. As I said, I am very happy to have my officers discuss those matters with him before the regulations are advanced too far or at the preparation stage.

The Hon. R.R. ROBERTS: I am more interested in the situation which I understand prevails in Europe and in many states in the United States whereby, if you are stopped and have an alcotest which says you are just over, there is provision for you to have a second test on a different machine. One remembers the famous case of the guy from Mount Gambier, who allegedly set a world record. He was advised by the officer that he had the right to have a blood test. He took up that opportunity and it showed that, instead of being seven or eight times over the limit, he was only four times over. However, that can also operate within the ranges of guilty or not guilty.

As I understand it, what happens in Europe and the United States, because of the provision of two alcotests on different machines, is that you take the lower of the two readings. Why would not a driver do that? He can only go lower and not higher, and it has proven to be worthwhile and has resulted in less litigation.

Secondly, under the current regulations I am advised that they can have the alcotest and, if they are advised that they are over, they are also advised that they can take a blood test. In the past the trap has been for the driver who might be over the limit and who says, 'I am satisfied that it is probably right', and he then finds out the machine has been playing up. Under the regulations as they used to be, because he did not take the blood test he forfeits any right to present any evidence which may prove his innocence or prove that the alcotest was wrong. In other words, he waives all right to plead not guilty if he does not take the blood test.

I am wondering whether that situation is still the same with these alterations. I do not want to hold up the bill; I understand that there is an agreement between the minister and the shadow minister that it will go through today. We can look at it in the lower house.

The Hon. DIANA LAIDLAW: There was an understanding that it would go through today, but that was because the shadow minister and I were not aware that you had a series of questions. The Hon. Angus Redford has just advised that he also has a few questions. In the circumstances, I owe it to members, in terms of their questions, to have an adviser here to go through these matters.

Whilst it would have been desirable to have it at the second reading stage, I am happy to accommodate members, because they have all been so good with prostitution and a whole range of other things—there is goodwill all around. If the honourable member would like to put the range of his questions on the record or if he has further questions before I reply and I have an officer here next Tuesday, I ask him to let my office know—

Members interjecting:

The Hon. DIANA LAIDLAW: Please! I am speaking to the honourable member. If he has further questions along the lines that he has intimated, if he could let my office know tomorrow, I will answer them on Tuesday and I will also have an officer present. I invite the Hon. Angus Redford to list his questions now, or if he has further questions tomorrow, I will answer them on Tuesday. The House of Assembly is not sitting next week anyway, so whether I get the bill through today or next week in terms of the time frame will not make the difference that I had first thought. So, we have a little bit of time. Today and tomorrow the honourable member can think of all his questions so that he does not take me by surprise with a new range of questions next Tuesday.

The CHAIRMAN: Would the Hon. Mr Redford like to put his questions on clause 8, or referring to other clauses.

The Hon. A.J. REDFORD: I have a query about clause 13. It is a general query about clauses of this nature in the sense that it requires the approval of an apparatus by the Governor. I am not sure what the rationale for that is. Why does the Governor need to approve it? In terms of some of these approvals—and we have one before the Legislative Review Committee which does relates not to an alco test but to a speed camera device—we are not given any guidance as to the basis on which an approval may or may not be given. I would be grateful if the minister could allude to that next week.

Another issue relates to clause 16. The minister in her second reading explanation referred to the 210 litres of a person's breath. What is not abundantly clear to me is whether 100 millilitres of blood is equivalent to 210 litres of a person's breath. The minister said in her second reading explanation:

> It is quite feasible that improving technology might eventually disprove this approach.

That refers to a calculation for transferring a breath test into a blood reading. I am not sure what the minister means by that—whether scientific knowledge might disprove this 100:210 ratio or whether she is referring to some other ratio. If we are trying to legislate to presume a fact that there is some basis upon which there is a view that might be subsequently disapproved by scientific theory, I question that, but I am not sure whether that is what the minister is saying.

The final issue relates to clause 19. This clause basically amends section 47I of the act and brings the way in which the courts treat compulsory blood tests into the same category as breath tests. I am not sure what the rationale for that is. My understanding is that when section 47G was brought in there was always some question at the margins about what a person's reading would be if you had a breath test taken within half an hour, an hour, or even two hours of driving, and what precisely that reading might have been at the time of driving.

I understand that, and the courts have worked with that over the years and become quite used to it. I also understand that, if we did not have that, the courts would be enormously bogged down with all sorts of people turning up and arguing at the margins what the reading might have been at any given point in time, for example, when the driver was actually driving. I am not sure whether the same applies to compulsory blood tests. It might, but I am not sure. I would be grateful if the minister could provide us with some examples in that respect. During her second reading explanation, she indicated the effect of the provision and then said:

> This amendment will facilitate the court establishing a concentration of alcohol at the time of the alleged offence without the need to introduce back calculations and will ensure that the penalty imposed is in accordance with the extent to which the prescribed concentration of alcohol is exceeded.

I understand that that is the net effect, but we can save a lot of court time by presuming guilt, too. In some cases, it is justifiable. I will not revisit section 47G and the presumption that is created with a breath test, but I am not sure that a case has been made out to have a presumption in so far as a blood test is concerned. Having been involved in a number of these cases, I believe there appears to be adequate evidence available at a reasonable cost to litigants to agitate for that. Indeed, you can get some quite good evidence in that respect. I will not labour the point.

My final point relates to section 47G. My understanding of how it operates is that, if you take a breath test and it comes out at reading X, there is a presumption that the reading is X for that period of two hours and that the defendant is not entitled to challenge that reading, except in one way, that is, if the defendant asks for a blood test, and then the blood test comes into play. My understanding has always been that, once you get the blood test, you can call the evidence from Dr James, who is normally called, or one of the other experts. They can relate that back to certain other evidence, including body weight, food consumed and time of last drink, and then you get a fairly good idea as to what the reading actually was at the time of driving.

I am not sure, if we amend section 47I to create that presumption—I might be wrong about this—that we are not giving the defendant the ability to test, in evidence, a presumption and then, with this amendment, saying that the only way you can test that presumption is with another presumption—and it will not help you anyway. It is a very flimsy and fragile right that a defendant has in this case. I want to be assured. I suspect that I can get that assurance that this provision will not have that effect. I apologise to the minister for not having raised this with her earlier.

Progress reported; committee to sit again.

PROSTITUTION (REGULATION) BILL

In committee (resumed on motion).

(Continued from page 1272.)

Clause 15.

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

Page 12—

Line 4—Leave out the penalty provision and insert:

Maximum penalty—

(a) for an aggravated offence—$20 000 or imprisonment for two years;

(b) for any other offence—$5 000.

After line 4—insert the following subclause:

(2) An offence against this section is an aggravated offence if—

(a) it is committed after the offender has been convicted if a previous offence against this section; or

(b) it is committed after a police officer has given the offender a written notice—

(i) warning the offender that the advertisement or a similar advertisement offends against this section; and

(ii) directing the offender to desist from publication of the advertisement or advertisements of the relevant kind.

These amendments are similar to those I moved in relation to the banning of advertising for the services associated with these premises. Clause 15 relates to the prohibition on advertising for prostitutes. I recognise the numbers and I will not press it. I can see the arguments: the Attorney will say, 'If we are going to have a legal industry, why shouldn't they be able to advertise for staff?'; the Hon. Robert Lawson will say, 'It is going to be a legal industry, so why shouldn't they be able to advertise for staff?'; and there will be others who will say the same. I recognise the vote this morning and I will not press it any further than that. However, if we are to have legislation, that would be my view.

The Hon. DIANA LAIDLAW: My understanding is that, when the Hon. Mr Redford moved his second set of amendments relating to advertising, he introduced amendments to clause 15 and they replace earlier amendments that he had on file for clause 15.

The CHAIRMAN: My copy of the amendments are coded REDF4 and relate to page 4, line 4 and page 12, after line 4.

The Hon. DIANA LAIDLAW: If the Hon. Mr Redford is listening to me, I am assuming that the amendments he most recently put on file supersede or replace his earlier amendments on file because they are inconsistent. I would like that point clarified.

The Hon. Carmel Zollo: I understand that these amendments would now be consequential on clause 14, because there are now two types of offences if I am looking at the right amendment: an aggravated offence and any other offence. Are we still going ahead with them seeing that clause 14 did not pass?

The Hon. DIANA LAIDLAW: The clause in the bill will remain notwithstanding whether or not the Hon. Mr Redford was seeking to amend it in terms of the penalty provisions, because the bill that came from the other place, and the government generally, sees a difference between 'advertising prostitution' and 'advertising for prostitutes'. We are now dealing with the subject of advertising for prostitutes. The bill provides:

A person must not advertise that he or she or some other person is seeking or offering to employ or engage a person to act as a prostitute.

Maximum penalty: $5 000

The Hon. Mr Redford seeks to increase that maximum penalty for an aggravated offence to $20 000 or imprisonment for two years and $5 000 for any other offence. He is keeping the penalty for the first offence as we have it in the bill and adding an aggravated offence. Over the page, he has a definition after line 4 of 'aggravated offence'. My argument is that I will support the provision in the bill and, therefore, I will not support the Hon. Mr Redford's amendment.

The Hon. A.J. REDFORD: I cannot have 'an aggravated offence' if there is no aggravated offence. There are two amendments to clause 15 standing in my name and they both relate to each other: one creates the aggravated offence and the other creates a higher penalty if there is an aggravated offence. However, I lost it on clause 14, so I do not know that we need to label it.

The Hon. R.R. ROBERTS: This is the dilemma that we warned about when we were discussing the last issue. Originally, when the bill came from the lower house, it opposed advertising prostitution. We had all the—I almost said 'sanctimonious'—argument that members believed to be correct; that is, if this was to be a legal business, it should be able to advertise and that we ought to be very careful about the restrictions we place on them.

The Hon. Angus Redford said, 'Well, if you are going to have this and there are breaches, there will be an offence and an aggravated offence.' In my contribution I said that I was concerned about clauses 15, 16 and 17 because they are all inter-related. However, what we have now is that, because it is a legal business, when it comes to advertising prostitution the proponents of this bill say, 'Yes, they ought to be able to advertise for services'.

I agree with the bill the way it is. However, in clause 15, we are talking about the same legal business but we are saying that they cannot advertise for employees because this business is not like any other legal business. We spent an hour and a half to two hours before lunch arguing the very opposite situation. It is bemusing that we now have this situation.

On the presumption that we were to have advertising, I was going to follow through and support the Hon. Angus Redford's proposition. So my intention at this stage is to support his amendment to this clause. I put on the record that I agree with clause 15 as it came from the lower house: people should not be able to advertise. I have warned what I believe the consequences of that would be, because it would not be too long before someone took issue with it and challenged it on the restriction of trade and we would see the cards at the CES, along with all the other cards of people looking for employment. That is another question.

This bill has still to survive the third reading, and the more these inconsistent things occur, the more confident I am that it will fail. It is worth while bringing to the attention of the committee the inconsistency of our deliberations.

The Hon. CARMEL ZOLLO: Surely we will need to recommit clause 3, because it makes no provision for aggravated offence in the definitions.

The Hon. P. Holloway interjecting:

The Hon. CARMEL ZOLLO: But not in clause 3 where we define what we mean. I thought the honourable member's amendment to this clause was consequential on clause 14, where he set out two types of offences.

The Hon. A.J. REDFORD: They are not necessarily consequential but the arguments which were put by the Attorney-General and Robert Lawson and with which I fundamentally disagree were accepted by a substantial majority of members in this place on the last vote. I do not see why those same members should not accept the same arguments on this vote. I just happen to think that they are wrong, but I do not want to reagitate that debate because we will just go over what we did this morning for another hour or so.

The Hon. K.T. Griffin interjecting:

The Hon. P. HOLLOWAY: The Attorney-General is right that the honourable member cannot presume that. In this case I am happy to support the Hon. Angus Redford's amendment. If someone breaches advertising in this way, I am happy to accept that.

The Hon. A.J. Redford: You are not consistent.

The Hon. P. HOLLOWAY: I think it is consistent. Anyone who thinks that this parliament can cure in some way

or another the problem of advertising for prostitution or, for that matter, prostitution generally, is kidding themselves, and that has been my approach to this whole debate. Legislation on social issues such as this will not solve the problem, and is never likely to. All we can do is do our best. We all come from different points of view, which we are entitled to have. It will not be possible to cure all ills in this matter, whatever legislation we pass, but for the record I am happy to support this amendment moved by the Hon. Angus Redford.

The Hon. T.G. CAMERON: I am happy to support the amendment because it would go some very small way towards forcing the industry to abide by the advertising regulations that we are setting down. If the Hon. Angus Redford is correct and a maximum penalty will attract a fine of $250 or $500, we are deluding ourselves if we think that the industry will take any notice of that whatsoever. I suspect that it will take very little notice anyway, even with the penalty of 12 months' imprisonment. All we are doing is setting up a regulatory regime that will be a regime in name only. No-one will abide by it.

I will support the amendment standing in the name of the Hon. Angus Redford but, unless something is done about the mess that we have carried in relation to advertising, I feel it will be most unlikely that I will support the third reading of this bill.

The Hon. K.T. GRIFFIN: The Hon. Angus Redford has presumed that those who expressed a view in relation to advertising therefore are not able to have a varied view in relation to this clause. The bill states that a person must not advertise that he or she or some other person is seeking or offering to employ or engage a person to act as a prostitute. That does not say that you cannot employ someone as a prostitute: it just says that you are not to advertise.

The Hon. A.J. Redford interjecting:

The Hon. K.T. GRIFFIN: I thought the debate was meant to be a rational debate. We all have differing points of view and we are all compromising principles in one way or another but at least let us have a sensible, rational debate about it. If we have different views that we disagree with, we can say that we disagree with them, but we do not make comments about digging ourselves into a hole.

The Hon. T.G. Cameron: That is what we are doing all the way through.

The Hon. K.T. GRIFFIN: The Hon. Terry Cameron has made an observation, and I do not disagree. This whole piece of legislation is terribly difficult on moral grounds for most members but also on legal and practical grounds, and there are compromises right through for all of us. We are all making compromises. We try to maintain a consistent principle but, because the issue is controversial and because we want to put some limit somewhere, even those who believe that prostitution businesses ought to be lawful, we still make some compromises of the underlying principle.

The underlying principle might well be to make it lawful, in which case it is open slather, but we know that is not the real world. Some of us are trying to ensure a modicum of consistency of approach if that is the way in which this bill is to go. For those who oppose the whole thing, again, some compromises are being made there as well. All I am saying on this point is that it is not inconsistent to argue that there should not be advertising for prostitutes in the context of clause 15, and it is not inconsistent even to argue that there be tougher penalties. We have been talking about them, and the Hon. Terry Cameron has moved them as we have gone through the bill, and they have been supported on occasions, depending on the nature of the offence.

With respect to clause 14, I have taken a view and others have taken a different view. Some have said it is not enforceable anyway and people will shoot holes in it. I tend to agree in some respects but I have taken a view in relation to clause 14 that, because this is very difficult to regulate, it is better to have at least some standard in place rather than a total embargo. On the other hand, I have been a very strong advocate for the amendments we made last year against sexual servitude, which also include procurement offences. I would have thought that clause 15 as it stands in the bill is consistent with that position last year.

The major concern I have with the Hon. Angus Redford's amendment, of course, is the quite significant penalty of imprisonment. I do not have any problem with the penalty being increased from $5 000 to $20 000, but in relation to the second amendment, which defines an aggravated offence, I do have, as I said earlier, some real concerns about a police officer giving an offender a written notice warning the offender that the advertisement offends against the section and directing the offender to desist; and that thereby means that, if the offence is established, the action of the police officer makes it an aggravated offence for which someone is then exposed to imprisonment even though it may be a first offence.

The greatest concern I have is about the way in which that is framed because, although the court has to establish that there is an offence, the moment an offence is determined to have occurred by the court, then the fact that the police officer has given a written notice, issued a warning and given a direction to desist means that it automatically becomes an aggravated offence, and I do not believe that the police ought to be in that position.

The Hon. R.K. SNEATH: I will not be supporting the Hon. Angus Redford's amendment. I am a bit worried about what is contained in the bill as well. I think that they should be clearly able to advertise for workers, because there is a danger in perhaps—

The Hon. A.J. Redford interjecting:

The Hon. R.K. SNEATH: I know it has a two year review and perhaps we can fix up some of this then, if the bill is fortunate enough to be passed. However, I think there is a real danger in not allowing them to advertise and not allowing them to advertise clearly for prostitutes. When they put their ads in the paper looking for workers, it should be clear that they are advertising for prostitutes. What they will do is get around this in the way in which they do now when they advertise in the paper—and they are advertising in the paper now for workers but they do it in a different way. At the end of the day, what they will do is make it an attractive looking job.

They will have a place where potential workers will be interviewed and some unsuspecting young people, or unsuspecting women or men, will go along to be interviewed for the job not knowing that it is the prostitution industry in which they will be working. They will then use some used-car salesman jargon on them and they might convince someone who does not really want to go into that sort of work to give it a try. That will be a real problem. If they advertise in a way that attracts people to attend an interview, it means that they then have the opportunity to convince them that they should give this job a try—it is good; there is all this big money in it. I think that is wrong. They should be allowed to

advertise, but only on the basis that the advertisement clearly shows that the work is prostitution.

The Hon. CAROLYN PICKLES: I support the elements of clause 15 as contained in the bill. I think it has already been said by the Attorney-General that, while some of us are seeking to legalise prostitution, there are some constraints about the way in which we do this. To advertise offering employment for prostitution is wrong, perhaps for some of the reasons given by the Hon. Bob Sneath. In fact, I think people would be coerced into some kind of employment when they were not really sure what it was. I am concerned about the amendment moved by the Hon. Mr Redford for the reasons raised by the Attorney-General relating to what is an aggravated offence, because I think it is too onerous. In the Attorney's view, is the penalty of $5 000 considered to be sufficient for an offence of this nature?

The Hon. K.T. Griffin interjecting:

The Hon. CAROLYN PICKLES: Does the Attorney consider the maximum penalty of $5 000 sufficient for an offence under clause 15 as it stands now?

The Hon. K.T. GRIFFIN: I would need to look at the other offences. The Hon. Terry Cameron has moved some amendments—which have been accepted—to increase penalties. I think there has to be some consistency throughout the bill and I was going to look at that once the bill had been through the committee stage to see what sort of internal inconsistencies there were and whether penalties were consistent, because there is not much point passing a bill (if it is going to pass) that has a whole range of diverse penalties which are not consistent with what we are doing in the general law.

For the moment, my immediate reaction is that I do not think $5 000 is enough, and that is why I said when I spoke earlier that it would not fuss me if it went up to $20 000. But, in the end, I think we will have to look at the penalties right across the whole spectrum of offences that have been created so far and subsequently we have to address just to ensure that there is a consistency of approach.

The Hon. CAROLYN PICKLES: I thank the Attorney for his wise advice. I must admit that this is the way in which I was going, because it seems to me that we have accepted the increase in penalties from the Hon. Mr Cameron on a number of things—and I supported all those increases—and suddenly we now are presented with some other penalties which may be inconsistent with the nature of the offence.

The Hon. A.J. Redford interjecting:

The Hon. CAROLYN PICKLES: No, I just think that the honourable member has some problems with his amendment. There are some problems of justice with his amendment. If we pass this clause, the Attorney has indicated that when the bill reaches the third reading stage we would look at all these inconsistencies and have some kind of framework, and his advice would be very welcome on that. At the present time, I consider that I would support the clause as it stands but would not be opposed to an increase in the penalty.

The Hon. A.J. REDFORD: I was not going to say very much but I think I will respond to the Attorney and the Hon. Bob Sneath. I refer members to today's *Advertiser*, page 80, and under the heading 'Adult Relaxation Services', the first advertisement for staff states:

> Busy adult agency require escort staff. All hours—

and there is a telephone number. I know that there would be some who are charged with enforcing our laws and who might read that advertisement and say, 'Gosh, they could be advertising for drivers' or 'They could be advertising for receptionists or perhaps someone to letterbox the local suburb.' Some others of us might look at that and say, 'Gee, they are advertising for prostitution.' But then, when you go to prosecute—if this parliament says this is an offence—how will you prove it? What is wrong—if you are going to have a policy along these lines (which inconsistently the Hon. Carolyn Pickles and some others support)—with a police officer turning up and saying, 'I think you are advertising for a prostitute. Here is a piece of paper and, if I see the ad in the paper again tomorrow, then you run the risk of a gaol term', if you are serious about doing it? Yes, there are other ways of doing it.

The minister has tried and the taxi industry has tried year after year to stop hire car companies advertising as taxis. I can tell you that they have absolutely failed. All those other types of arrangements have failed. Here is another advertisement in today's paper:

> Danni's Place, where the ladies range from the sexy to the executive and know how to please. So come and be pampered in a warm friendly environment in Salisbury.

Then it gives the telephone number and says 'Staff required.' I suppose that they might be looking for a receptionist or a cashier, or perhaps someone to sweep the floor.

An honourable member interjecting:

The Hon. A.J. REDFORD: Exactly: we do not exactly see three prosecutions a day, which is about the average of these ads in this paper.

The Hon. Sandra Kanck: What heading is that under?

The Hon. A.J. REDFORD: Under 'Adult relaxation services.' We do not exactly see large numbers of prosecutions, notwithstanding the fact that we rushed through a piece of legislation earlier this year that was going to deal with all these issues and was going to clamp down on them. In fact, we reduced penalties. Another advert states as follows:

> PL Park Lane: staff always required.

I suspect that they have a high turnover of cleaners, receptionists or something else. There must be some people in this community who are confused about what these mean. We can then look at another one, which states:

> Raptures: come and party with. . .

Then there is a series of names and at the bottom it says:

> New staff welcome.

Again I say that there are some people out there who would read that and say, 'Gosh, they are looking for a receptionist. They could not possibly be looking for someone such as a prostitute.' That is why I suspect—and I say this with tongue in cheek—that there are no prosecutions. And what is the harm of a police officer saying, 'Look: I know what you're doing. I know what they're saying here, although there are some in the community who don't. I am going to give you a piece of paper and, if I see that ad in the paper again with those words "staff wanted", then you run a very serious risk.' At the end of the day, the courts will make the decision.

The other point I make is in terms of consistency. The Attorney has said right from the word go that, if we are going to legalise this, it should be treated no differently from any other business. He has said that time and again with every single clause I have sought to amend in this bill. He said it in relation to police powers and he said it earlier this morning in relation to the advertising of the service. Now he is saying, 'But it is okay to ban advertising.' I might be a bit simple, but

I see a major inconsistency in that approach, and I think that it is apparent for everybody to see.

The Hon. T.G. CAMERON: I support the clause, which provides that a person must not advertise that he or she or some other person is seeking or offering to employ or engage a person to act as a prostitute, but I take on board that the Hon. Bob Sneath supports the advertising for prostitutes. I hope that his union is not seeking constitutional coverage for them! There is an old saying in the AWU that they will cover anything that moves. I worked for them 14 years, and it is true—they will.

The Hon. Trevor Crothers has just been reminding me of past sins, when the AWU signed up people at Roxby Downs. He was getting stuck into Alan Begg, a former secretary of the union, for having signed up the catering staff at Roxby, but I have to inform him that I was the one who signed them up, not Alan Begg.

Members interjecting:

The CHAIRMAN: Order! Just one member at a time.

The Hon. T.G. CAMERON: I want to go back 15 minutes or so to the little homily from the Attorney-General about what people may or may not be doing during this debate. The Attorney-General has the luxury of being able to absolutely support or absolutely oppose any amendment or any clause at his choosing. I am not suggesting that he is not a man of principle, but he can do that at his choosing because he knows exactly what he is going to be doing come the third reading.

It would not matter what amendments were passed or defeated: any bill that gets to the third reading that would in any way make prostitution legal—and we are already past that point—he will oppose. He has that luxury because that is the position that he has carved out for himself. There are others here who are not in the same position. They may well be people who support prostitution reform, or people who oppose it but who believe that the time has come when, in their opinion, it might be better to do something than to do nothing and leave the situation hanging in the air as it is at the moment.

I suspect that that may well be the position of the Hon. Angus Redford. So, do not be too tough on some of us as we go through some of these clauses and amendments and look at them, because I may well already be in the position of being a supporter of prostitution reform but, because of the mess that has been cobbled together on the bill that we have, not being able to bring myself to support a bill which I do not believe will work and which will actually make the situation in the community worse.

That seems to me to be the path that we are walking down. People should not just assume that people like me and the Hon. Trevor Crothers, who have long been advocates of prostitution reform, will vote yes on the third reading to any bill containing any amendments that have got through. I will let the Hon. Trevor Crothers speak for himself, but I will not be. Unless I can come to the conclusion at the end of the day that the bill that is being considered at the third reading will work and will improve the situation, then I will not be supporting it.

Coming back to advertising, I have a question for the minister. Is there anything in the bill that would allow people, when responding to advertisements placed in the paper, to know whether they are responding to an advertisement from a brothel that is legal, has planning approval, or could be any illegal brothel set up in a residential area, which could be using underage women, women imported from overseas purely for the purpose of sex, etc.?

Is there anything anywhere in the bill that would allow somebody, when checking out the pages of advertisements in the *Advertiser*, to say, 'Yes, that is a legal brothel: if I go there and have sex, I cannot be prosecuted. It is in the right area,' etc?

The Hon. DIANA LAIDLAW: I do not support the advertising, which is why I am supporting the bill as it is now, so that question is not relevant to me. I do not know whether the Attorney has any statement to make.

The Hon. K.T. GRIFFIN: I am not going to prolong the discussion with the Hon. Terry Cameron. Section 67 of the Criminal Law Consolidation Act, which was the Sexual Servitude Act that we dealt with last year, covers deceptive recruitment for prostitution and commercial sexual services, and the penalty for that is a maximum of seven years imprisonment where an adult is being recruited deceptively and 12 years where it is a child. So, those provisions that apply in these circumstances are already in the Sexual Servitude Act.

The Hon. T.G. CAMERON: Are there any provisions in the bill that would enable the *Advertiser*, that is, the owner of the newspaper, to be prosecuted for accepting and running advertisements for a service that would be illegal if it did not have planning approval?

An honourable member interjecting:

The Hon. T.G. CAMERON: No, I know it does not. You could drive a truck through the bill.

The Hon. K.T. GRIFFIN: I do not think that is in there at all. It is an issue that can certainly be addressed.

The Hon. DIANA LAIDLAW: As I recall, after speaking with the Hon. Bob Sneath last year (and I did obtain some advice for him), the planning application is given a number, and that number can be carried through the whole planning approval process, and it can be required in terms of advertising. We can do that. It was, in fact, a matter that the Hon. Bob Sneath canvassed that he may wish to take forward now, or the Hon. Terry Cameron. I think that, as I said last year, the Hon. Bob Sneath has a relevant point to make there, and you have raised it also.

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: Yes—and you have raised it also. I am quite relaxed with that point. I think that, in fact, it would give some guidance to the *Advertiser*, and I think it needs it.

The Hon. R.K. SNEATH: It is a bit like some of the used car people who, I think, have to include an LVD number, or something, when they advertise. I am all for banning advertisements for illegal brothels and illegal operators, but I have always argued along the same lines as the Attorney-General; that once you make a business legal—

The Hon. L.H. Davis interjecting:

The Hon. R.K. SNEATH: I agree with the Attorney-General, who was consistent until just a while ago. But I think that, if they had a licence number or some sort of number where the user could identify the legal operations, it would be good. We could say, 'Licence No. 55', or whatever. Then we have a prosecution available for the illegal ones that are advertising. If we are to make the industry legal, we have to give some advantage to the people who will operate within the guidelines of the legislation. That is very important. That is why a lot of them have not bothered going legal: because we have not given them any advantage over the illegal ones. In fact, in most states they have given them a disadvantage.

I was watching *The 7.30 Report* the other night and I think that, in Queensland, since they have legalised it, not one has taken up their offer.

The Hon. T.G. CAMERON: And there is no prostitution in Queensland, is there?

The Hon. R.K. SNEATH: No—and some believe that there is none here. I think that the number is important, and I think it is important that we have some sort of prosecution and harsh penalties, as the Hon. Mr Redford has mentioned, but for the illegal operations, not for the legal ones. If we make a business legal, it deserves the same rights as any other legal business. I still argue strongly that we should let the legal ones advertise, as long as there is a stipulation that they cannot be obscene or offensive and, if they are advertising for staff, they have to disclose that it involves prostitution, because I am very worried about young people being sucked into interviews with people who can sell ice to Eskimos. That really worries me. So, I think that if an advertisement indicates that it is advertising for a prostitute, knowing the young people of today, there would be very few applicants. They will not bother ringing up, because they know exactly what the job is, and I think that is important. I also think that some sort of licensing system number is important.

The Hon. T. CROTHERS: I rise again to oppose this bill in its entirety—not only this clause. I oppose clause 15 for a number of reasons, which I will enumerate. I just heard the Hon. Robert Sneath, and others who have spoken before him, talking about registering brothels. I remind the committee that every pet dog is supposed to be registered by local councils. There would be as many not registered as there are registered. And thus it would be with prostitution. The Bible tells of prostitutes being stoned to death for what they did against God's commandment (and I am an agnostic, by the way), but even the death penalty could not stop prostitution.

The Hon. Mr Cameron is right. He and I are liberal enough in our approach to life to understand (just as we were in 1972, when it was time; and just as Mr Howard will, at the end of the year, understand that it is time again) that the time has come for our methodologies to change, just as it has with respect to treating drug habits. One of the reasons why they must change in respect of prostitution is the number of infectious sexually transmitted diseases that now exist. AIDS is one, and there are now strains of venereal disease that have been brought back from Vietnam that are very difficult to treat, even with the latest antibiotics that we have—streptomycin and so on. It is almost impossible to treat these complaints without drugs; you have to have a cocktail of antibiotics in some cases.

For that reason alone, working prostitutes will be tested medically. It is essential, I think, for our community to be educated into changing its mind relative to decriminalising prostitution. But this bill does not do that. This bill gives even more power to the police than is presently the case. I believe that, if this bill goes through, the bona fide brothel keepers and the working girls will be worse off than is currently the case. That is what you get when you create a little cabal and cobble together a bill without reference to those other liberal-minded male members of parliament who may have had something to input and who would not now be in a position of opposing this bill.

The Hon. Diana Laidlaw: Crap!

The Hon. T. CROTHERS: It is not crap, and you know it. If it was so much crap, why did I have a superintendent and an inspector of police down to see me?

The Hon. Diana Laidlaw: Because of what you said.

The Hon. T. CROTHERS: Because of what I said; right. Oh ye of little knowledge! The minister will recall that Cameron and I have the numbers, and the balance of power—

An honourable member: Honourable.

The Hon. T. CROTHERS: The Hon. Cameron and the Hon. Crothers hold the balance of power in this parliament, and we have many people come to see us, including madams, pimps and working girls. When they were asked by me, and others, in confidence as to what I had said, they were frightened and, until we gave them an assurance that we would not name them to anyone, they told us what was going on. That is an open secret. You would have to be absolutely naive. But when they did it, they did it generically; they did not name any individuals. But the police tried to say to me, 'We will come up to your house and see you.' They must think that my name is 'Silly', not 'Billy'. I said, 'You can see me in parliament; that is where you will see me.' Anyway, so much for that—trying to chastise and, indeed, frighten members of parliament. If we do not have that right of privilege (the same as the priest has in the confessional), nothing will ever get done in a statutory fashion that will address people's problems. They must feel safe in being able to come and talk to their MP, with some rights that exist.

I have said it before, and I say it again: I do not regard prostitution as a serious offence. I never have, and I never will—unless they are using people who are drug addicted, or the premises are being used for drug distribution, or the premises are being used by under-aged people, male or female.

My position always was and always will be that our police have so many more important duties to do. If (and I use the word in a catholic sense) the bill and its contents are to be policed, it should be policed by lay commissioners who would be directly responsible, with respect to breaches of law, to the Attorney-General, and he in his turn is directly responsible first to the executive arm of government and then to this parliament if it sees fit to exercise its prerogative of responsibility for the total matters that are carried out under the laws of the state.

That is the reason I am not opposing it. It is a great pity, as the Hon. Mr Cameron has said, that we were not consulted. If you look back to when he moved his bill some year or more ago, you will see that I supported it. It did not get up at the time, but I still supported it. I would be prepared to do so again if the bill was reintroduced, but with wider consultation—and not on a gender basis—on a wider constitution, of all intelligent minded and liberal minded members of this parliament. Then you might get somewhere, but you will not get anywhere now because the police for a start—and there are 3 500 of them—in my view have more to do with their time to protect the ordinary people of South Australia from serious crime than to be looking up newspapers to determine whether or not brothel keepers in their advertising are breaking the law.

I must oppose with all my might and main not just clause 15 but the whole of this horrible cobbling together of some verbiage that means nothing. I have looked high up and low down through the Macquarie Dictionary to try to make sense of this and, I am sorry, but I almost dreaded the other night that I was blind when I could not find any sense in some of the verbiage.

The Hon. DIANA LAIDLAW: I suspect that we must vote on the provision to see whether we can make some progress, and then before debate degenerates completely we will report progress.

The Hon. T. Crothers interjecting:

The CHAIRMAN: Order!

The Hon. DIANA LAIDLAW: I listened in silence—

The Hon. T. Crothers interjecting:

The CHAIRMAN: Order! The Hon. Mr Crothers has had his say.

The Hon. DIANA LAIDLAW: I listened in silence, but I want to say a few words to the Hon. Mr Crothers, because he may be seeking to set up a situation, as the Hon. Terry Roberts suggested some weeks ago, where he can find reason not to support the measure. He can never accuse me or other members of parliament of having a gender agenda on this. I have spoken with every member of parliament who has wished to speak to me and many male members of parliament have done so. Just 10 minutes ago the Hon. Bob Sneath and I were talking about various measures where he could have an approval number for advertising and signage and a whole range of things.

I have spent time speaking—and I need not name them—to the Attorney and to the backbench, irrespective of party, on both sides of the parliament. The Hon. Terry Cameron knows that I have spoken with him and he sought not to take up the invitation on two occasions. That should not be the basis of accusing me of running a gender agenda. If he does not wish to be party to a discussion, I cannot be accused of being party to a cabal—

The Hon. T. Crothers interjecting:

The Hon. DIANA LAIDLAW: Well, you were not present and unfortunately were not well, but your office—

The Hon. T. Crothers interjecting:

The Hon. DIANA LAIDLAW: No. I think you might care to speak with your office because they would know that I went to your office two or three times to talk through—

The Hon. T. Crothers interjecting:

The Hon. DIANA LAIDLAW: I went to your office, because I had been told repeatedly, as you have just reminded me, that I must not assume that Mr Cameron speaks for you. It is rather hard to follow what you wish us to do, but the invitation has always been open. This is a conscience vote. I am not unduly upset about the approach Mr Crothers wants to take on the bill, but he will not accuse me as a part of giving him reason to allow the bill to fail.

An honourable member interjecting:

The CHAIRMAN: Order!

Amendments negatived; clause passed.

Progress reported; committee to sit again.

ADJOURNMENT

At 5.16 p.m. the Council adjourned until Tuesday 10 April at 2.15 p.m.