HOUSE OF ASSEMBLY

Tuesday 23 September 2003

The SPEAKER (Hon. I.P. Lewis) took the chair at 2 p.m. and read prayers.

MORIALTA CONSERVATION PARK

A petition signed by 66 residents of Campbelltown City Council, requesting the house to urge the government to remove the recently installed car parking fees being charged at the Morialta Conservation Park, was presented by the Hon. J.D. Hill.

Petition received.

RAILWAYS, NURIOOTPA CROSSING

A petition signed by 2 588 residents of South Australia, requesting the house to urge the government to urgently install street lights at the railway crossing of Railway Terrace and Angaston Road, Nuriootpa, was presented by Mr Venning.

Petition received.

SCHOOL BUSES

A petition signed by 208 residents of South Australia, requesting the house to urge the government to review the Department of Education and Children's Services' bus policy to ensure that remote country schools, such as the Hawker Area School, can deliver a wide ranging curriculum including excursions away from the local area, was presented by the Hon. G.M. Gunn.

Petition received.

BROWNLOW MEDAL

The Hon. M.D. RANN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: I am confident that I speak for many South Australians—and, clearly, for the member for Chaffey—in congratulating Adelaide Crows captain, Mark Ricciuto, on becoming the club's first Brownlow medallist. In only the second three-way tie for the Brownlow, Mark Ricciuto joined Collingwood captain Nathan Buckley and Sydney ruckman Adam Goodes, winning the AFL's highest individual honour for 2003. It is interesting to note that all three of this year's Brownlow medallists were born in South Australia.

Mark Ricciuto is one of our state's favourite sporting sons, having moved to Adelaide as a teenager from Waikerie in the Riverland. He is hard at the ball and one of the toughest and most brilliant players this state has ever produced. I am sure that they are still partying in Waikerie and, certainly, it will go on tonight with Roo's victory overnight adding to the three premierships that the football club won last week in the various grades in the local competition in Waikerie. Nathan Buckley was born in Adelaide and won the Magarey Medal in 1992, playing for the Port Adelaide Magpies. He is a—

Members interjecting:

The Hon. M.D. RANN: I see: it is getting very willing. He is a consummate professional and, after coming so close in previous years, finally has a Brownlow Medal around his neck.

Adam Goodes helped give Port Adelaide some strife a couple of weeks ago, and it was that sort of form which obviously caught the umpires' attention throughout the season. Adam was born in Adelaide and grew up in Wallaroo and, although he played his junior football in Mildura and Horsham, we will still claim him as a fine product of South Australia.

Of course, praise should not just be reserved for individuals, with the Power marking up the most Brownlow votes of any AFL team. Gavin Wanganeen had a brilliant year and missed out on making it a four-way Brownlow tie by just one vote. It was fantastic that another South Australian sporting hero, Lleyton Hewitt, could be at the Adelaide Crows table last night to share the excitement just one day after his brilliant fightback win to get Australia into the Davis Cup final.

So, after the disappointment of the Crows and Port Adelaide bowing out of the AFL finals race, Lleyton and Mark have given all South Australians a reason to walk a little taller this week. I offer congratulations, on behalf of all members of parliament, to last night's three South Australian Brownlow medallists.

The SPEAKER: Order! I remind the house of the conventions with respect to the propositions and opinions expressed by honourable members from time to time. None should attract applause or accolades, in that by engaging in the practice the House of Commons came to the clear view that it was demeaning of other motions by degrees, depending on the measure of applause which they attracted. Other than that, members, though disorderly, can ascribe to the views being expressed by saying that they, too, agree—'Hear, hear!', meaning in that that they approve of the proposition, no such other measure or display of relative support has been practised in that parliament or this parliament. I believe that honourable members should not unwittingly, albeit unconsciously, descend into actions which might result in them regretting that they broke with the precedent and practice of several hundred years in the House of Commons in that regard. Therefore, should members wish to break with it, they ought to consciously move that it be part of the proceedings of the house as an amendment to standing orders, rather than just begin to do it.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Health (Hon. L. Stevens)—

Pharmacy Board of South Australia Report 2002-03
Physiotherapists Board of South Australia Report 2002-03

By the Minister for Industrial Relations (Hon. M.J. Wright)—

Regulations under the following Act—
Occupational Health, Safety and Welfare—Building Site Toilets.

MURRAY RIVER RED GUMS

The Hon. J.D. HILL (Minister for Environment and Conservation): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: In June this year, I told parliament that thousands of river red gums were dying because of reduced flooding and rising groundwater salinity. However,

conditions on the Murray have substantially improved since then, and I can announce today that 1.8 gigalitres of water—the equivalent of 1 800 Olympic sized swimming pools—will be diverted to nine wetlands near Renmark, Berri, Lyrup, Cobdogla, Mannum and Renmark. The 1.8 gigalitres is less than 1 per cent of extra water above entitlement flow that is reviving the river and flowing across the barrages at Goolwa. This will bring urgent relief to thousands of gums that have not had a proper drink for two years.

Tomorrow, I will see first-hand the condition of red gums on a tour of the river organised by the Murray-Darling Basin Commission. The delegation will include the federal Minister for the Environment, Dr David Kemp, and the senior commonwealth official, Mr David Borthwick, who is a key water adviser to the Prime Minister. The river tour will visit the four icon sites that the commission has chosen as barometers for the river's health. They are the Barmah Choke, Gunbower/Perricoota Forest and in South Australia Chowilla and the Murray Mouth.

The member for Chaffey and the Speaker will join part of that tour. The tour will be the first ministerial inspection of the river since the historic agreement for an extra $500 million for the Murray was struck at COAG just recently. The COAG agreement, negotiated by the Premier, marks a new era in cooperation between our governments. We will remember the Premiers' meeting in Canberra as the day the governments faced up to the future of the River Murray. The South Australian government will continue to urge for a long-term solution of 1 500 gigalitres in extra river flow.

We will continue to be cautious water managers, as evidenced by our introduction of water restrictions earlier this year. Good rainfall in the upper Murray in July and August increased flows in the river, and by September water in commission storages has increased from 17 per cent to 39 per cent of capacity. For the first time in nearly two years, water crossed the Goolwa barrages and reached the mouth of the River Murray on 4 September. That day, I announced an easing of water restrictions for River Murray irrigators from 65 per cent to 75 per cent of allocation. In addition, the authorised level of water use for SA Water Corporation's country towns water licences was increased by 1.5 gigalitres to 31.5 gigalitres. These changes mean that an additional 64 gigalitres will be available for use by River Murray water users.

Conditions for the River Murray should continue to improve following the spring melt in the Australian Alps. On that basis, I am cautiously optimistic that there will be an opportunity to announce next month a further easing of water restrictions for irrigators.

QUESTION TIME

WORKCOVER

The Hon. R.G. KERIN (Leader of the Opposition): My question is directed to the Minister for Industrial Relations. Why did the minister tell the house on 17 September that he did not have a draft copy of the June 2003 WorkCover quarterly performance report, when he now admits that the draft report sat in his office for approximately a month prior to that date?

Members interjecting:

The SPEAKER: Order! This is a very serious question—not that any other question is any less so.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I thank the Leader of the Opposition for his question. I am not sure that I said that, and I would like to check it. After checking it, I will come back with an answer for the Leader of the Opposition.

RANDOM BREATH TESTING

Mrs GERAGHTY (Torrens): My question is directed to the Minister for Transport. What are the arrangements for the new mobile random breath testing that starts this weekend?

The Hon. M.J. WRIGHT (Minister for Transport): I thank the member for her question, and also for her ongoing interest in this matter. The government is concerned about water conservation, and has given the University of SA a $20 000 grant to undertake research into methods of collecting rainwater run-off from our roads and using it to water roadside trees and shrubs. In a field trial currently under way, this concept and associated technology is being tested. Other participants in the research are Mitcham council—

Mr HAMILTON-SMITH: Sir, I rise on a point of order—

The SPEAKER: Order! The member for Waite may choose to wait until I point out to the minister that the remarks he is making bear no resemblance whatever to the nature of the inquiry.

Mr HAMILTON-SMITH: That was my point of order, sir.

The SPEAKER: The member for Torrens.

Mrs GERAGHTY: Sir—

Members interjecting:

The SPEAKER: Order!

Mrs GERAGHTY: —my point of order is that there was so much noise in here when I was asking my question that I am sure the minister did not hear—

The SPEAKER: Order! What is the honourable member's point of order?

Mrs GERAGHTY: —at the best of times today—

The SPEAKER: I cannot hear what the honourable member is saying.

Mrs GERAGHTY: My point of order is that, due to the level of noise when I was asking my question, it is clear that there was too much ruckus on the other side for anyone to hear what I was asking.

The Hon. DEAN BROWN: Sir, I rise on a point of order—

The SPEAKER: Order! One at a time. Whilst I acknowledge that there was some distraction, it grew apace after the minister began a response. Regrettably, he too may have thought he heard something different to what was, in fact, asked. In any event, to allow us to get on with question time, may I invite the minister—if he did not hear the question and if any honourable minister does not hear a question—to ask for it to be repeated before attempting an answer which is comprehensively irrelevant.

The Hon. M.J. WRIGHT: Mr Speaker, I think that is a very wise suggestion. May I request that the question be asked again.

Mrs GERAGHTY: My question, minister, is: what are the arrangements for the new mobile random breath testing station that starts this weekend?

The SPEAKER: I assure the Minister for Transport that there are no intoxicating fractions in rainwater.

The Hon. M.J. WRIGHT: Thank you Mr Speaker, and I thank the member for repeating her question. I apologise for not listening as carefully as I should have. Obviously the opposition were listening very well indeed and I thank them for their interruption on this occasion.

The government's position with regard to mobile random breath testing is a part of a package relating to road safety. As I have said before, the package that the government has previously come forward with has included legislation that has passed through parliament. It has also included expenditure in the budget relating to road funding and also some educative measures. With regard to the specific detail that the member has asked for, the mobile random breath testing will be introduced on 26 September. This will be a step in the right direction, with mobile random breath testing giving the police the capacity to be able to actually test someone without them going through a station or without them having committed an infringement. That will be an important step forward.

What the government wanted, in its legislation, was unlimited mobile random breath testing. We thought it was important that we introduce that holus-bolus, 365 days a year. We were not successful in getting that through parliament, but having limited mobile RBT is the next best thing. It will be very interesting to see how that works through, and what will be involved. As I said, mobile RBT will be commencing on 26 September and, in the limited sense that has been accepted by the parliament, will include school holidays, public holidays and four 48-hour periods which will be selected by the police, who will have to give 48-hours notice to the public of those four 48-hour periods.

We think this is very important and is a very significant part of the legislation passed by parliament. Obviously, I will report back to the house with regard to the data that is unveiled as a result of this important measure. Interestingly, New South Wales has had unlimited mobile RBT in place for over 20 years now, and other states around Australia also have unlimited mobile RBT. So this is a very important measure in this state government's road safety package. We look forward to its commencement and to bringing data back to share with the house with regard to the statistics after the introduction of mobile RBT these school holidays on 26 September.

WORKCOVER

The Hon. R.G. KERIN (Leader of the Opposition): I hope I have the right question, but it is to the Minister for Industrial Relations. I ask the minister, given the significance of the unfunded liability of Workcover, why he did not read the June 2003 draft Workcover quarterly performance report prior to 17 September, when the report had arrived in his office, approximately four weeks earlier on 19 August.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): The government has been saying consistently, in respect of the June quarterly report, that this is Workcover's quarterly report. The finalisation of the draft report is the responsibility of Workcover, as is the release of this quarterly report. I have also been informing the house that the government takes note of the actuarial figures that are adopted by the board. I have been informing the house of the nature of this, ongoing, for the last week or two, and I should have expected that even the opposition would understand this. I also informed the house yesterday that as a result of the questions that are being asked by the Leader of the Opposition—

The Hon. DEAN BROWN: I rise on a point of order. The question asked by the Leader of the Opposition is very specific. The issue is: why did the minister not read the report that had been in his office for one month, and not some other aspects about the report. It was very specific in asking why the minister did not read the report.

The SPEAKER: I understand the point of order, and I trust that the minister is coming to the answer.

The Hon. M.J. WRIGHT: Yes, I am, sir. As I have been saying consistently, the government takes note of the actuarial assessment that is adopted by the board. As I also said to the house yesterday, as a result of questions that were asked by the opposition last week, I took the opportunity through my office on Thursday to ask Workcover when it would be finalising their draft report and releasing it. Also on Friday, I took the opportunity of speaking to the chair of the board of Workcover and asked him the same question. We took the opportunity again today to check with Workcover when it will be releasing its quarterly report. The information that I have received from Workcover today is that it will be finalising and releasing its quarterly report tomorrow.

The Hon. DEAN BROWN: Again, I raise the point that there was no attempt by the minister to answer the very specific question put to him on what is a very important issue, because that report, as he acknowledged last week and this week, has been sitting in his office for one month.

The SPEAKER: I hear what the Deputy Leader is saying. Sadly, nothing has changed over the last couple of decades.

Mr BRINDAL: I rise on a point of order, sir.

Members interjecting:

Mr BRINDAL: It is all right. One out of 10 is better than you do.

The SPEAKER: Order!

Mr BRINDAL: As the Deputy Leader has just pointed out, standing order 98, clearly provides:

> In answering such a question, the minister or other member replies to the substance of the question.

The minister is therefore disorderly in that he did not reply to the question.

The SPEAKER: Order! The honourable member will resume his seat. He well knows that I have no access to the rack or thumb screws.

HOSPITALS, MOUNT PLEASANT

Ms RANKINE (Wright): Will the Minister for Health advise whether the government has funded a new X-ray machine for the Mount Pleasant Hospital and, if so, when will the new machine be purchased?

The Hon. L. STEVENS (Minister for Health):I thank the honourable member for this question because it allows me to provide additional information to the house following a question yesterday from the member for Schubert. Yesterday, the member for Schubert told the house that the X-ray machine at the Mount Pleasant Hospital was not functioning reliably and that this was creating concern by doctors about the potential for misdiagnosis, particularly for road accident victims who require X-rays prior to being airlifted to Adelaide. Because of the seriousness of this claim, my office immediately contacted the Director of Nursing at the Mount Pleasant Hospital who advised that the Toshiba X-ray machine is fully operational and is serviced regularly.

It was also acknowledged that the machine was somewhat difficult to operate because of its age, in that it was commissioned in 1962. This year the government has allocated an extra $16.3 million over three years to maintain and replace biomedical equipment in our hospitals, taking the total biomedical budget provision to $47.1 million. I am very pleased to say to the house and to the member for Schubert that the budget includes funds for a new X-ray machine at Mount Pleasant and that tenders are now being processed.

I am informed that tenders will be considered by the hospital board in the near future, and it is anticipated that a purchase will be made as soon as the purchase process is complete. This is good news for Mount Pleasant Hospital, and I must say that I am surprised that the member for Schubert did not know about it.

WORKCOVER

The Hon. I.F. EVANS (Davenport): My question is to the Minister for Industrial Relations. Given the high level of public concern and the number of questions asked in parliament regarding WorkCover's increasing unfunded liability, why has the minister failed to ask his observer at WorkCover board meetings, Under Treasurer Jim Wright, what the unfunded liability of WorkCover is? In the Occupational Safety, Rehabilitation and Compensation Committee investigation into the WorkCover Governance Bill yesterday, the Under Treasurer, Mr Jim Wright, said:

> I haven't reported any particular unfunded liability figure to the minister.

The Hon. Angus Redford from another place then questioned:

> Has he asked you what the figures are?

The SPEAKER: Order! It is not appropriate to quote debate in another place in the same session.

The Hon. I.F. EVANS: It is a joint committee, Mr Speaker, not from the upper house.

The SPEAKER: Has that committee reported?

The Hon. I.F. EVANS: No. It is a public *Hansard*, though, Mr Speaker.

Members interjecting:

The Hon. I.F. EVANS: The member for Mitchell asked a question yesterday about the same committee.

The SPEAKER: Not quoting the debate from the record, but about the proceedings.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I receive updates about WorkCover on a regular basis. Since the appointment of the new board, I met with the chair, Mr Bruce Carter, and Prof. David Klingberg on 13 August; I again met with the chair on 26 August; I met with and addressed the board on 29 August; and I am due to meet with the chair again next Wednesday. What should not be forgotten here is that the questions being asked by the opposition heighten the embarrassment that they have in respect of WorkCover. As a result of the activity of the previous government, through the 1990s we had an over-reliance on redemptions. We also had $135 million taken out of the scheme as a result of the activity of the previous government.

Initially, we had a $25 million rebate and then, secondly, we had a reduction in the average levy rate from 2.86 per cent to 2.46 per cent. We have also had a downturn in investments. What has the government done since being in office in regard to the mess left by the previous government in regard to WorkCover? It has made a complete change to the board. We have introduced the WorkCover Governance Bill. We have introduced the SafeWork SA Bill. The government is getting on with the job of clearing up the mess created by the previous government.

NATIONAL SCIENCE WEEK

Ms BREUER (Giles): My question is to the Minister for Science and Information Economy. How did the state government promote awareness of science in regional South Australia during National Science Week?

The Hon. J.D. LOMAX-SMITH (Minister for Science and Information Economy): I thank the member for her interest in science. I think she understands very clearly that science is not just critical for our premier research institutions but is one of the areas of education and training that is particularly important for industry, the mining sector, horticulture, viticulture, and in fact every segment of our economy. Furthermore, scientific awareness is particularly important in decision making both at a political and community level, and in the future scientific literacy will be one of the important skills for young people who will have to make decisions not just about stem cells but about the impact of genetic research on their own personal insurance ability, employment futures and many other areas where, until now, we have had no real appreciation of the impact of scientific research even on the drugs that are available to us, which, in the future, will most be formulated specifically for an individual rather than generic, that is, for a whole group of people.

Producing scientific awareness is particularly significant, because recently in our community scientific literacy has fallen to a level where fewer and fewer young people are doing SACE science subjects. There are lower enrolments and there is a shortage not just of pure researchers, basic and applied, but also in applicants for engineering and IT software development programs, in which there is a clear shortage of skills within our community. The state government has been very keen to fund science at every level of our education system, and scientific awareness in the community. This year it has invested $50 000 in National Science Week.

It is important to recognise that science is not just important for the leafy suburbs of Adelaide but is relevant throughout every metropolitan part of the city, and even more important in regional and rural South Australia, because in regional areas there are serious opportunities in the mining, horticulture and engineering sectors. There are job opportunities in many regional areas that cannot be taken up by young people because they lack the mathematics literacy. I was particularly keen to visit the regions. I was very pleased to visit Port Pirie, where a whole range of projects were put together by a very keen group of local science week organisers, including Ian Miller from the Southern Flinders Science Week; John Banfield, the Chair of the Port Pirie Regional Development Board; Denis Coad, the President of Rotary; and the Mayor, Geoff Brock. They put together a debate called 'Science in the Pub', and a whole range of programs which themed this year's topic which was 'Investigating Freshwater', and there can be no more significant topic in South Australia because the science of water resource management is significant in our community.

As well as regional centres such as Port Pirie, the Science Technology Centre went to schools in Nangwarry, Penola, Tarpeena and Kalangadoo. The areas that were serviced clearly remarked on an upsurge of interest in young people,

as there was in the area of the member for Finniss, in that the SA Whale Centre had a major activity called 'Whales on Wheels'. In addition, an interactive show called 'Big Bugs in the Bicon' travelled around regional South Australia, and that related to the Bicentennial Conservatory where big bugs were visible, and entomology is almost as fascinating for young people as palaeontology.

WORKCOVER

The Hon. I.F. EVANS (Davenport): Is the Minister for Industrial Relations concerned that until yesterday his observer at WorkCover board meetings, Under Treasurer, Mr Jim Wright, was totally unaware that six months earlier WorkCover had released the March 2003 quarterly performance report indicating unfunded liability levels of $384 million?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): The government is most worried about getting on with the job of fixing up the mess created by the former government, and what this government—

The Hon. I.F. Evans interjecting:

The Hon. K.O. Foley interjecting:

The SPEAKER: Order! I will name the Deputy Premier and the member for Davenport if that exchange continues in one more letter. The Minister for Transport.

The Hon. M.J. WRIGHT: As I said, we will get on with the job of cleaning up the mess that was left by the former government. What did the former government do? First, it provided a rebate, which was worth $25 million to employers. That was not enough. Its second step—

The Hon. W.A. Matthew interjecting:

The SPEAKER: Order, the member for Bright! The minister.

The Hon. M.J. WRIGHT: Its second measure, of course, was to reduce the average levy rate from 2.86 to 2.46, which took another $110 million out of the scheme, a total of $135 million. That was done seven months prior to the last state election. The average levy rate had not been changed for eight years.

Mr HANNA: I rise on a point of order, sir.

The SPEAKER: The member for Mitchell has a point of order.

Mr HANNA: Relevancy.

The SPEAKER: I uphold the point of order. The member for Norwood.

BELMONT HOUSE

Ms CICCARELLO (Norwood): My question is directed to the Minister for Environment and Conservation. What progress has been made to restore historic Belmont House in North Adelaide following concerns he raised last year about its derelict state?

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for Norwood for this question, and I acknowledge her—

Members interjecting:

The SPEAKER: Order! My purpose is to ensure that there is no, I think, development of disagreeable feelings arising between any members in this place, leave alone any minister and any other backbencher within their immediate conversational range, is the way I will put it. I have heard the Minister for Environment and Conservation complain about being verballed before, and I share his concern. No other member ought to attempt such intimidatory and bullying tactics. The Minister for Environment and Conservation.

The Hon. J.D. HILL: Thank you, Mr Speaker. I thank the member for Norwood, as I was saying, and I acknowledge her great interest in heritage issues. Belmont House, as members would know, is an important and unique heritage mansion that is prominently sited on Brougham Place, North Adelaide, in the electorate of the member for Adelaide. For more than a decade Belmont House was boarded up and left, basically, to decay when it should have been a heritage feature for North Adelaide. Concern about its dilapidated state had been expressed by the community, the city council, in the media and generally in the community.

The National Trust had listed Belmont House on its National Threatened Heritage List. Last year I began negotiations to get Belmont House restored. On June 23 last year I met with the owner, Mr Vince Oberdan of Ironwood Pty Ltd, and inspected the property. I put the view to Mr Oberdan that the owner should exercise existing approval that had been obtained for the development of the site from the city council. Mr Oberdan agreed to this and undertook to restore Belmont House as a priority. Later that year I wrote to Mr Oberdan to restate my expectation and formally to advise that the government would reassess its options at the end of 2002 if work to restore Belmont House did not begin.

I am pleased to inform the house that major external conservation works are now almost complete and that significant internal restoration work is proceeding, and I must say that the building looks absolutely superb. The improvements and restoration work undertaken at Belmont House are such that the National Trust will remove it from its 'Building at Risk' list, and I would like personally to acknowledge and thank Mr Vince Oberdan for taking up the challenge and completing this important piece of work.

ATTORNEY-GENERAL'S REMARKS

Mrs REDMOND (Heysen): My question is to the Attorney-General. Was the Director of Public Prosecutions, Mr Paul Rofe, one of the 'several people' who checked the content of the Attorney's ministerial statement of 1 April 2003? In his ministerial statement yesterday, the Attorney-General assured the house that he would not have quoted Magistrate Baldino's remarks about Dr Tony Thomas if he had known about Justice Mullighan's later ruling. The Attorney-General stated that his statement was not 'deliberately misleading', and he said that the content of his earlier statement had been checked by several people before presenting it.

The Hon. M.J. ATKINSON (Attorney-General): I will look to see which people checked that statement before I delivered it.

EDUCATION, SPECIAL

Ms THOMPSON (Reynell): My question is to the Minister for Education and Children's Services. Can the minister advise how the government has responded to calls from parents for a one-stop shop to assist with special education needs?

The Hon. M.R. Buckby interjecting:

The Hon. P.L. WHITE (Minister for Education and Children's Services): I thank the member for Reynell and the member for Light for their assistance. I am pleased to announce to the house that a new telephone help line has been

set up for parents of students who have special education needs. The special education needs help line will make information about special needs education in government schools and preschools more accessible to parents. Indeed, the only person who seems to oppose the initiative is the member for Bragg, who—

An honourable member interjecting:

The Hon. P.L. WHITE: Yes, she did put out a press release opposing the initiative. Parents of children with special needs occasionally experience difficulties accessing information about education and services, and parents have indicated that there is sometimes little knowledge about where to go beyond the school for that advice and assistance. So, this new service will help parents find the information they need and provide a service to help resolve any concerns they might have about their child's education with a single phone call. Of course, I would always encourage parents to approach the school which their child attends in the first instance, and district officers can be contacted also to assist. However, the help line will now give parents an alternative. They will be able to ring the toll free number 1800 222 696 and speak to a professional officer in the education department's learning difficulties support team. The team will provide information, advice, training and development to support children and students with disabilities and learning disabilities.

This initiative is the result of a call from many groups advocating the needs of our children with special needs. They include: Parents Advocacy Incorporated, Attention Deficit Hyperactivity Disorder Seminar, MALSSA, SAASSO, SAASPC, the Intellectual Disability Services Council, PHISA (Parents Hearing Impaired SA), Down Syndrome Society, Autism Association, and SPELD (which, of course, is an advocacy group for children and adults with learning difficulties). Those groups came together to form the special needs education network and have worked considerably to make this initiative a reality.

Parents can talk about their child's learning issues and also receive support to work with the school in planning for their child's learning needs. In addition, parents can access information and answers to frequently asked questions on the education department's web site. In the brief time since the announcement of this new service, the feedback from parents and associations supporting those parents and children has been extremely positive.

BUCKLAND PARK WASTE TREATMENT FACILITY

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Urban Development and Planning. Is the minister satisfied that there are no unacceptable risks posed to South Australia's important horticultural industry by the proposal to locate a composting site at Virginia; and will he release all the risk assessment reports of the proposal?

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): I thank the honourable member for his important question, which relates to—

The Hon. P.F. Conlon interjecting:

The Hon. J.W. WEATHERILL: That's right, groceries for comments. I hope he has not been engaged in accepting any of that unfortunate band of booty that arrived in various ministerial and other offices over the last few days. It was certainly dispatched to a charity from my office.

As honourable members may or may not be aware, the Jeffries recycling plant, which has been the subject of a major development declaration, is working its way through a process. It might be useful if I enlighten the house about the nature of that process, because it sheds light on the answer to the question of the honourable member. The major development process involves a decision about the level of assessment required, and in this case a public environmental report level of assessment was chosen for this project. Lively concerns have been expressed by the local horticultural industry about the expansion of the Buckland Park recycling plant. As household waste is taken to this recycling plant, it could lead to elements of fruit fly outbreak and other pests that may endanger the livelihood of those horticulturists who practise in the Virginia area. It is of concern to a number of horticulturists that there may be a perception that the industry is not as clean and green as it might be. They have communicated that information to me. They have also communicated it to the process—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order! The Attorney-General is making it extremely difficult for me to hear the minister.

The Hon. J.W. WEATHERILL: That is one side of the argument. The other side of the argument is that the proponent of the proposal has addressed the concerns associated with those things. What happens from this point is that a report is prepared for me to consider in the next few days or weeks; I understand it is in the near offing. At that point, I will take a recommendation to cabinet and cabinet will make a decision on that development. So that is the nature of the process. Of course, it is a very extensive process; it has been going on for some nine to 12 months. Very extensive investigations have been made which go to the very issues that the horticulturists have raised. I will make a careful assessment of that material and make a recommendation to cabinet, and cabinet will make a careful assessment of the matter and make a decision. At that point, we will explain our reasons. Any material that is proper to be put in the public sphere will be put there.

LOTTERIES COMMISSION

Mr O'BRIEN (Napier): My question is directed to the Deputy Premier. How does SA Lotteries support and reward small business in the state?

The SPEAKER: Order! I do not think that the honourable member for Napier wants the Treasurer to go into the statutory aspects of it; that might take us rather longer than we have left this week.

The Hon. K.O. FOLEY (Deputy Premier): The Lotteries Commission is a significant government trading enterprise, as all members would be aware.

The Hon. P.F. Conlon: And it still belongs to us.

The Hon. K.O. FOLEY: And one of the very few that we still own. I know that the member for Bragg has some views about the sale of government assets, as a former board member of the TAB who, I remember, resigned in her disagreement at the time with the former government's policy.

Ms Chapman interjecting:

The SPEAKER: Order, the member for Bragg!

The Hon. K.O. FOLEY: We do not at times highlight the good work that the Lotteries Commission does. The SA Lotteries agent network is a very widespread network throughout South Australia. As we know, the sale of lotteries games

provides a significant source of income for many of our small businesses and small business agents, and they are an extremely important part of our state's economy, particularly a small business economy as we are. To acknowledge the efforts of agents as the face of SA Lotteries to the wider community, SA Lotteries conducts an annual agency awards program to recognise excellence in customer service and performance across the agency network. In addition to providing recognition, the award process serves to encourage SA Lotteries agents to maintain the high standard of quality and service associated with the South Australian Lotteries brand. That is very important as we come under more aggressive competition from various forms of entertainment, attracting the discretional dollar. We have to make sure that the SA Lotteries brand remains a very high profile and supported brand.

Since this was launched in 1996, there have been eight agents of the year. I can announce to the house that the 2002-03 agency of the year is the Glenelg East Newsagency and Card Shop, and it was recognised at the agents' dinner, which was held on Saturday 31 August. I am sure I can speak for all members of this house—particularly the local member—when I congratulate Glenelg East newsagency in recognition of the good work done by small business in this state to ensure that the Lotteries Commission is successful and continues to provide the tens of millions of dollars per year that are so vitally needed by our hospital system.

LICENSING COSTS

The Hon. R.G. KERIN (Leader of the Opposition): Will the Minister for Consumer Affairs please advise the house of major increases in licensing costs to many South Australian small businesses, and explain to the house why these increases have not been publicly announced? I have been approached by a small building company in my electorate whose licence fees last year were $380. This year, they have increased to $957, which is a 270 per cent impost on its business. Another electrical partnership in my electorate has had its licence fee increase from $151 to $318 which, again, is more than double. Having made inquiries with the department, I have been informed that it is a revenue raising measure that was approved in the 2003-04 budget process.

The Hon. M.J. ATKINSON (Minister of Consumer Affairs): It is a very serious question—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: —and I shall obtain a considered answer for the leader.

FERRY SERVICES

Mrs MAYWALD (Chaffey): Will the Minister for Transport categorically rule out anonymous claims that this government intends to remove some of the ferry services on the River Murray and charge a service fee on the remaining services? My question arises from claims made in an anonymous letter received by my office last week. The letter states as follows:

> I am employed by Transport SA, so am unable to give my name. You and the public need to be made aware that Transport SA are at present undertaking measures to remove some ferry services from some locations. As part of the biggest shake up of services to ever occur, and in line with government policy of 'user pays'—

The SPEAKER: Order! I remind the member for Unley that his voice penetrates and cuts across anyone who sits further from the chair than he does. It is difficult for me to hear what the member for Chaffey is explaining.

Mrs MAYWALD: Thank you, sir. The letter continues:

> a charge for ferry services is set to be introduced at the remaining locations. This planned new tax on service delivery will have a devastating effect on Riverland communities that are already doing it tough. To pay a fee to cross the river to go to work, crossing the river during work or going to school or to visit family located on the other side of the river is a considerable hardship that is not imposed on Adelaide communities or communities with a bridge crossing.

Sir, I am sure that you will be also be keen to hear the answer to this question.

The SPEAKER: Yes.

The Hon. M.J. WRIGHT (Minister for Transport): I thank the member for Chaffey for her question, and also for making the letter available to me. I was somewhat surprised to read the content of this anonymous letter—and, certainly, the member for Chaffey has set out the content of that letter. Basically, there are two assertions here. One is that the government, or Transport SA, is at present undertaking measures to remove some ferry services. The second assertion is in regard to user pays, as the member for Chaffey has already clearly articulated.

I must say that the government is committed to a River Murray ferry system. Also, we know full well the importance and the critical nature of a River Murray ferry system. I am not aware of any plans to change that. The government provided money in this year's budget.

The Hon. W.A. Matthew interjecting:

The SPEAKER: Order, member for Bright!

The Hon. M.J. WRIGHT: I am not aware of any plans of Transport SA but I can assure the house that if there were any plans of that nature put to me I would rule them out.

ETHNIC COMMUNITY ORGANISATIONS

Mr SNELLING (Playford): My question is to the Minister for Multicultural Affairs. What action has the government taken to ensure that ethnic community organisations are helped in their endeavours?

The Hon. M.J. ATKINSON (Minister for Multicultural Affairs): South Australia's ethnic communities have capitalised on the government's expanded commitment to the multicultural grants scheme. In our election commitments, the government promised that it would more than double the grants fund to $150 000. This commitment provides the scheme's first real financial boost for eight years. I am pleased to say that 119 organisations were successful in obtaining funding from the ministerial grant line last financial year. More than two-thirds of applicants were successful, although demand continues to far exceed the available funds, with some 160 applicants seeking some $692 500 of government assistance. Alas, unable to satisfy this need, the multicultural fund is only ever able to give a part contribution to many worthy community projects.

I can tell the house that applications for funding in the next round of grants have just opened and I am sure that the requests for assistance will be as numerous as the last round. Perhaps the member for Unley could persuade an ethnic group whose official is located in his electorate—that is, the TEA organisation, The English in Australia—to apply for a grant, and I refer to Mr Geoffrey Partington. In addition to the grant scheme, several other groups have been helped with continued funding—

Mr Brindal interjecting:

The Hon. M.J. ATKINSON: Mr Speaker, I am certain that St Spyridon's Greek Orthodox Church in Oxford Terrace, Unley, has received a grant for its Greek festival. I should be very surprised if it was not on the list. The Multicultural Communities Council, the peak advocacy group in this area, will again receive $100 000—that is up $25 000 from the previous government. Radio 5EBI FM, our state ethnic broadcaster, will benefit from continued funding, including an extra $5 000 to get youth involved in broadcasting.

Members interjecting:

The SPEAKER: Order! The honourable member for Newland may wish to ask a question, and the opportunity for her to do that will arise later in question time, so long as she is still with us.

The Hon. M.J. ATKINSON: The Centre for Intercultural Studies will also get over $38 500 to continue its work at the University of Adelaide and, in addition, I have also committed to support the Riverland to establish an SBS radio transmitter through a joint state, commonwealth and local government initiative. Regional communities will further benefit through a one-off grant being negotiated to help the regional multicultural network expand and develop its operation through the state's country area. And remember this, we were the government who put two people from country South Australia on the South Australian Multicultural and Ethnic Affairs Commission—Peter Zdravkovski from Port Lincoln and Peter Ppirus from Renmark.

Mr Brindal interjecting:

The SPEAKER: Order! I wonder about the honourable member for Unley sometimes. Claims that he makes about his future in the opposition will be seen in the fullness of time for the veracity they may contain.

PUBLIC TRANSPORT, BUSES

The Hon. M.R. BUCKBY (Light): My question is to the Minister for Transport. Will public bus routes and timetables be changed in September, and what will be the cost of the subsequent need for advertising and public information sessions? It has been brought to my attention that in September all bus timetables will be changed and current bus routes rehashed.

The Hon. M.J. WRIGHT (Minister for Transport): I thank the member for Light for his question. That is a detailed question and I will bring the particulars back to the house.

The SPEAKER: One hopes soon.

GRANT ALLOCATIONS

Ms BEDFORD (Florey): Will the Minister for Social Justice advise which community organisations have benefited from the latest allocation of funds through the Positive Ageing Development Grants and Grants for Seniors programs?

The Hon. S.W. KEY (Minister for Social Justice): I am pleased to advise that many community organisations have been funded for 106 projects under the Positive Ageing Development Grants and Grants for Seniors programs, with 97 different seniors groups receiving amounts ranging from $140 to $2500 for one-off grants for seniors. Positive Ageing Development grants worth a total of $200 000 have been allocated for innovative programs relating mainly to employment issues for older workers and the fostering of better intergenerational links.

This year's major recipients include: the Council of Aboriginal Elders, who will run a mentoring program for Aboriginal schoolchildren; and the Helping Hand Aged Care Inc, which will undertake a project to enhance the understanding between school students and older local residents. Radio Alexandrina (AlexFM) Community Broadcasters secured $20 000 for a new Inter-Generational Links project where older people will help young broadcasters, presenters, technicians and producers. The YWCA Community House at Elizabeth Vale received $20 000 for an initiative allowing younger and older people to share skills, resources and experiences.

I am also pleased to say that the Council on the Ageing (SA) secured $55 500 for their mature age employment project and a further $50 000 for Celebrate Seniors activities. Radio Adelaide received $25 000 to produce a website on employment themes; and the Seniors Information Service received $19 000 to reproduce a highly successful *Seniors—Welcome to the City of Adelaide* booklet complete with an online version.

I would like to thank all the organisations that applied for funding. I also wish to thank the tireless efforts of the Grants for Seniors Ministerial Advisory Committee, whose members gave their time to look at all the applications and advise me where grants should be addressed in this round: the Chair, Mrs Joan Stone; Ms Janice Rigney, who is from the Council of Aboriginal Elders; Mr Dilip Chirmuley, who is the Multicultural Communities Council representative; and Mr Maurice Wilhelm, the Country South Australia representative.

I also want to acknowledge the work of the Positive Ageing Assessment panel with Barbara Garrett in the chair, supported by Katherine Schaeffer from DETE and Matt Wenham from the Minister's Youth Council, who was the chair of that council.

I would also like to take this opportunity to say that one of the areas that really impresses me, having the responsibility for ageing and community services, is the fantastic work and good spirit that has been shown by members. This includes not only those from my ministerial advisory council but also most of the members who have been involved in coming up with interesting and innovative ideas that look at intergenerational projects and ways in which we can make sure that the age divide in our community is lessened.

SPORTS FUNDING

The Hon. D.C. KOTZ (Newland): Will the Minister for Recreation, Sport and Racing advise whether the government or the South Australian Sports Institute are considering proposals that would see institute funding and support restricted to four or five high-profile sports only, such as cycling and rowing? Will the minister also advise which staffing contracts, and in which specific areas, have not been renewed? I have been approached by members of the public who are quite alarmed by reports that the South Australian Sports Institute will discontinue scholarships, funding and coaching for the majority of sports currently supported by the institute and that coaching contracts in some of the affected sports have already been cancelled or not renewed.

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): In regard to the first part of the question, no, I do not believe that is the case, although I will check the

detail for the honourable member and bring back a reply. That is obviously a serious matter. To the best of my knowledge that has not been brought to my attention, and that is why I say I do not believe it is the case. However, it is a serious issue and I will certainly get that checked for the honourable member. I will also have the second matter checked.

OUTBACK COMMUNITIES

Ms BREUER (Giles): My question is to the Minister for Administrative Services. What is being done to link up outback communities with state government services?

The Hon. J.W. WEATHERILL (Minister for Administrative Services): An important initiative that has been put in place to assist people in the Outback to access a broad range of services now exists at the Port Augusta Services SA store. I had much pleasure in attending the opening of those premises with the Premier a few weeks back. Unfortunately, the member for Stuart was not available, although he was invited, but the federal member for the area was there. There was much celebration about the fact that this now provides a one-stop shop for a whole range of services that up until that point had been spread around a number of government agencies: the arid areas, the Outback Areas Trust and a whole range of government agencies that provide services in that area.

All have now been brought together in one store that gives access to a whole range of services for people who perhaps have not enjoyed the most coordinated or accessible services. The service level and, indeed, the level of attention that has been paid to assist customers who can come from rural and regional areas to this single point and easily access information is something for which the local community indicated their real appreciation. Some people came up and said that it was just like walking into an office in Adelaide, and I think that was a telling remark. It is treating people who come from rural and regional areas with the same level of service that people in the metropolitan area have come to expect.

This has been made possible by a very good piece of collaboration that has occurred across a range of government agencies. It may seem simple to have a one-stop shop, but a lot of issues need to be worked through between different government agencies to ensure that they can talk one language and deliver one level of service. It has been made possible by the careful work of the government ICT unit. A lot of these are backed up by the capabilities that exist within government in terms of ICT. I must say in that regard that if there is one small contribution that the member for—

The Hon. Dean Brown interjecting:

The Hon. J.W. WEATHERILL: I was about to pay you a compliment, but I've decided against it!

The SPEAKER: Order! The minister will not respond to interjections from any member of the house—perhaps least of all the Deputy Leader of the Opposition.

The Hon. J.W. WEATHERILL: I was about to pay him a compliment, sir, in terms of his former service, but perhaps I will leave that aside because it inflames his emotions. I was going to say that the ICT arrangements that exist within government have made this cross-government service possible. Members of the public do not like the answer that this is one government agency's problem or another government agency's problem: they just want to deal with government as a whole, not to be fobbed of from one area to another. This is an important initiative to have a consistent and coordinated government and to assist us in being more open and accountable to the public.

HOUSING TRUST

Mrs HALL (Morialta): Will the Minister for Housing inform the house where further consideration is being given to the Housing Trust policy of purchasing attached properties, particularly where half of the attached property is then reallocated to a community service organisation? During the estimates committee hearing on 24 June, the minister indicated that she would provide statistics on how many properties the trust currently holds, how many are half an attached property and how many are both sides of the attached property.

The Hon. S.W. KEY (Minister for Housing): I thank the member for Morialta for her question and apologise if she has not received that information already. I will ensure that it is provided to her and certainly amplify on the question that she has asked me.

LAND TAX, DECEASED ESTATES

Dr McFETRIDGE (Morphett): Will the Minister for Administrative Services advise the house the total income received by the government in 2002-03 from land tax levied on deceased estates? Under the Land Tax Act 1936, land tax is payable on all properties which are not the owner's principal place of residence. When a person becomes deceased, their home, as the property of the beneficiaries, becomes subject to land tax for the period following the decease of the owner and the sale or occupation of the property—it is a death duty.

The SPEAKER: Order! Death duties are not within the purview of the state. However, I call the honourable minister.

The Hon. J.W. WEATHERILL (Minister for Administrative Services): The question relates to a revenue matter: it is not an area within my responsibility. I will make inquiries of the relevant minister of the government agency and bring back a response.

Dr McFETRIDGE (Morphett): My question is to the Minister for Environment and Conservation, representing the Minister for Correctional Services—

The SPEAKER: Order! The time for asking questions has expired.

Mr BRINDAL: Mr Speaker, I rise on a point of order. You had called the member for Morphett. The member for Morphett was on his feet asking a question. I would therefore ask you to rule that it is orderly.

The SPEAKER: I apologise to the house, I had not noticed that time had expired.

SITTINGS AND BUSINESS

The Hon. M.J. ATKINSON: Mr Speaker, I rise on a point of order. My point of order is regarding a disallowance motion by the member for Bragg to regulations made under the Victims of Crime Act. I notice that the member for Bragg was proposing to disallow part only of the regulation, and I understand that is out of order.

The SPEAKER: Order! I heard the notice of motion given by the honourable member. Was it for the whole of the regulations or was it for part of the regulations?

Ms CHAPMAN: In the motion it does read that the regulation be disallowed. I have identified in the motion that portion of the regulation which I will be speaking against, but I would happy for you to receive it, sir, as disallowance of the whole of the regulations.

The SPEAKER: The honourable member's notice, as is often the case, may need that minor amendment. I point out for the benefit of the member and all honourable members that the point of order taken by the Attorney-General is correct, namely, that it is not possible to excise part of a regulation. The whole of the regulations have to be the subject of a disallowance motion and a determination by the house, whereupon, should it succeed, the government may then choose to reintroduce regulations that are not offensive to the house, or, for that matter, of the same kind, as is the case. May I remark upon the stupidity of that situation.

It is something which the house ought to address, and I have often thought that but have never been in a position to do much about it myself. May I, from the chair, further advise members that another option available to the government, should a notice of motion of this kind be put on the *Notice Paper*, is to withdraw the entire regulations and replace them with other regulations which would obviate the need for the debate and the vote. Any of those courses of action are open. In this instance, the necessary auditing to excise those words referring to part of the regulations can be undertaken by the member for Bragg with the Clerk or table officers privately without the necessity for the house to bother itself with trivia.

Ms CHAPMAN: Thank you, Mr Speaker; I will attend to that. I was indicating it for the purpose of clarification for the Attorney, but I will attend to that. On a point of order, on a question of privilege, the Deputy Premier, during the course of question time today, referred to my position as a member of the Totalisator Agency Board and, during question time, asserted—

The SPEAKER: Order! Does the honourable member wish to make a personal explanation?

Ms CHAPMAN: Yes, sir.

The SPEAKER: Then the honourable member must seek leave.

Ms CHAPMAN: I just said it.

The SPEAKER: The honourable member must seek leave to make a personal explanation.

DEPUTY PREMIER'S REMARKS

Ms CHAPMAN (Bragg): Accordingly, sir, I seek leave to make a personal explanation.

Leave granted.

Ms CHAPMAN: During the course of question time today the Deputy Premier asserted that I, as a former member of the Totalisator Agency Board, had resigned; and he presented that in the context of being some protest to the former government's position in relation to sale. I wish to place on the record that, whilst I had a view in relation to that matter, I had not resigned in relation to that matter and, indeed, I continued in that position both as a member of the board and as the chair of the Audit Committee until the then government advised the whole of the board that their services were no longer required in the light of its having announced the sale of the assets of that board.

GRIEVANCE DEBATE

WATER ALLOCATIONS

Mr WILLIAMS (MacKillop): Today I would like to take the opportunity to bring to the attention of the house a matter that is concerning a number of my constituents and a matter that has come to a head during the recent winter recess. The matter relates to the imposition of levies on water holding allocations in the South-East, and I wish to bring to the attention of the house some matters that occurred during the break, including some statements made by the minister in which, I believe, the minister has showed his lack of understanding of what is happening in the South-East, and also the results of a public meeting which was called by concerned constituents of mine and which was held on Thursday 28 August.

I have raised a number of times already in this chamber the issue of water holding licences which arose out of the recommendations of the select committee into water allocations in the South-East. The committee came to the understanding that, certainly, there was an inequity in the way in which water allocations had to that time been handled in the South-East and recommended that the rest of the water available be allocated on a pro rata basis with respect to landownership across the South-East. The then government in, I think, August 2001 had inserted into the Water Resources Act 1997 section 122A.

That section basically said that water holding licences would be subject to the same levy as any other water licence in the area, but in those parts of the area where the owner of a water holding licence could demonstrate to the minister that their licence had no tradeable value that levy would be waived and a $25 fee would be paid in lieu. Unfortunately, when inserting that section, I believe it escaped the notice of the house that the minister also had the power to revoke that particular section of the act. I will take up this matter at another time, but it is my understanding that that power held by the Minister for Water Resources is a very rare power, and I certainly question why that was put in the act at the time.

It certainly was not discussed in either the second or third reading contributions at the time. I have been back through the *Hansard* and it was never brought to the attention of the house why the minister was given the power to revoke section 122A, which is what the minister did on 6 March this year, thus taking away the option of landholders of the water holding licence to pay a $25 fee in lieu when they could prove that their water holding licence had no tradeable value; that is, they could prove that no-one in the area was being deprived of the use of that water or the water that was being set aside for that licence at some future date.

They were not stymieing any development and, consequently, the parliament at the time thought that they should not have to pay a full licence fee for holding that licence. The minister has acknowledged a number of times, particularly on radio in the South-East, that he and/or the catchment board got it wrong. On Thursday 24 August on ABC Radio, journalist Kathy Cogo asked the minister:

> So, do you think the board got it wrong?

The minister replied:

> Well—I'm not quite sure. I don't think it was handled in the best way it could have been. You know, let's be frank about it and I think we could have done it better.

On Friday 29 August, the minister, in a discussion with Stan Thomson (another radio personality in the South-East) on ABC Radio, said:

> Well, the reason for that—

talking about the imposition of this levy—

> is that this year the budget that was put forward by the water catchment board was based on that assumption—

that is, the assumption that this levy would be collected. The catchment board, as I have said before in this house, wrote to the minister in August and September last year saying that it wanted section 122A to remain; it wanted the fee in lieu of the levy to remain. I wrote to the minister twice in March this year pointing out the mistake, yet the minister has the temerity to go on radio in the South-East and say that he thought that they got it wrong. In the *Stock Journal* of 2 September this year, the minister said:

> . . . part of the problem was that allocation holders were not using their allocations, preventing others from doing so and slowing the region's development.

The reality is that section 122A, which the minister revoked, specifically prevented that from happening.

Time expired.

WILLOUGHBY, Mrs AUDREY

Mr CAICA (Colton): The name Mrs Audrey Willoughby would mean little to the majority of members of this house or, indeed, the majority of South Australians. That does not apply, however, to my parliamentary colleagues the members for Enfield, Cheltenham, Mitchell, Bright and the Hon. Kate Reynolds from another place. Of course, it does not apply to the many thousands of people from the western suburbs who, like me and my parliamentary colleagues, have a connection with that wonderful institute of learning and knowledge, Henley High School.

My parliamentary colleagues and the many other thousands who attended Henley High School over the past 30 years have all benefited from the outstanding contribution Mrs Willoughby made to Henley High in undertaking her broad range of duties as an SSO. I must clarify that, for 30 years, I have not been able to call Mrs Willoughby anything but Mrs Willoughby, but I have given her an undertaking that, after this time, I will respect her wishes and refer to her as Audrey. It will be very difficult for me to do that because, as I said, I have called her, as have the students of Henley High for so long, Mrs Willoughby and nothing else.

Audrey Willoughby commenced her employment at Henley High School in 1973. Last Friday afternoon current and former staff and principals, current and former students, current and former school counsellors, many parents and others attended a farewell function to pay tribute to Audrey who is to retire in two weeks. When Audrey commenced at Henley High School in 1973 there were approximately 1 350 students, as the member for Bright could well testify. A couple of years ago that number had dropped to around 750 students. At the moment, approximately 900 students are attending Henley High School.

So, it is safe to say that, over Audrey's time, Henley High School would have averaged about 1 000 students per year, which is over 30 000 student school years during that period. That might seem to be a silly figure, but the fact is that thousands of students have attended Henley High School during Audrey's time, and all the students, as well as the hundreds of teachers and the broader school community, have been beneficiaries of Audrey's dedicated and outstanding service to the school.

At Friday's function, speaker after speaker paid tribute to Audrey's contribution, and I know it was a very emotional day for her—as I know Friday week will be when she retires. She has worked tirelessly on the school's behalf and on behalf of its students over the 31 years that she has been at Henley High School. Audrey has been not only extremely efficient but also kind, caring and compassionate in fulfilling her duties.

Three of Audrey's children—Paul, Julianne and Gaynor—attended Henley High School, and I know that Audrey would like to have recognised the support her children and husband George have provided to her during the period at the school. Also, her family would wish to congratulate Audrey on her outstanding contribution to Henley High School.

To Audrey, as a former student and, today, a representative of the community, I acknowledge and thank you for your 31 years of outstanding commitment and dedicated service to Henley High School and the school community. What has made Henley High School and the broader school community so special over many years has been, in no small part, a result of the contribution made by Audrey Willoughby. I am aware that Audrey would like to thank the eight principals who were there during her time, the many teachers, the thousands of students and their parents and care givers for making her job of 31 years as enjoyable and satisfying as it has been.

Well done, Audrey. The community salutes you. I hope that you have a most enjoyable retirement. However, I suspect that in some way there will be an ongoing involvement with the school that has been so much part of her life during that time. Audrey Willoughby and Henley High School have become synonymous.

HILLS FOOTBALL LEAGUE

Mr GOLDSWORTHY (Kavel): I inform the house this afternoon that I had the pleasure of attending the Hills Football League central division grand final which was played last Saturday at the Lobethal Sport and Recreational Ground, an outstanding sporting facility. I preface my remarks by saying that I have the honour of being one of the patrons of the Hills Football League, and I regard it as a real honour to have been invited by the league to become a patron; obviously, I accepted that invitation with pleasure.

The two teams that played in the A grade final in the central division were Mount Barker and Onkaparinga Valley, both from towns in the electorate of Kavel. It was a very strong and fast game and there was some heavy work on and around the ball. It was played in the usual style of a grand final and was not necessarily a very free-flowing game, but certainly it was not without its high level of skill. There was some good strong overhead marking, some big ruck work and, at times, some quite fast play. The game was fairly close in terms of the score line until the last quarter. The Mount Barker back line was very strong, and on quite a number of occasions during the game the ball went into Onkaparinga Valley's forward line. However, the Mount Barker defence held strong and repelled the ball and, quite often when it came out of Onkaparinga's Valley's back line into Mount Barker's forward line, Mount Barker would score a goal.

As I said, the score line was fairly tight until the last quarter. From memory (and I did not write down the scores), at three-quarter time there were only a couple of goals in it. In the opening 10 minutes of the last quarter, Onkaparinga

Valley had some good opportunities to peg back the score to almost level. They could have had a set shot after taking a mark about 30 metres from the goal that was fairly well straight in front, and I do not know whether or not the forward who marked it panicked, but he played on quickly instead of taking a set shot, and it went through for a point.

On another occasion, a player on the half forward line at about a 45-degree angle had a set shot which was not that far out or a tremendously difficult shot for goal, but it, too, went through for a behind. So, Onkaparinga Valley had its opportunities but, unfortunately, did not capitalise. In the last 15 minutes or so of the quarter, Mount Barker was, I guess, the fitter side. Onkaparinga Valley seemed to run out of petrol, and Mount Barker went on to kick several goals, with the final score being Mount Barker 13 goals 11 points (89 points) and Onkaparinga Valley 8 goals 17 points (65 points), a winning margin of 24 points.

The best players for Mount Barker were Simon Nunan (a vice captain), Todd Barratt, David Murphy (captain), Nick Crawley and Leith Marston: and the best players for Onkaparinga Valley were Tony Pizzata, Nick Smart, Tremaine Kerber, Shannon Goldsmith and Luke Engley. The goal kickers for Mount Barker were Leith Marston with four goals (he is a very good full forward who is, I understand, playing for Mount Barker again after a number of years, and the son of a gentleman by the name of Kym Marsten, whose family owns the very highly regarded hills newspaper, the *Courier*); Jason Robertson and Daniel Lackenby with two goals; and Nick Crawley, Adam Pearce, Jared McDonald, Scott Byrt and Josh Netschitowsky with one goal each. For Onkaparinga Valley the goal kickers were: Zeb Bonnie and Mark Amtsberg with two goals; and Tremaine Kerber, Mark Jenner, Nick Smart and Garry Goldsmith all with one goal.

Time expired.

BROWNLOW MEDAL

The Hon. R.B. SUCH (Fisher): I recognise the achievement of Mark Ricciuto as one of the three AFL players who won a Brownlow medal. I do not profess to be a football historian, but I understand that he is the first Adelaide-based player to win the highest individual honour in the AFL. I must point out that Mark is a relative, and I do not seek to bask in any reflected glory: his mother is a first cousin. My late grandfather would be thrilled to bits that Mark has achieved this and, obviously, his parents and extended family are thrilled also. We know from the surname that there is an Italian influence, and it is a good combination of Italian and Anglo-Celtic heritage. So, on one side is the Ricciuto connection and on the other side is the Light family, which comes from the Wescombe chain and links nearly everyone in South Australia—including the Halsteads, the Watchmans and the Rollins. The Hon. Caroline Schaefer is a relative as well through the system. So, I guess the message is that if you insult one person you have insulted half of South Australia.

Mark's is a great achievement, and one of the pleasing things about him is that he is a modest person and does not big-note himself, which is to his credit. I pay tribute to his achievement. I acknowledge also the success of Nathan Buckley and Adam Goodes and wish the three of them all the best in the future in their careers in football.

I acknowledge also that last weekend one of the primary schools in my electorate, Spence Primary School, won top prize in the primary school section in science and engineering in the Tournament of the Minds, and that is a great achievement. It was held at Flinders University, against all comers. They will now go on to compete in the national competition for primary maths and engineering which I understand will be held in Darwin in October. I have written a nice letter to the Minister for Education asking if she will be sympathetic to that trip to Darwin. I hope that somewhere in the education system she can find a few sheckles to throw their way. Congratulations to them. It is a great effort, and it shows that state schools can achieve at the very highest level. The other winning teams came from Loretto, Mercedes, Trinity College North and Walford. Well done to Spence Primary School.

I was very impressed in attending for the first time the International Pedal Prix in your electorate, Mr Speaker. For those who have never been, it is a quite outstanding event. The size and scale of it really impressed me, as well as the commitment of the people involved. There were houseboats lined up, technical teams, pantechnicons—all sorts of incredible effort goes into that event. Once again, with great pleasure I congratulate one of my schools. For the fourth year in a row the Pedal Prix team from the Aberfoyle Hub Primary School blitzed the field to win the Australian International Pedal Prix. It won by over 20 laps, and all three of its teams finished in the top 10 of the primary category out of over 60 other schools. Two hundred vehicles were competing.

The other awards it won included: endurance, most laps completed and design construction. It won all three races in the super series, Sports in Focus and fastest lap. It is a great credit to them, and I congratulate Geoff Lock and Liz Blight and all the students at the Aberfoyle Hub Primary School for a fantastic effort. I congratulate the organisers of the Pedal Prix and the rural City of Murray Bridge, because it is a fantastic event. It does not get the coverage it deserves. It will go on to be even bigger and better. I would encourage people who have never been before to make the effort to attend one of these International Pedal Prix, because I am sure that you will be impressed as I was.

UNITED STATES FARM SUBSIDIES

The Hon. G.M. GUNN (Stuart): I would like to continue explaining some of the areas I looked at whilst overseas during the parliamentary break. In particular, I had the opportunity to look at the subsidies given to the farming community in the United States. When one considers the vast potential of agricultural production in that country, coming from a country like Australia, one cannot help but be amazed at the amount of money that the Treasury in the United States must have, because the federal government has doled out $114 billion in farm subsidies across that nation between 1995 and 2002. Of that, $6.8 billion went to the state of Nebraska, one of the areas I visited. As a matter of interest, nationwide 10 per cent of the biggest and often most profitable farmers collected 71 per cent of all the subsidies, and those subsidies averaged $34 800 per year. On average, the bottom 80 per cent received $846 per annum. When one sits down and discusses the matter with the people administering that, one cannot help but be surprised at the magnitude and the availability of funds to help people maintain a decent livelihood, and which support them if the crop does not yield a reasonable amount, and in other areas. Mr Speaker, the bureaucratic difficulties that you and I experienced in the past, when we had some very meagre farm assistance programs in this country, are not placed in the way of those people in the United States.

One also has to be aware that the United States sells grain on the international market at a subsidised rate. One of the things farmers in this country benefit from is having a single desk for the exporting of both barley and wheat. It was made abundantly clear to me from the people to whom I spoke that it would not only be unwise but foolish and irresponsible and would do damage to the nation as a whole if this country interfered or took away those initiatives. No-one, whether it be Mr Samuel of the National Competition Council or any other bureaucrat in Canberra who has read too many economic theory books, should be allowed to interfere with or threaten state governments in relation to the Australian Barley Board. It was made abundantly clear that we have the best system in the world, and we should maintain and keep it, because it is a small amount of the assistance compared with the assistance made available in the rural sector of the United States.

The other interesting thing I learnt was the massive developments taking place with the production of ethanol. There is a huge program of building ethanol plants in the United States, mainly using corn. You see many fuel pumps where there is 10 per cent. I saw one pump dispensing 85 per cent ethanol. I saw it at only one location, in Ohmaha, Nebraska, but there is a very strong development taking place for the building of new plants. I wish to quote from the *High Plains Journal*. It stated that in June they were producing 181 000 barrels a day and that, according to an RFA statement, the previous all-time record was 179 000 barrels per day in April. This was up 47 per cent compared to June of last year. The ethanol industry is expected to produce 2.7 billion gallons in 2003, up from a record annual production of 2.13 billion gallons in 2002. Currently there are 73 ethanol plants that have a capacity to produce over 2.9—

Time expired.

VICTIMS OF CRIME

Mr SNELLING (Playford): I wish to address some of the points made by the member for Mitchell in last night's Address in Reply debate. The honourable member attacked the government for allegedly reducing funds available to victims of crime. He said that victims would not be reimbursed for their medical costs. He should know that this is not correct, because the Attorney-General explained at some length during recent deliberations of the Legislative Review Committee that, first, the government has increased the pittance that the previous government paid to legal practitioners in this area, so that victims of crime are able to obtain adequate legal assistance; and, second, the government has broken the nexus between the Victims of Crime Fund and unnecessary consultations with medical specialists.

To receive compensation from the fund, a victim of crime has to demonstrate an injury. In many cases, the extent of the injury is not in dispute, and a letter from a victim's general practitioner will suffice. There is no need to go to a specialist. The government has tried to ensure that a medical specialist's report is not obtained simply as a matter of course. In many cases, naturally, there will need to be advice from a medical specialist. If this is the case, the Crown Solicitor's Office will give permission for the cost of the consultation to be reimbursed from the fund. This change will in no way prevent victims from obtaining proper medical care to treat their condition. Victims will still be able to obtain compensation from the fund for treatment.

I understand concerns have been raised at the rigidity with which the Crown Solicitor's Office has performed this role. I note that the Attorney-General has given an undertaking to the Legislative Review Committee that he will develop guidelines or regulations to ensure that there is an appropriate balance. This will ensure that victims can obtain a specialist's report where it is necessary to treat their condition. However, if there is no dispute about the extent of their injury and a report is not necessary for treatment, the Victims of Crime Fund will not be unnecessarily raided.

The Attorney has invited members of the Legislative Review Committee to make submissions on that matter, and has given a further undertaking to consult with the committee and others over this exercise of the discretion of the Crown Solicitor's Office. The Victims of Crime Fund should be drawn upon predominantly to compensate victims for their injuries. The only losers in the changes that the government has made are those medical specialists who have been performing unnecessary work.

Mr Hanna: You're making the victims pay. That's wrong.

The SPEAKER: Order!

SELECT COMMITTEE ON THE CEMETERY PROVISIONS OF THE LOCAL GOVERNMENT ACT

The Hon. R.B. SUCH (Fisher): I move:

That the committee have leave to sit during the sittings of the house for the rest of this session.

Motion carried.

BUS TIMETABLES

The Hon. M.J. WRIGHT (Minister for Transport): I seek leave to make a brief ministerial statement.

Leave granted.

The Hon. M.J. WRIGHT: During question time earlier today, the member for Light asked me a question about bus timetables. I undertook to obtain that information and bring it back to the house. I have now been advised that there are no wholesale changes to bus timetables or their printing. There are minor changes to timetables, and reprinting from time to time.

WORKCOVER

The Hon. M.J. WRIGHT (Minister for Transport): I lay on the table the Report into the Financial Risks and Governance Arrangements of the WorkCover Corporation prepared by the Department of Treasury and Finance and the South Australian Government Financing Authority and move:

That this house authorise, for the purposes of section 12 of the Wrongs Act 1936, the publication and printing of the Report into the Financial Risks and Governance Arrangements of the WorkCover Corporation prepared by the Department of Treasury and Finance and the South Australian Government Financing Authority.

As the house has been advised previously, the government has received advice that this motion is necessary to ensure that government officers involved in the production of this report are protected against any exposure to legal action that might otherwise flow from the disclosure of these reports.

The issues dealt with by these reports are serious, and it is patently clear that these are the legacy of the former Liberal government.

Upon coming to government (as I indicated in my ministerial statement on 6 June 2002), I remained concerned about the reliability of the processes used to determine the position of the scheme as reflected in the financial reports and, therefore, in determining policy for financial planning for the scheme. As I said in June 2002, it is essential that the government and the South Australian community have rock solid confidence in the integrity of WorkCover's financial reporting and planning processes. Sadly, events since that time have borne out my concerns. It has become patently clear that the processes put in place under the former Liberal government have failed.

The reports deal with a wide range of issues, some of which have become more apparent since the finalisation thereof. The government has taken action to address issues raised by the reports. The Statutes Amendment (WorkCover Governance Reform) Bill 2003 was introduced into the parliament to address issues raised by the reports. The new board of the WorkCover Corporation is committed to addressing the issues faced by the WorkCover Corporation, including issues identified by the reports.

The new board brings with it an extremely high level mix of skills and experience in order to address these issues. The reports address a wide range of issues that are relevant to the policies and settings implemented by the previous government and the Liberal appointed board. The SAFA report canvasses issues such as contingent liabilities, latent claims, Australian Prudential Regulation Authority guidelines, including prudential margins, the setting of the average levy rate, longer-term claims and the need to move away from a redemption-based strategy and the assessment of the outstanding claims liabilities.

Whilst this report cannot be dealt with in a piecemeal fashion, I think it is appropriate to give the house the flavour of some of the key findings. In relation to the average levy rate and the rebate, the report states:

> Leading up to 2000, investment returns had exceeded expectations, with the average return over 10 per cent (real) through the mid to late 1990s. Rather than using the above expected returns to strengthen reserves against possible future subdued investment returns, WorkCover Corporation decided to provide a $25 million rebate to employers in 2000-01 and reduce the average levy rate in 2001-02 and 2002-03 from 2.86 to 2.46 per cent.

And, as I advised in my ministerial statement yesterday, one of WorkCover Corporation's objectives is that levy rates are competitive. This was not a factor behind the reduction in the average levy rate in 2001-02. The report also states:

> The WorkCover scheme is currently under more financial pressure than it has been for a number of years. Due to the major downturn in global equity markets, investment earnings have been negative for over 12 months. The outstanding claims liability of the WorkCover scheme continues to be revised upwards, and there are concerns with the ability to contain medium to longer-term claims. These developments coincide with a period whereby WorkCover Corporation has significantly lowered the average levy rate to 2.46 per cent after eight years at 2.86 per cent. Under the current arrangements, the average levy rate will not be reviewed until March 2003, with any increase in the average levy rate as an offset to these adverse developments to apply to the 2003-04 financial year.

The average levy rate reduction took effect seven months and nine days before the last state election, after being unchanged for eight years. The report's finding is that keeping levy rates competitive was not a factor in the decision. The implication is clear.

One of the biggest issues for the scheme is underlying discontinuance or non-redemption discontinuance. I made that clear to the estimates committee. I told the estimates committee that I understood that rates of non-redemption discontinuance had, essentially, been in sustained decline since 1996. To address this issue, a clear trend under the Liberal government must first be arrested and then turned around. As I said in estimates, I have told the board that, in my view, the return of non-redemption discontinuance levels to at least the peaks that WorkCover has achieved in the past should be the key focus of the WorkCover Corporation.

The former Liberal government introduced redemptions into the scheme without adequate parameters on their use and they ran unchecked for many years, doing deep and lasting damage to the scheme—a direct result of Liberal government policy. Under the former Liberal government and the Liberal-appointed board, overly optimistic liability estimates provided by Price Waterhouse Coopers were adopted, over the objections of the actuary appointed by the independent auditors. The SAFA report records that the view of the actuary appointed by the external auditors was that, and I quote:

> The assumption in relation to the rate of discontinuance by means other than redemption used by Price Waterhouse Cooper reflects future events which cannot be supported by past history.

The SAFA report also records that there was a significantly higher estimate of the liabilities by Workcover's internal Research and Analysis Unit. The SAFA report states that as a part of this:

> Adding to the significantly higher valuation by the Research and Analysis Unit relative to the Price Waterhouse Cooper estimate was an assumption that claims management costs would increase, which was contrary to management's expectation arising from the BT project.

Subsequently, the Research and Analysis Unit was subjected to restructuring under the former Liberal government, resulting in senior staff of the unit being made redundant. The previous board has indicated that the liability assessments may have been understated by as much as $100 million. If that is correct, that would mean that the midpoint in the Research and Analysis Unit's estimate was correct.

The OGE report, in many ways, proposes long term solutions to try to prevent the mistakes of the past being made again through greater accountability and transparency. We now have a first class board in place; however, the government is acting responsibly by proposing better governance arrangements for the long term. The OGE report identifies an accountability gap that primarily results from the Workcover Corporation Act 1994—legislation of the former Liberal government. The OGE report states:

> The significance and importance of this accountability gap is particularly relevant to the setting of the average levy rate and associated financial targets, including the funding ratio.

The significance of this issue is highlighted when the OGE report goes on to say that:

> The average levy rate is the one major scheme variable directly within the control of the corporation and is the primary mechanism available to the corporation to address the current deterioration in the Workcover scheme's funding ratio identified in part 1 of this report, and that it is therefore essential that the government has the opportunity to review the proposed levy rate to ensure appropriate transparency and external scrutiny of the underlying assumptions and to confirm the methodology and proposed value for the average levy rate. However, there is presently no mechanism for this to occur.

An accountability gap has been identified in the Liberal legislation. Clearly, a lack of transparency and accountability

in the setting of the average levy rate is a major issue in the current situation. Under the Liberal government, income from the one major scheme variable where there was direct control was cut when the situation was deteriorating. It was tantamount to vandalism. The OGE report made a recommendation to fix the problem, as follows:

> This report proposes an approach modelled on current arrangements applying to the Motor Accident Commission.

The government is getting on with the job. We have accepted the recommendation and put it before the parliament as a part of the Statutes Amendment (WorkCover Governance Reform) Bill. We are fixing the Liberal mess. The OGE report goes on to observe that:

> Monitoring performance is by itself not effective in ensuring ongoing performance if the minister is unable to remove a board which is performing poorly, and that, in comparison, recent legislation for large public corporations, for example, SA Water, Forestry SA, TransAdelaide, and Adelaide Cemeteries Authority provides that the minister may recommend (to the Governor) the removal of a director on any ground that the minister considers sufficient.

The government has addressed this issue by incorporating provisions similar to other large public corporations in the WorkCover governance reform bill. We are getting on with the job of fixing the Liberal mess. There is another aspect of the accountability gap identified by the OGE report. The report states that:

> WorkCover Corporation is only subject to limited parliamentary reporting and scrutiny in comparison to other major statutory authorities primarily because it is not subject to review and audit by the Auditor-General and that the powers of the Auditor-General to undertake policy and performance audits substantially exceed the scope of the current Workcover Corporation's annual audit, which is primarily a compliance audit for the purpose of confirming the robustness and accuracy of the annual financial statements.

We are getting on with the job of fixing the Liberal mess. We are undoing the Liberal damage. The WorkCover governance reform bill will make the powers of the Auditor-General fully applicable to WorkCover. The SAFA and OGE reports make it very clear that the problems that WorkCover is facing are the legacy of the former Liberal government. Liberal legislation left a massive accountability gap. Labor legislation will fix it. Under the Liberals, redemptions were introduced without appropriate control and they did tremendous damage.

Under the former Liberal government, an irresponsible and unsustainable reduction in the average levy rate occurred seven months and nine days before the last state election. As I said in my ministerial statement, on 12 May:

> The Statutes Amendment (WorkCover Governance Reform) Bill 2003 is the next step in fixing the mess. The bill will change the governance of the WorkCover Corporation, making it more accountable and transparent and ensuring that its financial arrangements are more vigorously scrutinised. This will be achieved through a number of important initiatives, including providing for the Auditor-General to examine WorkCover, applying the Public Corporations Act to WorkCover and establishing a transparent process to set the average levy rate. By providing a far more accountable and transparent government structure for the WorkCover Corporation, the government will give South Australians confidence that the mistakes made under the former Liberal government will not be repeated.

The government is getting on with the job of fixing the mess left by the former Liberal government. I commend the motion to the house.

The Hon. I.F. EVANS (Davenport): I will not hold the house long. We support the release of this document. The government, of course, could have come to the house at any stage in the last 18 months with this motion seeking to release this report. For its own purposes, however, it has sought not to release—

The Hon. M.J. Wright interjecting:

The Hon. I.F. EVANS: You haven't been in government 18 months?

The Hon. M.J. Wright interjecting:

The Hon. I.F. EVANS: That is what I said. You could have released it any time you wanted during the last 18 months, but you have chosen not to. We support the release of this document. We think it will be an important document in educating the parliament and the public about the real issues associated with WorkCover. It is just unfortunate that the minister has been dragged kicking and screaming to this end, to have to bring in the motion. He could have released it on his own initiative. We support the motion.

Motion carried.

The SPEAKER: Before the Clerk takes the next matter, may I say to the house on behalf of my constituents that I am disturbed by recent reports about the level of unfunded liability in WorkCover and the financial risks and governance arrangements of that corporation. The minister's speech has assisted me in understanding in some measure, but not to my satisfaction. As the member for Hammond, I will be seeking further clarification of some of the material the minister has presented, so that I can report to my constituents more clearly as to the manner in which risk is being assessed and taken in the deployment of funds entrusted to that corporation. All members know that it is guaranteed by the taxpayers of South Australia. I thank the house for its indulgence.

DRIED FRUITS REPEAL BILL

Second reading.

The Hon. M.J. ATKINSON (Attorney-General): I move:

> That this bill be now read a second time.

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

Leave granted.

The Dried Fruits Act has been central to the organisation of production and marketing of dried fruit in South Australia for more than 70 years.

A review process to ensure that the Dried Fruits Act complied with National Competition Policy requirements commenced in 1999 and has now been completed, with alternative methods of delivering functions of the Dried Fruits Act being put in place.

This review of the Dried Fruits Act has included a National Competition Policy Review, Green, and White Paper public consultation processes to obtain opinion from dried fruit growers, packers, major users of dried fruits, the SA Dried Fruits Board and the general public. In addition, a final review of the outlook for the dried tree fruits industry was undertaken in November 2002.

The SA Dried Tree Fruits Association and the SA Dried Fruits Board identified the following key functions that needed to be put in place before the Dried Fruits Act and its Regulations were repealed:

- Food safety legislation for packers and their premises.
- An approved supplier program for delivery of quality assured product to packing sheds by growers.
- A Code of Practice be documented and agreed to by packers and growers, and training on this code of practice delivered to industry.
- A funding mechanism for the SA Dried Tree Fruits Association be secured.
- Dried Fruits Research & Development secured through links with Horticulture Australia.

- Other industry development, information and support functions be developed and delivered by the SA Dried Tree Fruits Association.

The process requested by industry to put these alternative functions in place has been completed, and repeal of the Dried Fruits Act can progress.

Aside from providing for repeal of the Dried Fruits Act, this Bill provides a mechanism for the Minister to transfer residual funds of the Dried Fruits Board to the SA Dried Tree Fruits Association, the main organisation servicing SA's dried fruit industry.

To ensure that the residual funds provided to the SA Dried Tree Fruits Association are used for industry development purposes, an agreement will be developed between the SA Dried Tree Fruits Association and the Minister. This agreement will require:

- A strategic plan indicating key activity areas in which the SA Dried Tree Fruits Association will be using its funding in the 3 years to 30/6/2006.
- Annual reports from the SA Dried Tree Fruits Association for the years 2003/04 to 2005/06 inclusively, indicating key industry development activities and expenditure.
- Any conditions specified by the Minister "requiring the Association to implement the strategic plan".

Explanation of Clauses

Part 1—Preliminary

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Part 2—Repeal of Dried Fruits Act 1993

Clause 3: Repeal of Act

This clause provides for the repeal of the *Dried Fruits Act 1993*

Part 3—Transfer of property

Clause 4: Vesting of Board's property in the Minister

This clause vests the property of the Dried Fruits Board (South Australia), which was established under the *Dried Fruits Act 1993*, in the Minister.

Clause 5: Transfer of property to the South Australian Dried Tree Fruits Association Incorporated

Under this clause, the Minister is empowered to transfer the property vested in him or her under clause 4 to the South Australian Dried Tree Fruits Association Incorporated. The clause makes it a condition of such a transfer that the Association enter into an agreement with the Minister containing terms and conditions required by the Minister including—

(a) a condition requiring the Association to provide the Minister with a strategic plan, in a form satisfactory to the Minister, detailing its activities and expenditure to develop the dried tree fruits industry in South Australia for the period to 30 June 2006;

(b) a condition requiring the Association to implement the strategic plan; and

(c) a condition requiring the Association to provide the Minister, on or before 30 September in each year up to and including 2006, with an annual report on the work of the Association for the financial year ending on the preceding 30 June.

Mr BROKENSHIRE secured the adjournment of the debate.

COOPER BASIN (RATIFICATION) AMENDMENT BILL

Second reading.

The Hon. M.J. ATKINSON (Attorney-General): I move:

That this bill be now read a second time.

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

Leave granted.

The *Cooper Basin (Ratification) Act* was enacted to ratify an indenture between the Government and the consortium of petroleum companies (known as the Producers) who were responsible for the development of the gas reserves discovered in the Moomba area of South Australia and subsequently delivered to both the Adelaide and Sydney markets.

The Act and indenture provided some certainty to the producers at a time when they were about to incur significant development costs to supply the new Sydney gas market. In essence, the Act reduced the perceived sovereign risk associated with this massive investment by clarifying that joint marketing of the gas by the producers was not a breach of the Commonwealth *Trade Practices Act 1974-75*, that the producers would be entitled to the grant of production licences as required, that the detail of how royalties would be calculated would be explicit, that the producers would have the right to construct facilities, roads and pipelines etc in areas outside their licence areas as required to develop those gas reserves, and that all of the production licences held by the producers could be treated as a single licence for some requirements under the *Petroleum Act* for administrative convenience.

In its current form the Act has a number of elements that are perceived by the NCC as anti competitive and review of this Act is required under the Competition Principles Agreement 'Legislation Review' obligation. The key issues that are perceived to be anti-competitive are the lack of transparency in the Trade Practice authorisations, and the exemption from being subject to the 'economic" criteria for grant of production licences.

This Bill updates and makes more explicit and clear the Trade Practice authorisations, which in reality have little anti-competitive effect in the current gas supply market. In addition, Trade Practice exemptions for joint petroleum liquids marketing, which also have little anti-competitive effect, and which were previously included in the *Stony Point (Liquids Project) Ratification Act 1981* have also been included in this Bill. It is believed that it is in the public interest to retain these authorisations on the basis that it is important that the State continue to honour commitments made so that future investment and business dealings with governments are not put at risk.

The Bill also requires the Producers to meet the criteria in the *Petroleum Act* for the grant of production licences. The existing Act allows the grant of a production licence on request and is perceived as giving the Producers an advantage over other petroleum licensees—removal of this provision was agreed with the Producers in 1997 and has been voluntarily complied with since that date. Since February 1999, upon expiry of the Producer's exploration licences, no further production licences could be acquired, and the clause no longer has any real effect.

Minor changes to the Royalty provisions to account for the introduction of the GST are also included for convenience.

I commend this Bill to Honourable Members.

Explanation of Clauses

Part 1—Preliminary

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of the measure. Subclause (2) provides for the retrospective commencement, namely 1 July 2000, of 2 amendments to the Indenture.

Clause 3: Amendment provisions

This clause is formal.

Part 2—Amendment of Cooper Basin (Ratification) Act 1975

Clause 4: Amendment of section 3-Interpretation

This clause inserts a number of interpretive provisions used in the Act including, in particular, the term authorised agreements and all the individual agreements that are authorised.

Clause 5: Amendment of section 9

This clause clarifies the effect of sections 27 and 28 of the *Petroleum Act 1940* on certain applications for petroleum licenses, and also clarifies that no licences or approvals have been or will be made after 27 February 1999. The clause also provides that licenses existing before that date continue as normal.

Clause 6: Substitution of section 16

This clause inserts a new section 16 which specifies things that are specifically authorised for the purposes of section 51 of the *Trade Practices Act 1974* of the Commonwealth. These things are:

- the authorised agreements;
- anything done by a party, or anyone acting on behalf of a party, under or to give effect to the authorised agreements or any of them;
- anything done to give effect to the conditions of Pipeline Licence No 2;
- all contracts, arrangements, understandings, practices, acts and things done or made by the Producers before the commencement of the section and related to the sale or delivery of liquids; and
- a contract, arrangement, understanding, practice, act or thing done or made by the Producers after the commencement of the

section and related to the sale or delivery of liquids if the Producers have given written notice of it to the Minister and the Minister has not, within 60 days of receiving that notice, given notice to the Producers excluding it from the ambit of the section on the ground that it is contrary to the public interest.

Clause 7: Amendment of Indenture

This clause amends the Indenture. Subclauses (1) to (3) insert various terms in the definitions clause of the Indenture. Subclause (4) clarifies the position with respect to the restrictions on granting or approval of new licenses. Subclause (5) establishes the State's good faith in—

- maintaining in force statutory authorisation of the authorised agreements and related acts for the purposes of section 51 of the *Trade Practices Act 1974* of the Commonwealth; and
- giving consideration to the introduction of legislation authorising agreements for which the Producers may wish to have authorisations under the *Trade Practices Act 1974* of the Commonwealth.

Subclause (6) provides that GST is to be ignored in determining a range of petroleum-related values and costs. Subclause (7) provides, for the purposes of the amending instructions, that in clause 7 of the measure "Indenture" has the same meaning as that in section 3 of the principal Act.

Schedule 1—Related amendments

Part 1—Preliminary

Clause 1: Amendment provisions

This clause is formal.

Part 2—Amendment of Stony Point (Liquids Project) Ratification Act 1981

Clause 2: Amendment of section 5—Modification of State law in order to give effect to the Indenture etc

Clause 3: Amendment of First Schedule

These clauses make consequential amendments to the *Stony Point (Liquids Project) Ratification Act 1981*.

Mr BROKENSHIRE secured the adjournment of the debate.

STATUTES AMENDMENT (ANTI-FORTIFICATION) BILL

Adjourned debate on second reading.

(Continued from 16 September. Page 40.)

Mr BROKENSHIRE (Mawson): The basic principles of this bill are supported by the opposition. That does not mean to say that when we get to the committee stage there may not be some technical questions with respect to definition. We have seen a lot since this government has been in office about its so-called 'tough on law and order' policy. We know that this government models itself on aspects of other governments, and when it comes to law and order this government, on my understanding, at least, consults with Premier Carr and his government regularly on what it is doing with law and order. The government should be grateful for the amount of free media it has had on its 'tough on law and order' stance, but it is not the first government in the history of this state to have a tough on law and order stance.

Indeed, if one were to look at the history books, successive governments over the years, as requirements have come forward, have had a 'tough on law and order' stance. In fact, as we left office, we only had to look at the correctional services statistics to see that the number of lifers, as we call them, in the prison system, were at a record high under the Liberal government. If I look at matters that concern me greatly, one such is illicit drug use, apart from the matter of cannabis for which many of us fought for years to see a tougher stance on, and one that I will say publicly in this place took a long time to get the support of the now government when in opposition.

Recently, I had a look through some of the old press releases from when I was privileged to be police minister, and it was interesting to see that I had to call on the then leader of the opposition, the Hon. Mike Rann, time and again to say where he stood when it came to very important matters such as cannabis, the root cause of so much crime and disorder, mental health problems, schizophrenia, anxiety, depression, the break-up of families: I could go on and on. The number of files coming across my desk that, when you assessed them, came back to cannabis were just amazing, when it came to the breaking up of families and communities and the reason why people went off track when it came to law and order matters.

It is interesting to see the so-called 'tough on law and order' stance of this government. Apart from cannabis, where we finally did get some cooperation last year—and I appreciate the bipartisanship when the private member's bill for zero tolerance for hydroponic cannabis that I was able to put up was passed, and I thank all members in this house and in the other place for that. But if we look at illicit drug legislation outside of that, South Australia has had the toughest penalties for all other uses of illicit drugs of any state in Australia. In fact, when I was police minister at Australasian Police Ministers Council meetings when we had discussions about illicit drugs, many other ministers recognised the fact that we had the toughest penalties.

What we did not achieve, for one reason or another, and when we get a chance to get back into office it is something that we will have learned from, is the chance to repeat three times on the front page a policy or bill that we were going to introduce. In fact, the bill we are now debating I have read about plenty of times in the paper over the past 18 months.

One of the reasons why we support the principles of this bill is that, at the last election, both the Liberal Party and Labor Party had the same policy, by and large. In fact, I can remember when I was announcing some of that policy probably about six months before the last election the present Attorney-General making comments on fortification. I do acknowledge that, as a local member and the shadow attorney-general, he more than some other members on his side did have a genuine concern about fortification, and that was probably because he had a bikie gang in his electorate. I know of one that is starting to develop in the Lonsdale area at the moment, close to my electorate. This is something about which I and police in the community are not happy.

I think this bill will be of great assistance in stopping their illegal activities going any further. From my understanding, at the moment, fortunately they have only erected the chain mesh, but when one looks at some of the fortresses that have been developed by these outlaw motorcycle gangs, they are worse than the bunkers that members would have seen in recent media coverage during the Iraq war. Indeed, members will recall seeing some of the media coverage over the last few years when police have been successful in getting into what I would describe as compounds or fortresses. Once they finally get into them, there are rooms with false walls. The efforts that these bikies have made to hide arms, illicit drugs and so on are unbelievable.

Let us not forget for one minute that these outlaw motorcycle gang members are not people who enjoy riding a lovely Harley Davidson on weekends and for whom I have much respect, or Vietnam Veterans who are in a club and who are good, committed people. Those sort of people are law-abiding people who enjoy motor bikes. However, the outlaw motorcycle gangs are an internationally organised illegal group and, by and large, they make their money out of illegal activities. I understand that some of their activities are legal, but one would have to ask how they obtained those

particular assets and whether they obtained them through legal means—and I say this having seen and been briefed on some of the actions and assets of outlaw motorcycle gangs.

It concerns me immensely—and I mentioned it in the media today—that in the United States of America, which is the headquarters for so many of these internationally structured outlaw motorcycle gangs, they have bought transport companies to assist them in their illegal activities. Members can imagine just how much more difficult it would be for police to manage. It is difficult enough for them to manage the day-to-day situations which arise with outlaw motorcycle gangs now. We know that they are involved in illicit drug dealing, trafficking and prostitution. I have spoken to women in the women's prison, who, sadly, became caught up with outlaw motorcycle gangs. They are in prison for a range of reasons, but I can tell members that when I spoke to them they told me in no uncertain terms just what happens when you become involved with outlaw motorcycle gangs, the shocking way in which women are treated and how they often become caught up with them as a result of drug addiction. Of course, this is how they bring people into the outlaw motorcycle gang movement.

As I see it, the anti-fortification bill is another piece of the jigsaw puzzle in an attempt to try to get rid of and push out of South Australia outlaw motorcycle gangs. However, as I said, if they are buying transport companies in the United States of America, imagine what would happen if they bought a national transport company here—because they would certainly have the money. I have heard stories now and again about their being detected with a really flash prime mover or pantechnicon travelling from Sydney to Perth empty, except of course for pockets stashed within parts of that prime mover, or indeed the trailer, carrying illicit drugs! We must work hard not only in this state but through national police networking and intelligence to stop outlaw motorcycle gangs from becoming involved with transport companies.

We also need to do more when it comes to intelligence-based policing across border. I commend what South Australian police and other police jurisdictions have been doing over a period. When I attended police ministers' council meetings, much work was being done nationally to look at how we could address matters such as fortification. Unless we have a national approach and uniform laws across Australia, we will not put the required amount of pressure on outlaw motorcycle gangs. We need to try as best as we can as legislators to get rid of outlaw motorcycle gangs.

In relation to states that do not have anti-fortification legislation, I would hope that the Attorney-General through SCAG and the senior officers groups, together with the police minister through the Australasian Police Ministers' Council and the police commissioners, will encourage a national legislation of assent so that every state has common legislation.

As I said, this is only one piece of the jigsaw puzzle to try to get rid of the illegal activities of outlaw motorcycle gangs. The Liberals worked on this for several years. We support the principles of the legislation. We had the same policy as the Labor Party when we went to the last election. Not only did we have a policy but also we had the funding for an operation to specifically fund police officers to target the illegal activities of outlaw motorcycle gangs. In fact, that funded 20 police officers dedicated to that work. We need to be serious about cracking down on outlaw motorcycle gangs and those associated with them.

Recently, as stated in a press report, police charged a person in the inner southern suburbs for possessing illegal firearms. They found a mini-factory in his backyard. I understand that he was not necessarily a member of an outlaw motorcycle gang but was associated with outlaw motorcycle gangs and was producing illicit firearms for them.

Why would you want illicit firearms? If you are a law-abiding citizen, you will have registered and licensed firearms: you will not have illegal firearms, homemade firearms or stolen firearms. Rather, you will have legally owned firearms. Apparently, he had a business with outlaw motorcycle gang members. Why would they want these firearms? They want them so that they can harass other outlaw gang members and threaten, bully and harass the community generally. Of course, they can use those firearms when they want and, at times, we have seen them almost have a shoot-out, one outlaw motorcycle gang against another. They can also use them to commit a robbery. That is why they want them. We need to work harder on encapsulating those people associated with outlaw motorcycle gangs as well.

How do we do that as a parliament? We can do it partly through legislation such as this and also through funding more officers than that group of 20 which I was able to fund when I was police minister. I suggest that probably it would be advantageous if that particular operation was even doubled, because, from my observations, the tougher police can be in policing operations on outlaw motorcycle gangs, the better the potential outcomes for the South Australian community. What we as legislators need to do is ensure that every piece of legislation and all the initiatives that we put forward as members of parliament make the streets safer and we need to ensure that there are enough officers to police that legislation.

It has been reported to me, from someone who took part, that all sorts of people recently took part in a toy run—good law-abiding citizens—but there were also some outlaw motorcycle gang members. Everyone else on that toy run was abiding by the law in the way in which they rode their motorcycles, except for the outlaw motorcycle gang members who ignored police at roundabouts and places like that. That is typical of the sort of attitude of those outlaw motorcycle gang members. In other words, they are happy to defy the law, and that is not on.

The law is there for all of us. We must drive our vehicles according to the road rules and so should outlaw motorcycle gang members. That is just one example of many I could give the house (and I am sure that all my colleagues could) of concerns about the attitudes and the way in which outlaw motorcycle gang members go about their life in South Australia. With respect to this bill, I can understand why the minister (the Attorney-General) felt that, in terms of assessment as to whether or not a development is at risk of fortification, the commissioner should be the person responsible.

There has been some discussion on this, and even today someone might ask the Attorney-General and me, 'Well, why don't you just let the councils go ahead?' Quite frankly, I believe that the commissioner is the right person to be able to make these assessments. First, the police force is the only organisation in South Australia that has the intelligence in relation to the criminal activity and the membership of outlaw motorcycle gangs. Secondly, at times, these members can be intimidating, and I do not see why a volunteer councillor who is part of a council meeting or a panel assessing an applica-

tion—because, remember, some councils now have only some councillors and/or the mayor assessing applications, as well as so-called people of expertise—should be subjected to the odd application which, clearly, has the hallmarks of being an outlaw motorcycle gang headquarters and who is therefore confronted with a situation of someone wanting to fortify the premises.

I am also pleased to see that the commissioner is given other powers where he can apply to the Magistrates Court for a fortification removal order. I know that some of my colleagues in this and the other house will want to go into more detail on that issue during committee. From my assessment, this is an important bill. I hope that it starts to send a message to outlaw motorcycle gangs that life is not going to be as easy for them in this state in future. This bill comes on top of a range of other initiatives. I talked about the funded police operation when the Liberals were in government.

I just want to touch on another initiative, that is, Operation Panzer. There are only two Operation Panzer references in Australia: one in Western Australia and one in South Australia. As the former police minister, I was pleased to get Operation Panzer up and running. It took longer than I would have hoped because, as a result of some technical legalities federally, some amendments had to be made federally before we could get the sign-off on our Operation Panzer. I want to put on the public record my appreciation for the efforts and support of the then minister for justice, Senator Amanda Vanstone, as well as the support of the federal government and the federal parliament in getting those amendments through at that time. As a result, I had great delight in seeing the signatories for Operation Panzer.

I would like to think that the Operation Panzer that is running in Western Australia and South Australia can be further developed through Australia, as I said earlier. I cannot emphasise enough how important it is to share intelligence and to have national strategies and commitments to combat these people who, as one media person said to both the Attorney-General and me today, are thugs. My response was: 'That would be the best description of an outlaw motorcycle gang member.' I would not be as kind in my description of those outlaw motorcycle gang members from a range of situations I have seen over my years in the parliament of South Australia.

The Liberal Party, having virtually exactly the same policy at the last election as the Labor Party, supports in principle this bill, and I wish and trust that this measure will assist to keep absolute pressure on outlaw motorcycle gangs in our great State of South Australia.

Mr KOUTSANTONIS (West Torrens): It is good to have the support of the opposition for our legislation, and I endorse the comments made by the shadow spokesperson for police that the gravy train of the last eight years for outlaw motorcycle gangs is over; their heyday is over; the enjoyment they had under the previous government is now finished. No longer will they be able to fortify their premises; no longer will they be able to snub the police and our community. They got away with a lot over the last eight years of the former Brown-Olsen government, but that time is now over. When Mayor Giuliani was elected and introduced the new era of zero tolerance in law and order, the NYPD officers called it 'Giuliani time'.

I wonder now whether they will call it 'Atkinson time' in South Australia with these anti-fortification laws. Quite a number of these outlaw motorcycle gangs reside in my electorate. I think that no-one in my community, other than members of those outlaw gangs, want them in the western suburbs. They choose areas which they consider to be industrial. Often they are in residential areas. They choose areas where they can afford to buy quite vast amounts of land to fortify, preferably deep in industrial areas, where there is not much traffic from residents on weekends and late at night.

They try to conceal themselves and, as the minister said in his second reading explanation, the reason they want these fortifications is threefold: first, to delay police executing warrants and searching these premises—they want to get in and destroy any evidence when the police arrive at the gates of these so-called clubrooms; secondly, to destroy the evidence within them; and, thirdly, to defend themselves against other outlaw motorcycle gangs who might attack them. One might ask: is this gang warfare? What is this about? It is not about gang warfare: it is about organised crime.

It is about motorcycle gangs competing for market share in the drug trade in South Australia. That is what it is about. The reason they have to fortify their premises is to protect their trade, have no doubt about it. These people are a sleight on our community and the full weight of the law, the legislation and the statutes should be brought down on them to make sure that we make their life as difficult as possible. These laws go a long way to making their life a lot more difficult; they go a long way to protecting our community, but there is more we can do and we will not stop here. The commissioner will now have the power to tear down these fortifications after going through the appropriate process set out in the bill.

I think that, finally, we are giving the police the tools they need to be effective in combating organised crime within motorcycles gangs. For anyone who thinks that organised motorcycle gangs are not involved in organised crime, I suggest that they speak to local police about who runs brothels in their electorate, who runs organised amphetamine distribution in nightclubs and who is running distilleries and cultivating cannabis in South Australia. It is organised motorcycle clubs. They use their members, their friends and their associates to cultivate these networks and, within that, they make a profit.

I can tell you right now, Madam Acting Speaker, that these clubs are not about enjoying the beauty of a motorcycle and cruising the streets of South Australia. The members of these clubs go to small country towns and intimidate the local population on their so-called 'motorcycle runs'. They hold them hostage. People feel intimidated and cannot go out of their homes. I have had complaints from residents in Thebarton where there is a local motorcycle gang, and residents feel that they cannot go for walks on weekends because they see the motorbikes going in and out and they feel intimidated by their mere presence.

The Hon. M.J. Atkinson: Which gangs are in Thebarton?

Mr KOUTSANTONIS: A fair few.

An honourable member interjecting:

Mr KOUTSANTONIS: I am not afraid to name them: I will do that later in my speech. The claws and tentacles of these outlaw motorcycle gangs reach further than just the motorcycle clubs. They are involved in legitimate business to mask their illegal manufacturing and distribution of drugs. I believe they are involved in nightclubs. I believe that they have affiliates who hold liquor licences, although I cannot prove that at this moment. However, the moment I get

evidence to that effect I will provide it to the Attorney-General. Police often tell us that these gangs get younger members of the club or friends and associates to distribute drugs such as amphetamines, ecstasy or other designer drugs to people in nightclubs—again, for a profit. And I understand that they organise security at these clubs as well to ensure that their competitors do not enter the premises to distribute drugs. It is quite a tangled web of deception and corruption within these organised motorcycle gangs. They are very well funded and have the best lawyers available to them, and the legal profession is more than happy to defend these motorcycle gangs. They have eminent Queen's counsel and lawyers representing them, and they get the very best legal advice.

In my opinion, the way to destroy these clubs and organisations is to enact laws as have been enacted in some places in the United States—and I think they are called RICO laws, based on an FBI case against an organised crime figure. These laws ensure that if the police can show a link to a motorcycle club or organisation the people who run that club or organisation are charged with the same offences in which any of the members are involved. For example, if a member of a motorcycle club is caught distributing, manufacturing or selling drugs, that person is not the only one who is charged: the head of the organisation is also charged with the same offence. These laws in the United States have helped the FBI smash into a thousand pieces organised rings across the United States.

Mr Hanna: There are a lot left.

Mr KOUTSANTONIS: There are still a lot left, and there will always be organised crime, but I think the member for Mitchell will recognise that because it will always exist does not mean that we should not combat it and fight it with all the means and tools we have at our disposal. The police have been crying out for this kind of legislation, and it has been the Australian Labor Party that has delivered for them. Members opposite—who are sincere, I believe, in their belief that these laws are a good idea—might want to ask some of their colleagues on their front bench why, during the previous eight years of their administration, these laws were not enacted. They might want to ask the former Attorney-General (Hon. K.T. Griffin) why these laws were not enacted. The member for MacKillop might want to ring up the former Attorney-General, who is enjoying his retirement, and ask why these laws were not enacted in 1994 to go after outlaw motorcycle gangs. It is not good enough for members opposite to get up and tell us that we had the same policy before the election as the Labor Party. Whether they like it or not, whether or not they were in this place in the last parliament, their party was in government for eight years. It is not good enough for the shadow spokesperson to say that he supported this during the last election campaign, because for eight years they did nothing on this issue.

Mr Brokenshire: That's absolute nonsense, and you know it.

Mr KOUTSANTONIS: I know it irks the so-called law and order aficionados opposite that the Labor Party has outgunned, outflanked and outworked them on an issue that the member for Mawson believes is his own, but we have done these things not because we think they are popular or that they will get us votes but because they are the right things to do. We have no bleeding hearts in our party who want to protect criminals or criminal organisations.

Mr Hanna: Root them out!

Mr KOUTSANTONIS: One by one, member for Mitchell. Motorcycle gangs have plenty to fear from this government and the police. We are giving the police the tools they need to crack down on these organisations. I have spoken to a number of members of these clubs who have come to my office complaining about what they call unfair treatment by the government focusing on—

Mrs Redmond interjecting:

Mr KOUTSANTONIS: No, it is their democratic right to come to my office and roll up on their motorcycles. They make quite a bit of noise when they roll up to my office, thinking it might somehow intimidate me, but I feel safe in the assurance that my community is 100 per cent behind me—unless, of course, the Hon. K.T. Griffin moves into my electorate, and then I am sure it would be 99.9 per cent in favour of what the government is doing.

This issue was brought up because in the Attorney-General's own seat of Spence at the time there was an outlaw motorcycle club that fortified its premises with the permission of the local council. Local residents were outraged. This new bill will ensure that that never happens again and that the Commissioner of Police and the local community can object.

Ms Chapman: They'll move into your electorate!

Mr KOUTSANTONIS: But I doubt they will be moving into the member for Bragg's electorate: I doubt they could afford the real estate. These outlaw gangs have approached me not in the guise of being criminals: they came, of course, as being not involved in any criminal activity but as honest citizens who just want to enjoy their motorcycles and have a different way of life.

An honourable member: You saw through them!

Mr KOUTSANTONIS: I did see through them. But they are well informed of their rights and entitlements. I spoke to them regarding some of the local businesses in the area which have complained about some club members going into the establishments wearing what you would call their 'colours'. I refer, for instance, to a motorcycle gang called the Finks (F-I-N-K-S, I believe), which has a very distinctive jacket that they wear when they go on runs. That jacket has been banned from a number of clubs because members go in and intimidate the patrons. So, now, the motorcycle club does not allow its members to wear their jackets.

The clubs are getting very clever in the way in which they disguise their membership, and they are trying to tone down their presence in the community. However, every now and then they go on their large motorcycle runs. But, they will not fool us. This is not about the government trying to stop legitimate motorcycle clubs enjoying their motorcycles. It is about stopping the intimidation, organised crime, drug production and violence in our community. It is about stopping illegal activity that is encouraged as a culture within these clubs. That is what we are trying to destroy—the culture of organised crime within these clubs. These clubs indoctrinate their members through a series of years of probation that young members—or pledges, or whatever they are called—go through. They are asked to do several tasks, such as sell drugs for a short period in nightclubs, after which they will be asked to grow cannabis in houses throughout the suburbs. It is never the club members who do the tasks: it is their associates, or their pledges. And it is all working towards a membership of the club. The culture of these clubs is very hard to break through, and to do that we have to go right to the heart of their membership, and that is their clubrooms: it is where they eat, sleep and party. That is where we must go after them. We have to take away the enjoyment of being a member of that club. It cannot be a badge of honour: it has to become something that these club pledges do not aspire to.

I have spoken to a number of people about what it is that attracts them to membership of these clubs. It seems to me that it is not always about the money or the lifestyle: it is about a sense of belonging to something. The members of these clubs are generally people who come very from different backgrounds and very physical backgrounds, and they are indoctrinated into this culture.

Unfortunately, somewhere along the line, we let these young men slip through the cracks of our community. They get involved in these clubs which slowly normalise organised crime within their culture. These young kids who might have been involved in car theft or drug use get slowly indoctrinated into selling, growing and manufacturing it, and into making money. When you give a 25 year old man who has never had a lot of income before the thought of making a lot of money from organised crime, it is a very quick way to indoctrinate him into this culture. We have to do more than just go after their clubs, but this is the first step.

I congratulate the Attorney-General, the government and the Premier on their courage in standing up to these motorcycle gangs. We should have no doubt that these clubs would like nothing more than this government to be thrown out at the next election. They had a very good run under the former government. They were very pleased with the Liberal government's legislative impact on their lifestyle. They do not want a Labor government. They want to see Labor governments thrown out of office, because Labor governments, from Western Australia right through to New South Wales, go after motorcycle gangs. The talk within motorcycle gangs is that the Labor Party is no friend of organised motorcycle clubs. We will be doing everything we can to make their life very, very difficult. We are finally giving the police the tools they need. The shadow spokesperson talked about giving the police extra resources to do their job, but first we are going to give them the legislative tools they need and then after that we will give them the resources.

I take great pleasure in having seconded this motion. I know that my community is behind the government on this issue. I know that most of South Australia is behind us on this issue. I hope the opposition will support us. I know that most people opposite will support the bill. There might be one or two who oppose it, but I doubt it. Of course, the Democrats are opposed to it, maybe because they think it is an infringement of someone's civil liberties. I ask the Democrats, in the other place, to consider how those small country town communities feel when these motorcycle gangs roll in and take siege of their towns. I would ask the Democrats to think about what it feels like in my community to have a motorcycle gang move in and build a fortress around them, with their massive floodlights on 24 hours day and with loud music and parties inside all the time, and where a person feels intimidated in their own house. I ask the Hon. Sandra Kanck and friends to think about what that is like. Maybe it is time for these bikie gangs to be afraid and not the residents. I endorse the bill to the house.

Mrs REDMOND (Heysen): I, too, rise to support this bill. I will not be speaking for long, although I indicate to the Attorney that I will raise a number of issues in committee. I support the concept of the bill.

The Hon. M.J. Atkinson: You couldn't just support it?

Mrs REDMOND: No, because, whilst I want to see the fortifications stopped, I am puzzled as to why it is considered necessary to amend two acts to do that. There is probably already power under the Planning Act, but if the councils are not enforcing it maybe we do have to pass some legislation. I have been looking at the legislation and I have some concerns about it, which for the most part I will go into detail at the committee stage. I understand from the second reading speech that was inserted in *Hansard* by the Attorney that local government has indicated that basically it does not want to do it. I assume that that is because—

The Hon. M.J. Atkinson: I did read some of the speech.

Mrs REDMOND: Yes, you read the beginning of the speech, Attorney. However, not all of it was read, so I read it. Local government is really the appropriate venue to be handling matters of development. It is a very unusual step to now insert the Commissioner of Police into planning issues, particularly into the courts like the Environment, Resources and Development Court. In any event, I note that—and I am paraphrasing here—although the Attorney said in his speech that local government does not want to be in it, in the first instance it is still up to the council to be the initiator of the move for an application, as opposed to dealing with a fortification removal order.

However, for an application, it will still involve someone putting in a planning application to council. Council has to make some sort of determination, so it has to consider it and become involved at that stage. I imagine that, if they feel subject to threats under the current system, they will be just as subject to threats about whether they find that there is a fortification and refer it to the commissioner. The commissioner would then get it, consider the evidence and send it back to the council—or whatever relevant planning authority, but for the most part it will be the council—with his determination. He indicates that they must either refuse the application or impose conditions. I find it very odd, then, that this bill specifically makes the Commissioner of Police the respondent in proceedings in the Environment, Resources and Development Court. The idea is good but I have some difficulty with it and will question the Attorney further on as to how he envisages that to work. I note that the council—or the other relevant planning authority, whoever it is—can intervene in the proceedings and can become a party to those proceedings with the permission of the court. However, that is still somewhat problematical.

Another of the problems that I anticipate is that the fortification removal orders are specified to be issued by notice to the occupier. Indeed, most of the provisions seem to presuppose that the occupier can be or has been identified and is named in the order. There is inherent in that some little difficulty. Furthermore, we have the complication that an occupier—and presumably we are aiming at a motorcycle gang—can easily be someone who is not the owner of the premises, and no doubt that is partly what is contemplated by the legislation. There are some problems, first, in identifying who the occupier is, and serving them can be a problem. Of course, the issue of who owns it is more easily resolved, because you have a register as to ownership in the Land Titles Office.

I do not want to be anything but constructive in my comments. It might be worth considering putting into the legislation, depending on the circumstances, as to whether those fortification removal orders should be served on an owner or an occupier. If an owner is not in possession or occupation of his or its own premises, presumably they at least know who they have let them to, and it might be up to them. We might need to think a little more about how we go about doing that.

As the member for Mawson indicated, I have difficulties with some of the definitions. I understand that what you are wanting to do—and you have made this clear in your second reading speech, Attorney—is that you do not intend to capture under the definition people who are law abiding citizens who merely wish to put normal domestic security on their premises. I suspect, though, that the terms of the definition could be such that it might be unavoidable that some people could be caught. I note that in the definition of 'fortification', which is being inserted into the Summary Offences Act, it provides:

> . . . fortification means any security measure that involves a structure or device forming part of, or attached to, premises that—
> (a) is intended or designed to prevent or impede police access to the premises; or
> (b) has the effect of preventing or impeding police access to the premises. . .

The scope of that is a bit too broad. I suggest to the Attorney that the last part of the definition, the words 'and is excessive for the particular type of premises' need to go back to the margin so that they apply to paragraphs (a) and (b) of the definition. I will give an example. We have in my electorate a well-known property which makes it into the paper every now and again and which is rumoured to belong to the actor Mel Gibson. The records of ownership do not show that. It is a beautiful place, with extensive grounds and wonderful gardens and all sorts of things. But, for obvious reasons, that person has somewhat more security than one would expect on normal domestic premises.

Ms Chapman interjecting:

Mrs REDMOND: It might be a secret motorcycle gang; we do not know who owns it. As I said, it is rumoured, and every now and again the *Sunday Mail*, or some paper like that, publishes an article about it. I suspect that there is a need perhaps more closely to consider that definition.

While I am on the topic of definitions, I note that, with respect to the structure of the amending legislation, which amends both the Development Act and the Summary Offences Act, the definition of 'fortification' in the Development Act is as follows:

> 'Fortification' has the same meaning as in part 16 of the Summary Offences Act.

That is the definition which is about to be inserted by the amending legislation. As a matter of drafting principle, it is my very firm view that, when we insert a definition, we should spell it out in each act, rather than having to read one act and then refer to another one to obtain the definition. There is always the risk in doing this that subsequently, in another parliament, that definition will be amended in ways that may impact upon the interpretation of what is intended here, without anyone even considering the fact that this definition is in the Development Act, because whoever is amending it is amending the Summary Offences Act only. As a matter of drafting, I always prefer to have the whole definition spelt out. It is not that long a definition, so it seems to me that it would not be that difficult to insert it in that way.

I also have a slight concern over the extent to which the operation of this act creates retrospectivity in our legislation. I am not in favour of fortifications, but it seems to me that we need to consider the issue of retrospectivity.

The Hon. M.J. Atkinson: Tell us more about that. Tell us why the Hell's Angels ought to keep their railway sleepers on top of one another at Angle Park.

Mrs REDMOND: The Attorney wants me to tell him more, and I will, when we come to the committee stage of the legislation. But, for the moment, I will just proceed. I note that, under the fortification removal order scheme, the police commissioner can apply—and it is only on application of the commissioner—for a fortification removal order if he is satisfied as to certain things. A fortification removal order has to be issued by a court. The fortification removal order is then directed to the occupier, as I have already said. I think that perhaps we need to look at that and expand it to potentially include the owner and/or occupier. Section 74BB(2) refers to 'the named occupier'. It seems to me, as I have already said, that there could be some difficulties with finding out the identity and thus naming the occupier.

I note also that the order can be applied for and issued ex parte. That implies (to me, anyway, with my background in the law) that, if it may be issued ex parte, the normal procedure will be that it will be by inter partes summons. I should have thought that it would be perhaps appropriate to make it easier for us to address these matters to provide that it 'shall' be issued ex parte rather than 'may be' issued ex parte.

I note also that an appeal mechanism is established and, under section 74BF, relating to the procedure on hearing of a notice of objection, there is what I consider to be a rather strange provision in subsection (1), namely, that, in any proceedings where someone has had a fortification removal order served on them and they want to object to it, in the first instance, their effective appeal is to the magistrate who has already heard the matter. That strikes me as odd: what you are doing is asking a magistrate to reconsider his own decision. I have no objection to the idea that someone served with the order can raise an objection, but I am a little puzzled as to the thinking behind why you would make it compulsory to be heard by the same magistrate when, potentially, someone new, someone who has only been served with an order, comes in and has to go before a magistrate who has already heard the matter. It seems to me to be just a little odd. There are a couple of points on the wording that I will address in terms of comments during the committee stage.

I also note that there appears to be (and perhaps I am misreading it) potentially a slight anomaly in relation to various provisions in the bill that authorise or insist that the Commissioner for Police do certain things. In particular, I refer to section 74BD, section 74BI and section 74BL. Section 74BD(4) provides:

> If service cannot be promptly effected [this is of a fortification removal order] it will be sufficient service for the commissioner to affix a copy of the fortification removal order to the premises. . .

I thought when I read it that there is probably some sort of delegated authority generally for the commissioner, but I note that section 74BI(3) specifically provides:

> For the purposes of causing fortifications to be removed or modified, the commissioner, or any police officer authorised by the commissioner for the purposes of this section, may do one or more of the following:

Then on the following page there is a specific delegation. It seems to me to be a little odd, and it may be in need of tidying up in terms of drafting to make sure that that is dealt with.

I will raise another couple of anomalies that perhaps the Attorney might care to address when he speaks again on the matter (or maybe we can address them during the committee stage). I thought it odd that there is a maximum penalty of only $2 500 or imprisonment for six months in hindering the removal of fortifications once an order has been made or varied or confirmed, yet there is a maximum penalty of

$60 000 or imprisonment for three years for disclosing confidential information. I accept that it is very serious to disclose confidential information, and I am not suggesting that I want that penalty lowered, but it seems to me that the other penalty is particularly low, given the severity of that potential penalty of $60 000 and three years' imprisonment for the disclosure of information that the court has said is to be kept confidential. That is fine: I have no problem with that. But then to impose a penalty of only $2 500 or a maximum of six months' imprisonment for interfering with the enforcement of the order seems to me to be just a little different.

I wish to comment on a couple of minor matters. I note that, in section 74BI(3), the commissioner or any officer authorised by the commissioner can do certain things—enter the premises and obtain expert or technical advice or make use of any person or equipment he or she considers necessary. I thought that was rather unusual wording, and that maybe what was meant was 'make use of or engage the services of any person'. I would have thought that, in practical terms, for the commissioner to do this, he would not send police officers in with sledge hammers, or whatever. He may well engage the services of a builder or an electrician—whatever—depending on the nature of the fortifications, to remove them. It seemed to me to be slightly odd wording to say 'make use of any person or equipment he or she considers necessary'.

I note that there is a number of other minor amendments to the legislation, such as changing the name of members of the police force to 'police officer', and so on, that are really quite straightforward and of no consequence in the overall scope of what is intended. As I said, I support the nature of the intention. We will still need people who are courageous enough to enforce the law, both at local government level and at police level. I mean no disrespect to our police: I think they do a magnificent job—and the member for Mawson has already spoken very eloquently about them. However, I must say that, over a number of years, I have been annoyed with previous governments.

There was one particular incident over a number of years where a bikie gang used to come into a Riverland town that specifically did not allow camping across the road from the shops in the grassland area beside the river. But whenever the bikie gang came to town no-one did anything about it, and I have always had the view that the police should have been there arresting every single person. My personal inclination every time that happened was to camp there the next weekend and see why I could not get away with it. Because it is no good having a law for those of us who are law-abiding citizens and a separate law that we do not enforce against people who happen to be big, tough bikies. So, I am all in favour of going in as hard as we can against these fortifications but I do express some reservations about the structure of the act, and I look forward to working with the Attorney in the committee stages to see if those concerns can be addressed and resolved.

Mr HANNA (Mitchell): I wish to say just two things about the bill. The first is to invite everyone to check the media hype in relation to this bill against the reality. The bill is touted as being a strong anti-bikie measure, referring to what is technically known as outlaw motorcycle gangs. They are not specifically mentioned in the bill, but there is a reference to those who might be committing serious criminal offences.

The fact is that if this government wanted to get tough on outlaw motorcycle gangs it would be doing a lot more than being concerned about bulldozing their clubhouses. I believe this measure came out of the concerns of one or two members whose electorates are in the western suburbs where, in fact, there are motorcycle gang headquarters that are heavily fortified. I can imagine the annoyance to neighbours and can understand why it was brought forward, but it is certainly not the answer to outlaw motorcycle culture or the organised crime problem in this state. If the government is going to put a badge on itself and say that it is conquering the outlaw motorcycle gang problem through legislation such as this, then it needs to get real. A more honest approach would be appreciated. If the government really wants to have a go at the outlaw motorcycle gangs then it should bring in some legislation to do just that. Give the police the resources to do just that. Do not muck around with fortified buildings.

Secondly, in any legislation such as this great care needs to be taken that people whom most in the community would consider innocent property owners are not going to be dragged into it. Under this legislation, when applications are going to a local planning authority the authority needs to consider whether there may be fortifications built as a result. Fortifications are defined in two ways; either the obstructive aspect to the building is there to impede police access to the premises, or there must be excessive fortification, obstruction etc., for that type of premises. It is going to be very difficult for local councils to assess the intention of a developer who seeks to add extra security measures to their property, and hence it is passed off to the police.

I can understand there are good reasons for taking these matters out of the local authorities' hands and giving them to the police, but if the police are uncertain about the intention of the developer then the other test for the police commissioner is whether the modifications to the premises are excessive for that type of building. It is very unclear how the police commissioner, or whoever is going to be responsible for this within the South Australian Police Force, is going to decide what is excessive for a particular type of building.

The member for Kavel has given the example of a large discrete building which might be a movie star's residence that seems to have extra security features and to be difficult to get inside. I do not know the details of those premises, but will that sort of place be considered to have excessive obstruction for that type of premises, namely, residential premises? If so, the police can make the appropriate orders to prevent the extra development going ahead.

In other words, this legislation could well catch people who are extremely concerned about their own security—not members of motorcycle gangs but members of the community without any criminal intent who simply feel that they need an extra level of protection in their residence or commercial premises.

There is no point in quibbling about the detail, because the opposition supports the bill and it will succeed. The opposition has to support a bill such as this because of the so-called law and order debate which creates a new political correctness. Anyone who does not go along with the flow of it is branded pro-crime and anti-police, and that is absolute nonsense.

There is a real issue about civil liberties in this case, and I mean not in respect specifically to members of outlaw motorcycle gangs but in respect to other members of the public who have no criminal intent and who wish to have extra and perhaps even excessive security measures in relation to their property. They are the only two points I wish to make about the bill.

The Hon. M.D. RANN (Premier): I obviously rise to support this legislation. I know that the Attorney-General has spoken eloquently on previous occasions on this topic, but I would just like to let people know where I come from on this matter. I was contacted in the mid-1990s by the Right Honourable Mike Moore, a former Prime Minister of New Zealand. In New Zealand there was a parliamentary select committee into the activities of outlaw motorcycle gangs across the Tasman. During the evidence given to that select committee, there was an undercover police report which reflected on the activities of outlaw motorcycle gangs in both Australia and New Zealand.

The publication of that report in New Zealand caused an enormous heightening of awareness of the fact that simple local police methods of containment were insufficient to deal with gangs that were heavily involved in a range of crimes in a very organised way. Rather than being thugs on motorbikes involved in bullying or intergang rivalry or assaults, they were in fact involved in a range of criminal activities from prostitution, firearms offences, the importation of illegal firearms and particularly drug offences right through to murder. Certainly, the evidence presented to Mike Moore was that these bikie gangs in Australian and New Zealand were heavily involved in the manufacture and distribution of amphetamines.

I was given this information because the particular police report alleged that there had been a meeting in Sydney, I think, in 1993 or 1994, which was called the Sydney 2000 Pact, in which it was alleged that bikie gang leaders of major clubs had got together to plan where they would be in the year 2000 (it was their strategy) and how they would get to be dominant in terms of their drug activities. It talked about wiping out smaller gangs in a series of territorial wars, turf wars, across the country. If they could not amalgamate with gangs or form alliances, they would wipe out smaller gangs. The information that was presented to me and other information that came from New Zealand led me to visit the United States around 1996, from memory.

I visited J. Edgar Hoover House in Washington, which is the headquarters of the FBI, and met with the group of agents whose job was the intelligence monitoring of outlaw motorcycle gangs. I was told by the FBI—and was presented with a report on the Hell's Angels—that the US gangs were franchising crime in Australia, New Zealand, Canada and parts of Europe and that gang leaders in South Australia and other parts of Australia needed to report back to the United States on a regular basis, perhaps once a year, in order to maintain their franchise, whether it was from the Hell's Angels or Bandidos or other major gangs. The information presented to me in the United States was chilling about the range of criminal activities that they were involved with.

Of course, it was also chilling in terms of the sophistication of some of these gangs: gangs that employed corporate lawyers to act on their behalf; gangs that had so-called legitimate activities, including running supermarkets, trucking organisations and also warehousing, garages and so on, that were in a sense there to launder the money that came from the proceeds of crime. Even cinema chains were operated by bikie gang affiliates, and some of the heads of these bikie gangs were more likely to be driven around in chauffeur-driven cars or in private jets than they were to be on motor bikes. So, we are dealing with sophisticated crime organisations, not simply meatheads on motor bikes.

The FBI talked to me about a range of criminal activities, again, from prostitution through to murder, but particularly how outlaw motorcycle gangs had cornered the market on drugs, particularly amphetamines but also meth and ice.

Mr Brindal: Who was it in the FBI you spoke to?

The Hon. M.D. RANN: I spoke to the group that was heading the intelligence on outlaw motorcycle gangs, and had a meeting of some hours. In fact, I was in the United States in June and met with the New York Police Department and also with an FBI agent from Los Angeles and discussed these matters. So, we are dealing with serious crime problems that exist in Australia. I gave the information, the evidence that I had to the Prime Minister, John Howard, shortly after he was sworn in as Prime Minister, at a meeting with him in Adelaide.

I also presented the information I had to the police commissioner of South Australia and to the then Chairman of the National Crime Authority and then arranged for the Rt Hon. Mike Moore and also the Hon. Phil Goff, the now Minister for Justice as well as Minister for Foreign Affairs in New Zealand, to meet with the NCA.

Mr Brindal: Do you know what they did about it? You ring ASIO and ask what they did about it. You never know what happens when you pass on information.

The Hon. M.D. RANN: I passed on the information because I thought it was the right thing to do, and I also arranged for the New Zealand parliamentary leaders to meet with the NCA in Sydney, a meeting that I attended. Of course, what has happened over the years is that what was predicted in that New Zealand select committee, which was a series of turf wars across Australia, actually happened. We saw the NCA's activities being curtailed in, I think, 1996 or 1997, when there was a major budget cut. There was also a series of court challenges to the NCA's anti-bikie gang activities. I think it went through the various levels of the courts, challenging their jurisdiction, their use of surveillance and other means.

But the message from the FBI was that you have to follow the money trail and you have to use forms of policing that are not simply about local police containment but about surveillance, intelligence and the use of means of obtaining evidence that would not normally be used, given the international as well as national and local nature of these gangs.

Mr Brindal: Not illegal means?

The Hon. M.D. RANN: No, the FBI was encouraging changes to the law to allow that to happen. In fact, some changes to the law did occur to assist the NCA following the problems that it had with various court cases, from memory. I think it is important to look at where we have come from. There is absolutely no doubt that there are outlaw motorcycle gangs here in South Australia that are believed to be involved in a range of crimes. We have seen shootings in our suburbs, shootings in our city and gang rivalry, with innocent people killed and injured in these attacks. We have now seen bomb attacks, a bomb at Brompton and elsewhere. So, I think it is important for us as a parliament to treat this issue very seriously.

Mr Brindal: Do you think they are involved in prostitution here?

The Hon. M.D. RANN: I am not sure, but certainly the FBI and New Zealand reports talked about bikie gangs in the United States and New Zealand being involved in a range of activities, including prostitution. But the honourable member probably has more information than I would have, given his role in select committees of inquiry, and so on.

The Hon. M.J. Atkinson: He wasn't on the committee, actually. Or hands on.

Mr Brindal interjecting:

The Hon. M.D. RANN: I apologise if I have misled the house. However, one of the things that is quite critically clear to all of us is that these bikie gang headquarters in our suburbs are heavily fortified, sometimes with razor wire, sometimes with fortifications that you would not normally see on any other industrial or suburban, residential or club premises. My suspicion and I am sure the suspicion of most members of parliament is that they are not conducting knitting circles inside these buildings. In fact, whilst it has been alleged in the past that they are heavily fortified in order to deter attacks by rival bikie gangs, and I think that is partly the case, more probably it is the case that the fortifications are designed to impede the police in their inquiries or investigations as to the activities that occur within these structures.

People have often said to us in the past, 'How is it that I can't get a granny flat approved by my local council or can't get an extension on my house approved, yet these bikie gangs can apparently proceed with impunity to establish fortified premises?' It has been put to us that what has happened in the past is that the reason that councils do not knock back approval for these bikie gang headquarters that are heavily fortified is because they do not have objections from local residents. Presumably, the local residents do not object because they fear what might be meted out to them in terms of bashings, threats or otherwise.

So, I think that the Attorney-General should be commended. Several years ago, I put to him the need to toughen our legislation in terms of preventing under our planning laws the building of fortified premises, or the placing of fortifications on premises, and asked how we could we do this in a way that would work. I think his idea of involving the police commissioner in the process is a very good one, because it means that councils will act on the advice of the police commissioner rather than on what they believe might be occurring. I think that this is a sensible way. It involves a Magistrates Court order, as I understand it, so that there is judicial review of the process. It is not something that would be engaged in lightly.

The simple truth of the matter is that we as members of parliament, who are concerned about the fact that our young people are being targeted by bikie gangs, who, apparently, are involved in nightclubs and security firms and who employ bouncers, in some cases, to assist the supply and sale of drugs to our young people, need to take action.

It was very interesting earlier this year (I think it was around Easter time, perhaps Easter Saturday), when the Attorney-General, the New Zealand minister for justice and I held a news conference in the western suburbs about hoon drivers, and the New Zealand justice minister also talked about his activities in relation to countering bikie gangs in New Zealand, that after he and I left—and I think maybe even after the Attorney-General had left—

The Hon. M.J. Atkinson: No, I was still there.

The Hon. M.D. RANN: The Attorney-General was still there. Bikie gang members turned up to the news conference and made threats against the journalists, including television journalists, and told them that, if they used the vision of the bikies making their threats, there would be retaliation against the journalist and the cameraman concerned. Indeed, I understand that one cameraman was even threatened when they told him that they knew his address, they knew the location and they knew the number of his car. We are dealing with people who must be taken seriously, and this legislation is—

Mr Brindal: Did they report that to the police?

The Hon. M.D. RANN: I hope they would.

The Hon. M.J. Atkinson: I did.

The Hon. M.D. RANN: The Attorney-General reported it to the police. My principal point is that we are dealing with serious organised crime. We are dealing with people who want to manufacture and sell drugs to our kids. In my view, this is one of the most progressive pieces of reform to the criminal law to allow us to take on organised crime in this state, and I urge every member to support it.

These people are not worth defending. They are not involved in sports clubs. I know that some of these bikie members participate in the toy run in order to try to give themselves some kind of a soft edge. The FBI raised that with me. They said that, in the United States, they have PR people who advise the bikies about how to look like friendly cultural oddities as opposed to what they really are, which is organised criminals—not just the foot soldiers for organised crime but the generals behind organised crime. I urge every member to support this legislation because we need to take them on.

Ms CHAPMAN (Bragg): The Statutes Amendment (Anti-Fortification) Bill introduced by the government is consistent with its election promise and, indeed, it is consistent with the Liberal Party's election promise, the distinction being that the Liberal Party proposed a significantly greater package of reform. If there is one disappointment I have with the introduction of this legislation, it is that it is not matched or accompanied by the other necessary aspects to ensure that, if there is genuinely to be a breakdown of outlawed activity and congregating for that purpose, either to plot or activate purpose, then it may fail. I will refer later to how they might otherwise move premises and avoid this legislation.

It is fair to say that the bill will have the effect of amending the state's planning law to prevent the fortification of premises by bikie gangs and to empower the police to remove fortifications where they have been constructed. Once this bill passes (and I expect and hope that it does), it will have the effect of amending the Development Act and the Summary Offences Act. Whilst much has been said in relation to the bill's purpose, that is, to contain and minimise the capacity for members of outlaw motorcycle gangs, or other criminal organisations, to live amongst us and to continue to perpetuate their operation in the community, it does not mention outlaw motorcycle gangs at all.

One of the aspects to which I wish to refer relates to the question of definition and who might be caught by this legislation. From listening to members' contributions and reading the second reading explanation of the Attorney-General, it is quite clear whom he wishes to capture in the community. The legislation is not clear. The bill proposes to define 'fortification' in the Summary Offences Act as follows:

> . . . any security measure that involves a structure or device forming part of, or attached to, premises that—
>
> (a) is intended or designed to prevent or impede police access to the premises; or
>
> (b) has the effect of preventing or impeding police access to premises and is excessive for the particular type of premises.

There are two aspects to this. The first aspect is that the fortification measures are intended or designed to prevent or impede the police access. We have heard of examples in relation to their having the capacity to enter quickly, to serve a notice, to undertake arrests or whatever, to confiscate illegal goods and to interrupt illegal activity. Of course, at the very

least, this gives time for those inside who may be offending to dispose of the material, or to disband the evidence for the purposes of not being caught.

The second aspect, which is in the alternative, is that it has the effect of preventing or impeding police. Even if there is no intention on the part of the fortifier, it has that effect. That is not completely unique to the law. We do have situations where people can be caught by legislation, and they are deemed to be embraced under a legislative regime by virtue of not their intention but the effect of their action, not the least of which is the Family Law Act, which is a piece of commonwealth legislation. It has the capacity, on application, to overturn a particular transaction if it either had the intention of depriving a potential other litigant of an entitlement, or even if it did not have the intention but it had the effect of depriving someone (usually another spouse) of an opportunity to press their claim. There are specific provisions to do so.

However, when the requirement of intention is removed and only the question of having the effect of preventing or impeding police is relied upon (notwithstanding the good intentions of those who, under this proposed legislation, will carry out its terms, namely, the Commissioner of Police), there is the capacity of bringing into this legislation those who have no such clear intention, and I wish to highlight those groups: first, those who are living in residential facilities that are highly fortified for good reason. These may include facilities that accommodate children and frail aged people, or that deal with those who have a disability or mental impairment. Quite legitimately, these premises have a very high level of security for the good purpose of protecting those who may be residing within.

Areas of commercial activity may also have a high level of fortification to protect their legitimate industry, and I give as examples banks, or those who may be engaged in jewellery manufacturing who may have precious stones or metals on their premises that need to be protected. I also raise the example of schools. In Australia, we hope that we do not get to the stage where, as a matter of course, schools are highly fortified, as one can commonly find in some areas of the United States, particularly in major cities; doubtless it is for good reason, namely, the protection of children, their families, the teachers and the staff usually against external intruders (hopefully, not the police) who may enter those premises for the purpose of drug trading or otherwise. They have that protection for good reason.

In Australia, in my own electorate there is a school that is surrounded by a fence approximately eight feet high with barbed wire on the top. To enter the school, you need to go through an electronic security system and, to enter the building in which the school operates, you need to go through another voice-operated facility. I do not doubt for one moment that that school has that high level of security for very good reason—again, to protect the children who attend; the teachers and staff who operate child care, kindergarten and/or school activities; and the families who may attend the school quite legitimately. In that case, it happens to be protection against a potential threat arising from their particular culture and religious practice. Therefore, they have that level of fortification for very good reason.

So, we face a situation where this legislation could inadvertently capture those who, for a legitimate reason, have such fortification for that purpose. Whilst this legislation is intended to target the capacity of outlaw motorcycle gangs or illegal activity groups to congregate, reside or operate their activities in particular locations, I wish to raise two aspects in relation to that issue. Much has been said about protecting people in a normal residential environment, and the western suburbs have been referred to in presentations to this house.

The reality is that criminal persons—whether they have been caught or not, whether they have served time or not—live in our suburbs. They are our neighbours and, sometimes, they live in unfortified premises—most often, probably. They are living in our community. Let us not be over-excited about the level at which protection is necessary in relation to that argument, because they are there; and, if it was really serious about protecting the community from unsavoury persons living in local residential areas and keeping the suburbs a family-safe environment, the government would do something about ensuring that when people have engaged in criminal activity—particularly violent criminal activity—and they have served time that there is appropriate opportunity and funding to rehabilitate them properly before they are put back into the community and are neighbours to us all.

The second aspect I mention is that you might break down by this legislation the capacity for that particular dwelling to be used for this purpose which we all find offensive, but do not underestimate the capacity for these groups to relocate, to find other premises and, in fact, to do two things: first, develop more sophisticated ways of developing a front for a legitimate purpose, that is, operating as a legitimate business and still having illegal activity within it, namely, to operate as a retail store, a bank or any other exemptions that we might lawfully suggest is there; and, secondly, to be able to conceal their operation, perhaps, in rural or regional areas within premises that do not attract attention. For example, a large shed on a rural property could conceal within it a fortified structure for the purposes of occupying this type of activity.

Not for one minute do I think that this legislation on its own will stop the activity of motorcycle gangs in this state. I have not seen any evidence where this type of evidence has done anything other than move them to another area. I repeat: it is important that, if it was really serious about dealing with the issue of outlaw motorcycle gangs, the government would give the police the resources to make sure that when the fortification walls come down there is action to ensure that the activity being undertaken will be addressed, and that those people will be appropriately arrested and dealt with to ensure that there is elimination of the actual offending behaviour and not just the structure behind which they operate.

I do commend the government for presenting, at least for consultation last year, a draft bill for consideration. It has been helpful to me (and, I am sure, to other members of the parliament) to have an opportunity to consult with all in the community who may wish to have a view on this. I have appreciated that opportunity. Regrettably, that opportunity has not been given on a lot of legislation, but in this respect I do commend the Attorney-General for doing that. That process has culminated in a large amount of work over a number of years—I suggest by the former government as well—in trying to bring forward legislation that can have universal application around the country and not be confined just to South Australia. We do not really want to create a situation where they might not be able to operate in the metropolitan area of Adelaide but can move across into another town and state, which, clearly, will not resolve the overall problem.

The second aspect I wish to endorse is the necessity, regrettably, for the Commissioner of Police to be involved in this process of assessment. The local councils and their

representatives have clearly spoken (some have to me) of the importance of being shielded to some degree from ultimately being recorded as the person or group who makes the decision and, therefore, the likely target for those who may wish to exercise some pressure to change their mind.

In those circumstances, I think that it is entirely appropriate for the Commissioner of Police to undertake the actual assessment and to issue the declaration in relation to whether it is appropriate for an order to be ultimately issued for the removal of a fortified facility. Accordingly, whilst it is unusual in this case to introduce them into the Development Act procedure, I support the bill.

Mr SNELLING (Playford): I support this legislation. The problem of outlaw motorcycle gangs fortifying their clubrooms is a particular problem in electorates such as mine where there are large residential areas next to larger industrial estates. The obvious danger of the fortification of such premises is having rival bikie gangs engaging in turf wars in our suburbs. We live in a time of reduced trust and there is a certain level of fear in our neighbourhoods. Motorcycle gangs make a point of ignoring the law and threatening and intimidating law-abiding citizens. They want to create a climate of fear and armed fortresses-clubrooms are a part of this strategy. What the government is proposing needs to be part of a wider strategy to combat motorcycle gangs. Members opposite have made that point, and it is certainly not a point lost on the government.

Of course, the other problem with these fortifications is that they reduce the ability of police to enforce the law by delaying police access to these properties. While these motorcycle gangs are undertaking various illegal activities, if the police attempt to raid the premises, they are delayed in such a way as to allow the illegal gangs to remove any incriminating evidence. Outlaw motorcycle gangs want the community and law enforcement agencies to cower so that they can conduct their illegal activities with impunity. I am happy to see the government standing up to this intimidation and standing up for the rights of the majority of the community.

Mr BRINDAL (Unley): I am not brave enough to oppose this bill—and I am being serious—because I realise it has popular support. I noted with great interest the contribution of the member for Heysen, which I thought was intelligent and well reasoned. If we are going to have a bill of this nature, I commend some of her amendments to the Attorney-General. I will not be voting against the bill, but I do think, along with other—

The Hon. M.J. Atkinson interjecting:

Mr BRINDAL: No, I do think, along with other members of the house, it is worth pointing out a few of the pitfalls. I acknowledge that my colleague the member for Mawson originally came up with this suggestion—and I think it was part of our policy. I am not running away from that, but I am saying there are problems with bills of this nature. I was briefly asking a Labor member opposite to remind me of a story, which both he and I know, about why the Labor Party should know a little about fortifications. In the 1940s in Victoria there was man named Jack Wren. He ran a tote operation and he was raided eternally by the police. He did not like being raided by the police so, first, he fortified his premises but that was to no avail; then he bought a section of the police but that was to no avail.

Mr Snelling interjecting:

Mr BRINDAL: No, I do not think it did. The member for Playford interjects that it worked for quite a while. I think the thing that worked for quite a while was his power and influence within the Catholic Church; but then they discovered he was a bit of a crook and Bob Santamaria, I believe, finally did him over.

The Hon. M.J. Atkinson: No, preselection for the federal seat of Yarra.

Mr BRINDAL: That is for another day.

The Hon. M.J. Atkinson: The tragedy of it is that Jim Cairns ended up with the seat.

Mr BRINDAL: Well, I do not know whether Jim Cairns was a tragedy—I will leave that for the Labor Party to decide—but I thank the Attorney for his contribution.

The point about this bill that worries me is not the Attorney's intent, the member for Mawson's intent or, indeed, the Premier's intent, but whether it can, in fact, work, and the conditions under which it can work. I am sure the member for Heysen will help me in the committee stage but, as I understand the bill, you make these fortifications and, if the police commissioner discovers you have these fortifications, there is a mechanism whereby he can order them destroyed.

Let me say slightly in answer to the member for Playford's contribution that I do not want bikie gangs or turf wars in South Australia, and I do not want the sorts of things in which the Premier says they are involved in South Australia if we can avoid it, but I rhetorically ask the house whether it might not be possible that fortified premises prevent turf wars rather than incite them. I would at least put to the house—

Mr Snelling: Come off it!

Mr BRINDAL: No, I at least put to the house this proposition: if the house looks at the circumstances under which there have been turf wars in Victoria, they have not been around castles or fortified premises: they have been in hotel car parks and all sorts of other places where people are open and exposed. I contend that getting rid of the fortified premises will not get rid of the problem. That is the point—

The Hon. M.J. Atkinson: What about police access to the drug laboratories?

Mr BRINDAL: Police access is a slightly different question. I said to the Attorney that I am not prepared to vote against this bill, but I am prepared to stand up and ask the house whether it has considered some matters. In my electorate is a shop which is a legal business, and it is absolutely and heavily fortified because the Neo-Nazis in South Australia, for some reason that I still cannot work out, objected to this shop and constantly fire bombed it to the point where they virtually had to close their doors because they could not get insurance. The police were excellent and attended on every occasion as quickly as they could, but it was impossible to catch anyone. They would fire bomb the shop and stand around and, two minutes before the police appeared, everyone would disperse. As a result, the only way of remaining in business was for that shop to be fully fortified. It will prevent access to police, but it was not designed to prevent access by police: it was designed to prevent access of criminals because the police could not sit there 24 hours a day, seven days a week, keeping them out.

Mr Koutsantonis interjecting:

Mr BRINDAL: No, the Attorney says—and he is right—that with this commissioner and this Attorney commonsense will prevail. But can this Attorney speak for every future attorney (some of whom he would be diametrically opposed to in many ways) and every future police commissioner? I do

not have to remind him and his side of the house that there have been police commissioners with whom the elected premier of the day was at extreme variance and whose interpretations of the law, as proposed by this house, the then premier of the day did not agree with.

But we are here today saying, 'Trust us,' because this is a good police commissioner and, presumably, the Attorney will be modest enough to consider that he may be a good Attorney. But what about the next attorney, what about the next police commissioner and what about the ones thereafter? Because this bill, whether we like it or not, reposes in the police commissioner an awesome amount of responsibility and power. He might, for some reason, suddenly think that a house supposedly owned by a little old lady in Unley is a bikie hang-out, and he can then order that everything be dismantled and all sorts of measures be taken because, in his opinion—

Mr Koutsantonis: You have to go to some sort of court.

Mr BRINDAL: Yes, but I have not known many courts where the weight of government and all the arguments of government, if properly put and decently elucidated by a battery of counsel, did not generally beat poor old Tom Citizen and the little old lady. The courts do their best but they are not perfect, and the power of the purse in the court system is always a matter of consideration for us all.

[Sitting suspended from 6.01 to 7.30 p.m.]

Mr BRINDAL: Before dinner I was saying that, while I realise that this was a popular bill with the public, it would not necessarily achieve anything. The Attorney might be interested to know that conversations are held in this place apart from across the chamber in a formal debating sense. Without divulging the confidence of anyone else, I am not the only one to be worried about what this bill can achieve. I acknowledge that the member for Mawson talked about this as Liberal Party policy, and we would have been minded to adopt a similar course of action. But we are not in government.

The Hon. M.J. Atkinson: So you can have two bob each way.

Mr BRINDAL: No, we are not in government and we do not have the resources of government to bring to bear on this bill. I will not vote against it because it is the Attorney's bill, and it is his right as attorney to propose statute law on South Australia on the best advice of his officers. If this is the best he can do, I, like many of my colleagues, will vote for it, because I am at a loss to think how to improve it. It would also be remiss of me in my duty as a member of this place if I did not say that I cannot see how this can possibly work.

I tried to say before dinner that this places extraordinary trust in a commissioner of police. That trust is well placed in the present Commissioner and this Attorney and would have been well placed in other commissioners and attorneys. However, that is not necessarily universally the case, because there was a time when the elected government of South Australia was at variance with the Commissioner of Police. I will not enter into that, because I did not necessarily agree with the government at the time. However, the point is that this place and the government representing the majority party in this place did not have the same high opinion of a commissioner of police. This Attorney says, 'This is fine, because you can always trust the Commissioner of Police.' It is just not so. I remind the Attorney, being a scholar of some note on the statement of history, that this flies in the face of an ancient belief, if not part of the common law. I believe there is a quote, 'A man's home is his castle.' Indeed, in South Australia, a man's home—

The Hon. M.J. Atkinson: I've used that many times; it's the Earl of Chatham.

Mr BRINDAL: Well, not in South Australia, not after this bill.

Mr Snelling interjecting:

Mr BRINDAL: The member for Playford says that they do not live there. They might not. I did not know the member for Playford—

An honourable member interjecting:

The DEPUTY SPEAKER: Order! The member for Playford is out of order. I point out to the member for Unley that this is not talkback radio, although it may seem like it. He has the call.

Mr BRINDAL: Thank you, sir.

The Hon. M.J. Atkinson: It's not the same quality of dialogue.

Mr BRINDAL: I acknowledge that it is not the same quality dialogue, because you normally hear drivel from the Attorney on talkback radio.

An honourable member interjecting:

Mr BRINDAL: I do on occasions. My wife and daughter watch some pretty B grade stuff on television. It seems to be the nature of the programs that appeal to them. I have to say that, if I want to go even lower than some of the things that they watch on TV, I would listen to the Attorney on talkback radio. He plumbs new depths every time I hear him.

Ms Breuer interjecting:

Mr BRINDAL: The member for Giles is welcome to go and watch *The Bill* any time she likes, because that is where I think the Attorney gets his ideas for legislation to bring into this house. He watches episodes and thinks, 'That's a good idea!' Generally, he tests them on Bob Francis first. The Hon. Don Dunstan started testing the opinion of people, because he knew where he wanted South Australia to go. He found out what people thought and, if they were not ready to go where he wanted them to go, he would go out and talk to them and do all sorts of things to take the people along at a speed he could cope with. The Attorney has an entirely new methodology, a new way of approaching this. I will not take the entire 20 minutes—

Mr Snelling: I bet you do.

Mr BRINDAL: Well, if I'm provoked, I have been tempted.

Ms Breuer interjecting:

The DEPUTY SPEAKER: Order, the member for Giles!

Mr BRINDAL: I do not like the member for Giles saying that I dribble. I do not dribble.

The DEPUTY SPEAKER: Order! The member for Unley is waffling.

Mr BRINDAL: The point I make is that this measure relies on the trust of the police commissioner. It also relies on some definitional aspects. I hope that anyone interpreting this legislation in the future will do so in the spirit in which this bill is passed. It deals with serious criminal elements of our society, which I am not minimising and which should be dealt with. Whether we can deal with them in this way is of fundamental importance. I remind the Attorney—because the Attorney and I are of the same mind on this—of the abortion legislation originally passed by this house. I remind him to read that legislation and see what its modern interpretation is and ask whether those—

The Hon. M.J. Atkinson: It's the first division I was ever in.

Mr BRINDAL: Yes, I know, and I was, too. The Attorney knows that if we went back to that debate to look at the intent of this house when it passed that bill, what it was supposed to achieve, and then look at the modern practice in South Australia, they would be absolutely at odds. I will not enter into that debate and say that I have thought for years that we should bring that bill back and have a fiery debate and change it, so that it recommends modern practice, because we are too cowardly to do that. In that context, I say that this bill is in danger of being interpreted in the same way.

Just before the dinner break, I reminded the house of some shops and other premises in my electorate that have a legitimate purpose for fortifying themselves in a way which would clearly deny access to the police but which is only done for the purposes of insurance and to protect their property. The real problem here is not the fortification of the building; it is the purpose for which the building is used. I say to the Attorney in a collegiate sense that what we should be addressing in this bill is, perhaps, not the fortification of buildings which bikie gangs use—not letting them use fortified buildings, as appealing as that may be to popular opinion—but the root of the problem, and that is the bikie gangs themselves. How do we stop them dealing in amphetamines and having QCs and eminent barristers on retainer?

The Hon. M.J. Atkinson interjecting:

Mr BRINDAL: No, they have eminent barristers on retainer, because I've met one.

The Hon. R.B. Such: That's why they're called criminal lawyers.

Mr BRINDAL: Yes. When bikie gangs are involved in, at best, questionable activities, including extensive dealing in drugs, which is generally accepted by many to be highly illegal, I am told—and the Attorney can correct me in his reply if I am wrong—that the amphetamine trade in South Australia is pretty well controlled by one or two bikie gangs. If the member for Playford, the member for West Torrens or anybody else were minded to set up a little factory of their own—I am absolutely sure that they would not—they would probably have their arms and legs broken, because certain gangs do not want anyone else dealing in what is a very lucrative trade.

The Premier himself spoke of 'ice', a new drug, which is, I think, manufactured and with which the bikie gangs allegedly have a lot to do. I ask the Premier and I ask the Attorney about prostitution, because occasionally there have been allegations of bikie gang involvement in prostitution in South Australia. The Attorney would know that the police have conducted a number of inquiries, but nothing definitive has ever surfaced.

The Hon. M.J. Atkinson interjecting:

Mr BRINDAL: The Attorney tells me something I did not know: that the Gypsy Jokers ran a male-to-male brothel in Pooraka. he might tell me whether that was a successful business and whether it was fortified.

Mr Snelling: I don't think there would be much demand in Pooraka.

Mr BRINDAL: The member for Playford might well be surprised where there might be demand for services of any type. It is very dangerous to assume that certain practices are not spread equally among all sectors of society, even though he would like to believe that there are none in his electorate.

I know what the bill is trying to achieve. I know that the bill is popular and I hope that, in passing this bill, this house is doing the right thing. On some grounds, I do not know that this is quite the right way to address the problem. I say to the Attorney: I will vote for it; I do not have any better ideas. But I do not know what this will do. I do not know whether it will fix the problem—

The Hon. M.J. Atkinson: Find out!

Mr BRINDAL: The Attorney says we can find out. Of course we can find out. The Attorney is a person of principle and some honour, and it really disappoints me when I see the Attorney coming in here with what could be reasonably slick solutions that appear to be an answer to something, and they will not be at all. I promise the Attorney this: he will be Attorney for at least two more years—God, and other factors, perhaps, willing. But if he is Attorney for two more years and this legislation has not worked—

The Hon. M.J. Atkinson: Then I will take responsibility.

Mr BRINDAL: The Attorney is not silly. Does he think that anyone—the Premier or the ministers sitting on his left-hand side or the people on the back bench, apart from a few loyal friends—is going to say, 'Hey, we were all behind him, and we thought it was a good idea at the time.'? One of the things the Attorney instinctively knows is that when he comes up with something that is a good idea everyone else in his party—perhaps even on this side of the house—will try to claim part of the credit. It is very collegiate when we make a good decision. But when we make a wrong decision, no-one is ever responsible except the minister who introduces the bill. I have some respect for the Attorney, so I hope that this bill is better than I—

The Hon. M.J. Atkinson: Victory has many fathers, but defeat is an orphan.

Mr BRINDAL: That is exactly right. I hope, for the Attorney's sake, that this bill is better than it appears to be, because I am afraid I do not think that it will solve the problem.

The Hon. R.B. SUCH (Fisher): This is part of an array of tough on crime measures announced by the government. It is the government's right and duty to seek to protect the community: I believe that the first obligation of any government is to make sure that its community is safe and protected. I do have some sympathy for the view expressed by the member for Unley. I am not sure, in practice, how effective this measure will be, but that is no reason for not making an attempt to do something about bikie gangs creating fortresses in suburbs.

I come back to a scene that I am going to keep harping on. This is an attempt—commendable as it is—to plug another gap, as it were, in our law and order situation. We had it with home invasions, and we will get it with offensive weapons, and so on. I am not being critical of that, because I think much of it was long overdue and needed to happen, and should have happened sooner rather than later. What I would like to suggest is that the government and the community put a lot more effort into trying to tackle some of the root causes of what I would call lawlessness in our community. You can look at other cultures, other societies, and say we are better or we are worse, but I think the reality is that we are in danger of becoming accepting of a degree of lawlessness that has its roots in the fact that, as a society, we have accepted criminal behaviour as inevitable: we tend to put up with it. Governments make an effort to try to deal with it, but we do not really ever come to terms with it.

I would like to see some of the best brains in our community, within the public service and without, seek to address

some of the core underlying factors giving rise to lawlessness that is expressed not only in bikie gang parasitic behaviour but also by people who are preying on the elderly and who, seemingly every week in Adelaide, seem to assault someone at pubs, or wherever. I do not accept the argument that it is just inevitable—'We can't do anything about it; let's throw our hands up in the air.' The government is trying to do something about these issues.

However, I think we need to look at some of the aspects involved, for example, the decline in core values. I am not saying that people should be hammered with a particular religious philosophy in their early years. However, I do not think that, as a society, we place enough emphasis on or make sufficiently explicit—whether it is in our school system or in the wider community—what I would call core values, respect for others and for oneself, respect for property, and so on. I think we could do a lot better, and I believe that is where we need to be looking. It is a long-term approach. Therefore, I am not arguing against some short-term measures, which this one before us really fits, that is, plugging some of the gaps.

I think it would be good, and I would urge the Attorney to put together a small group—involving maybe someone who is appropriately qualified and of the calibre of, say, Robyn Layton—not necessarily her, but someone with her level of analytical skills—to look at some of the basic issues in terms of factors giving rise to what I would describe as lawlessness and how we could tackle it.

From time to time, we hear aspects about better design and penalties and often what is labelled as crime prevention, much of which is not. The example I have used before is painting over graffiti. That is not crime prevention: that is covering up the illegal act of certain people. As I have said before, I think it would be a good investment for this government to appoint someone of the calibre of Robyn Layton, but not necessarily her, to put together some of the best and most current thinking to see whether we can address the underlying factors that are giving rise to criminal behaviour in our society.

I am not naive enough to believe that we can eradicate crime totally, but I think that we could do it a lot better. Therefore, I do not accept the 'sit back and accept' sort of argument, or the argument that says we tackle the criminality only as it is occurs. I would like to see more emphasis on the crime prevention side. That may well mean some new initiatives, greater focus, as I said before, on core values, reinforcing those values, and consistent and appropriate enforcement of penalties, even for relatively minor things.

I am not an advocate of such things as capital punishment or whipping people, but there must be appropriate accountability for people who commit minor offences so that there is an understanding by the community—from young people and old people—that society will not tolerate antisocial, criminal-type behaviour, whether it be at the minor or major end of the scale.

I think experience is showing that where cities and countries have adopted that approach they have had significant productive outcomes. In New York, when they stopped turning a blind eye to minor infringements and minor crimes, they found that there was a reduction in the more serious crimes. If you get away with something, for example, when you are young, you can have a mindset which suggests that the system, the established order, will never be tough on you or demand an appropriate penalty.

So, I think we must have not only a mind shift but also a shift in practice that accords people appropriate, consistent penalties, where there is accountability for one's actions and stop what we have had for a long time, which is putting the blame on everyone other than on ourselves for wrongdoing. We must return to that accountability, which is reinforced, as I have said, by focus on core values—basic values—and which are consistent across the great religions. It is not a religious exercise; they are the core values of a civilised society. We have to decide whether we want to live in the jungle, where every now and again we plug the gaps and try to get ahead of the bikies or the home invaders, or the people using offensive weapons, and all the hideous things that happen in our society.

If we are going to be running around putting our fingers in the dyke trying to stop that sort of thing we will never tackle the basic problem. So I come back to my point, and I trust that the Attorney will take this on board: let us have a look at the basic root cause of what is being manifest in terms of antisocial criminal behaviour and accept that it is a long-term strategy. Let us try to deal with some of these issues in a researched, rational way—a combination of being tough with law and order but vigorous in terms of early intervention in order to reduce antisocial behaviour in the early stages, so that we do not get a repetition or extension of that sort of behaviour, even if it is expressed in different offences, at a later stage in one's life.

In terms of this bill specifically, I believe it is worthwhile. We are dealing with people who, as I described earlier, are parasites living off the rest of the community in an unsavoury, unhealthy way. I would not want to be living in a suburb where they wanted to introduce their fortress-style premises. One has to ask: if they need to put up a fortress what are they trying to hide and what are they trying to protect? If they have nothing to hide and nothing to protect, they do not need a fortress. I commend this bill to the house, and I believe that—like all legislation—it should be subject to review after a significant period of time to see whether it is delivering the goods, and whether changes are required. I emphasise, once again, that I want to see the law and order, tough on crime approach balanced by an emphasis on early intervention, by a strengthening of core values through schools and elsewhere and without any apology whatsoever for making those values explicit and requiring people to uphold them at the minor, as well as the major, level of crime.

Mr HAMILTON-SMITH (Waite): I rise to indicate that I support the bill, that I commend the bill and that I think it moves the community in the right direction. I have very little sympathy for outlaw motorcycle gangs. I have very little sympathy for gangs in general but particularly for motorcycle gangs involved in peddling drugs, prostitution and petty crime against the community. This bill seeks to amend the state's planning laws to prevent the fortification of premises by bikie gangs and to empower police to remove or demolish fortifications where they have been constructed.

As we have heard, the bill amends the Development Act and the Summary Offences Act, and a number of very worthwhile points have been made by my colleagues in regard to minor aspects of the bill that will need to be addressed during the committee stage. I think some changes do need to be made to ensure that the bill does not have unintended consequences, but that is largely rats and mice as far as I am concerned. The general thrust of the bill is something that every member in this house should support.

This is not a bill that is against motorcycle enthusiasts. It is not a bill that is against groups of motorcyclists who may

wish to get together and drive in the country or the city. I am a motorcycle rider myself, and I know there are other members in the house who also enjoy the sport. Motorcyclists are not the issue here. The issue here is gangs of thugs and hoodlums who fortify themselves behind brick or barbed wire walls, or barriers of one kind or another, in suburban areas for the purpose of concealing the activities conducted therein. Firearms offences, drug-related offences, sex offences and various other petty crimes can be launched from these premises. The whole object is to ensure that the public cannot see what is going on inside, that access by the police is made difficult, that local councillors and representatives of the local community—even emergency services—either cannot, or find it extremely difficult to, access the premises. All of that is totally inappropriate in South Australian society today.

One of these fortifications is close by my electorate, and a number of constituents have approached me with concerns. I recall small business proprietors who had a business adjacent to one such fortification in the northern suburbs. They lived in my electorate, although their business was in the northern suburbs. They were subject to all sorts of harassment, not to mention the devaluing of their business, which basically went bust once the fortification was constructed. No-one wanted to come to their business. Indeed, no-one wanted to have anything to do with the block or the few blocks nearby this fortification, the coming and going of bike gangs at all hours of the night, and mysterious goings on behind not closed doors but literally barbed wire. It is totally inappropriate.

I do not care whether the police have to use bulldozers to knock down these things. I do not particularly care if they have to burn them. I do not particularly care what damage they have to wreak, if necessary, to demolish these constructions if the bikie gangs involved in setting them up refuse to deconstruct them or are difficult about doing so. As far as I am concerned, the sooner they are ripped to the ground, the better, and the sooner outlaw motorcycle gangs are ripped from the ground, the better, as well.

I would like to see a South Australia that is the least hospitable state to ruthless motorcycle gangs. I do not care if they go to New South Wales. I do not care if they go to Victoria. That is a matter for the governance of those states. What I do not want is outlaw motorcycle gangs, thugs and hoods rampaging around the streets in my state, either in Adelaide or in any of the rural or regional centres within this state. I want them out. If that involves a little bits of harassment, if that involves a little bit of a friendly nudge over the border, then in my view, so be it, provided that it is lawful, sensible and executed with a little bit of discipline. I want them out. It is extremely intimidating for members of the public to find large gangs of motorcycle thugs driving around the streets. As I mentioned earlier, I am not talking about genuine motorcycle enthusiasts, and I think the public can quickly tell the difference.

In this debate, members need to consult their conscience about their attitudes to the South Australian police service. I am a citizen who has quite a deal of trust and faith in our police service. We are blessed with one of the best police services in the country and the world. I trust the police to make sensible judgments about the execution of laws, and I think that the police can be given some latitude to exercise commonsense when implementing the law.

Those members who may seek to rule out every little possibility, who may seek to wordsmith this bill so as to constrain the police, should ask themselves whether in doing so they will neuter the effect of the bill and constrain the police to the point where they cannot achieve the objects that the bill seeks to put in place. The police are pretty responsible. They perform under extremely difficult circumstances a most arduous job on behalf of the community, and I think that we should give them a little bit of latitude to implement this bill, once it becomes a law, to the best of their ability in a way which ensures that no-one in the police service or the community is put at risk but that these fortifications are deconstructed.

It behoves the house to reflect on how we got ourselves into the position that requires this bill even to be drafted. How is it that the drug industry has exploded into this state over the last 20 years? How is it that bikie gangs have blossomed in this state, particularly during the late 1970s, the 1980s and, to a lesser extent, the early 1990s? Loose and floppy drug laws contributed significantly to the bikie problem. Stupid laws passed by previous Labor governments—I point that out to my constituents who may be reading this *Hansard*—enabled 10 cannabis plants to be cultivated in homes so that the homes could be networked into a syndicate, each producing 10 cannabis plants. A group of people could therefore come along in the form of a bikie gang, pick up that network and turn it into a greenhouse for the production of large quantities of commercially saleable cannabis.

It is in this way that South Australia has been turned into the production house for cannabis around the nation. Tonnes of the stuff is exported over the border to other states every year and sold on the streets through organised rackets of drug production coordinated by bikie gangs—no doubt planned and implemented largely behind the walls of the fortifications that this bill seeks to demolish.

Previous Labor governments contributed significantly to the problems we face today and I am delighted to see that the Labor party has seen the error of its ways and has suddenly become a born-again law and order party. It is remarkable to see. They have finally realised. They have listened to Tony Blair and they have realised that if you cannot beat them, join them. They saw the Berlin Wall come down and realised that it was time to become a little bit more conservative and they are now reinventing themselves as a liberal party. Isn't it wonderful to behold?

Of course, they are not all coming. Some of them are coming kicking and screaming. A few are quitting the party on the way, crossing the floor, getting booted out and abandoned by the party or joining the Greens—

The Hon. M.J. Atkinson interjecting:

Mr HAMILTON-SMITH: Your two upper house colleagues who crossed the floor in the last parliament were promptly short-shrifted out of the Labor Party. I point out to my constituents that previous Labor administrations largely contributed to the creation of this problem. Now the parliament is going to move to solve the problem. I commend the bill and I think it will provide a step in the right direction.

I am not as concerned as some members that individual police officers will use this bill to impact on those for whom the bill is not intended, or that individual officers might seek to pick on people who are not the target of this bill. I know some points have been raised about shopkeepers who secure their premises very heavily and some other examples have been given in previous contributions. I am not concerned that the bill will result in that sort of abuse.

I note that the Commissioner is largely involved at most key stages in the bill and that generally this is a bill that will

be implemented in a planned and coordinated way by SAPOL as an entity against specific fortified locations. I am confident that SAPOL will take this bill, use it competently and implement it to achieve the objects it hopes to achieve.

I commend the bill to the house. I will be supporting it. The sooner we get these bikie fortifications ripped down, the better. I would encourage the government to give the police force the utmost support in prompt implementation of this bill so that the fortifications are demolished as rapidly as possible. I would urge the Attorney-General to consider going further and look at ways to expunge these bikie gangs totally from the state. A little bit of old-fashioned police work might well be able to achieve that outcome without the need for any legislation.

I acknowledge and recognise that this is one of a package of bills the government has introduced, designed to curry political favour in the electorate. I realise that there are ways in which these fortifications could have been pulled down, without the need for this bill. The existing legislation probably, and I would think quite confidently, already provides adequate powers to the police. However, the government has brought a range of legislation together in this bill, and sought to, if you like, beef it up, just to ensure that the police are left in no doubt as to their powers. I am prepared to accept that if it makes it clearer and if it gives the police greater guidance. If it enables these fortifications to be deconstructed more quickly, I will support the bill if that is what it achieves.

The public needs to recognise that it is part of a media campaign by the government to re-present itself to the electorate in a positive light in regard to law and order. That is the PR agenda. However, this bill is a step in the right direction. I will be supporting it and I hope that every member does so, too.

Mr RAU (Enfield): I will be brief on this important piece of legislation. As a general proposition, I am not a person who favours giving increased powers to members of the police force, not just because I have some of the civil liberties concerns which people, quite reasonably, have for empowering police with new and intrusive powers but also because it is sometimes better for people to do more with less than to do less with more.

That said, this legislation is directing itself towards a very unsavoury group in our community. I indicate that I have spoken to members of the police force who tell me that when police go to some of the premises occupied by some of these individuals they find, on the walls and otherwise prominently displayed in these premises, photographs of police officers and personal details about those officers and details of members of their families. Even if these people have nothing more than a bizarre interest in the family life of police officers, it is at least intimidating. However, I suspect the purpose is far less benign than that. In my opinion, these groups have set themselves so far outside of the pale that I, for one, am prepared to have on the statute books the risk of the intrusive police powers which are included in this type of legislation. If it turns out that harmless individuals are having their homes invaded by police officers with battering rams and large vehicles designed to knock over houses, I may change my view very quickly about that, and I might be moved to say something in the parliament about it. However, like the member for Waite, I am prepared to assume that the members of the South Australia police force will be doing the right thing with these powers.

Whatever the member for Waite says about the government doing this for PR reasons, he needs to remember that this has been a government policy for some time. The present Attorney-General has been on about this issue for a long time—well before the election. It is not a recent cause developed by the Attorney-General—it is a matter that he has been on about for some considerable time. Indeed, the Premier has been on about it for some considerable time—well before the time that he was elected. I must say to the member for Waite, whose contributions I always enjoy, and who never fails to swing a punch at the government—and he deserves points for that because he loves to get up there and hop in, and good luck to him—that he did make a bit of a slip. I hope he pays some attention to this so that he does not do it again in the future. The slip he made was this: he said that the powers have already been here for some time for the police to deal with this problem. If that is the case, unfortunately, the member for Mawson or one of the other leading lights of the former government has to take some criticism, indirectly, from the member for Waite because, if the powers were satisfactory going back for some years, surely these matters would have been dealt with by them.

With all due respect to the member for Waite, I think that he needs to just tone it down a little. We are taking a step in the correct direction, and it is not a matter that is a recent discovery by the present government: it is something that the government has been on about since well before it was in office. The other thing I would like to say briefly is that in our society today we have a problem that certain types of behaviour appear to be tolerated and, the more they are tolerated, the more they become the norm.

You only have to read some of the contributions made by Noel Pearson, for example, in his great address in the Charles Perkins Memorial Lecture, to understand that, if you ever hope to bring about fundamental change in the way society behaves, you need to actually impress upon the people who are lowering the tone that that lowering of the tone is no longer acceptable and that society will not just turn a blind eye and say, 'We are prepared to have our society made a less comfortable place, an unsafe place for elderly citizens, an unsafe place for law-abiding citizens.' We have to be able to say, 'Look: we don't tolerate this. If you want to behave in this way, go somewhere else. But don't do it here, because it is not tolerated.'

All of us would be aware that New York City many years ago was renowned as being a very unsafe place with a huge amount of crime. My reading on the subject, limited though it is, suggests that a policy that was described by the Americans as zero tolerance was embraced by the policing authorities, and the result of that was that the overall tone of the place improved. They had less street crime; they had less serious crime; and the city became a safer place for people to live in. In my electorate there are people who live in fear all the time because they have neighbours who behave in a way that is unacceptable. They are surrounded by properties that are used as bases for dealing in drugs. They have their streets occupied by thugs and hoodlums who harass ordinary citizens going about their ordinary business.

They have their homes invaded. They have their quality of life seriously disrupted, and these people have no respect: they do not respect the elderly; they do not respect any form of common decency that one would expect. I quite frankly do not care what their excuse is. To go back to Mr Pearson again, to say that a person has belted up an old lady on her way to the shop at 10 o'clock one morning because as a child

this person was under-privileged, or something else, unfortunately for me does not cut the mustard. The fact is that an elderly person has been assaulted and it should not happen. And the same thing goes for these fortified premises.

Unless the government takes some positive steps to indicate that the level of behaviour in the community has to lift, the behaviour will continue to deteriorate. And it is regrettable that we have to embrace measures such as this to lift the tone, because I do not support this legislation on the basis that I think it is a marvellous thing that we are having to give these sorts of powers to police. I would happily live in a place where it was unnecessary, because this should not be the sort of society we live in. But the fact is, it is. And until we do something about it, nothing will happen. So, I would like to say to the Attorney, 'I congratulate you on your initiatives. I congratulate you on standing up to these individuals.'

I look forward to seeing this legislation passed by the parliament, and from what I am hearing on the other side it will get a speedy and smooth passage through this chamber. Hopefully, the same thing will happen upstairs, and that would be terrific. I look forward to these people experiencing the police dealing with the problem that these people represent. I cannot emphasise too much that the scope of the problem is not simply fortified premises somewhere in my electorate or in the Attorney-General's electorate or in someone else's electorate. The problem is all of the crime centred around those premises, the drugs, the interference with other people's lives, and the corruption of society in general that results from this sort of behaviour. I support the bill and do so with some reticence in the sense that I would rather it not be necessary, but unfortunately it is necessary and it has my full support.

Mr WILLIAMS (MacKillop): The member for Enfield is one member in this place who seems to think through what he is presenting to the house by way of debate. I also have some concerns but fully support the thrust of this legislation, as I said in my contribution to the Address in Reply late last week. It is one of the measures the government is introducing that I do support. I will qualify that support and talk about it, hopefully at length, in a moment. We have identified a significant problem. I doubt whether the problem will be solved by tearing down these fortifications, but it may be one very small part of solving the whole problem. It will be more along the line of showing where we want to go rather than achieving any real results.

The problem the fortifications that the so-called outlaw bikie gangs have built up as their clubrooms or headquarters—call them what you may—around the city is merely a figurehead of what they are doing. I do not think anybody doubts, as shown by the contributions of many members, that these are the headquarters of organised crime in this state. We have to tackle organised crime in a two-pronged way. We have the tackle the perpetrators of organised crime and this will be one very small element of that. We also must tackle the cause of organised crime because it will only succeed where there is a clientele for it. The big profit made by these people—and let us not overlook the fact that we are talking huge amounts of money here: multi-million dollar enterprises—is the driving force behind what we are trying to tackle here and it is based largely around the illicit drug trade.

We should be asking why we have a large illicit drug trade. What is it that we have done wrong in our society? Where have we failed mainly young people in our society in that they want to be involved in the drug trade and industry? Why do our young people want to partake of these drugs? I see it every day as I look around. I was raised in the country on a farm as, thank God, were my children. On a daily basis we had something to occupy ourselves when there was not worthwhile work. It has not escaped my attention that our colleagues across the border in Victoria are toying with the idea of introducing legislation where people on farms who have any other children come on to the farm and do any work, like feed the dogs or collect the eggs, would have to have a permit as the government is worried about child labour. They would have to have a permit to have these children collect the eggs on the farm because they think that these kids are being exploited. The point I am making is that I was raised on a farm, where probably for 25 of the 24 hours in the day I was more than gainfully occupied. I ask: why do young kids do drugs these days? Because we have developed a society where there is very little else for them to do. We have been so protective.

I honestly believe that, as a species, we need a shot of adrenalin on a regular basis, particularly when we are young, but we have put so many rules and regulations in front of our children that they never get a shot of adrenalin. They are bored, and if watching television is the only way they can overcome their boredom, God help them. As a result of the puerile rubbish that is served up to them these days, particularly with realism television—whatever the terminology is—they are absolutely bored out of their tiny brains. No wonder they get some sort of relief from using drugs. I would implore the Attorney-General to look at the root cause of the issue confronting us. I believe that we will always have organised crime in our society, and I believe that the only way in which we will get on top of it is to make organised crime unprofitable. I do not believe that we can beat organised crime by the policing function, but I will come back to that point because I think that we can do a lot more in respect of the policing function than we do now.

I really think that we have to look at the fundamentals. This government, as in every part of its policy area, has been long on rhetoric. We talk about social justice and that this government wants to be big on social justice. We talk about social justice, education and health, and all these issues come together in the bill which we are discussing tonight. It is where we are leaving our young exposed to the drug culture so that they become willing participants. It is the funds generated through that action that drives and foments the organised crime which we are trying to fight. I congratulate the Attorney for bringing this measure before us and, like the member for Enfield—and I am sure this bill will be successful in this place—I lament the fact that we feel it is necessary to give these powers to our police. I lament the fact that we feel that people should not be able to do on their own property as they want and build whatever they need to protect themselves.

However, I certainly accept that the fortifications referred to in this bill are being put in place for the wrong reasons, and that is why I am willing to support this piece of legislation, but, like the member for Enfield, I have serious reservations about it. In the time that I have remaining, I make the point that by having a competition between the government and the opposition as to whose is bigger and better with regard to law and order does not do the people of South Australia any good. I do not think we are achieving anything. I am particularly concerned that most of what has happened, certainly since this government has come to power, is based around rhetoric.

The government is continually talking about increasing penalties and being extremely tough on law and order. A few days ago in this place, the Minister for Environment and Conservation said that we will introduce dog laws which will be the toughest dog laws in Australia. So what. Will they be the most effective dog laws in Australia? Will what we are doing to control organised crime in Adelaide and the state of South Australia be effective? That is the question we have to ask ourselves. Will it be the most effective, or will it be the toughest? Day after day, ably supported by the member for West Torrens, the Premier stands up and talks about how tough they are and how the opposition failed when it was in government.

We will support this legislation, because it almost mirrors the policy that we took to the last election. The shadow police minister has been pushing this issue for a long time. I say to the member for West Torrens: do not stand there and say that we failed to do things over the last eight years when we were in government. If he wants to go back in history, he should look at what happened prior to 1993, when Adelaide and South Australia was made the cannabis capital of the Southern Hemisphere.

We allowed ourselves to be conned by those who said that cannabis was safe; that it had no associated health or social problems; and that we should allow thinking adults to be able to participate in smoking cannabis at will. We virtually decriminalised cannabis in South Australia, and that is why poor little Adelaide is such a haven for outlaw motorcycle gangs today. They were attracted here because they could grow their cannabis crops and export them right across Australia.

If the member for West Torrens wants to look at history, he should take a long hard look in the mirror. We are reaping the rewards of what his colleagues on his side of politics sowed over a long period—right through the 1980s and early 1990s—and we are trying to overcome that today.

I hope that this measure has some effect, but I suspect that it will be minor. However, I say to the Attorney-General that it will have very little effect unless he can convince his cabinet colleagues, and particularly the Treasurer, that they need to put more resources into policing. When we were in government, the police minister (the member for Mawson) established a special force within SAPOL (Operation Avatar), which comprised, I think, 20 members and was specifically aimed at curbing the activities of outlaw motorcycle gangs.

Because these gangs still have such great influence in our society, we should consider at least doubling that effort and putting many more resources into that sort of policing, leaving the poor long-suffering motorist on our roadways to go about his lawful business.

I am pleased that the Treasurer has walked into the chamber. He is also the Minister for Police, and this is aimed at what he is doing to our policing. The police force has become another arm of Revenue SA, and that is the problem. It is being used as a revenue raiser rather than fulfilling its policing function of stamping out serious crime. We have such a huge contingent of police out on our streets, roads and country highways policing traffic with highway patrols, and so on (which is all about raising revenue), when serious crime is running rampant.

It is time that the government came clean and eased up a little on the rhetoric. I do not mind them getting a few hits; if they are getting some results, that is fine. Every time they get a result, I will acknowledge the good work that it has done, but I will not acknowledge pure rhetoric at the expense of achievable results, namely, fulfilling the objectives of making South Australia a safer place for us to live and in which to raise our children and grandchildren.

We saw in the past 12 months the reduction in crime prevention programs in South Australia. It is very easy and very cheap to introduce legislation such as this because it costs the bottom line nothing. We actually need to be putting in some effort and arguing in cabinet and arguing with the Treasurer that we need to put a little more money into our police resources. The shadow spokesperson for police argues—and I think that he makes a very good argument—that, by the end of this year, over the Christmas period, we will probably have of the order of 70 fewer police officers combating crime than we had 12 months ago.

The Hon. K.O. Foley: Wrong, Mitch. That is just wrong.

Mr WILLIAMS: The police minister says that that is just wrong, but this government has made a lot of the fact that it was going to recruit against attrition. I am not convinced that it is doing that because its recruitment just has not matched what has traditionally been the rate of attrition within the police force. I say to the police minister that I am yet to be convinced; but, given these extra powers, we will be expecting some results. The results must be better than just having the TV cameras around in the various suburbs—as the member for West Torrens said—in some light industrial or industrial areas where these fortresses have been constructed.

We need more than just having the TV cameras there to record the pulling down of some of these fortresses and the pulling down of the railway sleepers that are piled up high, the razor wire and that sort of thing. We need more than that. We need to see some real results. We have had various members in this place, particularly from the government side, listing off the sort of activities in which these organised crime groups are involved, and I would rather refer to them as organised crime groups than outlaw motorcycle gangs.

We have had government member after government member saying that these people are involved in the entertainment industry. They are involved possibly in the distribution of alcohol as a bona fide operation. Where are the police resources? The authorities know they are there, and I do not argue, I accept that it is probably the case that they are running bouncing agencies that are basically distribution networks for their drug operations. I do not argue. I agree. I think that they are probably spot on with those claims—

The Hon. W.A. Matthew interjecting:

Mr WILLIAMS: No, they are not behind their fortresses when they are doing that. Where is the police function in overcoming crime at its source? Where are the dollars being spent in our disadvantaged schools to ensure that our young people do not want to become involved in the drug culture? Where are we taking the yolk off our young children? Where are we spending money encouraging sport and recreation because, over the past 18 months, there has been a huge contraction of public funding in the sport and recreation area? Why are we not spending money in these areas so that we can give the younger members of our society an alternative to the drug culture?

I think that is where we should be emphasising our efforts. I think that is where we should be directing some resources rather than just coming up with new laws, harsher penalties and rhetoric about being the toughest state in Australia, because that is not achieving any results other than giving the feel good feeling in the pit of the stomach when you get a headline. Unfortunately, this government is more involved and more interested in gaining a headline in the state press

than it is about getting actual runs on the board and achieving results.

The Attorney-General is, I think, very genuine in what he wants to achieve. I have long been an admirer of the Attorney-General and the sorts of things he set out to achieve as a member of this place. I cannot offer the same admiration for the Premier because I think the Premier is much more driven by the headline and much more driven by the rhetoric; and he feeds off his own rhetoric and the media headlines. I hope that the Attorney-General will win the argument at the end of the day and be able to force his cabinet colleagues to put more resources into the policing functions, because pulling down the walls is only a minute part of what needs to be done. I support the measure.

The Hon. W.A. MATTHEW (Bright): I support this bill and, in the same vein as some of my colleagues, particularly with the member for Enfield's contribution, I can say my colleagues on both sides of this house. I support this bill with some reservation and with some cynicism towards the reason for its introduction in the first place. That cynicism, in part, is borne out of the opening paragraph of the second reading speech to this bill where we are told it is introduced 'to give effect to the government's election promise to enact laws to prevent criminal organisations such as those known as outlaw motorcycle gangs fortifying their clubrooms and other premises to prevent police access and to give the police power. . . '

This sort of rhetoric is what the government, as the Labor Party in opposition, did force down the throats of the South Australian community for many months. The whole reason that the issue of fortification was chosen is because it looks good on a TV camera. It is very easy to get the right grab on a TV camera, particularly with a would-be or want-to-be Premier or Attorney-General standing in front of it saying, 'This stuff behind us looks terrible and it must go.' It was designed to strike at the very heart cords of South Australians; to have them saying, 'Yes, those dreadful things should come down,' without their going into too much detail about what other things they might actually do.

I am happy to support any legislation that might give the police greater ability to undertake their duties but, by itself, this does absolutely nothing. This piece of legislation in isolation does nothing. I say that having served the state as police minister and having served on the government committee overlooking the National Crime Authority. From my time involved in that group, I am well aware of the extent of illegal activity that occurs in Australia's community, and I know, as does any other person who has served as police minister and who has served on the committee overseeing the National Crime Authority, that the activity being described in this bill is but a very small fraction of the problem of organised crime in our community. As police minister I have taken the reference of outlaw motorcycle gangs to the National Police Ministers Council in the first place. The Attorney-General would know that it was a South Australian reference which was taken there by me as police minister, and it was to highlight the problem we had in South Australia with outlaw motorcycle gangs.

The solution to the problem in a significant part is that of the allocation of police resources. Some of my colleagues have already imparted to the house that on current attrition rates in the South Australian police department, based on the recruitment course intake, we will see a deficit of 70 police officers against the level that should be there. Those 70 police officers would have been a fair component in any fight against illegal activity in our community. The government has detailed the activities that go on within these fortresses that they find objectionable. It may be that it involves the manufacture of amphetamines, and it may be that it involves the cutting and packaging of various hallucinogenic drugs. At the end of the day, they have to be distributed on the street. It is on the street where that real fight must occur. If the police force is 70 personnel down by the end of this year that is an enormous impact on the fighting force of the police force to tackle these things on the street level. So, this legislation and the ability to pull down the walls of what are termed bikie fortresses does not solve the problem. Drugs are still out there and being distributed in our community. Illegal activity is still occurring in our community, and this government expects our police force to fight it with 70 fewer personnel. I put to you, sir, that that is entirely unacceptable. My cynicism, in part, also is reflected in the opening sentence of the second reading speech, which starts:

> This bill, which lapsed at the close of the last parliamentary session—

If the government was really serious about this being a law and order issue and did not see it as part of its ongoing media rhetoric, you would have thought that it would allocate parliamentary time to debating it instead of letting it lapse on the *Notice Paper*. I will be interested to hear from the Attorney-General in his wind-up why his government was happy to simply let it fall off the *Notice Paper* because it allocated it such a low priority. Sir, you know as well as I do, because you have been in this parliament for the same period that I have (almost 14 years), that this has been the lightest legislative work load of parliament in that time. This government came into parliament promising longer sitting times and more sitting days, but the reality is that we have had much shorter sitting days than has been the case in the past.

There was plenty of opportunity for this bill to be debated if the government was really serious about it, but of course it was not. It has never been serious about this sort of bill. All it does is dress it up for the media. I watched the evening news during the dinner break tonight and, sure enough, the government was dressing up this bill on all the main television outlets and saying that this will empower the police to crack down on crime. The proof of the pudding is always in the eating, and I put firmly to the house that, if this bill is not backed up by resources, it, by itself, will do absolutely nothing to solve the problem of crime involving outlaw motorcycle gangs in our community.

It is almost an irony to be debating a bill that is dependent upon an election pledge. Sir, you may recall that during the election campaign the Premier put out a card that was circulated widely in the community. On one side it bore his photograph—the smiling face of Mike Rann—and it was headed, 'My pledge to you. Mike Rann, Parliament House, North Terrace, Adelaide.' It said 'Labor: The right priorities for South Australia.' On the flip side the Premier detailed six pledges under a headline, 'My pledge to you.' The first of those pledges was that, under Labor, there would be no more privatisations: well, they have broken that one. The second one was: we will fix our electricity system and an interconnector to New South Wales will be built to bring in cheaper power. They failed on that one, too.

The third was: better schools and more teachers. Well, they are cutting teacher numbers and certainly forcing our

schools backwards: they have broken that one. The fourth one would almost be laughable if it were not so serious: better hospitals and more beds. It is fair to say that the health minister is the most embattled minister in this house (after the Minister for Transport and Industrial Relations). Our hospitals certainly are not better, and they have been closing beds and, indeed, the Flinders Medical Centre—which is so important to your electorate, Mr Deputy Speaker, and mine—has fewer beds.

The Hon. M.J. ATKINSON: I rise on a point of order, Mr Deputy Speaker. I do not see the relevance of the member for Bright's contribution during the last few minutes to the anti-fortification bill.

The ACTING SPEAKER: The member for Bright is straying a little bit from the fortress, I think.

The Hon. W.A. MATTHEW: I can well understand the Attorney-General's sensitivity because he knows what point No. 5 is—and point No. 5 is directly relevant to this bill. Their fifth pledge—and he knows it—was that proceeds from all speeding fines would go to police and road safety. The police in this state, as I said earlier, will face a situation of being 70 personnel under strength. We have a pledge by this government that the proceeds from all speeding fines will go to road safety. I would have thought that the proceeds from some of those fines would go towards resolving the manpower problems in our police force. But that pledge has also been broken, and they have not been delivering the money to our police force that they promised, and that is exactly why this bill, in isolation, will have no effect on organised crime in our community.

Of course, the sixth of their pledges was that they would cut government waste and redirect millions now spent on consultants to hospitals and schools—and I am assuming that they mean the police force, as well. That has not happened. As far as the so-called consultants were concerned, there were not any to cut; they were put in place to fix Labor's State Bank mess. Signed by Mike Rann, that pamphlet said, 'Keep this card as a check that I keep my pledges.' I kept the card, and I found that he did not keep any of his pledges. So that is somewhat of an irony tonight: to be debating a bill that they claimed was part of an election promise, an election pledge. It is one thing that they could stand and say, 'We promised this before the election, and we have delivered.' However, in fact, they have delivered nothing, because they have cut the number of police to defend our community on the streets.

At the end of the day, members need to ask one simple question of the government: will this bill make any difference at all? I look forward to witnessing the Attorney-General's having to come back to this house in perhaps 12 months' time with a report on the progress of the action the police force has been unable to take as a direct result of the passage of this bill. Unless he uses his influence around the cabinet table to do something about the numbers within our police force, he will come back to this parliament very red faced. I say he will, even though the Premier has been leading the charge on this bill on what he considers to be the good news. However, when the results cannot be delivered, it will be the Attorney-General or the Deputy Premier as police minister who will have to come back to the parliament with the bad news, as is the way of this group who call themselves a government.

As I indicated, I support this bill with strong reservation and with considerable cynicism. However, if it is of use to the police force and it is able to use the bill in some way, shape or form to put people behind bars in ways that they could not otherwise act upon, I am happy to stand corrected. However, regrettably, I do not believe that will be the case.

Mrs HALL (Morialta): As has been outlined by a number of previous speakers, we know that this bill has been introduced to prevent outlaw motor cycle gangs fortifying their clubrooms and other premises to prevent police access and to enable the police to require the removal of fortifications when they have been constructed. As we have heard, there are amendments to two specific acts, that is, the Summary Offences Act and the Development Act.

Many of us have read with great interest and in detail the second reading speech presented to the house by the Attorney-General. We have listened to the response on behalf of the Liberal Party and the opposition by my colleague the member for Mawson. It is accurate to say that the bill reflects the policy of the opposition and, as has been said, it has been supported by the opposition. Equally, it is consistent, in principle and in general terms, with the position of both major parties that were presented at the last state election.

It is fair to put on the record that this bill has not just come out of the blue. Hours and hours—in fact, probably years—of work was done in the past by the group of Australian police ministers and by a number of individuals and organisations, and there has been community pressure to do something about this growing problem within our society.

As an individual member, I am delighted that it does represent, at least in part, a solution to a very concerning issue, and it follows the national focus that has been put on the issue of organised crime as it relates to the bikie gangs. From the reading material that has been provided to us all, we know that in our own state we are specifically dealing with six outlaw motor cycle gangs: the Finks, the Hell's Angels, the Rebels, the Gypsy Jokers, the Descendants and the Bandidos. The police estimate that there are about 250 full-time members of these gangs participating—

The Hon. M.J. Atkinson interjecting:

Mrs HALL: About 250, I am told, Mr Attorney, participating in motorcycle gang activity. I understand that these gangs compete for the control of a number of illegal industries ranging from prostitution to drug manufacture and distribution, in particular. This is a frightening list of cultures in what is clearly a multimillion-dollar business operation confined not only to our own state but to the country and, indeed, internationally, where it is an enormous problem.

These bikie wars—or competitions, as some people might say—are primarily fought out with violence and, sadly, the public are often in the firing line. We have all read the anecdotal evidence—and in some cases specific evidence—that these gangs use terrifying methods of intimidation against individuals or organisations involved in trying to put an end to their illegal activities—and that is very frightening.

Earlier this year there were reports of a security guard at a Glenelg hotel being told that it was 'in his best interests' to hand over $10 000 following a clash with a gang member. Subsequent reports of that incident indicated that the police could not take any further action because the individual concerned would not make a statement for fear of reprisals against his personal safety. That is absolutely horrifying. However, I guess it is a common problem with which the police have to contend. Clearly, we should be very concerned about any groups of people that can be so intimidatory. Like many other members, I trust that this bill will go some way towards solving this issue.

There have been so many reports in the media in recent years that I was quite surprised when I put them all together. One of these reports centred on an Adelaide company being intimidated into providing a business franchise free of charge to a restaurant that had bikie connections. I think it is absolutely clear that anyone who has heard these stories of intimidation, violence and extortion (or read about them) could think that we are living in a different state or a different country or, indeed, in a different era. I find it difficult to understand that this sort of activity is going on in our own capital city in the state of South Australia.

I well recall those graphic television and newspaper images of these gangs with their motorcycles accumulating in large numbers. I can imagine how frightening that would be for smaller communities no doubt wondering what the aftermath might be. Such images instil fear in any community, particularly those who reside near these fortresses and clubrooms which we are discussing. I understand why they would live in fear of what may happen to them or their family.

Last year headlines blazed across newspapers with accounts of drug and weapon seizures from bikie headquarters. Headlines throughout the year included: 'Drugs, guns seized in raids on bikie gangs'; 'Bikie gangs—drugs, weapons seized'; 'Raids on bikie gangs lead to four arrests'. That these sorts of headlines have been written about our own state I find quite extraordinary, but the list of what was recovered in those raids is even worse. The accounts of the items that were recovered included things such as loaded semiautomatic hand guns, tazer stun guns, cannabis and designer drugs and substantial amounts of cash.

The Hon. M.J. Atkinson: Stuffed animals.

Mrs HALL: I did not know about the stuffed animals, Attorney, but I am very happy to add them to my list. The reports also indicated that these raids were undertaken by more than 60 police officers, and the sophistication of the premises that were raided and the threats that were posed inside the walls is an issue that should concern every member of this house. The gang headquarters were described as premises that had eight foot high fortified walls, barbed wire and sophisticated surveillance equipment. Clearly, these fortifications were intended to prevent police access, or at least make it difficult for police to enter quickly, but they are also a measure to provide protection from rival gangs. Again, this sounds like the stuff that you read in adventure stories, not the reality of what is happening in our own state.

In the year 2003, the need for this legislation is as concerning as many aspects of society that we debate in this chamber. I believe it is very sad that we must enact laws to protect council planning officers in their enforcement of provisions of the Development Act. In a free society such as that in which we live, I just find it incomprehensible that we have to develop a law to protect council planning officers. The Attorney's argument and the argument of our shadow minister has been convincing, the fact that the police commissioner is considered to be the most appropriate body through which these planning laws are to be administered, and I find it commendable. We now understand that the issue has long gone past planning alone: it is now very specifically a police issue.

As I said earlier, along with my colleagues on this side of the house, I support this measure, and I acknowledge that it is a small step in the fight—and the very serious fight—in which we are now engaged in this country against organised crime. But I seriously believe that the government must ensure that it follows up this legislation with the provision of enough resources to enable the South Australian police department to do the job that the community has every right and expectation is the job that will come out of the passage of this legislation. As has been said by a number of speakers, along with many others, I would like to pay tribute to the work done by members of the South Australian police department, because they sometimes work in very difficult and challenging circumstances. There is no question that so many of them are very dedicated in their role in making the South Australian community and society a better place in which to live. But, obviously, more resources are very important to them.

I understand that 20 police officers are involved full-time with Operation Avatar. But, as the member for Mawson said earlier, considerably more resources need to be committed to both the local approach and the continuance of the national focus on outlawing motorcycle clubs. It is this national focus that is so important, because it would enable a state such as ours and the other states to share in the intelligence and the implementation of national strategies. I hope that the government is as committed to tackling this threat in the most comprehensive manner as has been outlined during the second reading of this bill, and that it is not just rhetoric. I hope that the Attorney-General is able to get enough resources, through cabinet, to make sure that the police can do the job that they are tasked to do.

Already in South Australia we see bikie gangs running security companies and owning nightclubs to facilitate their drug trade and give the gangs a legitimate front, as I understand it, specifically to launder money. It is said that, before long, we may face the danger that has occurred internationally, where gangs have bought trucking companies specifically to facilitate the trafficking of drugs. As I said earlier, in relation to some of the information provided to us, I find it incomprehensible that this is happening in our own state.

I want to say a few words about some of the remarks made earlier by the member for West Torrens. I object to the way he tries, on a number of occasions, to rewrite history. Political point scoring is very easy, and it probably makes people feel good. However, when you are talking about issues such as the international drug trade operations and the terrifying intimidation activities of motorcycle gangs, I think that political point scoring should be out of bounds.

I believe this problem is being addressed with a fair amount of cooperation from both sides of this house. Some concerns have been raised by a number of individuals—perhaps some are legalistic and some might even be idealistic. However, I believe that when there is a real determination to get a decent outcome we will get to that position in the committee stage.

Before concluding my remarks, there are a couple of issues on which I am sure the Attorney-General will provide us with his interpretation or definitions. With this type of legislation, I am always concerned about the unintended consequences that could affect other people. Therefore, I am sure the flexibility that might be able to be applied with some of the interpretations and definitions of some of the specifics in the bill will be addressed during the committee stage. I hope that there are some protective mechanisms in place for sections 74BI and 74BK, particularly as they relate to the definition of 'fortification' and the issues concerning cost recovery. I would be aghast at the prospect of some of these people we could only describe as being thugs and criminals being reimbursed for some of their activities.

With those few remarks, I support the bill. I look forward to the Attorney answering some questions and taking us through some of the opportunities there might be for flexibility or different interpretation throughout the detail of the bill.

The Hon. M.J. ATKINSON (Attorney-General): I thank all members for their contribution to this debate, and I thank the member for Heysen for her close textual analysis of the bill. The member for Heysen said that we did not need amendments to the Development Act, because its provisions already prevented fortifications being constructed. That was a point also argued by the member for Waite. I can assure the house that that is not so. A number of outlaw motorcycle gangs have already constructed fortifications, and some have obtained development approval to do so.

I point out to the member for Heysen that I first became interested in this topic because the Rebels motorcycle gang proposed to build its headquarters at the site of the old gas workers' social club on the corner of Chief and Second streets, Brompton. The gang applied to build a huge new building, costing hundreds of thousands of dollars, with eight-foot high concrete tilt-up walls. They applied to the Charles Sturt Council and the applicant was Daniella Ianella, a 23-year old woman from Seaton. The Rebels claimed to have 15 members but were recruiting and expected to recruit more, yet they could afford to build this massive edifice. The Development Assessment Unit, I think it was called, of the Charles Sturt Council narrowly agreed to give the young woman permission, but it was well known that she was doing this for the Rebels motorcycle gang. That alerted me that the law here was somewhat unsatisfactory, because the Acting Chief Executive of the Charles Sturt Council at the time, Paul Perry, argued with me that the council had no alternative but to grant this permission. It was from that time that I looked for ways of preventing this kind of construction.

The member for Heysen said that she had problems with proposed section 37a in terms of the commissioner being the respondent to any appeal. The proposed section does not require the council to make a definitive judgment about whether a proposed development involves fortifications, only that it may involve fortifications. The final judgment is made by the police commissioner, who we believe is the best person to make that decision because of his intelligence-gathering resources and because he is not as susceptible to intimidation as local government employees and officers might be. I think the police commissioner will use common sense in applying the law; he will take into account who the applicant is; what the premises will be used for; and whether the fortification is excessive. Again, he will apply commonsense in making that judgment.

The Local Government Association, councils and the Environment, Resources and Development Court asked for the commissioner to be the respondent so as to prevent intimidation, and the commissioner also needs to be the respondent for the purposes of any confidentiality orders. Under proposed section 37a, his power to direct will be similar to the powers given to the Commissioner for Highways under the act.

The member for Heysen argued that the fortification removal order is issued to occupiers of premises rather than owners of premises, and the occupier could be difficult to identify. The answer to that is that the police will rely on their usual intelligence-gathering resources to identify the occupiers in the same way that they identify other suspects. This is something that they do all the time. It should be remembered that to get a fortification order the commissioner must be able to establish that there are reasonable grounds to believe that the premises are being used in connection with serious criminal activity. If the commissioner can show this, he should be able to identify the occupants. If he cannot identify the occupants with all his intelligence-gathering resources, it is difficult to see how he could get enough evidence to satisfy a court of the uses to which the premises are being put.

It is the occupants, the members of the gang, who construct and get the benefit of the fortifications. They may not be the owners; they may be the tenants. They are therefore the appropriate respondents to an application for a fortification removal order. I cannot see who else the order can be directed at. Who else uses the fortified premises to further their criminal activities?

Both the member for Heysen and the member for Morialta seem to have difficulty with some definitions. One or both of them said it was difficult to establish the intent of a security measure or a fortification. It may be difficult to determine what is excessive. Again I say that the commissioner will use commonsense—who is making the application, for what purposes are the premises going to be used, and what are the security measures? The courts are required to make these kind of judgments all the time.

Members will recall that the bill was first tabled before Christmas and it was available to members over the Christmas break. It was then brought into parliament again, I think, and it was available for members to look at over the winter break. The government has consulted widely on the bill and it has examined alternatives—one based on the technical nature of the security measures and one based on the character of the applicant. We have found out that neither method is workable. The technical definition will not work because security measures are the same whether they are legitimate or illegitimate. It is impossible to distinguish between walls, locks, fences and gates except by reference to their intention or whether they are excessive in the circumstances. The character test will not work because criminals will just use a clean front to make—

The SPEAKER: Like this young woman.

The Hon. M.J. ATKINSON: Yes, like Miss Ianella. The member for Heysen suggested adding the word 'excessive' to the first arm of the definition in section 74BA so that a security measure that is intended to keep police out must also be excessive. I do not know why we would bother. If the Commissioner of Police can establish that the purpose of the security measure is to prevent or hinder police access, why should he also have to show that it is excessive?

The member for Heysen said that the definition should go into the Development Act as well as the Summary Offences Act. That is a drafting issue. The government is guided by the advice of parliamentary counsel but it seems to me that having the definition in two different places increases the chance that one may be amended and not the other, and requiring councils to look in the Summary Offences Act will assist them to understand the policy behind the provisions. The member for Heysen argued that the provision was retrospective and was therefore undesirable. The Development Act provisions apply only to new fortifications or new proposals. The Summary Offences Act provisions do apply to existing fortifications, but I do not think that that, by itself, makes the proposition an undesirable, retrospective measure.

The Commissioner of Police must establish that there are reasonable grounds to believe that the premises are being, have been or are likely to be used for or in connection with

a serious criminal offence or to conceal evidence of a serious criminal offence. The government is of the view that the commissioner should be able to have existing fortifications removed provided he satisfies the court of the matters required under the legislation.

The member for Heysen asked why the legislation provided for a notice of objection to the magistrate who made the original order. I think it is a safeguard against an order being issued in inappropriate circumstances. Most orders will be obtained ex parte, so I think it is appropriate that the occupant against whom the original order was made has an opportunity to appear for the first time before the magistrate and tell his side of the story. Also, the same magistrate will know about any confidentiality order made under proposed section 74BB(5). It is also pertinent to mention that the Chief Magistrate now has a policy that magistrates will take charge of a case or a file and try to stay with that case through all stages.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: The member for Heysen asked should not the commissioner be able to delegate the fixing of a removal order on subject premises, and the answer is that he can. There is a general power of delegation under proposed section 74BL. The member for Heysen argued that the penalties for hindering the removal of a fortification are too low when compared with the penalty under the confidentiality provision. The government considers breaching a confidentiality order to be an extremely serious offence because it could endanger the life of a person, thus the relatively high penalty maximum term of imprisonment of three years or a fine of $60 000. I do not think there is any particular science to the penalty chosen for the hindering offence. If the member for Heysen wants a higher penalty, then she is welcome to suggest one during the committee stage.

A number of opposition members made the point that the vice of outlaw motorcycle gangs is not going to be cured by the bill, and the government concedes that. The bill is only one aspect of the campaign against outlaw motorcycle gangs. There are other measures, some introduced in the time of the former minister for police, now just the plain old member for Mawson, and the government has other items on the agenda. There are items on the agenda of the police ministers' conference about outlaw motorcycle gangs.

The member for Heysen argued that local government ought to be the appropriate forum for determining these matters and she seemed to think it was odd to include the Commissioner of Police in the legislation. Given the experience I had as a local member for the Brompton area, I would say experience tells me quite the opposite. I think, without reflecting on anyone at the Charles Sturt Council, let alone her esteemed neighbour, I would not expect local councillors or local government officials to be in the best position to stand up to the demands of an outlaw motorcycle gang.

I think it is better that the final determination rests with the police. As I recall, and my memory may be defective, I do not recall any objections being made by neighbours to the Rebels motorcycle headquarters proposal for Brompton, although I know that the neighbours were very concerned about the development and it received quite a deal of publicity. However, as the member for Mawson says, it is a little too much to expect the neighbours of a proposed headquarters of an outlaw motorcycle gang to write an objection or to appear before the council. The member for Heysen's expectation that this can be adequately dealt with by local government is unrealistic. Indeed, the Premier mentioned in his contribution that we had a press conference on Holy Saturday, on the corner of Ellen Street and Cedar Avenue, West Croydon, to announce the government's policy on hoon driving and on legislation we are about to introduce on that topic.

Mr Brokenshire interjecting:

The Hon. M.J. ATKINSON: The member for Mawson says that it is his bill. Yes, we did consider his bill carefully in reaching conclusions of our own. Our bill has been a long time coming. However, we had a press conference to announce the hoon driving measure and we did it opposite two houses in Cedar Avenue, West Croydon, which are either owned or occupied by the Finks motorcycle gang. These people had been making the Croydon and West Croydon neighbourhood an unpleasant place to live. I had many complaints about them: they had laid rubber all over the roads. I would not mind it so much if they did it during office hours but they tended to do it at 2 and 3 o'clock in the morning.

The other thing they did, living opposite the Islamic College and to be as offensive as possible to the followers of the Islamic religion, was to place nude centrefolds on their windows, opposite the school. As the news conference was breaking up, and the Premier and the New Zealand Minister of Justice, Mr Goff, had left, two motor vehicles screeched into the intersection. Both the drivers had covered their faces with their upper garments. They shouted at the cameraman from the television station to stop filming and made a number of threats to them. The husband of one of our ALP branch members, who was walking home—a large man—was told by them—

Mr Brokenshire interjecting:

The Hon. M.J. ATKINSON: From the news conference.

Mr Brokenshire interjecting:

The Hon. M.J. ATKINSON: Well, we had many local people. Labor Party—

Mr Brokenshire interjecting:

The Hon. M.J. ATKINSON: Nothing like Pelican Point at all. Labor Party membership in South Australia is highest in the West Croydon, Croydon and Croydon Park areas. The Finks motorcycle gang members said to him, 'We know where you live.' And they did, because he lived in the same street. Don't let the member for Mawson accuse us of rent-a-crowd; we had genuine local people there. The point I am making to the member for Heysen is that leaving this with local government is not sensible.

I listened carefully to the members for Mawson and West Torrens. However, there is nothing to which I wish to respond except to thank the member for Mawson for his support, which I have done on two radio stations today. I hope he gets the transcripts. The member for Mitchell, who appeared to be the only member speaking against the bill, argued that the bill contained the risk of dragging in innocent property owners. That is most unlikely because both local government and the police commissioner will use commonsense and have regard to the identity of the applicant.

The member for Bragg went along the same lines here as the member for Mitchell, saying that there was a risk that the bill would rope in facilities for the frail aged, children and commercial premises such as banks and jewellery shops. Again, I think the police commissioner can be relied upon to use commonsense in applying for fortification removal orders.

The member for Unley, in an otherwise thoughtful contribution, said that outlaw motor cycle gang fortifications might help prevent turf wars between the gangs. Like you, Mr Speaker, I cannot agree with that, but I suppose only time will tell.

The members for Playford and Fisher made useful contributions with which I have no quibble; likewise the member for Enfield. The member for Morialta made a fine contribution and delivered a gripping narrative. The member for MacKillop seemed to run out of material towards the end of his contribution, and the member for Bright appeared to be off the topic at all stages.

In conclusion, I want to mention the member for Waite, who erroneously argued, along with the member for Heysen, that there are already powers in our law to forbid outlaw motor cycle gang fortification. I can assure him that there are not. He called on the government to expunge outlaw motor cycle gangs and said, 'A bit of old-fashioned police work might do it without the need for any legislation.' Alas, we are a government that respects the rule of law, and we prefer this bill as a measure.

Bill read a second time.

The SPEAKER: Before I invite the Clerk to move the bill into committee, I would like to make some observations about this topic. In doing so, I recognise, as I am sure all other members have, that the contribution I make might end up in my again being reminded by some people for whom I have no respect that they know where I live, in the same way that they have pointed it out to the Attorney-General. The people whom we address through this legislation are, as the Attorney-General properly points out, using a clean front to hide their dirty, rotten, foul, crooked behaviour and have used the process of fortification as a means of obscuring it from public scrutiny of any kind.

Certainly, should it be determined to raid those premises, sufficient time would elapse before breach of the outer perimeter could be achieved, enabling them to either remove or securely hide or otherwise destroy some of the most damning evidence that would otherwise be found on examination of those premises. In society there are a number of groups of people who, unfortunately, do things to us and do not do things for us, yet they claim that they are there in our interests for that purpose. Outlaw motor cycle gangs are no different. The seductive behaviour that they use to entice the gullible to join their ranks is as criminal as the behaviour in which they otherwise engage. It is best described as tribal and quite outside the law in every respect. They make a law that suits the members of the tribe, which enables them, through that code of conduct, to deal with those whom they see as natural enemies or otherwise a threat to their existence. We only have to reflect upon what happened to very senior police officers in Beachport a few short years ago to understand the consequences—

Mr Brokenshire interjecting:

The SPEAKER: I intended not to raise the matter in Murray Bridge but, since the member for Mawson has mentioned it, I acknowledge that it has happened more than once in Murray Bridge. It is nothing short of professional thuggery from their viewpoint, and they are expert in delivering both the fear as well as the consequence of failing to observe what they demand of anybody who happens to be so unfortunate as to cross their path. Their goal is to achieve power, and the more of it the better and the greater the measure of influence over individual lives, and the greater number of lives they can influence, the happier and more satisfied they are, if happiness is indeed a state of being which any of them can achieve.

I commend the member for Morialta for her remarks about the unintended consequences to which she referred in reference to those things. But I am reminded that equally the general search warrant provisions, which the police now have, cause me to be disturbed on the other side of the question—not in the way in which they would deal as they were intended to deal with gangs of outlaws or individuals who were outside the law but rather the way in which they choose as a matter of convenience all too often to exercise the general search warrant powers in pursuing people against whom there is not really sufficient suspicion of their having committed a crime.

Many of my constituents have complained about the way in which that provision, that is, the general search warrant, has been exercised by police against them and clearly then against the public interest, for in consequence it has destroyed in no small measure the respect in which the police were otherwise held prior to their inappropriate misjudged use of the general search warrant. All members need to remember that we passed the law in this and the other place enabling that to happen and that the general search warrant is obtained as a matter of course by a very senior officer of the police force for a period of six months, in which it is not even contemplated by that officer as to which citizen it may be used against or to investigate (if we do not want to use the pejorative term 'against').

That needs to be revisited in order to ensure that general search warrants are not exercised in the way they are at present. That point, whether or not well made in other members' opinions by the member for Morialta, was quite properly alluded to in her remarks and I thank her for it. I do not wish to engage in much commendation, nor will I engage in condemnation of the remarks made by any other member. However, I am compelled to remark that we in this place in some measure are not much different to either the misjudged exercise of power on the part of the police perhaps on occasions and the inappropriate application of the same power by the professional thugs within the outlaw motorcycle gangs to which this legislation addresses itself, and when we use our tongues in this place to do injury to others we ought to be aware of the consequences of that.

I make that remark very deliberately, having changed my view in recent times about the desirability of having public statements available to members of the public who feel aggrieved by remarks that have been made against them in this place in the *Hansard*. That is, that members of the public, so long as they comply with the guidelines such as may be set down similar, say, to those which apply in other parliaments and, indeed, even to the other house in this place, may well apply in similar form to such statements to be incorporated in our *Hansard* record in defence by members of the general public. We ought in such circumstances, may I say as an aside, include a provision that it be a crime more serious than perjury if they commit a contempt of parliament and in that statement mislead the parliament as to the truth of what they are saying.

Let me pass on from that then, very carefully measuring my tread, to mention that outlaw motorcycle gangs, in principle, are no different from those lawyers who have some clearer understanding of the law perhaps than motorcycle gangs and use that law against the public interest—and in making that remark I am not referring to any honourable member in this place nor to any person whom any honourable

member in this place or the other place may or may not know—but it has been my experience, and more particularly, can I say, that of some of my constituents, that they have been the victims of malicious attack or grossly irresponsible behaviour of members of the legal profession.

There is a particular matter which I regard as being no less criminal in its consequences when it is measured against the social outcome than the behaviour of the outlaw motorcycle gangs to which this legislation addresses itself than the way in which the legal profession has defended its membership in the abuse of the interests of the beneficiaries of the Bavage Trust and some lawyers, small in number (formerly or may still be members of the practice of Piper Alderman), have got a lot to answer for in that respect.

I propose to provide some evidence in the kindest possible terms of what I regard as their misjudged unprofessional conduct to the Attorney-General and other people, perhaps including the police commissioner, to ensure that justice is properly done in that respect, given the evidence which I have before me that compels me to make that remark, even against the background of the remarks I have made earlier in this contribution to the house.

So I see, then, that things in society are not all as they might seem, and just because some members of society manage to influence the broader assembly of the constituency of South Australia in ways that enable them to get away with it, they are no less acting differently from the motorcycle gangs who use more obvious and violent tactics in the pursuit of their goals to abuse the public interest to ignore the citizens' civilised rights (as we would call them) and, in consequence, to make us all feel less secure than we should be entitled to, given that we all acknowledge there needs to be a rule of law and that, in consequence of that, it is not just the rule of law but none of us have any rights, unless we can encourage all of society to accept responsibilities and be responsible ourselves. So, the provisions, as I have referred to in the general search warrant and some of the conduct of lawyers, no less require examination by us in this place as serious, deliberate and effective, as I believe our examination of this matter has been.

In conclusion, may I say that, with the principle of retrospectivity, we should not seek to make a crime of activities which were undertaken yesterday by passing law today. However, may I say to all honourable members that that does not mean that we should not prevent those actions which enable crime to be committed more conveniently without detection—and, therefore, justice not being called to account for it—to continue.

Let me draw this analogy. If one suffers from cancer, the only way to deal with it is to root it out and destroy it. Even though in the process the treatment may be painful, it is nonetheless necessary to ensure that life can continue. Outlaw motorcycle gangs are a cancer in modern society. In my judgment, we may not retrospectively make any action they did yesterday a crime, but the things they have done that enable them to perpetrate that crime more easily and to spread the number of crimes they can perpetrate ought to be prevented.

I commend the house for the attention it has given to the matter and all those members who have supported what the government and the Attorney-General have sought to do through it. I thank the house for its attention.

In committee.

Clauses 1 to 3 passed.

Clause 4.

Mrs REDMOND: As I indicated in my second reading contribution, I have some difficulty, as a general drafting principle, with the idea that we put into this amendment to the Development Act a definition that refers to the Summary Offences Act. I recognise that the definition would be identical but, as a matter of principle, it seems to me that it is better to spell out that definition rather than to refer to another act—first, because it is much easier for anyone reading the act to comprehend the act as a whole by itself and, secondly, if anyone subsequently amends the Summary Offences Act they may not be aware of the effect that that could have on the definition in the Development Act.

It is not a usual connection that one would make. One would not normally go to the Development Act and check whether some change is being brought about in an amendment of the Summary Offences Act to the Development Act. So, I ask the Attorney to consider whether he is prepared to include the definition in both acts, rather than referring from one act to the other.

The Hon. M.J. ATKINSON: It is the advice of Parliamentary Counsel that the way that it has been done is the best way to do it. By having the definition of 'development' in one particular fortification in one act rather than two, we can ensure that it does not become inconsistent.

Mrs REDMOND: The point I make is precisely so that it does not become inconsistent because, as I said, if someone in a future year, say, 15 years down the track, amends the Summary Offences Act, they may well not even be aware that the Development Act has a little provision saying 'fortification means what it means in the Summary Offences Act'. I am not trying to change the intention of your legislation in any way: I am merely suggesting that I know that it is a common practice of Parliamentary Counsel to do it this way, both in state and federal legislation. However, it seems to me to be a safer and more secure way to put it in as the same definition in each piece of legislation. If it is subsequently amended in the Summary Offences Act it does not matter because, unless you amend the Development Act, your fortification definition stays the same.

I had one other question, and I think this is the appropriate place to raise it because it relates to definitions. On any number of occasions during this debate reference has been made to outlaw motor cycle gangs. Everyone seems to have some sort of mental picture of just what is an outlaw motor cycle gang, but we never define what is an outlaw motor cycle gang. We have not set up any legislation which says that we can go to court and apply to have the court determine what is an outlaw motor cycle gang. Would the Attorney care to comment whether he is giving any consideration to defining in some way what constitutes an outlaw motor cycle gang?

The Hon. M.J. ATKINSON: That is an outstanding point made by the member for Heysen. I thought the same when I was in opposition. I used to hear the then minister for police talk about outlaw motor cycle gangs, and I used to think, 'Come on, what's outlaw about them? What defines them as outlaw.' I am now in government and I am advised that it would not achieve anything or be useful to change the way we refer to them. But if the member for Heysen can think of a better expression, I am willing to take it on board.

Clause passed.

Clauses 5 and 6 passed.

Clause 7.

Mr BROKENSHIRE: I give notice to the committee that, from my point of view, in committee I query only this

clause. I am trying to get an absolute clarification from the Attorney about how he sees the protection of people who are bona fide in that they want to put some security around their home. As I have already said, I support the principles of everything we can do to stop the fortification of outlaw motor cycle gangs.

You might have a person who builds the equivalent of a fortress around their home because they are dealing in illicit drugs or other illegal activities. They might be in a situation where they are known to police and, in order to try to hide the sorts of illegal activities in which they are involved, they build big walls around their home and install closed circuit TVs. I have no personal problem with this bill with respect to that because, just like outlaw motor cycle gangs, we want to get those people out of mainstream society.

The Hon. M.J. Atkinson interjecting:

Mr BROKENSHIRE: I would like to think they are. The problem is that they are still living and working and making money illegally. I do not have a problem with this bill allowing opportunities for police through their intelligence-based policing to utilise the powers to the fullest extent for those people, but a lot of people these days are law-abiding citizens who for three or four reasons, such as privacy, security or the fact they may be in a high profile position and want added protection—

The Hon. M.J. Atkinson interjecting:

Mr BROKENSHIRE: Indeed, and I find them in my electorate—and I am sure every other electorate is the same.

The Hon. M.J. Atkinson interjecting:

Mr BROKENSHIRE: They also have dogs that sometimes bail me up as I knock on the door, and that becomes scary. What sort of reassurance can the Attorney-General give me and members of the general community? I have the utmost faith and confidence in the police commissioner and the police, but what has been considered to protect the bona fide people so they will not have the powers thrust upon them, because the ramifications could impede their general civil liberties?

The Hon. M.J. ATKINSON: There are two things to which I point the member for Mawson; one is the definition of 'fortification' in clause 8 which provides that, to attract the attention of local government and the police commissioner:

(a) is intended to or designed to prevent or impede police access to the premises; or.

(b) has the effect of preventing or impeding police access to the premises and is excessive for the particular type of premises.

That is the reassurance that the provision will not be misused. The second assurance is that these matters can be taken to court, appealed under the Development Act and, in the case of a fortification removal order, appealed to the Magistrates Court, so the rule of law applies. If there is some improper purpose in the police applying for a fortification removal order, then that matter will be exposed in the courts.

Mrs REDMOND: In relation to this provision, the commissioner has to notify the relevant authority, usually the council. The council then has to make the decision officially and notify the applicant. I am curious, when that step is put in there—so the decision is coming not from the Commissioner of Police but, rather, the council, or the relevant authority—as to how that will not involve local government directly in the sorts of intimidation and threats to which it already feels subject.

The Hon. M.J. ATKINSON: Local government cannot be intimidated into making a wrong or improper decision because local government has to do what the police commissioner tells it to do.

Progress reported; committee to sit again.

SITTINGS AND BUSINESS

The Hon. M.J. ATKINSON (Attorney-General): I move:

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

Motion carried.

FIREARMS (COAG AGREEMENT) AMENDMENT BILL

Received from the Legislative Council with a message drawing the attention of the House of Assembly to clause 26, printed in erased type, which clause, being a money clause, cannot originate in the Legislative Council, but which is deemed necessary to the bill. Read a first time.

The Hon. K.O. FOLEY (Deputy Premier): I move:

That this bill be now read a second time.

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

Leave granted.

The COAG Agreement

In November 2002 the Australian Police Ministers' Council (APMC) agreed on a broad range of measures to restrict the availability and use of handguns. In summary, the relevant APMC resolutions restrict the classes of handguns that can be possessed by sporting shooters and collectors of historical firearms. At its meeting on 6 December 2002 the Council of Australian Governments (COAG) agreed on a national approach to restrict the availability and use of handguns, particularly concealable weapons.

This COAG agreement included as a centrepiece a compensated buy back of handguns for sporting shooters and some collectors. The agreement includes provision for Commonwealth funding of the State administered buy back, where the Commonwealth will supply 2/3 of the compensation and administration costs along with 100% of costs associated with those people who wish to exit the sport. Since the December agreement, officials have met to determine the detail of the handgun buyback. South Australia's key aims have been to maximise the impact of the handgun buyback on people who possess illegal firearms, and to minimise adverse effects on sporting shooters and collectors.

As a result of the December 2002 COAG agreement, an Inter-Governmental Agreement (IGA) was formulated and approved by Cabinet on 11 August 2003. The IGA will give South Australia immediate access to Commonwealth funding of approximately $1 157 000 remaining unspent from the 1996 gun buyback; to Commonwealth funding for two thirds of the State's total expenditure on compensation payments made for the surrender of prohibited handguns, parts and accessories; and to full reimbursement of the State's total expenditure on compensation payments made for the surrender of non-prohibited handguns accessories and parts.

The 1/3 State & 2/3 Commonwealth funding for the buy back agreed to in the Inter-Governmental Agreement includes the administration of the buy back. The estimated cost for administration of the buyback is $1.865m along with an estimated $8.8m for compensation to gun owners. Total funding for administration and compensation for the buyback is estimated to be $10.77m taking into account a recurrent loss of about $0.1m. for loss of licence revenue. The net impact to South Australia of the gun buyback is estimated to be $3.17m (ie 1/3 of the total cost after $1.157m from the 1996 buyback).

It should be noted, however, that the Inter-Governmental Agreement is not just about a buy back. The Agreement and, hence the funding made available by it, are strictly conditional upon implementation by South Australia of the November 2002 APMC resolutions attached to the Agreement. This Bill therefore provides for the buy back and the implementation of those resolutions.

The Buy Back

All Australian governments have agreed to implementing the handgun buy back, and all State and Territory governments have signed the Inter-Governmental Agreement. Most States and Territories commenced the buyback on 1 July 2003 for a six month period. The Commonwealth and South Australia have agreed that the buyback will commence in South Australia on 1 October 2003 and extend until 31 March 2004. This necessarily means that the required amendments to the *Firearms Act* to permit the buyback to take place and for the funding to become available must be passed by October 1 2003.

The Commonwealth is funding a communications strategy that consists of a booklet and a website. There are costs at a State level relating to a phone hotline and upgrades of a website. Also the formulation of a stakeholder training package and the implementation of the package to sporting shooters will require funding. Dependent upon an assessment of cooperation with the buyback, there should be funding available for a print and radio approach.

The provisions in the Bill which relate to the buy back are to be found in the Schedule to the Bill. Under these provisions, a person who is in possession of an unregistered receiver is given immunity from the commission of an offence if that person registers it or surrenders it. Similarly, a person who is in possession of a firearm affected by the new provisions of this amending Bill is given immunity if the firearm is unregistered or ceases to be registered, if that person registers it or surrenders it. It should be noted that the amendments sought to be made to this Bill about registration will apply to firearms sought to be registered during the immunity period.

In addition, the Bill will bring certain firearms, hitherto exempted by the regulations from the operation of the Act as antique firearms, within the ambit of the Act. The Schedule provides for immunity during the six month period for such firearms, provided that during the period, the person either registers the firearm and, if necessary, obtains a collector's licence or the person disposes of the firearm.

The Registrar is empowered to pay compensation for surrendered firearms, firearm parts, firearm accessories or ammunition of a kind approved by the Minister on conditions, if any, determined by the Minister. It is expected that the terms of compensation will be the approximate estimated retail value of the item in accordance with the national valuation list.

The licensed owners of restricted handguns may retain possession of those firearms during the surrender period but may not use them.

The APMC Resolutions

As noted previously, the buy back is firmly intertwined with the implementation of the APMC resolutions adopted as part of the Inter-Governmental Agreement. They cannot and must not be separated. Features of the implementation of these resolutions will now be described.

Restrictions on qualification for firearms licences

It is proposed by the Bill that an application for a collector's licence may be refused by the Registrar if the Registrar is not satisfied that either the applicant has or genuinely intends to acquire a collection of significant commemorative, historical, investment or other value or that the applicant has been an active member of a collectors' club for the preceding 12 months or for each year of an existing licence . "Active membership" is defined as meaning attending 4 or more meetings of the club during the 12 month period. Similarly, an application for renewal of a shooting club member's licence for handguns may be refused if the Registrar is not satisfied that the applicant has been an active member of the shooting club in each year of the licence. "Active membership" for this purpose is defined as meaning participating in at least 6 club organised competitive shooting matches for handguns in the 12 month period. It is provided that an applicant for a collector's licence may persuade the Registrar to accept as active membership a personal contribution to the club not being a financial contribution. It is further provided that it is open to an applicant for renewal of a shooting club member's licence to persuade the Registrar to excuse failure to achieve participation in the required number of shooting matches by reason of ill health, employment obligations or some other reason.

Restrictions on power to acquire handguns and the type of handguns permitted

The Bill evinces an intention to restrict the power to acquire a handgun and, even where there is power to acquire a handgun, the type of handgun that may be acquired or used. This may be seen most clearly in the amendments proposed to section 15A in clause 10. Proposed section 15A(4b) states that the Registrar may refuse an application for a permit to acquire a handgun for use as a member of a shooting club if the firearm is a self-loading handgun (other than a revolver) with a barrel length of less than 120mm or if it is a revolver or a single shot handgun with a barrel length less than 100mm or if it carries more than 10 rounds or if it is more than .38 calibre. This severely restricts the type of handgun that may be so used and is in furtherance of a purpose that is aimed at high calibre handguns, handguns with large magazines and handguns which may be easily concealed.

The legislative scheme is further aimed at the experience of the shooter. If the applicant applies for a permit to acquire a handgun under a shooting club member's licence, then he or she must have held a licence for more than 6 months, and if the applicant has held the licence for more than 6 months and less than 12 months, then the applicant is restricted to having possession of handguns of the types listed, namely one .177 calibre air pistol and either one .22 calibre rim fire handgun or one centre fire handgun. Analogous restrictions to these may be found replicated in other provisions of the Bill.

Toughening penalties

It should be noted that the Bill proposes to get tough on illegal activities involving firearms—in accordance with the APMC resolutions.

The maximum penalties for various offences to do with the unlawful possession and use of firearms will be:

(a) where the firearm is a prescribed firearm— $50 000 or imprisonment for 10 years, an increase from $20 000 or imprisonment for 4 years;

(b) where the firearm is a class C, D or H firearm— $35 000 or imprisonment for 7 years, an increase from $10 000 or imprisonment for two years;

(c) where the firearm is any other kind of firearm— $20 000 or imprisonment for 4 years, an increase from $5 000 or imprisonment for one year.

That makes the first two offences major indictable and the last minor indictable. The prosecution is given a discretion to elect to prosecute these offences summarily in which case the applicable maximum penalty will be $10 000 or imprisonment for 2 years.

The maximum penalties for acquisition or supply of firearms will be:

(a) where the firearm is a prescribed firearm—$75 000 or imprisonment for 15 years;

(b) where the firearm is a class C, D or H firearm—$50 000 or imprisonment for 10 years;

(c) where the firearm is any other kind of firearm—$35 000 or imprisonment for 7 years.

All of these offences will be major indictable. Again, the prosecution is given a discretion to elect to prosecute these offences summarily in which case the applicable maximum penalty will be $10 000 or imprisonment for 2 years.

The Use of Criminal Intelligence

South Australia Police, in common with other Australian police forces, is committed to intelligence based policing. That necessarily involves the covert gathering of information on people which, if made publicly available, would place investigations at risk, or the lives and personal safety of police and operatives at risk. Criminal intelligence should be recognised in the critical area of firearms as a basis on which the Registrar can prevent organised crime, particularly motor cycle gangs, from obtaining and using these lethal weapons.

The Bill proposes a legislative regime in which the Registrar can refuse or cancel a firearms licence based on criminal intelligence. "Criminal intelligence" is defined as "information relating to actual or suspected criminal activity (whether in this State or elsewhere) the disclosure of which could reasonably be expected to prejudice criminal investigations, or to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement". A special provision proposes that the classification of information as criminal intelligence may be made only by the Registrar (the Commissioner of Police) personally or by a Deputy or Assistant Commissioner of Police. Put another way, the normal rules of delegation do not apply.

The consultative committee and any magistrate hearing an appeal from a decision of the Registrar will be obliged to keep information classified as criminal intelligence confidential and, in the case of a magistrate's appeal, the magistrate must hear the information in a court closed to all, including the appellant and the appellant's representative.

The Bill proposes that if the Registrar refuses or cancels a firearms licence on the basis of criminal intelligence, the Registrar is not obliged to give reasons for the relevant decision.

Conclusion

The Bill is the legislative outcome of a national agreement to reduce the number of handguns in our community and to significantly toughen up our stance on illegal firearms.

It should be welcomed by the Parliament and passed speedily so that the buy back can begin on time and be funded according to the Inter-Governmental Agreement.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

Provision is made for the measure to commence on 1 October 2003.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Firearms Act 1977*

4—Amendment of section 5—Interpretation

Firearm is redefined to include a receiver. A number of other definitions are adjusted to reflect this change.

The ***firearm*** definition is also amended to exclude antique firearms. A new definition of ***antique firearm*** is inserted which is narrower than the previous definition in the regulations in that the handguns falling within the definition must be "handguns designed or altered to fire by means of a flintlock, matchlock, wheel-lock or other system used prior to the use of percussion caps as a means of ignition".

Collectors' club and ***shooting club*** are defined for drafting purposes (without any change from the current descriptions of such clubs in the Act or regulations).

A new definition is inserted. ***Active member*** of a club for a 12 month period is defined as:

(a) in relation to a collectors' club—

(i) a member of the club who has attended four or more meetings of the club during the 12 months; or

(ii) a member of the club who has made a personal contribution (not being a financial contribution) to the club during the 12 months in a manner and to an extent that satisfies the Registrar that he or she should be regarded as an active member of the club; or

(b) in relation to a shooting club and the holder of a firearms licence authorising possession of class H firearms—

(i) a member of the club who has participated in shooting club organised competitive shooting matches for class H firearms on at least six occasions during the 12 months; or

(ii) a member of the club who satisfies the Registrar that the member failed to meet the requirements of subparagraph (i), during the 12 months, due to the member's ill health or employment obligations or some other reason accepted by the Registrar;

Acquire and ***supply*** are given fully expansive meanings.

A definition of ***criminal intelligence*** is introduced: information relating to actual or suspected criminal activity (whether in this State or elsewhere) the disclosure of which could reasonably be expected to prejudice criminal investigations, or to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement. This definition is relevant to clauses 8(2) and 13 of the Bill.

5—Amendment of section 6—The Registrar

The Registrar is not to delegate the function of classifying information as criminal intelligence except to a Deputy Commissioner or Assistant Commissioner of Police.

6—Amendment of section 10—Procedure of consultative committee

The consultative committee is to maintain the confidentiality of information provided to the committee that is classified by the Registrar as criminal intelligence.

7—Amendment of section 11—Possession and use of firearms

Section 11 of the Act prohibits the possession or use of a firearm without an appropriate licence. Among the exceptions is the use of a firearm on the grounds of a recognised club in a manner authorised by the club. This exception is amended so that a person allowed to shoot on club grounds cannot be—

(i) the holder of a firearms licence, or a similar licence or authorisation under corresponding legislation of another State or Territory of the Commonwealth, that is suspended or cancelled; or

(ii) prohibited from possessing or using a firearm by an order of a court whether in this State or any other State or Territory of the Commonwealth

The penalties for offences against the section are substantially increased:

(a) $20 000 or imprisonment for 4 years for possession or use of a prescribed firearm is increased to $50 000 or imprisonment for 10 years;

(b) $10 000 or imprisonment for 2 years for possession or use of a class C, D or H firearm is increased to $35 000 or imprisonment for 7 years;

(c) $5 000 or imprisonment for 1 year for possession or use of any other firearm is increased to $20 000 or imprisonment for 4 years.

A person may be prosecuted for a summary offence against the section (except where the firearm is a prescribed firearm), but on conviction of a summary offence the maximum penalty is $10 000 or imprisonment for 2 years.

8—Amendment of section 12—Application for firearms licence

A provision is added to the section allowing the Registrar, when refusing an application for a firearms licence on public interest grounds based on criminal intelligence, to limit his or her reasons for the decision to the public interest without further elaboration.

Under the clause, an application for a collector's licence may be refused if the Registrar is not satisfied that—

(a) the applicant has, or genuinely intends to acquire, a collection of firearms that has, or will have, significant commemorative, historical, investment or other value; or

(b) —

(i) in the case of an application for a new collector's licence (as distinct from the renewal of a licence)—the applicant has been an active member of a collectors' club for the preceding 12 months; or

(ii) in the case of an application for renewal of a collector's licence—the applicant has been an active member of a collectors' club for each licence year of the licence.

An application for a firearms licence authorising possession of class H firearms may be refused if the applicant voluntarily gave up handguns as a licence class during the six months from the commencement of this measure and not more than five years has elapsed since the end of that six month period.

An application for renewal of a shooting club member's licence authorising possession of handguns may be refused if the Registrar is not satisfied that the applicant has been an active member of a shooting club for each licence year of the licence.

9—Substitution of section 14

Section 14 regulates the acquisition of firearms. The section is reworded so that:

- taking part in the unlawful acquisition of firearms or firearm parts is punishable in the same way as the principal offence
- the temporary acquisition of a firearm by agreement with the owner must now be by written agreement only and is made subject to exceptions restricting the acquisition of handguns by persons who have held shooting club members' licences for less than 12 months (also see clause 10 and proposed new section 15A(4b)(b) and (c)).
- the penalties are substantially increased, but with the option that a person may be prosecuted, at the discretion of the prosecutor, for a summary offence against the section (except where the firearm is a prescribed firearm), in which case the maximum penalty is $10 000 or imprisonment for 2 years.

A new section 14A, matching section 14, is also inserted relating to the supply of firearms.

10—Amendment of section 15A—Reasons for refusal of permit

New rules are introduced restricting the granting of permits to acquire handguns.

The Registrar may refuse an application for a permit to acquire any of the following for use as a member of a shooting club:

(a) a self-loading handgun (other than a revolver) with a barrel length, as measured in accordance with the regulations, of less than 120mm;

(b) a revolver or single shot handgun in either case with a barrel length, as measured in accordance with the regulations, of less than 100mm;
(c) a handgun with a magazine or cylinder capacity of more than 10 rounds or a modified magazine or cylinder capacity;
(d) a handgun of more than .38 calibre.

An applicant who is the holder of a shooting club member's licence may be refused a permit to acquire a handgun if the applicant has held the licence for less than six months.

An applicant who is the holder of a shooting club member's licence may be refused a permit to acquire a handgun if —
(a) the applicant has held the licence for less than 12 months; and
(b) acquisition of the handgun would result in the applicant having possession of more than—
(i) one .177 calibre air pistol or one .22 calibre rim fire handgun (long rifle or short) or one centre fire handgun; or
(ii) one .177 calibre air pistol and one .22 calibre rim fire handgun (long rifle or short); or
(iii) one .177 calibre air pistol and one centre fire handgun.

The following exceptions will be allowed by regulation:
(a) despite the restrictions on barrel length, the Registrar may grant permits to acquire visually distinctive and highly specialised target pistols;
(b) despite the restriction to not more than .38 calibre, the Registrar may grant permits to acquire handguns not more than .45 calibre that are required for metallic silhouette or single (western) action shooting events .

The Registrar may refuse an application for a permit to acquire collectors' handguns manufactured after 1946 unless the applicant meets the requirements of the regulations. Regulations are to be made requiring an applicant for a permit to acquire collectors' handguns manufactured after 1946 to be a genuine student of arms who—
(a) has been an active member of a collectors' club for at least the preceding two years; and
(b) has a significant collection of handguns with a proper thematic structure; and
(c) has provided displays or published articles to advance the body of knowledge of firearms history and development.

In deciding whether an applicant meets the "student of arms" requirements, the Registrar must have regard to any certificate from the applicant's collectors' club lodged with the Registrar by the applicant.

None of the restrictions introduced by this clause is to apply in relation to muzzle-loading handguns or percussion cap and ball handguns.

11—Amendment of section 15B—Transfer of possession

Section 15B regulates the transfer of possession of firearms. A provision is added restricting the transfer of possession of handguns to persons who have held shooting club members' licences for less than 12 months (also see clause 10 and proposed new section 15A(4b)(b) and (c)).

12—Amendment of section 17—Application for dealer's licence

This amendment is consequential on the amendments to definitions treating receivers in the same way as firearms.

13—Amendment of section 20—Cancellation, variation and suspension of licence

A provision is added allowing the Registrar, when cancelling a firearms licence on public interest grounds based on criminal intelligence, to limit his or her reasons for the decision to the public interest without further elaboration.

Provision is also made for cancellation of a licence on the application of the licensee.

14—Amendment of section 21D—Appeals

A provision is added allowing an appeal against a decision to refuse an application for registration of a firearm or to cancel registration of a firearm.

15—Insertion of section 21E

A new section is inserted that applies to a decision of the Registrar to refuse an application for a licence, or to cancel a licence, on public interest grounds because of information that is classified by the Registrar as criminal intelligence. The new section requires a magistrate hearing an appeal against such a decision to take steps, on the application of the Registrar, to maintain the confidentiality of information classified as criminal intelligence, including steps to receive evidence and hear argument about the information in private in the absence of the appellant and the appellant's representative.

16—Amendment of section 22—Application of this Part

This amendment is consequential on the amendments to definitions treating receivers in the same way as firearms.

17—Amendment of section 24—Registration of firearms

The Registrar is empowered to refuse an application for registration of a firearm if he or she is satisfied that—
(a) acquisition of the firearm by the applicant was not authorised by a permit in contravention of the Act; or
(b) the applicant improperly obtained a permit to acquire the firearm; or
(c) the applicant would not, having regard to the firearm sought to be registered and the current circumstances, be entitled to be granted a permit to acquire the firearm; or
(d) the firearm does not have identifying characters as required under section 24A or the identifying characters of the firearms have been defaced or altered without the authority of the Registrar.

18—Insertion of section 24B

The Registrar is empowered to cancel the registration of a firearm if the Registrar is satisfied that, having regard to the firearm and the current circumstances, the owner would not be entitled to obtain registration of the firearm.

19—Amendment of section 25—Notice by registered owner of alteration, loss, theft or destruction of firearm

This amendment is consequential on the amendment made by the preceding clause.

20—Repeal of section 29B

21—Amendment of section 32—Power to seize firearms etc

22—Amendment of section 34—Forfeiture of firearms etc

23—Amendment of section 34A—Forfeiture of firearms by court

24—Amendment of section 35—Disposal of forfeited firearms etc

The amendments made by these clauses are consequential on the amendments to definitions treating receivers in the same way as firearms.

25—Amendment of section 36—Evidentiary provisions

This amendment is consequential on the amendment to section 5 inserting definitions of ***collectors' club*** and ***shooting club***.

26—Substitution of Schedule

The current schedule, which is exhausted in its operation, is replaced by a new schedule dealing with transitional matters and compensation for various surrendered firearms, etc.

Surrender period is defined as the period of six months from the commencement of clause 1 of the schedule.

Provision is made for the surrender (or registration) of the following during the surrender period:
· an unregistered receiver
· an unregistered self-loading handgun (other than a revolver) with a barrel length, as measured in accordance with the regulations, of less than 120mm
· an unregistered revolver or single shot handgun in either case with a barrel length, as measured in accordance with the regulations, of less than 100mm
· an unregistered handgun with a magazine or cylinder capacity of more than 10 rounds or a modified magazine or cylinder capacity
· an unregistered handgun of more than .38 calibre
· an unregistered handgun that was manufactured after 1946 and acquired for the purpose of collection and display.

The Registrar is empowered, during the surrender period, to cancel the registration of a handgun of a kind referred to above. Those of the handguns that are eligible for registration, that is, those for which an acquisition permit might be obtained under section 15A as amended, may be re-registered , without fee, on application during the surrender period.

The following must not be used during the surrender period if unregistered:
(a) a self-loading handgun (other than a revolver) with a barrel length, as measured in accordance with the regulations, of less than 120mm;
(b) a revolver or single shot handgun in either case with a barrel length, as measured in accordance with the regulations, of less than 100mm;
(c) a handgun with a magazine or cylinder capacity of more than 10 rounds or a modified magazine or cylinder capacity;
(d) a handgun of more than .38 calibre.

The Registrar is empowered, subject to conditions approved by the Minister, to pay compensation in respect of firearms,

firearm parts, firearm accessories or ammunition of a kind approved by the Minister surrendered to the Registrar during the surrender period.

Finally, provision is made for certain antique firearms (which as the result of a new definition become subject to the Act, having previously been exempted) to be registered without fee during the period of six months from the commencement of clause 5 of the schedule. This will be subject to the owner joining a collectors' club and obtaining a collector's licence. Alternatively, the firearms may be disposed of by the owner.

Mr BROKENSHIRE secured the adjournment of the debate.

STATUTES AMENDMENT (ANTI-FORTIFICATION) BILL

In committee (resumed on motion).

(Continued from page 240.)

Clause 7.

Mrs REDMOND: In relation to section 37A(3), which provides that 'The commissioner may, before making a determination under this section, request the applicant to' do various things, and in relation to other subsections within section 37A, can the Attorney confirm for the record that the reference to the commissioner is subject to the delegation authority which appears as section 74BL on page 9?

The Hon. M.J. ATKINSON: The delegation in proposed section 74BL applies only to that part of the Summary Offences Act, so the police commissioner would have to rely on the Police Act to delegate under proposed section 37A.

Mrs REDMOND: I did not quite catch the sense of where the commissioner gets his authority. What happens with the practicalities of this?

The Hon. M.J. ATKINSON: The Commissioner derives his authority to delegate in proposed section 37A from the Police Act.

Mrs HALL: With regard to proposed section 37A(1), will the Attorney give some additional detail on a definition or an interpretation of the words 'a relevant authority'? I understand that we are assuming that a relative authority is either a council as a whole—the elected body—or the planning assessment unit or the group. Will the Attorney put on the record specifically what the relevant authority that we are talking about here is?

The Hon. M.J. ATKINSON: It would be local government or the Development Assessment Commission.

Mrs REDMOND: Under proposed subsection (7) of 37A—and this is something to which I alluded in my second reading speech—if there is an appeal under the act, the Commissioner will be the respondent and the relevant authority—generally the council or the Development Assessment Commission—will be joined as a party if the court commits. I have a couple of questions about that proposed section. Firstly, is it only in the circumstances of an actual appeal? So, the Attorney is not intending this to be the case where there is, for instance, an objection under the next section on the fortification removal order. It is only where there is specifically an appeal which is presumably, therefore, an appeal to the Supreme Court.

The Hon. M.J. Atkinson: You would only join the council on an appeal.

Mrs REDMOND: Yes. I note that the Attorney uses the term 'You would only join the council'. What I want to find out from the Attorney is—

The Hon. M.J. ATKINSON: The answer to your question is yes, only on appeal.

Mrs REDMOND: In relation to the joining of the council, I take it from the way that the section is structured that it is not even necessarily up to the council to determine whether it wants to apply to be a party. It is absolutely in the court's discretion whether it allows the council, or whoever has applied for the council, to be joined as a party to then make the determination whether the council can be a party to the proceedings. Has the Attorney given any consideration to whether, for instance, it might be appropriate to say that, if a council wants to be joined as a party, the court must let it become a party?

The Hon. M.J. ATKINSON: It is the court's discretion.

Clause passed.

Clause 8.

Mrs REDMOND: I made a suggestion in the course of the second reading debate in relation to the definition of 'fortification', because it seemed to me that the words at the end of paragraph (b) 'and is excessive for the particular type of premises' would apply as equally to paragraph (a) as they do to paragraph (b). Perhaps they should be shifted back out to the margin before the words 'and fortified has a corresponding meaning'. Perhaps if we could just deal with that first.

The Hon. M.J. ATKINSON: The member for Heysen's analysis of this bill has been detailed. Her contribution to the debate has been outstanding. However, I did answer that question in my second reading summing up. So, I hope the member for Heysen will not be put out if the answer is the same. The answer is that, once it is established that a security measure is designed to prevent or impede police access to the premises, whether it is excessive or not does not really matter.

Mrs REDMOND: The difficulty I have with this section is that it seems to me that any number of premises could come within the definition of 'fortification' because of the words 'is intended or designed to prevent or impede police access' or 'has the effect of' doing that. I referred to a number of premises in my electorate which obviously are owned by someone who is very wealthy and who has established a very high fence. I certainly cannot door knock at that place. What will stop this? Is it just a subjective analysis by the police or the police commissioner as to whether or not they believe that the intention of the design of the particular construction is to impede police access, because any number of ordinary domestic security measures will impede police access to a building or premises?

The Hon. M.J. ATKINSON: In the homes of celebrities in the member for Heysen's electorate, security measures are not intended to prevent or hinder police access, but the double gates on Stormy Summers' brothel in Waymouth Street clearly are designed to prevent police access. That is just one example. I think the application of commonsense will tell the difference.

Mrs REDMOND: The point I am trying to make is that they might not have been designed to prevent police access, but under paragraph (b) they have the effect of preventing police access.

The Hon. M.J. ATKINSON: If the security measures have the objective effect of preventing or impeding police access but that is not necessarily intended, then the question is: are they excessive for the particular type of premises? That is a judgment that I am sure the police commissioner will make wisely. The first is a subjective test; the second is an

objective test, but it is one to which I have every confidence the police will apply commonsense.

Mrs HALL: I again seek information from the Attorney. I mentioned during the second reading debate some of the unintended consequences of some of the wording. I refer again to paragraph (a), which states that it is 'intended or designed to prevent or impede police access to the premises' or paragraph (b) which states that it 'has the effect of preventing or impeding', etc. I am curious about intended or unintended consequences, so I ask the Attorney to elaborate.

The Attorney just referred to premises in Waymouth Street. I must confess that I have never been there, so I do not specifically know these premises, although I have heard numerous descriptions of both the exterior and the interior of these premises. Is it an intended consequence or an unintended consequence that those premises could well be affected by this section?

The Hon. M.J. ATKINSON: It is not the government's purpose in introducing this legislation to deal with other than outlaw motorcyle gang premises. My recollection is that this is about serious offences. I do not think anything that occurs at Stormy Summers' premises is indictable. They are all summary offences if, indeed, any offences are occurring at all, given the current interpretation by magistrates of some of the brothel sections of the Summary Offences Act. It is not the government's intention that this would be used against anyone other than outlaw motorcycle gangs, but I just use the double gates at Stormy's as a well known landmark in Adelaide and example of what could be interpreted to be excessive fortification.

Mrs HALL: I note that the Attorney carefully said it is not the government's intention to target these particular premises, but is it possible that it could be used by the police to pursue Stormy's place, given that they have expressed concern over a number of years that they are unable to pursue the issue of prostitution because they do not have the powers to do so? If we are relying on the trust and the faith that we all have in the existing police commissioner to make that judgment, is that a personal judgment that he makes, or does it have further implications for the government? I note that the Attorney said it is not the government's intention to do that. However, what happens if another group of people decide to press the police into doing just that?

The Hon. M.J. ATKINSON: It is a good question. If the member for Morialta turns to proposed section 74BB(1), she will see listed in (A) (B) and (C) paragraphs stating that the commissioner would have to satisfy a court that the premises are being used for or in connection with the commission of a serious criminal offence, or to conceal evidence of a serious criminal offence, or to keep the proceeds of a serious criminal offence. Unless a brothel is reasonably suspected of violating the provisions of what was in the last parliament called the Sexual Servitude Bill, which contained serious offences, if the brothel just engages in the normal services, which may or may not be summary offences, a court could not possibly be satisfied of reasonable grounds for the fortification removal order. It would only be in the most serious circumstances where there was evidence before the court of serious criminal offences.

Mrs HALL: Noting proposed section 74BB(1), paragraphs (A), (B) and (C), and listening carefully to what the Attorney has said, what would be the case, in the Attorney's opinion, if the police commissioner had reasonable grounds to assume that serious criminal offences were taking place on such fortified premises, perhaps involving the use of drugs or the illicit sale of drugs—

The Hon. M.J. Atkinson: Or the use of children.

Mrs HALL: —or the use of children. Could that section be used in that context, or is there some mechanism that it only applies specifically to outlaw motorcycle gangs?

The Hon. M.J. ATKINSON: The answer is yes, and that would be an operational matter for the police commissioner.

Mrs REDMOND: Section 74BB clearly relates only to premises which are already in existence. Has the Attorney-General identified which premises he wants targeted?

The Hon. M.J. ATKINSON: That will be an operational matter for the police. However, I confess that, when interviewed about this, I have nominated particular premises I would have thought qualified, one being the Hell's Angels premises at Trafford Street, Angle Park.

Mrs REDMOND: Subsection (b) refers to the commissioner making application to the Magistrates Court and satisfying the court that, first of all, the premises are fortified, and either they have been put up illegally in contravention of the Development Act, or those (a), (b), (c) paragraphs apply. If they have been put up illegally in contravention of the Development Act, why would it not be appropriate for the council simply to take an action under the Development Act, quite apart from any provisions in this bill, to get an order for their removal? In essence, does the Attorney anticipate that this will provide a simpler or better mechanism for councils to obtain the removal of illegally constructed fortifications which are already there and in breach of the Development Act?

The Hon. M.J. ATKINSON: We know from experience that some councils do not use the Development Act to remove fortifications. We think the police commissioner will.

The ACTING CHAIRMAN (Mr Snelling): The member for Heysen is on her sixth question. Standing orders provide for three questions, but I will allow the member some indulgence.

Mrs REDMOND: Thank you, Mr Acting Chairman. I do not have that many more questions, but I would ask the indulgence of the—

The Hon. M.J. Atkinson: You have 'so many more questions'; you are using 'that' in the wrong sense.

Mrs REDMOND: All right; so many more questions, or too many more questions. Given that there are several separate sections about which I would like to ask questions—

The Hon. M.J. Atkinson: Proposed sections.

Mrs REDMOND: They are sections of the draft bill. I am hoping to assist the Attorney with my next question, which is again in relation to a comment I made earlier about the fortification removal order directed to the occupier. I recognise that, in most circumstances, that is who you want to get at. I wonder whether it would be more secure, for the sake of getting rid of these people, to actually put in the option of having the order against the owner or the occupier so that there is some sort of discretion for the court to decide, given the particular circumstances of the case, which one is appropriate to use.

The Hon. M.J. ATKINSON: The member for Heysen is correct in saying that we are, in nearly all cases, targeting the occupier. In many cases, the owner will not be the occupier, and we think it would be unfair for an order to be made against the owner.

Mrs REDMOND: I am not suggesting that you would issue such an order in unfair circumstances. I am simply suggesting that there might be a broader catch-all way of

putting the legislation so that, in the event that it was the owner, it did not have to be the occupier who had fortified the premises.

Mr BRINDAL: Following on from the member for Morialta, I understand the minister to have said that it was not the current intent to catch certain premises. What I wanted to follow up on was this. It may not be your intent, but we get a Minister for Police who comes in here daily prattling on that he has no right to interfere in police operational matters. What you are doing in this legislation is passing a power to the commissioner, and you are not limiting the commissioner's power. The commissioner's power is prescribed by this act. You are saying that it is not the government's intent to close brothels and things like that; it is not the government's intent to do this or to do that. But then you are giving the commissioner a discretionary power and you are not responsible for operational matters. How can you sit here and say that it is not the government's intent to do anything when you are giving a right to the commissioner and you do not have the power to direct the commissioner on operational matters? How can you stand here and give any guarantees as to the government's intent at all? One of the real problems with this is that even commissioners of police are subject to public opinion and public vagaries, and act with propriety and integrity. But if the holy rollers of certain parts of the Christian church get on their high horse and say, 'This legislation should be used against all these people because we do not happen to like them. We do not think that this is right. We want to crucify them before breakfast,' then how can you, as minister, say that this house is giving adequate protection against the vagaries of bigoted and biased groups when you are giving away control through this measure?

The Hon. M.J. ATKINSON: If outlaw motorcycle gangs run—

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: Touche. In fairness, we do know who the outlaw motorcycle gangs are: the member for Morialta enumerated them correctly. Whether or not they are referred to by the adjective 'outlaw' is conjectural, but the member for Heysen has already made that point and made it well. If they run a brothel from fortified premises then those fortifications would properly be the subject of this proposed law. Furthermore, if a brothel is a site at which indictable offences—I will not use the term indictable offences, I will use the terms in the bill: serious criminal offences—are occurring, namely 15-year old girls are being used to provide the service or there is serious trafficking of drugs, then I am happy to give the police commissioner the operational freedom to approach the Magistrates Court and convince a magistrate that those fortifications should be removed.

Mr BRINDAL: Minister, I am not a lawyer. You are. I am not half as smart as most of the lawyers in this place—I do not pretend to be. But I understand that an indictable offence is an offence for which a prison term—

The Hon. M.J. Atkinson interjecting:

Mr BRINDAL: It says in here that a serious criminal offence is an indictable offence. It is part of the definitions of your act. Your act says, 'serious criminal offence'. When you look at what a serious criminal offence is, it is an indictable offence. An indictable offence is an offence for which there is a possible prison term. There is a whole range of indictable offences that are not serious criminal offences, but your act says that they are. Anything with a prison term is an indictable offence; therefore, under this act it is serious criminal offence.

If you look at the fortification removal order it says that there are reasonable grounds to believe that the premises are being, or have been, or are likely to be, used in connection with the commission of a serious criminal offence; that is, an indictable offence. Let me take members to a ridiculous situation. If someone in this place is suspected of an abuse of public office may well be facing charges therefor. That is an indictable offence, and under this measure it is a serious criminal offence, and this place is rather well fortified. It could almost be classed as a fortified place. Look at the doors and all the rest of it. So, will a commissioner come in here and say, 'A serious criminal offence is likely to be committed in this place. Pull down all the fortifications.' I know that I am taking it to a logical conclusion—

Members interjecting:

Mr BRINDAL: An illogical conclusion.

Mrs Redmond: Unlikely.

Mr BRINDAL: An unlikely conclusion. What I am saying is that, if we follow the definitions, we give any commissioner huge scope to interpret this in any way he wants. I agree with the minister. If sexual offences are being committed that involve paedophilia and minors, and if there are serious drug offences, there should be no protection. However, a lot of indictable offences under prostitution law and other aspects of the law are not serious.

The Hon. M.J. Atkinson: But are they indictable?

Mr BRINDAL: Yes.

The Hon. M.J. Atkinson: Which ones are they?

Mr BRINDAL: You tell me; you're the lawyer.

The Hon. M.J. Atkinson: You're the one who is objecting.

Mr BRINDAL: The last I heard, it was the right of the opposition to question the minister. It was not the right of the minister to mark opposition members for their ignorance in the law, especially when you spent some time studying for an LLB and I did not. I am just testing how much you learnt in that time.

An honourable member: How would you know?

Mr BRINDAL: You would never know with him because he makes up what he does not know.

The ACTING CHAIRMAN (Mr Snelling): Order! The Attorney-General.

The Hon. M.J. ATKINSON: Regarding Parliament House, the fortifications are not intended to keep the police out and, given that the place is full of state MPs, I do not think the fortifications are excessive, and the court will uphold the rule of law.

Mrs HALL: I seek some more information from the Attorney following the questions that I asked a little earlier. I have found a newspaper report that I had in the back of my memory, and it contains a quote from the police commissioner. As I said, I have every faith in his integrity and in his capacity to be balanced and fair, but I am curious about the unintended or flow-on consequences of the passage of this bill. The police commissioner is reported to have said:

> There is very little negative interaction between police and brothel owners—they know we're impotent.

The article went on to say:

> Police Commissioner Mal Hyde has pushed for law reform, saying that in the past 12 months police had arrested 52 people for prostitution-related offences, 90 per cent of them were streetwalkers, while no prostitute working in a brothel had been prosecuted in the past two years.

I come back to my original question, and I accept that the Attorney said it is an operational matter, but is it fact that,

with the passage of this bill with these provisions, a number of the brothels in Adelaide could be closed down—

The Hon. M.J. Atkinson: No.

Mrs HALL: —or could be—

The Hon. M.J. Atkinson: Defortified?

Mrs HALL: —defortified—if there were reasonable grounds to expect that serious criminal offences were taking place on those premises?

The Hon. M.J. ATKINSON: If there is fortification of the relevant kind and there are reasonable grounds to believe that serious criminal offences are occurring inside, the answer is yes.

Mr BRINDAL: The minister asked me what some of these serious criminal offences were. In the few minutes available while the member for Morialta asked her question, I have scanned some legislation, and I have found, for example, that it is an offence if a person, for prurient purposes, incites or procures. That covers a gaol term of two years, which makes that a serious criminal offence.

The Hon. M.J. Atkinson interjecting:

Mr BRINDAL: I will give you another one, minister. This is a matter that you and I share a similar interest in: abortion. Abortion, if it is not done strictly according to the law, is a criminal offence. That means that this bill may well apply to abortion clinics, which are fairly well fortified, because there are right-to-life people who have very set views on abortion. It is a matter that has caused a loss of human life in some other jurisdictions. In those jurisdictions, indeed in our own jurisdictions, abortion clinics are rather well fortified.

Mrs Geraghty: That is illogical. What a ridiculous idea.

Mr BRINDAL: No, it is not. The member says it is illogical, but she should read the minister's definitions and read the penalties for unlawful abortion. Whether the honourable member thinks it is right or not, there are people in this parliament who have argued before this parliament that some of those procedures are now done illegally and outside the law. If that were to be the case, then the law in this case could be held to apply. If I am wrong, let the Attorney tell me I am wrong, and show me I am wrong.

The point I am making is that this law gives a power to the Commissioner of Police, which I think is an unintended consequence of what the minister is trying to do. If the member thinks that that is a stupid proposition, she should stand up and tell me where it is wrong, because it seems to make sense to me. I have never pretended in this place that I cannot be corrected and I have never pretended to be right, but instead of telling me it is ridiculous—

Members interjecting:

Mr BRINDAL: Well, if you think it is ridiculous, tell me where it is wrong.

Mrs Geraghty: That is totally irrelevant to the matter we are dealing with. You do that to inflame the situation and I think it is disgraceful.

The ACTING CHAIRMAN: Order!

Mrs REDMOND: Mr Acting Chairman—

The ACTING CHAIRMAN: Order! The honourable member has asked at least six questions on this clause.

Mrs REDMOND: Mr Acting Chairman, I appreciate your indulgence, but I do think it is unfair that we have a clause that contains several provisions—

An honourable member interjecting:

Mrs REDMOND: That was not me. Clause 8 covers several proposed sections, so it seems to me unreasonable—

An honourable member interjecting:

Mrs REDMOND: It is not the last clause. There is a whole schedule and I do not have anything to say about the schedule, but it does seem to me to be unreasonable to restrict debate.

An honourable member: We will be sitting here all night.

The ACTING CHAIRMAN: Order! I will allow the honourable member to ask one more question.

Mrs REDMOND: I have one other question on proposed section 74BB.

The ACTING CHAIRMAN: Perhaps the member for Heysen can ask both questions at once.

Mrs REDMOND: This is really a matter of clarification. Proposed section 74BB(3) provides:

> A fortification removal order may be issued on an ex parte application.

As I said earlier, that seems to presuppose that the normal process will be an inter-parties summons in which the defendant is served with the summons and notified. Can the Attorney confirm whether that is his expectation of how it will operate?

The Hon. M.J. ATKINSON: It is up to the Commissioner to determine how he makes the application.

Mrs REDMOND: Mr Acting Chairman, I do have a couple of other questions. I no longer have any problem with proposed section 74BB. I am quite happy to deal with that if we can deal with it separately, but I do have some questions on proposed sections 74BC and 74BD and a couple of others.

The ACTING CHAIRMAN: I will allow the member for Heysen further indulgence, but I remind her that she is on her seventh or eighth question. I am mindful that the clause is long, but standing orders provide for three questions per clause. Certainly, it had been the practice in the previous parliament, to strictly adhere to that rule. I will allow the member for Heysen some further indulgence, but I do ask that she assist in expediting this clause.

Mrs REDMOND: I am not in any way trying to unnecessarily keep the house here. It is an important debate that we have. It seems the rule about three questions is perfectly valid if you have a single clause. However, what we have is the potential for any government to thwart any real debate by simply doing what this legislation effectively does. But, anyway, I will get on with it. I am trying to assist in trying to ensure that we get the best legislation we can. Proposed section 74BC(3) provides:

> A copy of the affidavit verifying the grounds on which the application was made must be attached to the fortification removal order—

no problem with that—

> unless disclosure of information included in the affidavit would be in breach of an order of the Court. . .

On reading that, it seemed to me that we could potentially have a situation where an affidavit might have, for example, just one provision that needs to be protected by confidentiality. It might be appropriate and I would ask the Attorney to consider—perhaps between here and another place, as I do not have any amendment to put up—the possibility of adjusting that section so that, rather than it being that the whole affidavit is in or the whole affidavit is out, there be some discretion so that, if necessary, part of an affidavit could be kept out for confidentiality reasons under that other provision.

The Hon. M.J. ATKINSON: I shall consider the member for Heysen's proposal.

Mrs REDMOND: On 74BF, I again raise with the Attorney the fact that subsection (1) requires that, when someone has been served with a fortification removal order, they put in their objection and it goes back to be heard before the same magistrate. I note what the Attorney said in his response to that—

The Hon. M.J. Atkinson: I gave you three reasons for that.

Mrs REDMOND: Well, it did not seem to me to canvass the issue in the sense that it certainly the case that the senior magistrate has made a ruling saying that the matter comes back before the same magistrate. But that deals with all the interlocutory processes up to an initial decision. It has never been a practice in our courts to say that where someone is actually, in effect, appealing against a decision, which is what the notice of objection is—the first level of appeal—then it goes back before the same person. What you are creating is a situation where the magistrate is reconsidering his own decision, in which case it is very unlikely that the magistrate is going to come to a different conclusion.

The Hon. M.J. ATKINSON: The occupier is not appealing; he is appearing.

Mr BRINDAL: I do not understand what your ruling is. I thought we normally go through bills clause by clause and line by line.

The ACTING CHAIRMAN: We are dealing with clause 8.

The Hon. M.J. Atkinson: Clause 8, not clause 74. They are all proposed sections within one clause.

Mr BRINDAL: They are proposed sections within one clause but it has always been the tradition in this house almost to examine it line by line.

The ACTING CHAIRMAN: No, it has not. My ruling is that clause 8 is one clause. There is no doubt about that.

Mr BRINDAL: Is your further ruling that, as clause 8 is one clause, on this whole four or five pages of legislation we are entitled to ask three questions?

The ACTING CHAIRMAN: Yes. Because of the length of the clause, I have allowed indulgence to the member for Heysen, and the member for Unley has had three questions. I am allowing him a fourth.

Mr BRINDAL: After this question I will desist, but I should inform the house that this is a matter I think is a cogent matter—

The ACTING CHAIRMAN: Does the member for Unley have a question?

Mr BRINDAL: Yes, but I am just saying to the house—

The ACTING CHAIRMAN: You do not say to the house: you ask a question or you speak to the clause. What is the question, or what do you have to say on the clause?

Mr BRINDAL: I merely wish to ask the minister the following question and in so doing make the observation that perhaps what we need to do is refer this to the Standing Orders Committee, because asking three questions on a clause of this length is somewhat stupid.

The ACTING CHAIRMAN: Does the member for Unley have a question?

Mr BRINDAL: Yes, I do.

The ACTING CHAIRMAN: Then will the member for Unley either ask it or sit down.

Mr BRINDAL: The question or the statement, if I want to make a statement, is this. If you read some of these clauses, what you are trying to do (and what the Premier also said) is rightly get rid of fortifications for bikie gangs. But you have here an elaborate process that allows, as I understand it, that if an order is made nothing can happen for at least 14 days because the person against whom the order is made has a right of objection. It then goes to a court process, which is a Magistrates Court process, I think, to be heard, and that will take time. So, you have 14 days, plus the time to put it before a court. Then it gets to a magistrate. The magistrate hears it, and I do not know what the current court time is—

The Hon. M.J. Atkinson: It's improved, actually, in the Magistrates Court.

Mr BRINDAL: It may well be improved, but I bet it is probably still two or three months down the track. Then if they want to, having had an unfavourable ruling from the magistrate, they can appeal to the Supreme Court, which will take another six months. So, from the time you want to get the fortification down, given that it is necessary and they are illegal bikie gangs and you want to get in there, the legislation gives them about nine months' notice of vacation.

I put to you, minister that, if I had nine months to get out and I was an illegal bikie gang with all the resources they have, in nine months I could build another fortification elsewhere: simply vacate the premises, have the fortifications removed and in nine months I would have my next fortified premises next door and you would go through the whole thing again. If I am wrong, tell me. If I am right, does it not defeat your purpose to have such a comprehensive method by which they can delay what you intend to do?

The Hon. M.J. ATKINSON: I do not think the court lists are quite as long as the member for Unley makes them out to be. In the end, the fortifications would be removed and the gang would be unable to get permission to build new ones.

Mrs REDMOND: Under 74BI, the enforcement provision, subsection (3) specifically provides:

> For the purposes of causing fortifications to be removed or modified, the Commissioner, or any police officer authorised by the Commissioner for the purposes of this section. . .

I wonder whether the Attorney could explain why those words 'or any police officer authorised by the commissioner for the purposes of this section' are there, given that all the other references to the commissioner taking action of various kinds under this part are then covered by a general delegation set out in 74BI, which sets out that it has to be a police officer above the rank of inspector? Will the Attorney please explain the use of those words in that section and its intention?

The Hon. M.J. ATKINSON: Other provisions of the bill specify 'senior police officer', an officer of the rank of inspector or above, but this proposed section allows any police officer to do this job.

Clause passed.

The ACTING CHAIRMAN: On page 9, proposed section 78BK should read '74BK'.

Schedule and title passed.

Bill reported without amendment.

The Hon. M.J. ATKINSON (Attorney-General): I move:

> That this bill be now read a third time.

In so doing I will answer a question from the member for Morialta, who was concerned about proposed section 74BK(2), which provides:

> However, an owner of premises may recover reasonable costs associated with repair or replacement of property damaged as a result of creation of fortifications or enforcement of a fortification removal order as a debt from any person who caused the fortifications to be created.

If the owner is an innocent owner, namely, an owner who is not a party to the criminal conduct of the occupier, then recovery against the occupier would be just. However, if the owner is in cahoots with the occupier, then, yes, the same action lies, but it lies between conspirators and the government is not—

Mrs Hall interjecting:

The Hon. M.J. ATKINSON: Yes, the government is not particularly concerned who ends up on top between a guilty owner and a guilty occupier.

Bill read a third time and passed.

SUMMARY OFFENCES (OFFENSIVE WEAPONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 September. Page 41.)

Mr BROKENSHIRE (Mawson): Given the time of the night, I do not intend to spend any longer than is necessary on this bill, but I would like to raise a few things before we go into committee because we do have some amendments. Unlike the fortification bill, which I supported and which was a policy of the Liberal Party, I just want to say that, in many respects, this bill is more of a stunt than it is about ensuring the better protection of the community in and around licensed premises. I believe this bill is primarily for the purpose of trying to get another media story on a so-called tough on law and order strategy. To me, this bill lacks a lot. We know that every time there was an incident at a hotel or a club when we were in government the then leader of the opposition (the now Premier) would rush to the media and say, 'We have to ban knives and offensive weapons around these premises.'

In fact, at one stage, this government's policy or press releases actually talked about a distance around and within nightclubs and hotels. However, it is interesting to see that it has now changed that to 'in the vicinity of licensed premises'. I would like to know what is the definition of 'in the vicinity of licensed premises'. I need to put on the public record what happened when we were in government in relation to the prohibited weapons legislation. We undertook an extensive process of consultation with the broader community, including members of the community who were concerned about the carrying of certain weapons—and I am not just talking about knives but a range of other dangerous weapons. We also worked with the police and other people within the legal profession and came up with legislation that was scientifically based and well-researched.

The legislation really did make a difference when it came to people bringing certain weapons into the general community. An amnesty at the time allowed much of that weaponry to be taken off the streets. I might add that it was not firearms but a range of knives and other pieces of weaponry that people were carrying. I thought that was very successful and that it had enormous benefit in making South Australia safer.

It was interesting that, even in the last couple of weeks, there have been incidents involving brawls in pubs where, surprise, surprise, the weapons used were either broken stubby bottles or, indeed, glasses that people were drinking from, which became the weapons. Those recent cases did not involve people carrying a so-called offensive weapon.

Frankly, if the government was really serious about what it is trying to do with this bill, it would have to go the extreme of saying that, in a hotel or in a nightclub, or in the vicinity of a hotel or a nightclub, all alcohol must be sold and consumed only in plastic containers. That is the only way that this government would really make a positive impact in relation to so-called offensive weapons.

I happened to be on a patrol with police only a few Friday nights ago. We went to a pub brawl, when two people decided that they would have a go at each other in the carpark of a hotel. They had scissors in their pockets. I ask the Attorney-General: are scissors an offensive weapon? Therefore, you will not be able to carry scissors. If you are a farmer, and many farmers—

The Hon. M.J. Atkinson interjecting:

Mr BROKENSHIRE: Well, you can explain that in a little while. However, if you are talking about lawful excuse, if someone was a schoolteacher or involved in a craft evening and happened to have a small pair scissors in their pocket, that would be a lawful excuse. The point is that it could still become an offensive weapon. In fact, in the case of the pub brawl, the offensive weapon was, first, the scissors and, secondly, the glasses that people were drinking from. The glass had been broken and was able to be used as a very offensive weapon. So, if we are really serious, I question the fact that you are allowed to wander around outside clubs and hotels with a stubby.

Whilst I have not scientifically gone through the statistics of violent offences in these amenities, I suggest that the majority of them involve items such as stubby bottles or a glass that the person was drinking from, which can be easily broken in a fit of rage and used as a weapon. I know of another situation in a carpark, when an innocent person, whilst trying to assist, was attacked with a broken stubby bottle straight into the eye.

These issues are not addressed in this bill, and I would like the Attorney-General to briefly explain tonight why they are not and why he and the government feel that those sorts of situations do not need to be covered if, indeed, they believe that this measure will protect people when they around a nightclub or a hotel.

Ms Chapman interjecting:

Mr BROKENSHIRE: The honourable member for Bragg gives the example of a cook or a chef walking past the Queen Adelaide Club, or anywhere else. The other point I raise is that I note that this measure does not in any way cover other situations. For example, if you are in the vicinity of a hotel or a nightclub and you do not have a lawful excuse, under this bill you can be committing an offence. I ask the Attorney-General: what about when you are at a sporting venue? Is it not a problem in that situation? Sadly, recently in the media we have seen a trend towards a form of rage at sporting events.

Mr Hanna: What about that woman tennis player?

Mr BROKENSHIRE: The member for Mitchell mentions the unfortunate circumstance with the international tennis player. If you are going to be really serious about this, I guess that you would broaden it out so far that, generally speaking, people would not be able to carry anything anywhere. As I said, this bill, to a great extent, is a political stunt. The government attacks regularly in this place the Hon. Trevor Griffin. I want to put on the public record that, with respect to prohibited weapons and the work done around that issue, the most extensive legislation, probably in Australia, was introduced by the Hon. Trevor Griffin.

No political stunt was involved in that by the Hon. Trevor Griffin. He knew that there were concerns about prohibited weapons, and he developed an extensive piece of legisla-

tion—far more than the two pages in this bill—to combat matters around weapons that should be prohibited to make the streets of South Australia safer. It is a government bill. I support legislation that makes the streets safer, but I sincerely believe that, in this instance, it is primarily a political stunt. If it is not a political stunt, I ask the government to support the amendment that has been moved to clause 4, page 2 line 12 to page 3 line 14, because this amendment will have the effect of ensuring that the carrying of offensive weapons is treated as a serious offence wherever and whenever they are carried.

I believe that if the Premier and this government are anywhere near genuine about being tough on law and order they will support these amendments because they toughen up and tie in much more with the type of thrust we had when we introduced some serious legislation, namely, the prohibited weapons legislation. Given that the base principle of this bill will be supported by the opposition, I trust that the government will show that it supports a serious amendment that makes it much tougher than the original bill proposed by the government.

The Hon. M.J. Atkinson interjecting:

Mr BROKENSHIRE: Whilst we are in the second reading, I have every right to foreshadow and flag that sort of debate, and I am happy to follow it through in committee.

Mr HANNA (Mitchell): They are both as bad as each other. At least the opposition spokesperson is right in saying that it is a stunt. I would be delighted to support this measure if it were genuinely about crime reduction, but there is ample evidence to suggest that merely extending the number of years served for a particular penalty is not going to reduce the incidence of crime. Every police officer and every reasonable member of the community knows that the biggest deterrent to the commission of crime is the fear of apprehension.

So, if you put more police on the streets near the nightclubs about which the government is concerned there will be a reduction in crime in and around those nightclubs; but to say, 'You will go to gaol for a certain period of time for carrying a knife,' will not scare people into different modes of behaviour. Sadly, that is the case. I believe that it is a stunt but, with the combined support of the Labor and Liberal parties in this place, it will go through the parliament, and I can only show it up for what it is.

Bill read a second time.

In committee.

Clause 1 passed.

Progress reported; committee to sit again.

STATUTES AMENDMENT AND REPEAL (STARR-BOWKETT SOCIETIES) BILL

Adjourned debate on second reading.

(Continued from 18 September. Page 147.)

The Hon. D.C. KOTZ (Newland): I acknowledge in the first instance that the opposition supports the bill. This bill has a long history, right from its initiation through to the attempt to repeal it in 2001 when a bill was introduced by the then minister for water resources, the Hon. Mark Brindal. Unfortunately, at that time we moved into an election process. The bill had not passed both houses and therefore lapsed. As a result, we moved into an area where general elections were called. The purpose of the bill—

The Hon. M.J. Atkinson interjecting:

The Hon. D.C. KOTZ: Only by compact. The purpose of the bill is to repeal the Starr-Bowkett Societies Act 1975 and also to amend the Fair Trading Act 1997. The Starr-Bowkett Society is a type of building society that causes or permits applicants for loans to ballot for precedence or that in any way makes the granting of a loan dependent on any chance or lot. The societies act 1975 currently prohibits this activity except in relation to the Starr-Bowkett society that was registered under the previous act. However, the present act is quite irrelevant in terms of the statutes, and the opposition is pleased to be able to support the Attorney-General in getting this bill through, and finally to have the repeal of this bill actioned at this time. Without further comment, I state that the opposition supports the repeal of this bill. It is well and truly time it is removed from the statutes of the state.

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

ADJOURNMENT

At 11.10 p.m. the house adjourned until Wednesday 24 September at 2 p.m.