HOUSE OF ASSEMBLY

Tuesday 22 November 2005

The SPEAKER (Hon. R.B. Such) took the chair at 2 p.m. and read prayers.

ASSENT TO BILLS

Her Excellency the Governor, by message, assented to the following bills:

Justices of the Peace,

Liquor Licensing (Exemption for Tertiary Institutions) Amendment,

River Murray (Miscellaneous) Amendment.

DISTINGUISHED VISITORS

The SPEAKER: Today we welcome a group from the Department of Further Education, Employment, Science and Technology who have been hosted by a minister (Hon. Stephanie Key), and a group from the Department of Education being hosted by our Education Officer, Ms Penny Cavanagh. We welcome those people and trust that their visit is enjoyable and informative.

SITTINGS AND BUSINESS

The SPEAKER: Before calling on routine business, I remind and ask members to get close to their microphone. We know members are used to kissing babies, but members literally need to get really close to their microphone. They also need to face the microphone, because it is designed to be directional and has a limited scope in terms of members who want to move around on their feet. Out of consideration for Hansard staff, we do not want members shouting into the microphone, but if they speak closely to the microphone that will be adequate—and I am sure *The Advertiser* will be pleased as well.

PORT LINCOLN, SHARK DANGER

A petition signed by 3 492 residents of South Australia, requesting the house to urge the Port Lincoln City Council to immediately install signs along the city's main beach to warn of the potential danger of sharks and a siren to alert swimmers that a shark is in the vicinity and to provide a tidal pool and shark shield in the near future, was presented by Mrs Penfold.

Petition received.

MURRAY BRIDGE BUS SERVICE

A petition signed by 85 residents of South Australia, requesting the house to urge the Minister for Transport to provide the people of Murray Bridge with a bus service identical to that offered in Mount Gambier; with the capacity for residents to phone and obtain a bus within an hour, was presented by the Hon. I.P. Lewis.

Petition received.

AGENCY AUDIT REPORT

The SPEAKER: I lay on the table a supplementary report of the Auditor-General, pursuant to the Public Finance and Audit Act 1987, entitled 'Agency Audit Report'.

Report received and ordered to be published.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. M.D. Rann)—

- Auditor-General's Department, Operations of—Report 2004-05
- Australasia Railway Corporation—Report 2004-05
- Capital City Committee—Adelaide—Report 2004-05
- Promotion and Grievance Appeals Tribunal—Report 2004-05

By the Minister for Transport (Hon. P.F. Conlon)—

- Transport, Energy and Infrastructure, Department for—Report 2004-05
- Regulations under the following Acts—
  - Motor Vehicles—Speeding Demerit Points
  - Road Traffic—
    - Expiation fees
    - Licence Disqualification

By the Minister for Infrastructure (Hon. P.F. Conlon)—

- Land Management Corporation—Report 2004-05

By the Attorney-General (Hon. M.J. Atkinson)—

- Legal Practitioners Education and Admission Council (LPEAC)—Report 2004-05
- Regulations under the following Act—
  - Criminal Law Consolidation—Flinders Private Hospital
- Rules of Court—
  - Magistrates Court—Cancellation of Probationary Licence

By the Minister for Health (Hon. J.D. Hill)—

- Chiropractors Board of South Australia—Report 2004-05
- Nurses Board of South Australia—Report 2004-05
- Occupational Therapists Registration Board of South Australia—Report 2004-05
- Pharmacy Board of South Australia—Report 2004-05
- Physiotherapists Board of South Australia—Report 2004-05
- SA Ambulance Service—Report 2004-05
- Psychological Board, South Australian—Report 2004-05

By the Minister for Environment and Conservation (Hon. J.D. Hill)—

- Coast Protection Board—Report 2004-05
- Native Vegetation Council—Report 2004-05
- Regulations under the following Act—
  - Heritage Places—General

By the Minister for Administrative Services (Hon. M.J. Wright)—

- Freedom of Information Act—Report 2004-05
- State Supply Board—Report 2004-05

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

- Industrial Relations Commission, President of and Industrial Relations Court, Senior Judge of—Report 2004-05

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

- Liquor and Gambling Commissioner, Office of—Report 2004-05

By the Minister for Education and Children's Services (Hon. J.D. Lomax-Smith)—

- Regulations under the following Act—
  - Development—Systems Indicators

By the Minister for Families and Communities (Hon. J.W. Weatherill)—

- Community Benefit SA—Report 2004-05
- Regulations under the following Act—
  - Correctional Services—Prohibited Items

By the Minister for Housing (Hon. J.W. Weatherill)—

Housing Trust, South Australian—Triennial Review Final Report—September 2005

By the Minister for the Ageing (Hon. J.W. Weatherill)—

Office for the Ageing 2004-05

By the Minister for Consumer Affairs (Hon. K.A. Maywald)—

Regulations under the following Acts—
Liquor Licensing—Victor Harbor Holiday Dry Areas.

PANDEMIC INFLUENZA

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

Leave granted.

The Hon. J.D. HILL: I rise to update the house on South Australia's readiness to respond to a pandemic flu outbreak. The worldwide threat of bird flu is now well known. Thankfully to date there has not been a reported case of the H5N1 type influenza amongst birds or humans in Australia. However, there have been reported cases in our region, for example, in Vietnam, China, Cambodia, Thailand and Indonesia. We know that Avian Flu can be spread quickly. About half the people who have been infected have died. Whether there have been cases of any human to human infection is uncertain, but such transmission is extremely rare. However, according to the health experts influenza viruses can easily change their genetic make-up, and the World Health Organisation advises that there is a 10 per cent chance of an outbreak in Australia. While the risk of an outbreak might be low, the consequences of an outbreak would be catastrophic. Therefore, preparations are being made to ensure we are best equipped to fight any such outbreak.

I announce today that, following consultation with key health bodies, the state's first pandemic influenza operational plan has been developed and is now publicly available on the government web site at www.dh.sa.gov.au/pehs, and I table a copy of that plan. The plan assumes an attack rate of 25 per cent, which could result in around 2 600 extra deaths over a two-month period. It recommends the setting up of fever clinics to contain the spread of disease and remove the burden from hospitals, as well as caring for people in their homes or in hospitals. The aim of the plan is to contain the virus and maintain essential services until an effective vaccine has been developed and the whole population immunised. This could take some time. Although there is no vaccine yet available, there are short supplies of anti-viral drugs that provide temporary protection. Essential workers, such as health care workers, police officers and others in the front line who are the most likely to be exposed to the virus, would be given priority in the distribution of these drugs.

The plan anticipates major disruptions to our lives. Mass gatherings may need to be avoided and schools may have to be closed. Government and businesses will need to plan to cope if, for example, up to 25 per cent of the work force is infected. The plan is a matrix for how crucial decisions will be made including:

- How anti-viral drugs are distributed.
- Establishing a priority list of groups who should receive the vaccine once it is produced.
- The establishment of mass immunisation clinics.
- Giving special attention to infection control among children who are especially susceptible to influenza.
- Education for health care workers and the general public, including preventive measures such as correct hand-washing and the use of surgical masks.
- Making sure the state's network of GPs and pharmacies are influenza ready.

Meanwhile, 200 volunteers in South Australia and 200 volunteers in Victoria are participating in an independent medical trial of a potential vaccine, with results expected next year.

I also advise the house that a simulated outbreak of avian influenza in poultry in Australia will be conducted in Murray Bridge and other Australian states next week. Exercise Eleusis will test the effectiveness of nation-wide emergency zoonosis arrangements. Zoonoses are diseases transmitted between animals and humans, so this exercise will also test how the agriculture and health sectors work together. Exercise Eleusis will also test public communication, as well as disease control policies and strategies. While it will not involve on-farm activity or field deployment of staff, it will test the ability of key organisations to work together, if such a disease ever did become a reality in Australia.

I also inform the house that I will be recommending to cabinet that avian influenza in humans and pandemic influenza be listed under the Public and Environmental Health Act as notifiable and controlled notifiable diseases. This will give authorities extra powers to control incidents of avian flu in humans and pandemic flu, and require outbreaks to be formally reported.

I am also pleased to report that Australia's governments are working well together on these critical preparations. Just last Friday in Adelaide, the federal minister, Tony Abbott, congratulated the states on the work that is being done. I would be pleased, if members wished it, to arrange a briefing in the parliament next week by health experts, if members choose to go through some of these issues.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

Ms BREUER (Giles): I bring up the annual report 2004-05 of the committee.

Report received.

SOCIAL DEVELOPMENT COMMITTEE

The Hon. P.L. WHITE (Taylor): I bring up the 23rd report of the committee, on NHMRC ethical guidelines on the use of assisted reproductive technology in clinical practice and research 2004.

Report received.

QUESTION TIME

HOSPITALS, LYELL McEWIN

Mr BROKENSHIRE (Mawson): Does the Minister for Health find it acceptable that a mental health patient be left on a hospital trolley in the emergency department of the Lyell McEwin Hospital for 36 hours with no indication of when a bed will be available? I have been contacted by the husband of a mentally ill woman who presented at the emergency department at the Lyell McEwin Hospital at 2 a.m. yesterday. Some 33 hours later—and she is possibly still there I was advised in my latest briefing—she was still lying restrained on a hospital trolley in the emergency department. I have also

been advised that her husband has been told that this wife could be lying on that trolley for up to three days, due to a shortage of beds.

Members interjecting:

The SPEAKER: Order! The house will come to order!

Mr Scalzi interjecting:

The SPEAKER: Order! The member for Hartley will be in serious trouble in a minute. I point out to members that when asking questions it is out of order to ask an opinion of a minister. You should ask for information, not an opinion.

The Hon. J.D. HILL (Minister for Health): I thank the member for his question. I am advised that a Mrs S. (and I will not mention her name) was admitted to Lyell McEwin Hospital rather early yesterday morning. Her husband was in contact with the hospital yesterday, I understand, and the query related to why the patient was in the emergency section, not a mental health bed. The hospital was in contact with the husband to reassure him that his wife was being well cared for. In fact, there was frequent contact—

Members interjecting:

The Hon. J.D. HILL: All right; you people can attack the hospitals, you can attack the doctors and you can attack the nurses, but these are the facts.

Members interjecting:

The SPEAKER: Order! The minister will resume his seat until the house comes to order.

The Hon. J.D. HILL: This is a serious matter which has been raised. I believe it needs a serious answer, and I am attempting to give a serious answer to the member who asked the question. If he wants to do this properly and not play politics, I am happy to give him all the information. As I have been advised, the hospital was in contact with the husband to reassure him that his wife is being well cared for. In fact, there was frequent contact with the husband, who rang the hospital on a regular basis. The hospital has again rung the husband this morning to assure him that Mrs S is being appropriately cared for by mental health staff and that she would be admitted to a mental health bed as soon as possible. Ward 1G at Lyell McEwin has two beds available this afternoon, and she will be transferred to one of those beds at this time.

At 10.45 p.m. last night, I am informed, the member for Mawson rang Ms Cathy Miller, the general manager, on her home phone on behalf of Mr S. He apparently apologised for the late hour of his call—in his desperation to get a political point on me—and asked the general manager to investigate Mrs S's case on behalf of his constituent Mr S. The general manager later contacted the hospital nursing coordinator to ascertain the issue. The general manager contacted Associate Professor Kaye Challinger, ED Acute Services, who then contacted the chief executive.

Mr BRINDAL: I rise on a point of order. I ask you clearly, Mr Speaker, what responsibility has the minister for the actions of the member for Mawson in seeking to perform his duties on the part of a constituent?

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. Foley interjecting:

The SPEAKER: Order! The Treasurer is out of order.

Mr Brokenshire interjecting:

The SPEAKER: Order, member for Mawson! The house will come to order. The minister is quite within his—

The Hon. K.O. Foley interjecting:

The SPEAKER: The Treasurer will be named in a minute if he keeps behaving that way. The minister is within his right to answer in the way he is. In the view of the chair he is answering within the rules of the house. The Minister for Health.

The Hon. J.D. HILL: Thank you very much indeed, Mr Speaker. It is important to get the facts on the table, because so often we only hear part of the story.

Mr Brokenshire interjecting:

The Hon. J.D. HILL: You're cute when you're angry, Robbie. The ED Acute Services advised the general manager to inform the member for Mawson that she could not disclose details of Mrs S's case due to patient confidentiality, and advised that he was free to contact the minister's office in the morning, if he required further information. I do not believe that my office has had any call. The general manager informed the member for Mawson that even though Mrs S was in the emergency department she was being well cared for under the direction of the mental health team. The member for Mawson indicated to the general manager that he was sorry for the lateness of his call, he did not wish to cause a problem, and he had respect for the hospital's CEO. The member for Mawson stated to the general manager that he followed up quickly on behalf of Mr S as he was so concerned about his wife's condition, and that he was a past employee of the member for Mawson.

Members interjecting:

The Hon. J.D. HILL: Mr S last contacted the hospital at 1 o'clock this morning—

Members interjecting:

The SPEAKER: The minister will resume his seat until the house comes to order. When the house comes to order we will continue. The Minister for Health.

The Hon. J.D. HILL: I have almost completed this saga. Mr S last contacted the hospital at 1 o'clock this morning, and he was contacted by the mental health liaison nurse this morning, and she asked him to come in this morning to discuss his wife's condition, and he was, I understand, receptive to her call. This demonstrates that we have a health system that is working to try and look after patients who are in need. Somebody who presents in the middle of the night will go into the emergency section and then the hospital, over the course of time, working with the patient and with the patient's family, will try and deal with it. Unfortunately, the member for Mawson is trying to make political capital out of a very sad set of circumstances.

Members interjecting:

The SPEAKER: The leader must wait until the house comes to order. I assume the leader has a supplementary question.

The Hon. R.G. KERIN (Leader of the Opposition): Supplementary question, sir, to the Minister for Health: will the minister correct what he has just told the house to correctly reflect the fact that the member for Mawson actually rang the hospital last night, and it was the hospital that made the decision to put the call through to the general manager; not as he told the house?

Members interjecting:

The SPEAKER: The house will come to order. The Minister for Health.

The Hon. J.D. HILL: As I understand it, the member may have rung the hospital, but he ended up speaking to the general manager at her home.

Members interjecting:

The Hon. J.D. HILL: Apologise? What am I apologising for, sir? He spoke to the woman at her home.

Members interjecting:

The SPEAKER: Order! The house will come to order. Members are getting very excited. They might need the services of a hospital if they keep getting excited. The member for Unley, did you have a question?

Mr BRINDAL (Unley): As a supplementary question: was the minister present for any of these conversations, or does he traduce the reputation of honourable members based on hearsay evidence?

Members interjecting:

The SPEAKER: Order! I am not sure that is a question. Does the leader wish to ask another supplementary question?

The Hon. R.G. KERIN: Yes, sir, because I think it is a serious matter. Was the Minister for Health aware that the member actually rang the hospital and not the general manager's home, when he made that statement?

The Hon. J.D. HILL: I can answer the question.

Members interjecting:

The SPEAKER: Order! There is no point asking a question if the minister is about to answer and he cannot be heard. The Minister for Health.

The Hon. J.D. HILL: My understanding, sir, is the member contacted the hospital and then was given the phone number of the woman at her home, and he rang her there. If that is not the case, I apologise to the member, but he did speak to the woman at her home.

HEALTH SYSTEM

Ms BEDFORD (Florey): My question is also to the Minister for Health. Will the minister outline the benefits of the government's recent reforms to health bureaucracy?

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The house will come to order. Members are going very close to being named, and there is no requirement of the chair to give a warning, but we can move straight to the next item of business. We do not have to have a question time if members do not want it. The chair is quite relaxed about that. The Minister for Health.

The Hon. J.D. HILL (Minister for Health): Thank you very much, Mr Speaker, and I thank the member for Florey for her question about the Generational Health Review and the long-term approach taken to creating a better health system. The forms that have stemmed from this review have meant we have been abolishing levels of bureaucracy and delivering more services for South Australia. On 1 July 2004, three new metropolitan regions were established, and they replaced 13 separate health boards and units in South Australia; a reduction in bureaucracy. Today I can inform members of the latest benefits of these reforms. By reducing the number of management positions and streamlining bureaucratic procedures, the new Central and Northern Adelaide Health Service has found $5 million worth of savings. This is $5 million worth of savings that can be put back into front-line health initiatives through a special health improvement pool.

Some of the projects that will benefit those of you who represent the central and northern suburbs include:

- $480 000 towards improving indigenous health, including new oral health initiatives and community health workers;
- half a million dollars for a peer support program to benefit people with a mental illness; the program will employ 14 people who have been mentally ill to work with professionals in hospitals and the community;
- $200 000 to improve palliative care services, including $100 000 to extend the successful Respecting Patient Choices program at the QEH, which helps patients control their treatment over the final stages of their lives; and
- an annual $290 000 injection of funds to secure the future of the Northern Violence Intervention program.

The fund will also be used to attract trained dentists, help people suffering with chronic illnesses, expand women's health services, and improve oral health for older people.

Allegations have been made that 64 new executive positions at a salary of $100 000 or more have been implemented in this process. This is not the case. In fact, there were 25 positions of over $100 000 at the time of the amalgamation and they have been reduced to 20. It is our intention to keep reducing the level of bureaucracy until we get more resources that can be put back into the health system. The opposition likes to denigrate the work of public servants in our health system, but our public service delivers critical allied health services such as orthotic technicians, perfusionists, dental hygienists, epidemiologists, radiographers and physiotherapists, to name just a few of the professions who are public servants in South Australia.

EMERGENCY DEPARTMENTS, DELAYS

Mr BROKENSHIRE (Mawson): My question is to the Premier. Why are people who present at emergency departments having to lie on a hospital trolley for up to three days waiting for a bed? This is to the Premier.

The Hon. J.D. HILL (Minister for Health): To the member for Mawson, let me explain. Despite his best efforts to exploit the tragic case of one of his former employees in this place today, and despite the many attempts by the member for Finniss to do the same thing—

The Hon. R.G. KERIN: On a point of order, I ask the minister to withdraw that last statement. He knows that this person never worked for the ex-minister.

The SPEAKER: The chair is not in a position to know, but the minister presumably knows whether or not he is a former employee.

The Hon. J.D. HILL: As I was saying, despite the best or worst efforts of those opposite to denigrate our health system, we have a fine health system in South Australia and we have made it better since we have been in office. We have put in more doctors, more nurses and more beds where they are needed. Unfortunately, sometimes there are more people trying to get into that very good system than there are spaces for them in the short term. We work as hard as we can to reduce those pressures, and we will continue to do so. The public trust us: they do not trust members opposite on health.

The Hon. R.G. KERIN (Leader of the Opposition): As a supplementary question, on what basis has the Minister for Health told this house that the husband of this patient is an ex-employee of the member for Mawson?

The Hon. J.D. HILL: That is what I was advised by the departmental officers, to whom the member for Mawson spoke last night.

Members interjecting:

The SPEAKER: Order! I point out that question time is not a time similar to the courts, where people are cross-

examined. The first question had three supplementaries, which is the normal expectation for the whole of question time.

SCHOOLS, LITERACY LEVELS

Ms THOMPSON (Reynell): My question is to the Minister for Education and Children's Services. What is the government doing to improve the literacy levels of children in government schools?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): As we know, the member for Reynell is keenly interested in education and in the outcomes for young people in her constituency and in South Australia at large. As members here will know, this government has made a priority to invest in literacy programs in the early stages of a child's life because we understand that basic literacy and numeracy are the building blocks on which all education is built, and there is an essential need that these areas are dealt with. We focus on getting back to basics because literacy is the key plank in any child's education. One of the first things we did on coming to government was to reduce class sizes. We had made that as an election promise and immediately invested $40 million in the equivalent of 160 extra junior primary school teachers. With that move, we brought the average size of classes in junior primary years reception 1 and 2 in our public schools to 20 students per class.

This compares with an average under the previous government of 26 students for every teacher. The government has extended this addition now with our recently agreed enterprise bargaining arrangement to invest a further $10 million in again reducing junior primary class sizes in every government school in this state. In addition, in 2003 we invested $35 million in our early years literacy plan. This plan included the provision of more specialist teachers, an extension of the specialist programs for reading recovery, more literacy mentors, and a requirement for every single primary school in our state to develop a literacy implementation plan and special training for every preschool-to-year-3 teacher.

That is the equivalent of 125 additional teachers across primary and preschools to focus solely on intensive literacy training. In addition, we introduced the Premier's Reading Challenge; and, whilst the spoilers opposite have done nothing but denigrate this program and demonstrated their failure to get out into public and private schools where these programs have been lauded and responded to with enthusiasm by children and teachers—

Mr BRINDAL: I rise on a point of order, Mr Speaker. The minister is debating the answer. She is not supposed to do it. She is not a fool.

The SPEAKER: Does the minister wish to wind up her answer?

The Hon. J.D. LOMAX-SMITH: I had noticed that those opposite had denigrated this reading challenge, but it has been successful: 80 per cent of our South Australian schools—public, Catholic and independent—are involved in the challenge. This year more than 70 000 children read more than 12 books each, and many achieved a second year involvement and were awarded bronze medals. The challenge has definitely exceeded all expectations, and it has really produced a love of reading in young people. In fact, many libraries have commented on the extraordinary increase in the number of children who have been reading books during school holidays.

Many of those children have been boys, and we are delighted by their capacity to read and their enjoyment in borrowing books. It has proven the success of this project. In addition, we invested $2.1 million in extra library books, which have gone into every school library so that, in effect, there is one book extra per child in our school libraries, and this has produced a stunning impact on literacy achievements. In the last four years we have more than made up for the failure of the previous government, but there is still much to do.

Mr BRINDAL: I rise on a point of order, Mr Speaker. The minister is debating.

The SPEAKER: I uphold the point of order. The minister is debating. The member for Mawson.

MENTAL HEALTH

Mr BROKENSHIRE (Mawson): What is the Minister for Health doing to prevent mentally ill people who need treatment for their mental illness having to present at emergency departments of public hospitals?

The Hon. J.D. HILL (Minister for Health): As I said, when someone presents to a hospital at 1 o'clock in the morning it is not always possible to give them the bed that they need. Obviously, there are pressures on the system, and no-one is trying to say that there are not. However, my colleague in the other place (who is, in fact, the Minister for Mental Health) and I are working as hard as we can to address these issues. We are undoing a whole backlog of errors and omissions that were put in place by former governments. We are now putting more money than ever before into mental health and into the health system, but there is still more to be done, and we are doing it. I am happy to get a report from my colleague in the other place for the honourable member that will give him a more detailed explanation.

PARLIAMENT, SITTING DAYS

Ms RANKINE (Wright): Will the Premier inform the house whether this 50th term of parliament has sat for an adequate number of days, especially when compared to the 48th and 49th terms of parliament?

The Hon. M.D. RANN (Premier): I thank the honourable member for this—

Members interjecting:

The Hon. M.D. RANN: Will the real Leader of the Opposition please stand up? They are all bidding for it, they are all vying, but will the real Leader of the Opposition please stand up, because one thing that we have already seen—

Members interjecting:

The Hon. M.D. RANN: At last, he stood up!

Members interjecting:

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

The Hon. K.O. Foley interjecting:

The SPEAKER: Order! The Treasurer will not clap.

Members interjecting:

The SPEAKER: The house will come to order! The Premier will resume his seat.

Members interjecting:

The SPEAKER: The house will come to order! The next honourable member who speaks after the chair will be named. The deputy leader has a point of order.

The Hon. I.F. EVANS: Mr Speaker, the Premier is debating. He is not answering the question.

The SPEAKER: The Premier is debating.

The Hon. M.D. RANN: Apparently, the real Leader of the Opposition did stand up. It is good to see that you are not a patch on Dean Brown, who has certainly been missed in two days—

The Hon. I.F. EVANS: Mr Speaker, the Premier is defying the chair. This is debate.

The SPEAKER: The Premier is debating. The Premier needs to answer the question.

The Hon. M.D. RANN: I thank the honourable member for this question, because you will never hear one point from those opposite (or, indeed, from their supporters in certain places) when they are calling for parliament to sit early next year. That is an acknowledgment that we are sitting more days in this place than the opposition ever would have dared. So, I am looking forward to hearing the Leader of the Opposition congratulate the government for sitting longer than it did when he was the deputy premier and leader of the house, as well as being premier of this state.

The SPEAKER: There is a point of order. The member for Unley.

Mr BRINDAL: The Premier has been called to order for debating. He continues to either debate or not understand what debate is.

The SPEAKER: At the moment I think the Premier is getting to the point of answering the question.

The Hon. M.D. RANN: I got my staff to check it out, and they tell me that this government would have sat for 42 days more in this chamber than did the Olsen-Kerin government in the last term. Of course, on the track record of the previous government, that would have represented the equivalent of nearly an entire year of sittings for the previous government. By 1 December we will have sat for 38 days more than the first term under the Brown-Olsen government.

Let us look at some other things. The government has allowed more questions to be asked of it by the opposition during question time than any other government, I am told, in the history of this parliament. Let me illustrate this point to members. By the end of this session of parliament on 1 December, we will have allowed more questions to be asked of the government by the opposition in our term than we were allowed to ask in the entire eight-plus years that Labor was in opposition.

Mr BRINDAL: I rise on a point of order, sir. The Premier clearly is reflecting on the chair and is disrespecting this place. He is claiming that it is his right to determine how many questions this house can ask. That is clearly disrespectful of you, sir.

The SPEAKER: He is answering the question at the moment.

The Hon. M.D. RANN: So, let us get down to tintacks. More questions have been asked by the opposition of the government in this term than in the previous two terms. That is the difference. And that is under three of their premiers, because they keep changing their leaders, and they are about to do it again. The average number of questions asked daily by the opposition has more than doubled during question time under this government. In the last 4½ year term of the Olsen—

Mr BRINDAL: On another point of order, Mr Speaker, ministers are able to answer questions for which they are responsible. I ask you to rule, sir, whether the Premier is responsible for the number of questions this parliament asks or has answered.

The SPEAKER: The Premier is the Leader of the Government and he has some responsibility. The Premier.

The Hon. M.D. RANN: In the last 4½ years of the Olsen-Kerin government, the Labor opposition was allowed to ask just 1 434 questions in question time. By contrast, in the first two years of the Rann government the Liberal Party opposition was allowed to ask 1 875 questions of the Premier and government ministers in question time. So, during 4½ years there were 1 434 questions, and for the first two years 1 875 questions.

So far, in this current session it has been calculated that 1 168 questions have been asked by the government of the Liberal Party opposition. This means—and you want to hear the truth, and I am sure it is going to get a big splash in the newspapers—that the Rann government has allowed 3 043 questions in this term of government to date, only 39 fewer questions than the 3 082 questions the Labor Party opposition was allowed to ask for its entire 8½ years in parliament as the opposition, and we still have seven sitting days left and many more questions left.

In addition, we have also answered more questions on notice, I am told, than did the previous Liberal government. It answered 600 questions out of 775 asked, and this government has answered 1 256 question out of the 1 470 asked, I am reliably informed. Plus, I am informed that 11 select committees are set up in the Legislative Council by the opposition and Independents over and above the inquiries being run by the standing committees of this parliament. So, so much for accountability. In the past they used question time to cover up, but we have allowed more than double the number of questions to be asked of this government.

The Hon. R.G. KERIN (Leader of the Opposition): By way of supplementary question, will the Premier give the house the figures on how many questions, if any, this government has actually answered?

The Hon. M.D. RANN: Any journalist who was here knows of the Brown-Olsen happy relationship. Certainly we will miss Dean Brown: I will miss him terribly. It is a huge tragedy for this side of the house that he will no longer be in the parliament, but we were told he did not want to force a by-election after the next election. What a vote of confidence: I thought he was supposed to be the deputy premier if they won!

The SPEAKER: Order! The Premier should be looking at the chair and not at the cameras.

HEALTH BUDGET

The Hon. I.F. EVANS (Deputy Leader of the Opposition): My question is to the Minister for Health. Given the problems in the health system, why was there a $50 million (or $1 million a week) underspend in the health budget last year?

The Hon. J.D. HILL (Minister for Health): I am happy to get a report for the Deputy Leader.

GUARDIANSHIP OF CHILDREN

Ms CICCARELLO (Norwood): My question is to the Minister for Families and Communities. What are the latest developments in government support to children who are under the guardianship of the minister?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I thank the honourable member for her question. One of the proudest achievements of this government is its child protection reform agenda. One of the first things we did upon coming to government was to commission the Layton review, and what has flowed from that has been no less than a gigantic set of changes in the child protection system. The latest I was pleased to launch today, namely, the work we are doing with children in state care, who are the most vulnerable in our community. These children and young people are placed under the guardianship of the minister and are unable to live with their own families. In the past many of these children have had difficulty accessing a range of government services, whether it be health, education, housing, welfare or employment services, and they also prevent these young people from reaching their full potential.

I was very pleased to launch today a rapid response framework which will give children and young people in state care increased access to health care services, education services, employment, housing and welfare services. This puts children under the guardianship of the minister at the front of every queue. While it may sound like a simple measure, it has not been in place before. In April 2004 we put in place a cabinet directive which said that children under the guardianship of the minister should have priority access to government services and since that time we have made important strides forward: preferential treatment for dental and other health services, tailor made education plans to overcome learning gaps, increased access to therapy services, free access to TAFE, increased opportunity for housing and housing support.

We have now done the work to ensure the rapid response is available and that information is shared between agencies. There has been an unfortunate use of the barriers of privacy and confidentiality to prevent the sharing of information between government agencies about children who are our children, our responsibility. We have reminded those government agencies that the minister has responsibility as parent to have all that information and that this information should be shared in the best interests of those children, while still appropriately respecting their privacy.

A very moving speech was given by a child who had been in the guardianship of the state and who now works for the Create Foundation and spoke of the fact that children under the guardianship of the minister do not have a parent out there advocating for them when something goes wrong in their families. They have their foster parent, but there is nobody there with the ultimate responsibility for ensuring that there is that little bit of additional support to assist them through the very difficult twists and turns that any young person faces in their life. This is part of our massive $210 million injection of resources into the child protection agenda, and comes on top of the appointment of the Guardian for Children and Young People, Pam Simmons, who is advocating on a day-to-day basis for the needs of young people. This rapid response is the latest in a series of major initiatives to improve the welfare of the children of our state.

GENERAL PRACTITIONERS, RURAL

The Hon. R.G. KERIN (Leader of the Opposition): My question is directed to the Minister for Health. Is the new health policy of the Rann Labor Government to provide GP services in regional areas by telephone? Dr D.S. Gruhl, the Director of South Australian Outback Medical Health Services, is currently providing GP services at Coober Pedy while covering local services at Wudinna by telephone. On ABC Regional Radio this morning, Dr Gruhl said, 'I think we are providing a doctor at all times over the telephone.'

The Hon. W.A. Matthew interjecting:

The SPEAKER: The member for Bright has been warned. The Minister for Health.

The Hon. J.D. HILL (Minister for Health): I find this a curious question because yesterday the member for Mawson asked me when we were going to set up the telephone call centre in order to help support GPs in rural areas and other parts of the state. He said, by way of explanation, that this was necessary because 'there were not enough GP services.' The issue about the provision of general practitioners to different parts of our state, particularly the outer suburban areas and parts of the rural area, is one of great concern to me, as I am sure it is to all members of this place, but the fact is that provision of GPs is in the control of the commonwealth government rather than the state. GPs, in particular, are private practitioners, and they choose to go where they choose to go. As a government, we provide incentives for them to go to certain parts of the state. As I mentioned yesterday, there is a package of some $27 million over a four year period to provide support for GPs.

One of the things we are most concerned to do is try to provide relief for them when they need to take leave and have weekends off. That is particularly so in sole practices, where the pressure is most acute. A service has been established to try to provide locum services for those doctors when they take leave. I understand that the doctor at Wudinna to whom the Leader of the Opposition referred sought access to those services, but it was very difficult to find a locum. I understand that, after a lot of effort, a locum has been found for all but four days, from memory.

I am not aware of the support that is being provided by telephone, but that would seem to me to be something that has been arranged on an ad hoc basis with the GP. I am not aware of it, but I am happy to seek further information. The point is that we need to have more access to GPs. I believe we need provider numbers which are geographically specific. I know the AMA does not support that view. Certainly, the commonwealth government does not support it.

I want to work with the commonwealth government to try to get a break-through in the way in which we can get GP services available to people in parts of our state who do not have them. It is an important part of our health service. We need to have GPs. Unfortunately, the state does not employ these people. We do not control these people. They are in private practice. They hold that very dear to themselves. The commonwealth is the main supplier of the provider numbers and the training programs to put them into these places.

BETTING EXCHANGES

Mr KOUTSANTONIS (West Torrens): My question is to the Minister for Recreation, Sport and Racing. What progress has the government made towards combating the unwanted operation of betting exchanges on the South Australian racing industry?

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): I advise the house that a draft bill, which has now gone out for consultation with stakeholders, has been specifically circulated to each of the racing controlling authorities—the South Australian Bookmakers League, the South Australian TAB, the IGA and the Australian Racing

Board—and, of course, the opposition. The draft bill seeks to prohibit the establishment and conduct of a betting exchange in South Australia; create offence provisions for any person in South Australia who makes a bet with any betting exchange, regardless of its location; and make it a requirement that no wagering provider outside South Australia, whether that be a bookmaker, the TAB or on-course totalisator or betting exchange, shall publish race field information without first having obtained approval from the relevant racing control authority, whether that be Thoroughbred Racing SA, Harness Racing SA or Greyhound Racing SA.

It is expected that the proposed requirement with respect to the unauthorised use of information relating to race fields will curtail severely the operation of betting exchanges and corporate bookmakers who seek to freely pirate product that legitimately belongs to our racing industry. Members would be aware that legislation to licence betting exchanges is currently before the Tasmanian parliament. I can also advise the house that the Australian Racing Board has contacted my office seeking confirmation of the South Australian government's position with respect to the licensing of betting exchanges, specifically as to the status of legislation that seeks to severely restrict the operation and impact of exchanges on the South Australia racing industry.

It is my understanding that the draft bill will form part of the discussions raised by the Australian Racing Board in Tasmania. South Australia has been one of the strongest critics of betting exchanges, arguing that they will impact on the integrity of the industry, have a negative impact on the financial returns to the racing industry and increase the potential for problem gambling issues. I have advised the Australian Racing Board that we remain totally opposed to betting exchanges, and the government looks forward to receiving comments from interested stakeholders about our draft bill.

GENERAL PRACTITIONERS, RURAL

Mrs PENFOLD (Flinders): My question is to the Minister for Health. Why does the minister continue to blame the federal government for the absence of doctors at Wudinna, when a letter from the Medical Board of South Australia clearly shows the state government has been provided with a provider number at Wudinna, and Dr Saleem has been contracted to fulfil that role? The minister claimed in *The Advertiser* last week, 'Only the federal government can solve this problem by giving regional SA more GP provider numbers,' and he has just done it again today. However, the letter from the Medical Board on the 17th shows a provider number is there, and they got rid of the last doctor.

Members interjecting:

The SPEAKER: Order! I do not know whether members on my left want to hear an answer. It does not sound as if they do.

The Hon. J.D. HILL (Minister for Health): I thank the member for Flinders for her question, and I acknowledge her great passion for this particular topic. The point that I make, and I have made continuously, is that the supply of GPs to South Australia is not sufficient to meet our needs. We have more of them in areas closer to the eastern part of the city, and fewer in other parts of our state. There is not a ready supply. We do not employ these people; general practitioners are not the employees of the state government; they are not public servants. They are private practitioners; they are independent operators; they are small businesses, if you like. We do not conscript them to various parts of the state. We do try to keep a supply of locums whom we supply to those services through the rural health work force organisation, and it tries to get people to go there. Sometimes it cannot get them because they are not around. We need more GPs, and one of the ways in which we can do that is to have more provider numbers. A second way is to have more people going through the training system. Members may be interested that one thing we do is recruit GPs from overseas, and we have placed, I think, of the last 60 rural GPs—

The Hon. D.C. Kotz interjecting:

The SPEAKER: Order! The member for Newland is warned!

The Hon. J.D. HILL: Of the last 60 GPs supplied in South Australia, 56 have come from overseas. It is a very difficult thing to provide GPs to these areas. We need to do more. I have said that I wish to cooperate with the commonwealth. It is not about blaming people: it is about working with them, but we need to work with the commonwealth to get a solution to this. We are putting in incentives. The commonwealth is doing some things, but we need to do a lot more.

YOUTH, MEDIA

Mr SNELLING (Playford): My question is to the Minister for Youth. What is being done to encourage the positive portrayal of young people and young people's stories in the media?

The Hon. S.W. KEY (Minister for Youth): I thank the member for Playford for his question, and I know that a number of ex-youth ministers in the chamber, particularly you, Mr Speaker, are interested in this area. I am sure all members will agree that it is important for young people's issues and stories to be portrayed in the media in, wherever possible, a balanced and professional way. At times, it can appear that the reality of young people's lives is more negative than anything else. Fortunately, the media in this state participate annually in an excellent event. I believe that you, sir, have some credit to be paid to you here for actually coming up with the Youth Media Awards, a program that has been continued ever since. Compliments also go to the ex-youth ministers who are in the chamber.

This is in an excellent event, and it does do something to help balance the perceptions of young South Australians. The Youth Media Awards, organised through the Office for Youth, engage excellence in journalism by young journalists in the early stages of their careers, and some older journalists have also been acknowledged through the Youth Media Awards. Basically, it is about excellence in reporting on youth issues.

On Friday 18 November, the winners of the 10th annual awards were announced at a function at the new Advertiser building. Guests fortunate enough to attend this year's event were kept entertained and on their toes by CNNNN, front men Chris Taylor and Craig Reucassel. The 2005 Youth Media Awards attracted 157 entries in eight categories. As usual, the awards were hotly contested, with the judging panel commenting on the high standard of entries and the difficult task they had in picking this year's winners.

The winners in the various categories of course received some publicity over the weekend, but there is one winner in particular whom I would like to acknowledge. This is the

Sunday Mail's Leisha Petrys, who was named Young Journalist of the Year. Leisha and her *Sunday Mail* colleague Mat Clemow had just finished covering the aftermath of the Black Tuesday fires on Eyre Peninsula when their car was involved in a head-on collision in which she almost died. Leisha's very personal and harrowing account of the collision and its aftermath won her the Young Journalist of the Year Award.

I also want to take this opportunity to thank the judging panel, in particular the Chair, Don Riddell. I would like to thank them all for their time and effort. Don has chaired the panel since the awards began 10 years ago. I would also like to thank the Office for Youth for its part in organising the event, as well as the sponsors. We have some fantastic sponsors who donate and make sure that we have not only the acknowledgment but also quite significant prizes.

I would particularly like to acknowledge *The Advertiser* for letting us use its fantastic venue. I believe it is a fantastic venue; I was at a ministerial council meeting in Perth, so I have not actually seen it yet. But, from all accounts it was a fantastic night, and the venue really helped the excitement and acknowledgment of the entrants and their high standard of work.

GENERAL PRACTITIONERS, RURAL

The Hon. DEAN BROWN (Finniss): My question is to the Minister for Health and is subsequent to the question from the member for Flinders. Did the minister yesterday receive—

The Hon. P.F. Conlon: Robbie, what's your job?

The SPEAKER: The Minister for Transport should be setting an example. The member for Finniss.

The Hon. DEAN BROWN: Did the Minister for Health yesterday receive a copy of a letter from the Medical Board of South Australia—a board under the control of the Minister for Health—a copy of which was also sent to me stating that Dr Saleem, who had been specifically registered to practise at Wudinna, should in fact have been at Wudinna, and should not have left the posting free of any doctor? If so, will the minister explain to the house why in fact his department, the Department of Health, had approved specific registration of this doctor to practise at Wudinna and Parafield Gardens only? With your concurrence and that of the house, I quote briefly from the letter from the Medical Board of South Australia, as follows:

> It would seem that the Medical Board has registered a doctor to practice at Wudinna—

Mr Koutsantonis interjecting:

The SPEAKER: Order, the member for West Torrens!

The Hon. DEAN BROWN: I will read from the letter, which states:

> It would seem that the Medical Board has registered a doctor to practise at Wudinna. There is an area of need and the Department of Health has granted an area of need approval, based upon an understanding that the doctor would serve that community. It is therefore disappointing that the circumstance as described in the Advertiser has arisen.

The Hon. J.D. HILL (Minister for Health): I am not entirely sure of the point the member for Finniss is making, but I have yet to see the piece of correspondence. The processes in his office may be a little bit faster than the ones in mine, at this stage, but we are working on that. I do point out that I did write to the member for Finniss a week ago about a particular matter he raised in this house and I have yet to hear from him in relation to that urgent matter he raised in this place. There are a lot of issues to do with the provision of services in country hospitals. We are undertaking a lot of work; the commonwealth is doing certain things; we do what we can to try and provide health services. I am happy to have a look at the correspondence that the member refers to.

GRAFFITI WEB SITES

The Hon. P.L. WHITE (Taylor): Will the Attorney-General inform the house what he is doing about web sites that showcase or encourage graffiti?

The Hon. I.P. Lewis interjecting:

The SPEAKER: The member for Hammond is out of order.

The Hon. M.J. ATKINSON (Attorney-General): I have been concerned for some time about the use of the Internet to display graffiti, describe the exploits of graffiti gangs and trade in graffiti-related items. Mr Speaker, you have written to me to draw my attention to several web sites on which I have invariably taken action. I have made complaints to the Australian Communications and Media Authority, formerly the Australian Broadcasting Authority, under the online services provisions of the Broadcasting Services Act. That act provides a means for the removal of illegal web sites hosted in Australia. I must report that, so far, no web site reported by me appears to have been removed under those provisions. I have also, on occasion, written directly to the content host asking for some sites to be removed. I am pleased to say that an email request from my office to a United States content host, freewebs.com, appears to have succeeded in removing one site that showcased graffiti markings in the northern suburbs of Adelaide. The member for Newland's claim that she did this is delusional.

The Hon. D.C. Kotz: Which one are you talking about?

The Hon. M.J. ATKINSON: You did not write to freewebs: we did. The matter has continued to concern me. In recent research I found 22 sites showcasing graffiti, including some sites specific to particular Australian capital cities. Indeed, on one of these sites I found an article expressly advising people how they can avoid being caught while marking graffiti. I have taken action in two ways: first, I raised this matter with my fellow censorship ministers at the last meeting of the Standing Committee of Attorneys-General earlier this month. I wish I had received more support on this from the commonwealth, because I regard this as a very serious matter, and it is clear that the federal Howard Liberal government does not.

Secondly, I have today written to the Australian Communications and Media Authority, directing it to all these sites and asking that it take action under the Broadcasting Services Act. If this does not succeed, I will be asking censorship ministers to look seriously at whether the present classification guidelines are adequate to deal with this problem or whether they require revision.

ATTORNEY-GENERAL, REMARKS

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Attorney-General. What is the basis for the Attorney-General saying that the leader of the Democrats in another place is a criminal defamer? Last night, in an informal gathering of 23 people in the Legislative Council members' lounge, the Attorney-General came in and approached one of the members of the Let's Get Equal

campaign, stating in a voice loud enough for everyone in the room to hear that Sandra Kanck was 'a criminal defamer.'

Members interjecting:

The SPEAKER: Order! This is a serious matter.

The Hon. M.J. ATKINSON (Attorney-General): I did not speak to Sandra Kanck and I did not speak of Sandra Kanck.

HOSPITALS, MURRAY BRIDGE

The Hon. I.P. LEWIS (Hammond): Does the Minister for Health share my admiration for the staff of the Murray Bridge Hospital and, in particular, Anne Rose, for the work in which she has been involved and which they have undertaken to ensure that the improvements and alterations being made to that building go on according to schedule whilst it is pulled down and rebuilt around them; and can he tell the house what additional cost, if any, has accrued as a consequence of the discovery of asbestos and whether or not he expects the project to finish on time and within budget?

The Hon. J.D. HILL (Minister for Health): I am not aware of the particular person to whom the honourable member referred but I have great admiration for all the staff of our hospitals: the doctors, the nurses, the allied health workers and everyone who runs a service. They are obviously passionate, committed people who work often under very difficult circumstances and do jobs that very few of us in this place, other than the member for Morphett and the member for Adelaide, would be prepared to do.

The Hon. J.D. Lomax-Smith: He's a vet!

The Hon. J.D. HILL: I understand that he is a vet, but they are prepared to do things that most of us would find very difficult to do. I acknowledge the very hard work and dedication of all those health workers. I think they provide very good services and I am very proud of the health system that we have in South Australia and the workers in it. As to the development of the hospital, I know it is under way. I had a brief discussion with Mayor Arbon about it earlier today, and he said that he hoped I would be there to help open the building early next year. I will obtain a report for the honourable member as to where it is in the schedule and the costs associated with it.

ATTORNEY-GENERAL, COMMENTS

Mr WILLIAMS (MacKillop): My question is to the Attorney-General. Following a talkback radio segment in April during which the Attorney disagreed with a caller who questioned his behaviour, did the Attorney ask for the caller's name and address and did he subsequently ring and threaten this caller with legal action? During a talkback radio conversation on 7 April this year, a caller said that he felt the Attorney had behaved inappropriately at St Francis Xavier Cathedral by lighting candles in the middle of a mass commemorating the Pope's death. The opposition has been advised that the Attorney subsequently rang the caller at his home, abused him and threatened him with a $20 000 lawsuit.

Members interjecting:

The SPEAKER: I am not sure that the Attorney is responsible for—

Members interjecting:

The SPEAKER: I call the member for Mitchell.

Mr HANNA: If the Attorney wants to answer, I am quite happy to hold back.

The SPEAKER: I do not think the minister does. The member for Mitchell.

OAKLANDS RAILWAY STATION

Mr HANNA (Mitchell): My question is to the Minister for Transport. After the meeting attended by the minister on 16 October, at which community concern was expressed at the $7 million plan to move the Oaklands railway station, is the minister determined to go ahead with the plan and, if not, why is TransAdelaide going full steam ahead with it?

The Hon. P.F. CONLON (Minister for Transport): I thank the honourable member for the question. I was at that meeting. It was a most instructive meeting, and we took a great deal of feedback from the local community about the project in question. What I said then I stand by, namely, that we will look at what was said and digest it. I should say that I am quite happy to provide some of that information to the member for Mitchell. We are continuing to get information from the public on that project. What I would say is that there is no finalised position. We are continuing to digest what has been a very useful process of public consultation. I think that the member for Mitchell would agree that it was probably one of the more complete and robust systems of public consultation that, in my experience, has been engaged in.

Mr Hanna: That is why I called the meeting.

The Hon. P.F. CONLON: Well, the honourable member says that he called a meeting, but we did our bit too. I do not know how well your meeting would have gone without our people. It probably would have been a little dull listening to each other. I am trying to be gracious here, Kris—the member for Mitchell. You could actually repay it in kind. I am more than happy to provide further information. Further submissions have been made to me since. It is an issue which has evoked a large number of responses.

We will digest those, but, as the member for Mitchell would know, some of the viewpoints provided were not upon that project at all but upon the bigger issue of traffic management around that very troublesome Diagonal Road intersection. I am happy to put on the record that neither Labor nor the Liberals at that meeting committed to the funding that was sought. I am very happy to place on the record that the member for Morphett was there also and concurred in that position—the same position as the Labor Party. What I can say in short is that we will continue to digest that information. I can assure the member for Mitchell that he will be one of the very first advised.

HOSPITALS, LYELL McEWIN

Mr BROKENSHIRE (Mawson): I seek leave to make a personal explanation.

Leave granted.

Mr BROKENSHIRE: Earlier in question time the Minister for Health stated that I rang the CEO of the Lyell McEwin Hospital (Cathy Miller) at home. Also, during question time the minister said that the person who contacted the Liberal Party for assistance due to the gravity of his wife's situation worked for me.

The Hon. P.F. Conlon: No; he said that you said that.

The SPEAKER: Order! The member for Mawson has the call.

Mr BROKENSHIRE: At 9.45 p.m. last evening, the constituent requested that I contact the hospital to try to get his wife a bed in a psychiatric ward. At 10.20 p.m. I rang the Lyell McEwin Hospital on 8182 9000 and got an answering service message. Eventually, the phone was answered. I explained that, as a member of parliament, I had been requested to try urgently to get a bed due to the difficult and desperate situation of this family's health crisis. The person on the switchboard said to me that they would immediately put me through to the duty nurse coordinator.

I waited for that person. A person came back to me and said, 'Mr Brokenshire, we will put you through to the senior doctor.' Again, I waited for the senior doctor. Again, the person came back to me and said, 'Mr Brokenshire, I will put you through to the home of the CEO, Cathy Miller.' The person at the hospital put me through to that person because they were concerned about the fact that there was a crisis in their hospital. With respect to the second point—

The SPEAKER: Order! The honourable member must adhere strictly to his personal explanation, otherwise leave will be withdrawn.

Mr BROKENSHIRE: With respect to the second point, the constituent never worked for me: the constituent worked for the South Australian Ambulance Service, and, I understand, actually retired before I became minister. Neither fact is correct. Fix the health problems and get your facts right.

The SPEAKER: I call the member for Stuart.

Members interjecting:

The SPEAKER: The house will come to order. The member for Stuart has the call. Person explanations are not to involve debate. The member for Stuart.

NEWSPAPER ARTICLE

The Hon. G.M. GUNN (Stuart): I seek leave to make a personal explanation.

Leave granted.

The Hon. G.M. GUNN: I claim to be grossly misrepresented by an article which appeared on page 24 of *The Advertiser* today under the heading of 'State Parliament'. The article implied that I would be following the member for Finniss. Let me say that any suggestion to that effect is untrue, false and inaccurate, and if the journalist in question had taken the trouble to speak to me I could have advised him that yesterday I ordered all the posters for the forthcoming election. Further, by way of explanation, my record of winning elections will far surpass that of Craig Bildstein.

Members interjecting:

The SPEAKER: Order! The member for Finniss has the call.

HOSPITALS, LYELL McEWIN

The Hon. DEAN BROWN (Finniss): Mr Speaker, I also seek leave to make a personal explanation.

Leave granted.

The Hon. DEAN BROWN: Yesterday the Minister for Health, who is not in the house at present, made a ministerial statement in which he said:

> A number of allegations have been made in this place about patient care in our health system.

He went on to say, 'The member for Finniss', that is me, 'made allegations about a few of them.' The minister, in giving information to the house, then confirmed all the information I had originally raised with this house, with one exception and one exception only, and I would like to quote from that exception. He was talking about the patient who was asked to lie and sleep on his bloodstained sheets for 2½ days. The minister said:

> It appears that, on the morning of the day before the patient's discharge, a small quantity of blood leaked from a vacuum vessel draining the patient's wound and stained the patient's sheets. (This occurred 1½ days before the patient was discharged, not 2½ days as reported.)

When I raised the matter in this house, I in fact quoted from the daughter of the man who had had the quadruple by-pass (the 78 year old), and the daughter, Evelyn Dihm, had written a letter and set out the details, and I quoted from that letter. I will read just that sentence from that letter, because that is what I gave to the house previously. It states:

> I have always been told that infection is a risk after a major operation. Therefore, I would like to know why the hospital took 2½ days and still didn't change bloodstained linen off my father's bed.

The daughter, in this letter, clearly indicates that she was alongside her father's bed day after day while he was there. Can I say that I believe the daughter rather than the version that has come from the hospital, so I stand by my original claim.

The SPEAKER: Order! Members are not to abuse the privilege when they seek leave to make a personal explanation. It is not an opportunity for debate or to attempt to make some political point. The member for Unley.

MATTER OF PRIVILEGE

Mr BRINDAL (Unley): On a matter of privilege, Mr Speaker, there is no more—

Members interjecting:

The SPEAKER: Order! The member for Unley is raising a matter.

Mr BRINDAL: There is no more serious accusation or crime committed in this house than the misleading of the house. In an answer to the house today, the Minister for Health (and the record can be checked) clearly claimed that the member for Mawson had rung a person. The member for Mawson, in a personal explanation, has clearly refuted that claim, Mr Speaker. I ask that you therefore either require the apology and the withdrawal of the minister forthwith, that you the treat the matter—

An honourable member interjecting:

Mr BRINDAL: —publicly, or that you treat the matter as a breach of the privilege of this house in that he deliberately misled this house.

The SPEAKER: I understand the minister qualified it and said that if he had it wrong he would apologise.

HOSPITALS, LYELL McEWIN

The Hon. J.D. HILL (Minister for Health): I seek leave to make a personal explanation. In relation to the matter before the house this afternoon regarding the phone call made by the member for Mawson to—

Mr WILLIAMS: On a point of order, sir—

The SPEAKER: The minister was seeking leave; is leave granted?

Members interjecting:

Leave granted.

The Hon. J.D. HILL: In relation to the matter the member for Mawson raised regarding the phone call to the hospital last night, I apologised to the honourable member, because I took him at his word when he said that he rang the hospital and was put through. However, my staff has just checked with the head of the northern board, who has spoken to Ms Cathy Miller, to whom the member for Mawson spoke. She was of the view that he had rung her directly, and the General Manager has told my staff that it is not possible to have the phone call connected through. I am not saying one thing or the other. I am just telling members the basis on which I have made my statements. The General Manager, I understand, last night contacted the hospital to ascertain the issue. The nursing co-ordinator—

The Hon. Dean Brown interjecting:

The Hon. W.A. Matthew: You gave us wrong information.

The Hon. J.D. HILL: I am seeking to make a personal explanation.

The SPEAKER: Order! The member for Finniss was heard in silence. The minister.

The Hon. J.D. HILL: I am sorely tempted to accuse that compulsive statistician on the other side to keep his mouth closed. The General Manager contacted the hospital nursing co-ordinator to ascertain the issue. The nursing co-ordinator apologised, as he had tried to warn her on her mobile about the impending call from Mr Brokenshire. It rang while the General Manager was on the home phone. The advice from the hospital to me was that it was done a separate way, but I take the member for Mawson at his word.

In relation to the other matter before us, which was whether or not the member for Mawson said the person was an employee, I tell the house that there is absolutely no way in the world that I have any knowledge of his relationship with that person, other than the advice that came to me via the same persons—Mr Panter and Ms Miller. They claim that Mr Brokenshire, the member for Mawson, in his explanation said that the person was a former employee. I understand that the member for Mawson now denies that, but there is no way in the world that I have any knowledge of any relationship other than that which I was told. I put to the house that the member for Mawson in fact told Ms Miller that he was ringing on behalf of a former employee.

GRIEVANCE DEBATE

ATTORNEY-GENERAL

Mr WILLIAMS (MacKillop): I rise today to highlight the growing dilemma surrounding the Attorney-General, the chief law officer of the state—the dilemma which is caused by his penchant for bullying and intimidation. The rule of law we enjoy in South Australia is built upon the concept of—

The SPEAKER: The member for MacKillop needs to be careful about reflecting on any other member.

Mr WILLIAMS: It is my intention to be very careful, sir.

The Hon. M.J. ATKINSON: On a point of order: if the member for MacKillop wishes to make a commentary or conclusion, then he should do so by way of substantive motion, otherwise he should confine himself entirely to verifiable facts.

The SPEAKER: The member for MacKillop needs to be very careful not to reflect on a member or impugn the reputation of a member. He should stick to the facts which can be demonstrated.

Mr WILLIAMS: Might I suggest that the Attorney-General would be able to defend himself if he chose to answer some of the questions that have been put to him in this house over a considerable period—questions that have been quite straight forward and specific about his behaviour? He leaves me to come to no other conclusion than that he has something to hide. Unfortunately, that is the conclusion I have drawn.

My colleague asked the Attorney-General only yesterday a question about his behaviour and about a bar being put on his phone. Information has come to the opposition that a bar has been put on to prevent him from calling the member for Florey. The Attorney-General was asked whether he knew anything about it.

The Hon. M.J. Atkinson: No, I don't.

Mr WILLIAMS: You did not say that yesterday. Today we heard in the house an allegation being made by way of a question that the Attorney-General made some statements about one of our colleagues in the other place. Notwithstanding that the Attorney-General denied it, I understand that there is a large number of witnesses; and the Attorney-General at some future date may have to answer for his loose lips.

I come to the other matter I raised during question time today. Once again, the Attorney-General chose not to answer the question. The question was about his ringing, harassing, abusing and threatening a caller to talkback radio. I will read from the transcript of 7 April. I will not use the caller's name.

The Hon. M.J. Atkinson: Why not?

Mr WILLIAMS: Because this might end up before the courts, too.

The Hon. M.J. Atkinson: Probably will.

Mr WILLIAMS: It possibly will. The Attorney-General said, 'Well, I'm Michael Atkinson. You are (and he used his first name) and you're who?' The caller gave his first name and his surname. Then the Attorney-General said, 'From where?' The caller gave the suburb where he lived. The caller said, 'And I am in the phone book if you want to ring and speak to me.' The Attorney-General said, 'Oh no, I don't want to ring you.' But what did the Attorney-General do? He did ring. He looked up the caller's name in the phone book, found his number, and he did ring; and he abused him over the telephone. He said, 'I am the first law officer of the state,' and threatened him with no less than a $20 000 lawsuit. I understand he is a retiree, if not a pensioner, who was rung by the Attorney-General of the state, abused and threatened with a $20 000 lawsuit.

Sir, you might wonder why this person has not gone to the paper; why this person has not gone public; and why this person has not rung talkback radio again. He has been threatened and intimated by this Attorney-General. The Attorney-General does have form. I suggest that members talk to the council members of the Charles Sturt and Enfield councils because a few of them are a bit frightened of him.

We know that the member for Florey has not denied the allegations raised in this place about the threatening behaviour of the Attorney-General towards her. We know—and we have heard the story—that not just the member for Florey but also another member has been threatened over Gary Lockwood. We know what the Attorney-General has said about Gary Lockwood, Ralph Clarke, Kate Lennon and George Karzis. He said that they all have it wrong. He keeps saying, 'I've got it right and the rest of the world gets it

wrong.' I did say some time ago in the house that the Attorney-General was a dead man walking. I have never seen a dead man walk so fast, but I still think he is a dead man walking.

Time expired.

The Hon. M.J. ATKINSON (Attorney-General): Members of the Atkinson family are regular attendees at mass, and it is common, partly because my wife worked in the Catholic church office, for us to attend the cathedral. On the Sunday in question, the family had not attended church, so we attended the cathedral at 6 p.m.—a service which I attend from time to time. I sat well out on the western side of the church—not in a prominent position at all—and it so happens that the mass was celebrated not long after Pope John Paul II died. That was not the reason for my attendance, because I have attended that particular service many times.

I was astonished to be listening to talkback radio when a man rang and alleged that I had brought television cameras to St Francis Xavier's cathedral to telecast images of me and my family at worship, and, furthermore, that I had scandalised the congregation by lighting a votive candle during the mass. I have been to a lot of masses in my life, and at the last mass I went to at the cathedral no fewer than six people lit votive candles during the celebration of the mass.

Mr Brindal: What were you doing with a candle? You should have been praying.

The Hon. M.J. ATKINSON: Thank you. It is deeply hurtful and offensive, and actionable defamation, for that allegation to be made. It is hurtful to me and my family, and it was completely untrue and malicious.

Mr Brindal interjecting:

The SPEAKER: Order! The member for Unley is warned.

The Hon. M.J. ATKINSON: I explained myself on radio at the time. I decided not to proceed to take defamation proceedings against the man concerned, but it seems that I am now attacked because I accepted his invitation to ring him and talk it over—I did not raise my voice, I did not use bad language, but I made the point that the allegation was entirely false and damaged my reputation, which it does. Let us be very clear about all these allegations. I have not raised my voice, used bad language, or made anything that could possibly be construed as a threat to any member of the Parliamentary Labor Party. They are the facts of the matter. We are still waiting for a jot or tittle of evidence in this question of bullying. We do not have a date. We do not have a time. We do not have any words that are alleged to have been spoken and, it turns out, when I check my records, that the last time I spoke to the member for Florey was in August.

Members interjecting:

The SPEAKER: The member for Flinders. If the member for Flinders does not want the call, the member for West Torrens.

Mrs PENFOLD (Flinders): Mr Speaker, I rise—

The SPEAKER: No, the member for West Torrens has the call. Members have to pay attention.

LIBERAL PARTY

Mr KOUTSANTONIS (West Torrens): Just recently there were two resignations from the Liberal Party front bench. There has been a lot of talk about Labor backbenchers being disappointed about missing out on ministries because of the two Independents who have joined our cabinet—from 13 to 15. I personally welcome, as do all my colleagues, the addition of the member for Mount Gambier and the member for Chaffey to our cabinet, because I think that shows the community that we are a bipartisan government, happy to have ideas other than our own brought up in cabinet. But how many Liberals have approached me in the last two days saying, 'We have had two front benchers resign, and no replacements. We have had the deputy leader resign; we have had the member for Waite resign to the back bench after his stunning one vote challenge, and who has been promoted?' It says either of two things: one, that the Leader of the Opposition does not know who to promote because he might spark some sort of factional war in his show; or two, there is no-one on the back bench good enough to go on the front bench. Which one is it—because the Leader of the Opposition is going into an election with only twelve shadow ministers. Is he honestly going to tell us that the Hon. Angus Redford, who is a parliamentary secretary, is not good enough to go into the shadow cabinet? Is he honestly telling us that the member for Hartley, who is a parliamentary secretary, is not good enough to step up to the plate?

Why has the member for Frome not replaced those two resigned cabinet ministers? Of course, there is the baron of the Barossa pointing at himself saying, 'What about me? It isn't fair. I've had enough now I want my share.' After all the media have written, and people like Mr Smithson have written about the outrage backbenchers are feeling on this side, I can tell you they are not, because if the member for Chaffey or the member for Mount Gambier decided to leave the cabinet tomorrow, they would not be replaced by a Labor member.

There are only 13 Labor positions in our cabinet, and we extended it to have a bipartisan cabinet. Mr Speaker, I can tell you that if one of the 13 Labor ministers left they would be replaced, but, if the Leader of the Opposition wants to replace his fallen comrades, what would happen—and why? Aren't any of you good enough? What about the member for Kavel? He has served his apprenticeship; he has been a good deputy whip. Why can he not have a shot? The member for Flinders has been here longer than most. Is she not good enough for the shadow cabinet? Why is Rob Kerin not replacing his shadow ministers who have fallen by the sword? I can only think of one reason: they are not good enough.

Mr BRINDAL: I rise on a point of order, sir. I know that grievance debates are wide ranging, and you can canvass just about anything, but the internal affairs of the Liberal party I think would go too far even for the member for West Torrens. I would like to know what his qualifications are to lecture this house on our internal matters.

The SPEAKER: Order! What is out of order is the member for West Torrens banging the table; he has been warned about that before. The member for West Torrens.

Mr KOUTSANTONIS: Of course, I should not bang the table, and I am sorry. I know so much about the internal machinations of the Liberal Party because they all stop me in the corridors to tell me about them. They all stop me in the corridors. Some are laughing at the member for Bragg and her four votes. I understand that the member for Hartley was the chief numbers person in the operation—the chief whip.

An honourable member: There were five.

Mr KOUTSANTONIS: I am not counting the honourable member. I am talking about the votes she got from others. I am not using the member for Waite's rule for counting votes. I do not count myself as a member for support. You ought to

get others backing you as well. I understand that the member for Bragg went into this ballot neck and neck until the member for Hartley got on the phone, and then it went backwards quickly. In fact, one member approached me and said that they felt threatened and bullied.

I will not name that member, but I can tell you, sir, that when there is a vote in the Labor Party it is a free vote, and a lot of people stand on other people's shoulders. We do not threaten people; we do not ring them up; we just put forward the best candidates for the job, and they are elected. It is what we always do.

If I was Liberal Party backbencher, I would take huge issue with their leader. Why are they not good enough to be replaced? What about the Hon. Michelle Lensink? Can't she get a guernsey? What about David Ridgway? David Ridgway is somebody who probably thinks he can be in the shadow cabinet. Why is he not getting the call up?

Mr Caica interjecting:

Mr KOUTSANTONIS: The member for Colton is right: I probably would be wrong. Can I just say, for all those disaffected Liberals over there: don't worry; you will be out of your misery on 19 March. We are taking care of it for you.

Mr Brindal interjecting:

The SPEAKER: The member for Unley should go and have a cup of coffee, I think. Them member for Flinders.

HOSPITALS, WUDINNA

Mrs PENFOLD (Flinders): Thank you, Mr Speaker.

Mr Goldsworthy interjecting:

The SPEAKER: The member for Kavel should show some respect.

Mr Scalzi interjecting:

The SPEAKER: And the member for Hartley should show respect for his colleague, too. The member for Flinders.

Mrs PENFOLD: The Wudinna Hospital saga continues. The only change has been a change of the minister. I also relate to the words uttered by the member for MacKillop when he mentioned threats and intimidation that occurred, because it has certainly happened throughout this saga.

We had an excellent doctor in Wudinna. That was Dr De Toit, who came from South Africa. He was threatened with being sent back to South Africa. This fantastic doctor could do obstetrics. He was a trauma doctor. He could do the things that we needed in an isolated hospital such as that one. This man was tough enough to be a whistleblower. At a meeting in Wudinna, 300 people from that little community voted unanimously to keep him. This doctor is now practising—I am sad to say—very successfully not in my electorate but in the electorate of the member for Goyder.

During this saga, I was personally defamed by the member for Giles trying to do what I saw was my job. I am still waiting for that apology. In trying to put that we needed to have a full inquiry of the issues surrounding that hospital, here we are, 12 months later, again having issues at the Wudinna Hospital. The Wudinna Hospital is now without an obstetrician. This is after having 12 recommendations and the now new minister saying:

> . . . there is every indication that that is a hospital that is back on its feet and will be supported. We have no intention of downgrading it.

He also mentioned, with great pride, that it has a four-year accreditation.

There were about 28 women having babies in the past 12 months and about 20 of them have been delivered, but there is no obstetrician there now. In fact, the doctor's wife is having a baby and he is down here in Adelaide at the present time while his wife has the baby. That seems a little ironic, especially when those who live in the district no longer can have their babies in the district. Other siblings are suffering, because the mother has to go away three to four weeks before a birth. The mother does not get to know her doctor; she does not get to know the people who will be with her at the birth; it is very likely she will not have her husband, her family or her friends present. The minister goes on to say:

> . . . the advice I have had is that the number of births in the community is insufficient to have a safe obstetrics service at that hospital, anyway: you need a certain volume of births in order to have the range of birthing types for a safe service to be provided.

But I understand that the four years' accreditation was given on condition that certain things happened, and one of those concerned the birthing unit not being up to standard so it was closed. It had nothing to do with how many babies there were to be born in that hospital. It had nothing to do with the lack of midwives who happened to be in the district or the lack of an obstetrician. It had more to do with the fact that the government wanted to make it look as if that hospital was going to get four years' accreditation—as it did get—but at what cost to that community and what downgrading of the services to that community, despite the minister having just said they would not be downgraded?

There was an understanding there would be a full-time doctor, or there would be a locum put in place and yet, on 10 November, stuck on the post office door was a note stating:

> There will be no doctor in Wudinna during this time. There is no locum available during this time. Please contact the hospital for any medical enquiries—

and the phone number was given. There was a handwritten note on the bottom stating, 'Dr Grewal available 17/18 November.' There have already been disasters in that community.

SELF-FUNDED RETIREES

Ms CICCARELLO (Norwood): I rise to speak on a matter of great concern to me, a matter which highlights the lengths to which the Liberal Party will go to dissociate voters from a hard-working, successful Rann Labor government. Many in metropolitan Adelaide believe that my electorate of Norwood is an affluent area. In many respects it is: people take pride in their homes, their street and their suburb. We have a high number of volunteers who support local community groups, schools and the infirm. Quite a few of these people are what we call self-funded retirees. There is a misconception which surrounds the term 'self-funded retiree'. Many would say it is the equivalent of being 'not short of a quid' and believe these people are living off incomes that many in the community could not hope to achieve in their lifetimes. For many of our self-funded retirees this is not the case. In fact, many self-funded retirees are being penalised for their foresight and hard work.

Let me give an example. Ernest is an Australian self-funded retiree who, with his wife, raised a family. He and his wife purchased their home in the 1970s. In the 1980s they purchased a run-down investment property and completed the repairs themselves. As a married couple Ernest and his wife were entitled to minimum Centrelink payments but, most importantly, they were entitled to a pension card. Early last year Ernest's wife passed away. Over the course of the next

seven months Ernest was shunted from pillar to post by Centrelink. In the space of four weeks Ernest was sent three separate reviews by different Centrelink offices, and had to pay his accountant to fill in the details for each one.

With rising property prices, his assets are valued at $600 000. Ernest was excluded from receiving a benefit because as a single man he exceeded the allowable income under the assets test. During this period, Ernest received $200 per week in rent to live on, pay bills on and with which to pay medical costs. Then we have Dorothy, a 70-year-old woman who, together with her husband, amassed investments totalling $650 000. Dorothy's husband invested the assets and they received an income of $280 per fortnight each, a figure that entitled them to a part pension and pension card. When Dorothy's husband passed away, Dorothy reorganised her investments to pay her $300 per fortnight. Dorothy was still entitled to a part pension under Centrelink's entitlement formula.

We have two people with similar assets and incomes: one is entitled to access pension payments, a pension card and associated rate, registration and electricity discounts, while the other is excluded because he did not structure his investments in the same fashion. Yesterday, we saw the member for Finniss jump onto 5AA and have a dig about an agreement between the South Australian government and the commonwealth. This agreement would have seen many self-funded retirees receive similar discounts on government services as commonwealth pensioners receive. Mr Brown was quite vocal on Leon Byner's program yesterday, with claims that he has proof that 18 500 independent retirees who basically need financial assistance will miss out on $21 million worth of assistance because the Rann government had reneged on the deal and pulled out. Mr Brown tried to tell listeners to that program:

> Labor believes that independent retirees who worked hard to save and put money aside for their retirement should not get the same benefits as pensioners. . .

He went on to say:

> I think that's wrong and the federal government thought it was wrong.

The truth is that South Australia did agree to the deal with the commonwealth government. It was the commonwealth that ducked and wove when the Rann government tried to follow up on the matter with the federal minister Kay Patterson. It was the federal Liberal Party minister Kay Patterson who made a decision to withdraw the agreement when the other states would not sign up to it. The federal parliamentary Liberal Party decided to bail out on providing financial assistance to self-funded retirees. While Mr Brown might enjoy Labor-bashing on the radio, he should ensure that listeners are hearing a minimum of one truth during his diatribe. Mr Brown said yesterday that the discount—

Mr GOLDSWORTHY: On a point of order, the member for Norwood continually uses the member for Finniss's surname. That is against standing orders and I would like you to draw her attention to that.

The SPEAKER: Yes, members should be referred to by their electorate.

Ms CICCARELLO: I apologise. The member for Finniss said yesterday that the discount:

> . . . should be ultimately means tested by the commonwealth seniors healthcare card, which it still is, but there are 18 500 that were expecting to get these concessions from 1 July 2002, 3½ years ago almost, and have now missed out.

Under the Howard government's unworkable, unfair income and assets test, many of the self-funded poor who do not have two cents to rub together would have missed out in any case. That is the member for Finniss's stance on this. It would be interesting to know if he recently lobbied the federal government to make assessments fairer for all. I think not.

HEALTH SERVICES

Mr BROKENSHIRE (Mawson): Today we saw again the government's strategy when it comes to deflecting the fact that they have failed to deliver for health services and mental health services in the state of South Australia. It is a clear tactic. First, the minister wants to come in here and deflect the facts being raised by the opposition on behalf of the electorate of South Australia and try to paint a good picture in health. Secondly, when the minister is under attack, he will try personally to have a go at the member on this side asking the questions. With respect to the situation that has been raised in the parliament today, I make no apology for attempting to do the very best we can as an opposition to ensure that this very serious situation with the beds and the particular care of this psychiatric patient were brought to the attention of the parliament.

It is only by bringing it to the attention of the parliament and the media that we are ever going to get the government to realise that it has failed when it comes to mental health and health in South Australia. I found it amusing that the minister tried to deflect this sad situation that we raised in the house today by claiming that I rang the CEO directly. That would be impossible, and I will tell members why. First, I did not even know the CEO's name. Secondly, I do not have the private phone numbers for CEOs. There are only two ways that I could have ever spoken to the CEO last night: first, by being put through to her directly; or, secondly, by virtue of someone at the hospital arranging for me to speak to the CEO. My gripe is not with the CEO. In fact, I found the CEO to be a very pleasant person. I discussed with her the tough job that everyone in the health system has in trying to address the problem. The government has not managed properly, and it has failed to deliver on its No. 1 pledge, which was to improve health and to provide more hospital beds. My sympathies are with any CEO. The fact is that today the minister tried to denigrate a situation that had to be highlighted for the right reasons.

As I said, I rang 8182 9000. I was happy to speak to the duty nurse or anyone else, because I had been asked to find a bed for this lovely person who was in a very difficult position and to assist the family, in particular, the husband. I did not want to speak to the CEO at all. I feel that the reason I was deflected from simply talking to someone to find out whether or not we could get a bed was because this government has probably instructed that if an MP rings a hospital that MP must be put in contact with the CEO, and that is what happened. I was very happy simply to speak to the nurse. I was very happy then to speak to the senior doctor. Someone at the hospital decided that I must speak to the CEO. What the minister tried to do today was make out that I simply rang the CEO (obviously, I had the phone number in my hip pocket, together with all the phone numbers of other CEOs) and did not go through normal procedures.

I believe that the government has instructed hospitals that if an MP rings they must talk to the CEO. The facts are being hidden, and the poor CEO must try to manage things so that the least amount of damage occurs to the government. This

government cannot go to the next election with a minister who continually misrepresents the facts within the health portfolio, and we have seen this minister do that in other portfolios. Members must realise that, since this minister took over from the previous minister, nothing has happened to improve the health system. The media will continue to get stories from the opposition, because the only way we can get an improvement in health is to highlight it to the public of South Australia. As the shadow minister for health, I make no apology for representing the community to ensure that we get better health services. It is time that the minister stopped trying to impress with his big flash suits and putting spin on the situation and got out there and fixed the health crisis. This minister is exactly like the Premier—all about spin rather than fixing health.

The DEPUTY SPEAKER: Before I call on the minister, I did not hear the remark, but I understand that the member for Mawson accused the minister of misrepresenting the facts. Is that correct? In the course of his remarks, the honourable member said that the minister misrepresented the facts.

Mr BROKENSHIRE: I said 'misrepresented' or 'misled' the facts. What is wrong with that, sir?

The DEPUTY SPEAKER: It is an allegation that the honourable member could make only as part of a substantive motion. I ask the member for Mawson to withdraw.

Mr BROKENSHIRE: I withdraw and simply say that the minister needs to stick to the issues, that is, fixing the health issues that are in crisis.

ECONOMIC AND FINANCE COMMITTEE

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I move:

That Mr Goldsworthy be appointed to the committee in place of the Hon. I.F. Evans, resigned.

The DEPUTY SPEAKER: Before I put the motion, I advise the house that the Speaker has received a letter from the member for Davenport indicating his resignation as a member of the Economic and Finance Committee.

Motion carried.

STATUTES AMENDMENT (RELATIONSHIPS No. 2) BILL

Received from the Legislative Council and read a first time.

TERRORISM (PREVENTATIVE DETENTION) BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 3934.)

Ms CHAPMAN (Bragg): The Terrorism (Preventative Detention) Amendment Bill was introduced by the Attorney-General in this house on 9 November 2005. As we know, both from his contribution at the time of that introduction and considerable media outlets and releases, this bill arises out of decisions made at a COAG special meeting on counter-terrorism held on 27 September 2005. There was quite a lengthy communique arising out of that meeting, which included the following statement:

State and territory leaders agreed to enact legislation to give effect to measures which, because of constitutional constraints, the commonwealth could not enact, including preventative detention for up to 14 days.

As is already known by the house but which I briefly refer to, since 2002 and subsequent to a COAG meeting in April of that year, we have seen the enactment of I think 20-odd pieces of legislation in the commonwealth arena to deal with the issue of terrorism in this day and age. They include: legislation to enhance and deal with border surveillance and movement of people under border security legislation amendments back in 2002; an enormous amount of security legislation and criminal code amendments, anti-hoax measures, suppression of terrorism bombings, espionage, and making it an offence to murder or intentionally or recklessly cause serious harm to Australian citizens outside of Australia; telecommunications interception legislation; legislation in relation to the suppression of the financing of terrorism; and the Hezbollah, and Hamas and Lashkar-e-Tayyiba legislation, which is the basis of amending the criminal code, etc. I have dealt with those matters in other debates in this house, but that illustrates the extraordinary amount of legislation that has passed in the last two years, and there has been a similar trail (although not as many pieces of legislation) of legislative reform in this chamber, as there have in states around Australia, the most recent being in respect of the Terrorism (Police Powers) Bill, which we recently debated.

The house is also aware of the recent introduction, in fact on 3 November 2005, by the federal Attorney-General of the commonwealth legislation. I will refer to that legislation shortly, but the house is aware, of course, from media releases, of the leaking of the draft by the ACT Chief Minister Stanhope onto the internet. That legislation of course has been reviewed, amended and the like before its introduction into the federal arena on 3 November, and it had prompt attention and swift passage.

This legislation before us in many respects reflects the Anti-Terrorism Bill (No. 2) 2005 which, as indicated, was introduced on 3 November 2005. I would like to say a few things in relation to this type of legislation, and terrorism being the basis upon which we are called upon to make such determinations. There is no question that terrorism is with us across the globe, and invariably we are called upon, in considering this legislation, to weigh up a balance between two important and fundamental considerations—that is, the safety of our citizens and their civil liberties.

Quite clearly, the law does not operate in a vacuum. It has to be responsive to the situations in which we find ourselves. New threats can potentially demand new responses and the argument runs, essentially, that a changed level of threat demands an altered consciousness and set of expectations when it comes to civil liberties. There has been much public debate in relation to this aspect, and I quote from the comments made by Justice Michael Kirby to the New South Wales Council of Civil Liberties when last year he expressed the point very powerfully in relation to the presence of terrorism and our need to deal with that in light of these two considerations. He said:

Let there be no doubt that real terrorists are the enemies of civil liberties. They do not wish to partake in dialogue and discussion. They do not address themselves only to their oppressors. Many terrorists speak only the language of violence. They act cruelly and oppressively to those who do not agree with them. They visit violence on innocent people. They operate in the politics of fear.

They seek to capture headlines by brutal acts addressed to those lives they treat as dispensable.

In his contribution when introducing the federal legislation, the federal Attorney-General made a number of points, and I summarise and paraphrase some of his presentation to the parliament on 3 November, when he said that the first point of the new laws is:

> . . . to ensure that we have the toughest laws possible to prosecute those responsible should a terrorist act occur.

The second point was:

> . . . to ensure we are in the strongest position possible to prevent new and emerging threats, to stop terrorists carrying out their intended acts.

The bill, as presented to the federal parliament, was the result of extensive consultation between the federal, state and territory governments and their senior officers and consultation that had continued within the federal parliament, notably the federal government's backbenchers, who I think had worked tirelessly, presented submissions and argument to substantially improve the safeguards we now see in what is the 82nd version of the bill that ultimately passed through the federal parliament.

I place on record my appreciation to the federal members of parliament, and the backbenchers in particular, who raised these issues and fought for that amendment so that we have not only that legislation but also ultimately for our consideration here today a bill that is part of that package, in a manner which is acceptable and which as far as possible at this stage complements each other and also reaches a balance.

This is not the first piece of legislation which this parliament has been asked to reflect upon, consider and vote on, which has arisen out of the meetings between the Prime Minister, premiers and chief ministers around the country and which has been presented back to us in some ways arguably as a fait accompli. As a member of the state parliament, that makes me rather prickly, these decisions having been be made. It reminds me of a speech made once by Chief Justice Doyle when he reflected upon the visits of the High Court to South Australia: he described it as a bit like a sheriff and his posse riding into town and giving advice to us all in South Australia, and the legal profession in particular, as to what we had to do, what we might have got wrong, what our obligations ought be and how we might operate. It fixes up decisions we have made and grants or dismisses appeals. In the same manner it makes one bristle a little to have had these few men come together, make these decisions and then impose them upon us.

Leaving that aside, it is still important and incumbent upon all of us as legislators to look carefully at the decision that has been made and to make sure we are satisfied as to the appropriateness of legislation and whether it is going to reach the ends that it purports to set out to achieve. The Liberal opposition has thought at some length about these matters. This bill has challenged us, and it is not without some disquiet along the way that, ultimately, with all that reflection, we will support it. As a Liberal I came at these laws with a degree of scepticism. As a legally trained person, who has on many occasions been called upon to ensure that we protect individual citizens, in recognition of the fact that liberalism seeks freedom and liberty of the individual as its primary responsibilities, I find that that brings about a challenge. Instinctively one has to be distrustful of government power over individual freedoms. I am distrustful of any law that could be used maliciously or inappropriately to curtail freedoms of those against whom the law was not necessarily designed to capture.

On the other hand, as I have said before, new circumstances and new threats to our wellbeing can demand new responses and an altered understanding of where the line between liberty and security must be drawn. In addition to its responsibility to protect us from its potential over-reach, the state also has a responsibility to protect us from clear dangers, such as those presented by the threat of terrorists. I might say that it seems to be fashionable amongst certain classes of journalists, university academics and others to imagine that there is no terror threat to our shores; or, if there is, that it could be swept away by removing our troops from foreign shores.

The fact is that public statements, through video messages, radio broadcasts and internet web sites from various terrorists organisations, notably Al Qaeda and Jamar Islamia, have been threatening to cause violence and bloodshed against Australian civilians for a number of years, even before the Iraq war, for many different reasons in fact. This included—so that we keep it in perspective—our assistance as Australians to the freedom movement in East Timor and the disrespectful attitude of holiday makers in Bali towards Islamic culture—although Bali is predominantly a Buddhist island.

Another excuse has been the alliance with the United States, our British colonial past and, through it, our connection to the Crusades 1 000 years or so ago. They are amongst many other reasons why we have been the target of terrorist threats. Attempts to rationalise the motives of terrorists and calls to negotiate with their leaders for our safety are foolish.

It is a dilemma. Australia has been at a national counter-terrorism alert level of 'medium' since September 2001—over four years ago. In recent years we have had a hideous monotony of terrorist attacks around the world, including New York, London, Madrid, Bali and other places. The most recent bombings were in the subways in London on 7 July. We have had disturbances in other places, although there is some argument that they could be distinguished in relation to rioting, misconduct, and property and personal damage inflicted in France.

What is important, and very much less publicised, are the attacks that have been prevented. I lay on the table at least my personal appreciation, and I think every member in this house would agree that we need to pay a tribute and show some appreciation to those who on a daily basis work in our surveillance, security and armed forces, and, indeed, our police forces, in detecting activity such as this and protecting us against it.

Australia is at risk and will be at risk for some time. Our strengthening of anti-terror laws will alleviate some of that risk. I do not intend to undertake any great contribution today about what else we need to do in relation to terrorism. I am certainly no expert on it, but I do say that, obviously, there are other ways in which we need to curtail ultimately the impetus upon which people get involved in this type of activity and what leads them to it. That ought to be no excuse, however, for us to back away from the responsibility of ensuring that our citizens are protected.

I briefly indicate that the effect of this bill allows for preventative detention for up to 14 days in response to an actual or imminent terrorist attack. It is important to note this bill is limited to the detention of persons in order to (a) prevent an imminent terrorist attack occurring or (b) preserve evidence of, or relating to, a recent terrorist act. I think it is

also important to mention that, while this is something that Australia has been dealing with most recently in the past few years, other jurisdictions have had this on their legislative plate for decades. I think it is worth at least considering this in the light of the history that the United Kingdom has had in relation to its legislative reform. It has developed a range of legislative and other measures in the course of responding to terrorism, particularly in Northern Ireland and England, over some decades. It has had some experience in this field.

It is fair to say that the catalyst for this new package of Australian legislation is the bombings in London, but it is important to look at what they have done; and we can learn some lessons from the United Kingdom experience. As would be known, I am sure, to most members in the house, we have legal systems which are still very similar. Of course, we originally inherited both their legal and parliamentary systems. It is important, therefore, that we look at how they have dealt with civil liberties, how they have responded to human rights groups and others that have been very critical of the United Kingdom's terrorism laws and how they have been applied.

Their laws have been given some fairly rigorous analysis over a very long time. They have been subjected to rigorous analysis by both the community and the parliament and to significant testing through litigation in that jurisdiction. So, it is instructive to examine the checks and balances that they have put in place. In particular, we can ask whether the British approach can be adopted or adapted to enhance the protection of the rights of those who may be affected, without seriously compromising the possible effectiveness of the measures. When we are talking about detention of persons under a preventative detention process for fourteen days, it is instructive to note that the United Kingdom has had this provision for a very long time.

Recently, the Prime Minister of the United Kingdom came under some criticism and ultimately failed in carrying amendments through his parliament to allow for preventative detention orders for a much longer period. Notwithstanding the Prime Minister's failed attempt in that regard, the parliament maintained its 14-day preventative detention orders. I think that it is fair to say that, because we can look at their experience and how it has functioned and operated in that jurisdiction, we can take some comfort in relation to how we might draft and address legislative protection under this process.

The maximum period of detention is 14 days if an order is made by a judge, or 24 hours only if the order is made by a police officer who is either of or above the rank of assistant commissioner. The issuing authority, which is under our judicial review of this process, must be a judge or a retired judge of the Supreme or District Court who has been appointed in writing specifically for this purpose. I note that there has been some considerable discussion, both publicly and in legal circles, as to the constitutionality of the federal legislation. I will try to summarise that in a manner which makes some sense to the general public. We appoint judges to do certain jobs, and they have a certain jurisdiction and a certain judicial power but, essentially, they are not able to punish people without their having had the benefit of judicial due process. That is a constitutional requirement. So, when we look at detaining somebody for a period of time under this type of legislation, the length of time over which they are detained is very much at the forefront of what is important in that definition, because an extended time clearly could be seen as punitive and, therefore, would breach this constitutional restriction on our judiciary.

So, this legislation makes clear that the issuing authority is a judge or retired judge who has been appointed in writing for this purpose. A police officer of assistant commissioner status or above, as I have indicated, can issue a preventative detention order only if there is an urgent need for it and 'it is not reasonably practicable to have the application dealt with by a judge'. The circumstances in which a preventative detention order can be made are set out in clause 6, and they are quite stringent. The suspicion on reasonable grounds is that the subject either will engage in a terrorist act; or possesses a thing that is connected for the preparation or engagement of a person in a terrorist act; or has done an act in preparation or planning for a terrorist act; and (not or) there is satisfaction on reasonable grounds that the making of the order would substantially assist in preventing such an attack from occurring; and that detaining the subject for a period for which the subject is to be detained is reasonably necessary for the purposes referred to. This satisfaction on reasonable grounds after the suspicion has been satisfied requires two things: first, that it would actually assist in the process of stopping this happening; and, secondly, that there has to be a finding for that purpose as to how many days are necessary for carrying out that purpose, namely, preventing the terrorist act occurring.

A terrorist act must be one which is imminent and which is expected to occur at some time in the next 14 days. I am a little curious as to how you could actually say that it will occur within the next 14 days but, again, I suppose this is a matter of which there has been some experience in the United Kingdom, and it needs to be dealt with here. In addition to the preventative detention orders in relation to imminent terrorist acts, there is a power to issue a preventative detention order if a terrorist act has occurred in the last 28 days and the issuing authority is satisfied that it is necessary to detain a subject to preserve the evidence, and it is reasonably necessary to detain that subject for that purpose. In other words, a terrorist act has occurred, and within 28 days they need to be able to hold this person in detention, preserve the evidence and provide some fact upon which it is relied that, unless that person is detained, there is some risk that that evidence will be tampered with.

During the course of discussion with members of the Liberal Party, the member for Waite alerted me—and perhaps other members of our party—to the target in relation to this type of legislation. One of the things that has been raised with me (as it may well have been with other members of the house) is why, with all the laws that we have, we need this extra law, especially since we read and heard very quickly about the 17 arrests in and around Sydney and Melbourne, only in past weeks, of persons who were allegedly in the process of progressing to an imminent terrorist activity. Did we need this sort of legislation for that group? Did we not have enough legislation already to do it?

The member for Waite pointed out—and I think it is a very important point—that when we are dealing with terrorism (which is something with which I am not particularly familiar but which I think is a valid point) we are dealing with those who have made the commitment to sacrifice their own lives, to strap dynamite and all sorts of other explosives and things that they have put together around their body, and go into a place where the public attend and blow themselves up, irrespective of any regard for the lives of men, women and children, civilians, Christians, Muslims, and people of

different cultural backgrounds—totally independent of any care whatsoever for the sanctity of life, or for the preservation of their fellow citizens. There is total disregard. That is that group, and there are those who will actually go out and carry out that act.

There are also two other groups that work in relation to terrorism, and these are what the member for Waite describes as the auxiliary group and the underground group. He points out—and the honourable member may well come in and explain this in more detail to the chamber, and I hope that he does, because clearly he is someone who has experience in this area—that in the auxiliary group we have the people who gather together the equipment, chemicals and expertise to make the bombs, for example. We have the people who supply this material, who import it for them, and who provide them with the expertise to put it together. These are not the people who rush in there and set off the car bomb, or strap things around their bodies; these are the people who have the capacity and access to both build and acquire the primary resource material to create the weapons that will impose that carnage. They are a very dangerous group, and they are equally committed to the terrorist cause.

Then there is another group, which he described as the underground. These are the people who walk past the local shopping centre and report back to the group planning a terrorist attack as to when the most number of people will congregate in an area, and as to the access to the building. These people could be young children or senior citizens in the community who are sympathetic to the cause. They again are not the people who will physically carry out the attack or sacrifice themselves, but they are equally committed to the cause. By virtue of their appearance (whether it be youthful or mature age, for example), they are seen to be able to get away with collating that important surveillance information and feeding it back to those who are going to undertake the primary attack and terrorist activity. They are equally a very dangerous group. These are people who we will not necessarily see, or perhaps even our armed forces or police forces—those who are detecting this type of conduct—will see, but they equally need to be arrested before they are able to carry out their part of the project.

It is important, therefore, that this type of legislation—to use an example—deals with protecting evidence if a person is known to be in possession of certain information and has on their computer at home all the timetables of public opening and access to a shopping centre, for example, so that that person can be detained in protective custody while that evidence is obtained, collated and removed. It may be for only a short a few hours; it may be for some days; but that is the type of example where someone in that category could be detained for the purposes of protecting evidence.

Similarly, it is important that if someone has, through the processes of determination by the police officer (that is, the assistant commissioner or a rank above that), made the determination that there is reasonable suspicion and satisfaction on the reasonable grounds that the making of the order is necessary, they need to have made that assessment. Then those people also may need to be not just detained but effectively prevented from conveying that information onto the cabal or group that may activate it.

I am again indebted to the member for Waite for explaining how the situation can work; that is, it may be that a terrorist attack is imminent and expected to occur eight or 10 days ahead, in which time that intelligence information is collated and presented to an assistant commissioner. What is important in detaining a person who is alleged to have been involved in that type of imminent activity is that they do not get a chance to pass on that information, that is, the powers that be are onto them, so that they do one of two things. One is to disperse the evidence or change the plan. What, of course, can happen there (and which is an even higher risk) is that instead of abandoning or aborting the plan they in fact bring it forward and blow it up the next day or the next minute.

So that is a very important aspect we need to take into account. It is something that I am at least pleased has been pointed out, because one of the things that I think is rather peculiar, even absurd, is that you take someone into protective custody as such and they are detained under one of these orders—I should just mention that they, of course, have the opportunity to have a complete judicial review by the Supreme Court, and I will come back to that in just a moment—but we have this rather peculiar situation where they get taken away and are allowed, under this legislation, to make contact with up to six persons: a family member, a person with whom they might live, the person's employer, or one employee if the person employs others, one business partner and one other person, if a detaining police officer agrees.

Perhaps the Attorney, in his response, can give some indication as to how this is going to work, but I suppose there are people out there who may not have any immediate family member, who may not live with anyone else, who may not be in business with anyone else, who may not be employed at any particular time, and so the sixth person is someone who is a sort of 'phone a friend' option and who they can tell they are going to be missing for the defined period of time that is detailed on the order. They are taken into custody and, under this legislation, they have to be given notice of the order and of the particulars of the order. The issuing authority must set out the facts and other grounds on which the police officer considers the order should be made. Notice, of course, has to be given to the person who is detained.

In some ways, on a factual basis, it seems to me that it is somewhat inconceivable, not so much that they be limited to only that category of persons they might contact but they are strictly prohibited from communicating anything to these persons other than to indicate that they are safe and will not be contactable for the time being. I cannot imagine that a party taken into custody in this situation and who makes a telephone call to their spouse to advise simply, 'I'm safe and I can't be contacted for some time,' would not result in that spouse being alarmed, curious, angry, suspicious or whatever, in relation to that type of phone call. It would be utterly bizarre. It might be met with the response, 'Don't give me that nonsense, you're obviously out with your girlfriend.' It could result in them being so alarmed that they immediately contact the local police station and report a missing person.

I do not know the answers to these questions, but it does seem that a rather artificial situation would prevail if someone made such a phone call and it was simply responded to with, 'Thank you for letting me know, darling, I'll see you in due course.' It just seems to me utterly absurd. I certainly hope the Attorney-General will be able to explain how that is going to work without causing a lot of distress and involving other authorities which may just make the situation worse. Who else is going to be present during that conversation? What happens if they say something that is one word more than what they should have?

The other thing that seems to be rather bizarre about it is that it would not be beyond the wit of someone who was a genuine terrorist or someone who was aiding and abetting this terrorist activity, who was going to be an accessory and a sympathiser and supporter of the mission involved, for them to work out that when they have these detention orders and these restrictions, they will not immediately agree amongst their cell what the code word is going to be and to ensure that, in this brief conversation, if anyone is taken under a detention order, they will, in the course of these communications, ensure it gets out and, as soon as it does, are they not going to then carry out plan B to actually subvert the ultimate detection and apprehension of the whole group, or those that are capable of perpetrating the proposed terrorist act?

The process does concern me. I do appreciate that the greatest minds in the country have been working on this issue—as to how we balance this question of protection against unreasonable and unfair interference with civil liberty—but we seem to have come up with a very cumbersome structure and I cannot imagine how it will not cause a considerable problem. It seems, though, that a person on this list of people who can be contacted can also obtain advice from a lawyer about the detained person's legal rights in relation to the preventative detention order, or the treatment of the person in detention, and arrange for the lawyer to act in connection with a review to the Supreme Court, and for the lawyer to act in legal proceedings in relation to the order. This person can ring their wife, the person who might otherwise be in their household, their boss, one of their work colleagues, their business partner, some other person—if the authorities agree—and their lawyer.

The person may be visited by the lawyer and may communicate with the lawyer by telephone, fax or email. The opposition notes that there are some lawyers who may be specifically excluded under a prohibition contact order. The detained person may choose any other lawyer and the police are required under these proposed provisions to provide assistance by recommending lawyers 'who have been given a security clearance at an appropriate level.' This is another fascinating aspect of this structure, and I am not entirely certain what you do to get on the secured clearance list, what remedy a lawyer might have if they are excluded from it and want to be on it, who is actually going to grant that clearance and what is an appropriate level, etc. In any event, the powers that be will have the capacity to monitor the communications not only with family members but also with the lawyers.

As I understand it, legal professional privilege is protected, yet to think that you are going to have the communication monitored does seem rather curious. In trying to balance that, this legislation clearly and specifically declares that any communication between the detainee and the lawyer is not admissible in evidence against the person. Special provisions are made for persons aged between 16 and 18 years who are incapable of managing their own affairs, which means that a person under the age of 18 years cannot be detained. I might mention that is also an aspect that the opposition has given much thought to. We understand that we try as best we can to protect children, in particular, against any kind of potential abuse through any legal process. We pass legislation regularly through this chamber to try to protect children, and the last thing we want to do is impose legislation across the board where we may inadvertently cause a child to be swept up in this type of legislation.

Because there is a provision for a child who may be the subject of a detained order, if the police officer reasonably believes that that person is under the age of 16 years they have to let them go. On the face of it, that seems quite sensible but, of course, again it is not against the wit of most of these young people to be the subject of an order and then immediately plead that they are actually only 15½ years of age. What degree of proof is required by someone to prove they are that age, especially if they are taken into custody and detained without any kind of identification on them that might prove that they are younger? Again, it is not against the wit of those who congregate in these groups and who want to carry out this evil activity to issue to all their potential colleagues in the activity false student ID cards to make sure that they have something on their person at any time to present to a police officer who is taking them into custody.

I hope that the government will try to give us some explanation as to how we are going to balance the protection of children against their being caught up in this type of behaviour in the way we are managing terrorism against genuinely being able to carry out the good intent of this legislation. Whilst we have had all these clever minds around the country in the drafting of this, the other aspect of this process is this question that, in the attempt to try to contain it getting out that this person has been taken into custody, for the purposes of protecting against important evidence being destroyed, disposed of or hidden, for example, any person contacted by a detainee—which includes the lawyers, the family members, any interpreters, the boss, the work colleague etc. who gets this notice—is not entitled to intentionally disclose to another the fact that a preventative detection order has been made.

I return to the example of the spouse who has received the phone call, who is quite distressed by it and who thinks that her husband might be tied up on one of these preventative detention orders; who cannot possibly believe that he would have anything to do with such activity and contacts the police and claims to them that she has had this information and could he be the subject of a preventative detection order. She has guessed that: she has actually put that forward as a possible excuse as to why he might be ringing to say that he will not be home for dinner. We would like to know how we are going to protect those people. In that situation the spouse is intentionally disclosing it. She may well argue that she is disclosing it because she is worried, because she cannot imagine why she would otherwise have that call and the husband does not turn up as she would otherwise expect.

One of the many protections that we have in this legislation is that the person cannot be questioned. This is a sort of anti-interrogation or protection against interrogation clause. In other words, they are not being arrested, they are not charged: they are simply being detained. So, in that situation, it is fair that their rights not be abused. They should be questioned. They can be asked, apparently, their name and address; and, in fact, they are obliged to give that. They can be asked whether they want a drink of water, whether they want some food and whether they are not feeling very well. They can be asked whether they are on medication or whether they need any medication. They can be asked whether any aspects of their health need to be attended to. These are all questions that one would assume are necessary to ensure their safe and comfortable stay in this detained period, whether it is for a few days or up to the 14 days. We do understand that, but it seems rather curious how that would be enforced. What happens if the detained person is not asked these questions, they do a have a serious health condition and they are not able

to advise that they have a diabetes condition or need medication?

These are the questions about which I think we need to have some answers. Again, the good intention may be there. These people cannot be questioned about activity because they have not yet been charged, and that is one of the fundamental aspects that we protect in our criminal processes. In the haste to do that, are we also making them vulnerable to the exposure of risk? As an example, the person who has taken them into custody is so careful that they fail to ask any questions and thereby put the detainee in a life-threatening situation. We can have all these measures—they are monitored, they are filmed and someone can listen to their phone conversations. They are to be given food and water, etc., but there is this hands-off approach that could, of course, leave them in a vulnerable position. I think that we do need to have some explanation and answers as best the government can provide.

I accept that it is new legislation for South Australia, but we will need some answers on those questions. Also, the police are to have power to enter premises if they believe on reasonable grounds that the person who is the subject of a preventative detention order is on the premises. Again, what the government has said is that, unless there is some very special reason why it is not practical to enter, they cannot go in between 9 p.m. and 6 a.m. I do not know whether this is to stop the idea that people will disappear in the middle of the night, but it does seem to me a little bizarre that we have this sort of window dressing. There may be a perfectly good explanation for it. It might distress the neighbours, or people will get more curious if they see someone entering a house next door and they ring the local police, or the like. It may be because we work on the basis that some level of alarm is created when a stranger is entering a property (and, of course, it is not unreasonable in those situations for a neighbour to be alarmed, or, indeed, other people who are resident in the property), and that there would be a visit in the middle of the night.

Nevertheless, it seems to me a rather peculiar little exception that they cannot enter the dwelling between 9 p.m. and 6 a.m. unless the officer believes on reasonable grounds that it would not be practicable to take the person into custody at another time. I would have thought that, quite frankly, if an application had been made for the Assistant Commissioner to issue the preventative detention order, as soon as it had been obtained it would be invoked immediately and put into operation. It seems peculiar but, again, it may be that it is some attempt not to disturb the local neighbourhood or other residents and to unnecessarily draw attention to taking the person into custody.

Certain restrictions are imposed on these police officers not to use more force or subject the person to greater indignity than is necessary and reasonable. They may conduct a frisk search and seize any dangerous item or one that could be used to escape or to contact another or to operate a device remotely. Presumably, the mobile phones go pretty quickly. If one read the contribution made recently by the Hon. Amanda Vanstone to a local Rotary meeting, one would know that all sorts of household effects and culinary equipment would be removed, not to mention an HB pencil.

One can hardly imagine what would be left in the house at this stage. In any event, what the drafters have in mind here is that any weapons (knives, detonation devices and mobile phones, which, apparently, are very good these days at setting off bombs, etc.) are able to be taken. We have seen similar types of phrases of restraint in the recent police powers bill. If you are going to search a place or you are going in to find things, there is a reasonable expectation that, if you are looking for something in a property, you are not allowed to go in there and blow up the whole house. There is some level of potential damage to property or person that is commensurate with the need to find that evidence, equipment or person relatively quickly and, of course, commensurate with any capacity for them to dispose of that equipment or alight from the premises and avoid apprehension. I mentioned that the proposed legislation does not affect the law relating to legal professional privilege, and I am pleased to see that addition. It does not prevent people from taking legal proceedings in relation to the treatment they have received whilst under the order.

The member for Mitchell made some interjecting comment during the course of this debate as to what happens if they die. Presumably, some of the Wrongs Act, or whatever we have now to protect those who might suffer in that regard, may offer a remedy. I think this is more realistic, but if someone is injured during the course of being detained, either by conduct toward them or any kind of neglect (for example, as to their health), and they suffer an injury, they are able to take action.

There is a sunset clause for 10 years. It seems that that is commensurate with this type of legislation. There are sunset clauses in a lot of these bills—some are five years and some are 10 years—and that is a matter that we would expect in this legislation. As we understand it, the COAG agreement also indicated that there would be a review of the legislation, I think at the end of five years. This is not a matter that I have checked on, but as I understand it that is not in the legislation. There are various annual report requirements and the like, but in other legislation, for example, the Terrorism (Police Powers) Bill, it specifically provides for a two and five year review clause.

If that was part of the agreement, we would call on the government to consider including that in the legislation to ensure that that occurred, or at least we could have some understanding by the government that it remains committed to the terms of that agreement and it could be carried out. We can have sunset clauses, and we do in a lot of information. Personally, my view is that it seems to be a bit of a sop for those who are hesitant about legislation because, quite frankly, any day that the parliament is sitting we can amend, repeal, enhance or expand the legislation that we have before us. So, sometimes I think they are a bit of a sop. Nevertheless, that is what the general agreement has been, and the opposition does not take exception to it.

It has been put by the opposition that, perhaps in the desire and haste to have the protective detention orders to fill the gaps which have been identified by the apparent experts and on which the powers that be (that is, the COAG members) have been apparently briefed, and then that finding resistance in the community, the desire to quickly bring about a number of protective measures (the judicial review and all of the areas that I have tried to generally respond to and identify) has meant that we have ended up with a structure that is so cumbersome that perhaps it will never be used.

One of the aspects involved is that when you add in more detail, more structures, more restrictions, more exceptions and more exemptions, sometimes you end up with something that is so cumbersome that it is inaccessible—or even if it is accessible, it is so cumbersome to initiate and operate and it comes with so many aspects of exposure to risk, either for

compensation or action against the powers that be, that one wonders whether it might actually ever be used. But, in any event, it has come before us in this form and the opposition will support it.

There has been some public disquiet about the question of sedition, and of course the commonwealth has it in its legislation and it is proposed there will be further inquiry in relation to that. But it is important to note here that the crime of sedition is not touched upon by this proposed legislation.

We have continued to hear from the civil liberties group. Plenty of lawyers (some of my own colleagues who have been and remain my friends) have given wise consideration to a lot of this legislation. A number of them have commented publicly about the restricted powers that will be introduced. Again, it is a question of balance, and the opposition has tipped to the side of supporting a regime which now has extensive judicial oversight and judicial remedies, and there are very limited circumstances in which this can apply. Many qualifying features have to be determined and findings made by an assistant commissioner or police officer of higher rank before it can be initiated. So, we are pleased to see that there has been considerable amendment to deal with this.

The Human Rights Committee of the Law Society has written a paper in relation to which it claims that the Terrorism (Police Powers) Bill 2005 (which of course has been passed by the House of Assembly, and I have referred to that) contravenes fundamental human rights. This house has already dealt with that bill. It is the opposition's view, and in particular that of our shadow attorney-general, that it does not contravene fundamental human rights, and we respect and appreciate the advice given in relation to that.

But he also highlights (and I think it is important that members of the house in this chamber have the benefit of this) that the Digest of Jurisprudence of the UN and Regional Organisations in the Protection of Human Rights While Countering Terrorism supports that view. The Law Society itself quoted passages, amongst many others, and I will place these on the record. They state:

> No-one doubts that the states have legitimate and urgent reasons to take all due measures to eliminate terrorism. Acts and strategies of terrorism aim at the destruction of human rights, democracy, and the rule of law. They destabilise governments and undermine civil society. Governments therefore have not only the right, but also the duty, to protect their nationals and others against terrorist attacks and to bring the perpetrators of such acts to justice.

It goes on to say:

> Human rights law has sought to strike a fair balance between legitimate national security concerns and the protection of fundamental freedoms. It acknowledges that states must address serious and genuine security concerns such as terrorism.

Finally, it states:

> The International Covenant on Civil and Political Rights (the ICCPR), the European Convention for the Protection of Human Rights and Fundamental Freedoms and the American Convention on Human Rights mandate that certain rights are not subject to suspension under any circumstances. The three treaties catalogue these non-derogable rights. The lists of non-derogable rights contained in the ICCPR include the right to life, freedom of thought, conscience and religion, freedom from torture and cruel, inhuman or degrading treatment or punishment and the principles of precision and of non-retroactivity of criminal law.

It is important to appreciate that clearly this legislation does intrude upon some freedoms—there is no question about it: the freedom of movement and of communication—but it does not actually impinge upon or intrude into those non-derogable rights that have been specifically identified as contained in the ICCPR. That is important because, clearly, the international covenant and the European convention have put into categories those rights which under no circumstances should we intrude upon and another list which, in certain circumstances, can be intruded upon.

Essentially, they are the matters which the Liberal Party has looked at. It has not been an easy one and I do not think that for anyone in this chamber it is a matter that should be treated lightly in the consideration or passing of such legislation. So, too, are we faced with the evil conduct of a few in the community who persist in maintaining a level of fear arising out of the threat of wholesale, indiscriminate mass murder and injury upon our citizens. For those reasons the opposition supports the bill.

Mr HANNA (Mitchell): This bill is the second in a series of two bills brought into this parliament in response to the Prime Minister's call for tighter security laws in Australia. When I spoke on 8 November 2005 in relation to the police powers bill I suggested that the bill now before us dealing with preventative detention was the more odious of the two, and I will explain why. It begins to take us down the road toward a police state. The legislation officially sanctions house arrest, disappearances of citizens and secret courts. The description 'police state' has connotations not just of additional police powers but also of the potential use of this extraordinary extension of police powers to effectively punish those who have political views contrary to those of the government of the day.

It seems that it is almost inevitable that when the extraordinary powers provided to police in this legislation are used there will be some political aspect to the matter. The people seized and effectively punished under these laws will presumably have a political view which is different from that of the government. It becomes a matter of degree as to whether people with views which, however disagreeable, are acceptable in a democracy will be punished through legitimate action of the police for holding those views.

There is a big jump between holding a political viewpoint and becoming involved in acts of terrorism. There is a real question mark about that as well, because the legislation refers back to the commonwealth definition of terrorist acts. The commonwealth legislation employs a very broad definition, and I can see how political activity, such as a demonstration in the streets, could be construed as a terrorist act, not because most people would consider it such but because the commonwealth legislation is so broad. All this legislation seems to be debated in a vacuum without reference to the foreign policy of Australia and the United States of America, which presents the real need for it. I briefly refer to that.

As a nation we have essentially made ourselves targets for terrorist activity through our government's adherence to the foreign policy of the United States, which could be characterised as 'might makes right'. Of course, the invasion of Iraq a couple of years ago is viewed by many, including me, as being primarily in order to expropriate the resources of the Gulf and Central Asia region as part of an overall plan—one which has been publicly talked and written about by US security officials over many years. In essence, the invasion of Iraq was immoral because it gave priority to the materialistic urges of a few over the consideration of tens of thousands of innocent women, men and children who have been killed and maimed in that conflict; and others left to contend with the residue of depleted uranium as a result of the weaponry used in Iraq.

The term 'western values' is sometimes thrown around loosely in the debate about the Iraq war and the current spate of terrorist activities in the western world. If western values revolve around placing materialism ahead of consideration of our fellow human beings and their welfare, then I would say it is not only people from other countries, cultures or religions who would find such values offensive, but many Australians, as well as British and American people—people of peace—blush with shame at the direction our Labor and Liberal leaders are taking us.

There are two fundamental concerns with this legislation. The first is that it does not address the cause of terrorism. Neither the Attorney-General nor the spokesperson for the opposition have addressed this side of it. I refer again to the remarks I made on 8 November. If we want to prevent terrorist acts in Australia, a great priority must be given to engaging with disaffected elements within our society, rather than taking further steps to alienate them. There will be people at one extreme end of the debate who say will say, 'Well, if people cause trouble chuck them out of the country.' This was said in respect of people who are Australian citizens. Indeed, the federal government has mooted seriously the possibility of stripping suspected criminals of their citizenship, so they then might be deported.

I do not think that has been thought through because we still have to have a country to take such people, but perhaps indefinite detention is the intended result. Of course, the High Court has ruled that indefinite detention for immigration purposes is acceptable. I would think that the implementation of extraordinary police powers, such as those promoted in this legislation, is likely to arise on occasions when it will encourage hostility between sections of our society, rather than bring people together. Great care will need to be taken in respect of policing suspected terrorism to avoid an 'us and them' mentality. If we—and I mean our government and security forces—continue to sow the seeds of hate, then they, indeed, will reap the whirlwind.

The second fundamental problem I have with this legislation is that the principle of freedom of our citizens is greatly eroded by the legislation. For centuries, people have struggled to increase and guarantee the freedoms which we so often take for granted in Australia—freedom of movement of our citizens, freedom of speech, freedom to contact those we wish to contact, and so on. It is an essential aspect of a democracy to have these freedoms. Essentially, it is the notion that our citizens should be free to go about their business without undue interference from the government or security forces. These rights are sometimes called 'civil liberties', by way of shorthand. I note that our political leaders these days scorn the term 'civil liberties', as if it is some special package reserved for a few elite people, whereas it is actually the right of people to go about their business without being interfered with by government and security forces—something that is there for us all to enjoy.

It is true that most people in Australia do not think about these things. Most of us take it for granted. In a sense that is the way it should be. There is one group who is acutely aware of the rights of people and the opportunities for legislation to impinge upon those rights; that is, the lawyers who are trained in the legal profession. The law, in a sense, is all about people's rights. I note that both the Law Council of Australia and the Law Society of South Australia have expressed gave concern about this legislation, or the same mirror provisions in the federal legislation.

It is interesting that the same political leaders who scorn the notion of civil liberties also scorn lawyers as do-gooders. I am certainly not ashamed to be either a lawyer or a do-gooder. But it is not only groups like the Law Council or the Law Society which have grave concerns about such laws. In some respects the concerns are based on international standards, and Australia is a signatory to the International Covenant for Civil and Political Rights. Article 9 of that international document states:

1. Everyone has the right to liberty and security of the person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law.
2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of the charges against him.

These laws cut right against the principles set out there in the International Covenant on Civil and Political Rights. Whenever we take rights away from citizens, whenever we put them at risk of being disappeared by security forces, whenever we put them at risk of having an application against them heard in a secret court, whenever we place them at risk of house arrest, we need to consider whether the laws go too far. There is ample proof that these laws go too far.

When people in Melbourne and Sydney were arrested just weeks ago because they were allegedly planning terrorist acts, I stress that it was under our current law that this was done. We live in a country where police are already able to detain for questioning for lengthy periods. Our intelligence agencies already have the ability to listen in on any conversation in the country—in any house, in any car, on any telephone line—by means of covert surveillance. We have the ability to charge people with possession of explosives if that is the concern. We also have a time honoured offence of conspiracy, known to the common law over the centuries.

When people get together to plan a bomb attack or to do some damage to public property or people, they are guilty of conspiracy, and that carries an extremely long gaol term. So, there is ample weaponry within our existing legislation to address the concerns which are said to underpin the legislation. At the end of the day, I suggest that we need to make laws for the bad days when we have bad politicians and bad police, while at the same time recognising the freedoms that we currently enjoy and the good politicians and the good police we currently have. These laws may not be abused today or tomorrow but, at some time in the future, history would suggest that there will be abuse of such laws.

I will be moving a number of amendments to the legislation and I will briefly refer to those. The government has sought to speed up the passage of this legislation. I had planned to move these amendments tomorrow evening, and I will scribble them out on paper in my own hand if necessary, even if it takes until 4 a.m., so that this point of view is put and every member of this house has the opportunity to consider the issues. First, I am suggesting that only judges should be able to issue orders for detention. Secondly, I am suggesting that this legislation should not apply to children. Thirdly, I am suggesting that the information upon which applications are based should be presented only after being sworn or affirmed by a police officer. I am also going to move amendments which allow people who are detained to explain to their family or their lawyer that they have been detained under a preventative detention order. I am going to be moving amendments to allow private contact between a

person and their family and their lawyer. I feel this is an important consideration.

I am going to be moving amendments also to delete the provisions in the legislation which provide for secret courts to take place. At present, the law not only provides for closed court rooms, but actually insists that the Supreme Court should not disclose to people, other than within the narrowest possible limits, the very fact that there is an application taking place concerning a person under this legislation. It is not good for our democracy if we are going to have secret courts. I am also going to move an amendment to provide for a public interest monitor, such as they have in Queensland, to ensure that, when a case is argued against a person, the other side of the argument is put as well. People who have been following the debate will realise that these are not radical propositions but, in fact, I have been cast in the role of being extremely conservative in wishing to uphold the rights and liberties which we have enjoyed ever since Federation, at least.

Having expressed those various concerns about the bill, I will leave it there. I hope that I am wrong about any suggestion of possible abuse in the future, but history shows that we need to make our laws for the worst-case scenario, not a rosy glow of how things should be.

Mr HAMILTON-SMITH (Waite): It is regrettable in many ways that the parliament is considering this bill, which will impact on people's civil liberties to a degree, but I would argue to a necessary degree. Regrettably, the onset of international terrorism as we see it today, although nothing new, has brought these measures to a head.

I remind members that international terrorism is nothing new. Many would recall the hijackings and the terrorist activities of the sixties and seventies right around the world, and the transnational nature of terrorism as it evolved, particularly from the early seventies onwards. People would remember the PLO; they would remember the various terrorist movements that were active right through that period of the late 20th century and into today.

However, it has taken on new and more sinister dimension. In particular, with the onset of weapons of mass destruction, it is particularly the chemical and biological weapons that worry me the most. They are easy to manufacture, easy to transport, and they are easy to use, and, as some experts have recently pointed out, may well be used here. Some have described it as a matter of not if but when.

I have had considerable involvement with this during 23 years of service with the Australian Defence Force—in particular with Special Forces—at the last resort end of our response to terrorism, in my involvement with federal and state police in the national counter-terrorist plan, and I have played an active role in incident response, and a whole range of other issues connected to this bill which is before us today.

I will explain to the house my perspective of how a terrorist organisation might work and how this bill might be necessary. I will do this by saying that, generally, terrorist forces operate in three dimensions: they have a fighting force, or a terrorist force—a group that would plant the bombs, shoot the weapons or initiate the devices that will kill or destroy.

That group, which we will call the fighting force, is usually directly supported by an auxiliary. The auxiliary might be a group of people who would carry forward explosive materials or weapons or who might carry messages. They might provide safe houses for the terrorists to operate within, and they might provide food, water, sustenance, vehicles and other administrative support to the fighting force—the terrorist group.

The auxiliary may not be terrorists themselves. They may not be planning to be engaged in an act of terrorism. They may not be planning an act of terrorism. They may even be, in some cases, innocently involved and caught up in this auxiliary support process for the terrorist group.

The cell-type structures that terrorist groups use often involve keeping certain parts of the organisation in the dark as to what other parts of the organisation are doing. So, this second part of the terrorist force—the auxiliary—is quite vital to the terrorist group. But there is a third group, and I call that the underground. The underground is generally the group that provides intelligence information, moral support and sometimes physical support to the auxiliary or to the fighting group. The underground can be quite an innocuous group. Far from being fighters, they might be a family walking past a vital point or installation, making visual and mental notes of when sentries change, or when police rotations occur. They might be taking photographs of a target, or they might be providing information on a range of things to an auxiliary or to others who will carry it forward ultimately to the terrorist group. The underground often includes elderly people and children. It is curious that the bill is not effective, as I understand it, in relation to anyone under the age of 18 years of age. I find that curious because quite often young people are involved in terrorist activities in one form or another, particularly in the underground.

It seems that this bill, unlike the previous bill that was put before the house, and some other measures that have been put in place previously, is focused at the auxiliary and underground part of the terrorist network rather than the fighting force. The point being made, I think, by other speakers is that the police do have powers and have used them recently during the terrorist incident that was just reported, where a range of people who were allegedly planning terrorist attacks were arrested and detained in Victoria and New South Wales. So, there are these other powers that the police have to act when they are up against the fighting force, or the terrorist component, of the machinery of terror.

This bill, though, seeks to work at the other end of the spectrum by being able to grab people for 14 days, detain them and interrupt the auxiliary or the underground in its ability to support the terrorist group. I note that the bill is limited to the detention of persons in order, firstly, to prevent an imminent terrorist attack occurring, and preserve evidence relating to a recent terrorist act.

Clause 6 provides for people who will engage in a terrorist act, or who possess a thing that is connected with the preparation for the engagement of a person in a terrorist act, or has done an act in preparation for or planning a terrorist act. So it is pretty broad, and it would really mean that police would have the ability to go and round up people who might be part of that underground or that auxiliary, provided they have sufficient grounds to suspect people are involved in those activities and so long as they can convince the issuing authority, a judge or a retired judge of the Supreme or District Court, who has been appointed in writing for the purpose.

I am comforted by the fact that there is this protection of having to go to an issuing authority before making such detentions. I simply say that, because of the way terrorist organisations work, the police do need these powers, and I would encourage members to support the bill. Can they be abused? Probably they can, but there are so many laws that can be abused and can be misused, and we do have to have

some degree of confidence and faith in not only the police but also the issuing authority, the judge of the Supreme or District Court, in that they will not abuse these powers.

I note with some curiosity that the bill does not facilitate investigations and, accordingly, a person who is under preventative detention cannot be interrogated. I find that curious, because I would have thought if there were sufficient grounds to detain such people, it would be worth trying to substantiate that suspicion by interrogation or by an interview. It would be worth trying to find out what those people know. They may indeed be able to illuminate events that might work to prevent a terrorist act. I find that aspect a bit curious. I note, too, that the bill is watered down considerably. I know it has had many iterations. It was delivered after the COAG special meeting on counter-terrorism on 27 September 2005. I wonder whether it has been watered down to the point where its effect has been hamstrung.

I also note that the terrorist act must be one that is 'imminent' and is expected to occur at some time 'within the next 14 days'. I wonder about that as well, because it is very difficult to pinpoint when such an act may occur. It is very, very difficult. I suppose they will have to argue to the issuing authority that they credibly believe it will be within 14 days. I think a longer purview would have been more appropriate.

In addition to the preventative detention orders in relation to imminent terrorist acts there is a power to issue a preventative detention order if a terrorist act has occurred in the last 28 days and the issuing authority is satisfied on reasonable grounds that it is necessary to detain a subject and if they think that detaining a subject is reasonably necessary. Again, I believe that is appropriate given that terrorist acts often come in strings. It is quite a usual tactic to have two or three such events occurring within rapid succession of one another. Certainly, the whole concept of terrorism is that there is the threat of a repeat action.

I note the power for a police officer—the assistant commissioner or above—to issue such a detention order if there is an urgent need for it and it is not reasonably practicable to have the application dealt with by a judge. That ought to be of concern but, again, there are circumstances where the urgency would be such that the process may need to be circumvented. I hope that would be only in the most extraordinary of circumstances. As I mentioned earlier, I think that, in requiring that the preventative detention order not be made in relation to a person under the age of 16, it may limit the bill's effectiveness. We only need to turn on CNN and watch what is going on in Israel or Palestine to see examples of young people under the age of 16 involved in these activities. I think that is a concern.

Some members may be equally concerned about the fact that a person, when detained, can contact only up to six people. The bill specifies who they are and that the person is prohibited from disclosing the fact that they may be being held under a preventative detention order. There are a couple of reasons why this provision may be in the act. Clearly, if the detained person can ring up others in the terrorist network and say, 'I am being detained under this act,' it immediately signals to the terrorist organisation that the police are onto them, which may have one or two outcomes. First, everyone may go to ground and vanish for the moment and cover their tracks in a way that makes it difficult for the police to then apprehend others, and the terrorist event may still resurface later when the time is right. Secondly, it could have the effect of precipitating an immediate action by the terrorists. That is to say, instead of perhaps proceeding with a deliberate act in seven or eight days' time, fearing capture they may rush into an immediate action where a bomb is placed or a shot fired or some action taken in the space of hours or days in a panic or immediate response to the fact that people have been detained.

I can see some merit in this device of trying to limit the number of people to whom a person detained may have access. Whether it is effective or not is another question. I am sure a well-prepared terrorist group would have contingencies in place and ways of getting the word out through the devices that are provided for in the bill—the six people who can be called—if they are determined enough.

If the police are doing their job effectively and if the element of surprise is there, they may detain people at a time, at a place and in a fashion that interrupts their ability to tip off others as to what is going on, so I can understand the reasons why the police might want that power. I know that there are concerns that persons contacted by the detainee (including lawyers, family members and interpreters) are not entitled to intentionally disclose to others the fact that a preventative detention order has been made but, for the same reasons that I noted earlier, I think they are necessary provisions in the act.

I note that police are entitled to take identification material such as fingerprints, handprints and footprints, recordings of the person's voice, samples of the person's handwriting, photographs (including video recordings) etc., but that they must be destroyed within 12 months. It makes me even more curious as to why they cannot be interrogated or interviewed if we are taking all that information to ascertain the extent of their involvement in the terrorist act or suspected terrorist act. I note that police have power to enter premises if they believe on reasonable grounds that the person who is subject to the order is on the premises, but that they cannot enter a dwelling between 9 p.m. and 6 a.m. unless the police officer believes on reasonable grounds that it would not be practical to take the person into custody at another time.

I suppose that is very polite and nice, but I am comforted by the fact that it still gives the police the power to strike at a time when they know the terrorist is at home, in bed or whatever, so at least we know they get them rather than let them get away because we want to do it during daylight hours. It is just a curious provision all round. In essence, the bill, which is clearly a very watered down version of the bill originally proposed by the commonwealth (and leaked by the Chief Minister of the ACT, I note), will still be effective but arguably far less effective than is probably required to interrupt the auxiliary and underground part of the terrorist network that I mentioned earlier. I think it is actually a fairly weak bill in many ways, even though I share some of the concerns raised by others about the cost to civil liberties contained in the bill which, as I have said, I think are necessary but which should, nevertheless, be of concern.

I am sure there will be, and there has been, an outcry from lawyers' organisations and civil liberties groups about the requirements of the bill, but I take some comfort (and I am sure this was mentioned by my colleague the member for Bragg) from the UN's writings on this in regard to the protection of human rights while countering terrorism, where it lists very clearly in the International Covenant on Civil and Political Rights (the ICCPR) the European Convention for the Protection of Human Rights and Fundamental Freedoms and the American Convention on Human Rights, when all these mandate certain rights as not subject to suspension in any circumstances. The treaties go on to talk about these being the

right to lie, freedom of thought, conscience and religion, freedom from torture and cruel, inhuman or degrading treatment or punishment, and the principles of precision and of non-retroactivity of criminal law.

These international agreements do not predicate that the preventative detentions provided for in this bill should be untouchable. In that respect, there is some comfort that, internationally, preventative detention is not seen as an inalienable no-go area when it comes to legislation in respect of terrorism and preventing terrorism. Regrettably, it is a necessary bill and I think that, given the way terrorist organisations work, given the dangers we face, we should all support the bill. If anything, I think it has been watered down too much. I would simply say to members: how would they feel if there was a terrorist event in Adelaide in the coming weeks and this bill could have helped to prevent it, but we had not passed it? I think we would all feel saddened by our inaction.

I commend the bill to the house and urge members to give it their full support so that the police and the intelligence agencies can get on with the business of ensuring that we live in a safe and free community.

Dr McFETRIDGE (Morphett): I support this bill, but I start by quoting some far more eminent people than I when they spoke to an international conference on the managing of the psychology of fear and terror, hosted by an eminent South Australian, Dr Pam Ryan. On 10 September last year at the International Assembly on Managing the Psychology of Fear and Terror, Dr Patrick J. Boyer QC, Adjunct Professor, Department of Political Science in Guelph, Ontario, said:

> When an act of terrorism begins and state leaders must respond, they do have choices. They can define the surprise act causing death and devastation as a crime, and move heaven and earth by deploying the police forces, launching covert operations of state and invoking the mechanisms and treaty powers of international law to bring the criminals to justice; or, they can define the surprise attack as an attack on the country and declare 'We are at war.' The first choice criminalises the act and focuses attention. The second militarises the issue and sets a chain of series of expanding activities that escalate fear.

Another person who attended the same conference was a very eminent Australian who said:

> An important element of meeting the threat of international terrorism is to do everything we can to harness and assist the voices of moderation within the Islamic world who reject the tactic of terror.
>
> A comprehensive databank should be established of these names, and plans drawn up as to how best to provide them with the most relevant support. Obviously, differing circumstances will dictate a selective approach to determine what form of support is most appropriate in each case.

That is a quote from the Hon. Bob Hawke, a former prime minister of Australia. Gillian Hicks, a survivor of the London terror attacks, said:

> The second wave of attempted bombings were very frightening because it showed that the people who are most likely to do this are just young susceptible men. The thing that we have to work out, I think, is why they are susceptible to such a message.

The whole point of this conference was about managing the psychology of fear, and going back and looking at the causes of the terrorism—not how to try to combat the war on terrorism, as the Premier, the Prime Minister and the President of the United States call it. Certainly, this bill has been watered down from the original intent of the communique and the first draft of the legislation which was released by the federal government and which was leaked by ACT Chief Minister Stanhope—and what a favour he did for all of us. I understand that the federal government is on to about Mark 83 of the second lot of its terrorism legislation.

This bill is an adjunct to that to allow for the detention of individuals who are suspected of being involved in the planning of a terrorist act or who are suspected of having conducted a terrorist act. They can be apprehended without charge. They have not been convicted or charged with anything yet, but they can be apprehended. Certainly, that is a cause for concern, and that is why it is important that this bill has been changed from what was originally intended. This bill does not go into control orders, and that is another issue about which I have great concern, particularly as they will go for 12 months. They can be rolled over and over, according to information that I have been given.

At least this bill, which was initially mooted in federal legislation and which was signed off by the ALP Premiers from around Australia, would have allowed up to 14 days' detention, which could have been rolled over and over. That is a thing of the past, on my understanding, although I am not a lawyer or a police officer. This legislation, unfortunately, is necessary in this declared war on terror. As I have said, there are ways of overcoming the whole attitude to terror, the psychology of terror. If terrorists are setting up a state of terror, a state of anxiety, they have partly won their game.

The legislation is supported by the opposition. However, I have one significant concern. If you phone a friend, a lawyer, a parent or a guardian (or some other person you are allowed to phone), such as a mother, that person cannot tell, for example, your father. Under clause 41 (disclosure offences), if the parent or guardian discloses to another person that the prevention/detention order has been made and that the person is being detained, the penalty can be imprisonment for five years. Does this also mean that if any media discloses the fact that someone has been taken into detention we will have censorship of the press? Will Mel Mansell be chucked in the clink for releasing this sort of information?

There is a need to look further at this piece of legislation. I think I should have the right to talk to my wife about serious offences that, God forbid, were ever committed by my children. I do not think that, however, because my two children are perfect.

The Hon. M.J. Atkinson interjecting:

Dr McFETRIDGE: That is a big statement, but it is true. I should be very serious about this, though. If a child was suspected of being involved in planning or being part of a terrorist act and they are detained under this legislation, parents should be allowed to know and to discuss it. Obviously, the point has been raised by members in this place that you get to phone a friend. While that can be under the supervision of a police officer and an interpreter, if English is a second language, code words may be able to be given out. They still may be able to alert other terrorist cell members. You have therefore defeated the whole point of this detention order.

I have raised in other speeches on terrorism in this place the need for this legislation. As we have seen in Melbourne and Sydney, there seems to be enough legislation to enable police to monitor, watch and observe people and see what they are planning. They can track down where they have been and what they have bought, and they can then swoop in, arrest them and charge them with planning a terrorist act. It is not 'the' terrorist act. We changed that last time. It is 'a' terrorist act.

There seems to be plenty of legislation. If those who are far more learned than I in this area of anti-terrorism warfare

(as they want to call it) need this type of intervention, far be it for me to stand in the way of stopping terrorist acts in Australia. It is something that the whole world is grappling with.

I finish off where I started. It is about time that the media and politicians realised what we are dealing with and started thinking about the way in which we are managing the psychology of terror. I fear for our children. I fear that my grand-daughter will grow up living in constant fear. We do not have a four, five or six year war here as we saw in the Second World War: we have a never-ending war.

When will the war on terror end? It will never end unless different attitudes are taken besides 'lock them up' and trying to beat them with military-style tactics. It must be much smarter than that. We must criminalise these terrorists. They are just low-down criminals, and they should be treated with the contempt they deserve, as we are seeing in Jordan now. The Jordanians have realised that these people are criminals. They are not sticking up for any particular cause. I support the bill.

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

The Hon. I.P. LEWIS (Hammond): I do not have prepared notes of the kind that most members might normally seek to use in making a speech of this kind. However, I do have some strong views and mixed feelings that I want to put on the record, if for no other reason than to ensure that people have understood historically what I saw at the time. I know that to use the first person pronoun is to presume that others will be interested in that. As time passes, I think they might be; perhaps at the present time they are not.

There have been occasions—few and far between—when I have not regretted the things that I have done in life but when I have wished that I was never born, and I reflect on that at the outset in contemplating this legislation and the legislation associated with it, not because of what that legislation might signify, stand for or seek to achieve but rather because of what I see in the wider community as having been a simplistic, indeed naive—delightfully naive—perception of what life is all about.

I have heard the contributions made by the Attorney and other honourable members—the member for Waite and the member for Mitchell. They are very different and very reasoned contributions from where they sit and how they see things. I have to say to the member for Mitchell that his idealistic perceptions of what the world can be, should be or might be are never going to be—not in his lifetime, nor his children's lifetime, nor their children's lifetime, in my judgment. I recognise here in this month of November in the year 2005—

The Hon. G.M. Gunn: Of Our Lord.

The Hon. I.P. LEWIS: —yes, of Our Lord, and that is a significant thing in the total perception of where we are and why we are here and why we are debating this legislation now. The member for Bragg properly drew attention to the origin of the problems that this legislation and its parallel legislation addresses. Central amongst them is the belief in those people of limited education, but not uneducated, in countries of the world where no Christian faith has predominance yet religion is vital and important, and their mistaken belief is that what they have been told about Islam and the simplistic values and benefits to be derived from a commitment to the cause as the muftis of the moment have pointed out to them is the real truth. In fact, it is not. They have been promised great things relevant to their perception of sensuality in the current life and about what they will enjoy in the after life. They have no understanding whatever, in their naive perceptions, of the difference between spirituality and materialism.

I presume to lecture them. They should be lectured: they need to be, and so do their muftis. They are mistaken in believing that they can make a better world by killing off those who will not belong, and that is where this legislation comes from. It is out of their desire to rid the world of those they think impure, those they say are infidel, and those they believe and advocate as being unworthy of the very oxygen provided by the creator to sustain their life and need to be eradicated from the face of the earth. That is crazy, that is madness, yet that is what drives us to this present need which confronts us.

Sadly, too many of the people in our society here in South Australia in particular, and Australia in general, think that it is not real, that it will not happen here and that it could not—it is just not Australian. Well, it may be not Australian, but it can happen and, unless we provide ourselves with the means of protecting ourselves from an insignificant percentage (but a very real number) of such idiots, such insane zealots, we will suffer the consequences, which will be more horrendous than the consequences suffered by those people who have already seen first-hand what happens in places such as Bali, and on 11 September a few years ago in what was the World Trade Centre.

The danger is here. It is in our midst. It is real. I can say that with personal knowledge and authority. It does not alter anything: just because people want the world to be different will not make it different. That is the sad commentary on this century. It is a sad commentary on the failure of Western civilisations to extend and share the benefits of their understanding of what generates prosperity with the rest of society—a failure that came for a plethora of reasons but out of no particular conspiracy on the part of the West to deprive the rest of humanity of the benefits that come from an understanding of the values preached by Christ—Jesus Christ—the man whose birth date we will soon celebrate at 'Christ Mass'. In his first parable he told us about the talents and how those who have them and use them will be blessed or otherwise, according to how well they use them. The way they use them has generated what the world has previously never seen for human beings: a society so sophisticated and so comfortable that those who enjoy it take it for granted, where they are not otherwise exposed to the risks that will otherwise destroy it and them.

This legislation is an acknowledgment from the national government, that is, the federal Liberal coalition government, that we cannot expect to live in this nirvana, this paradise, unparalleled in the history of humanity, unless we know that it is at risk and must be protected. The fools—and I use that word carefully and deliberately—who seek to destroy it are no more foolish than those who believe it will not happen. The zealots who want their way do not understand that they can never have it, and the rest of us, unless we are astute and prudent now, will find ourselves lost. Those things we have had—people of my age and even 10 or 20 years younger—as freedoms to go where we please, to do what we please and to say what we please, always subject to the rights of others, will be lost, unless we take the steps this legislation envisages for the reasons it envisages. Its purpose is to freeze things for the individuals who are suspect, with legitimate cause.

The exercise of the powers the legislation will provide are subject to scrutiny and review and fairly quickly. It does not alter the fact that I resent the necessity to ever have to contemplate such law, leave alone pass it and make it law. We cannot expect to continue to enjoy what we have had unless we are prepared to stand up and protect it. I would like to digress—not to the point of irrelevance to the subject of the debate but at least to further background my understanding of the situation—by saying that I fear that, if it were not to be made accountable in the way it is exercised, we would be embarking on a course which took us into a society the same as that described in Fahrenheit 451; a society not a lot different from the mid to late 1930s of the last century in Germany; a society which becomes self-righteous about what it sees as the enemy within, as happened in Germany; and a society which is then driven by zealots, probably worse than those it thinks it should rid the world of in the course of the way it applies the values it chooses to exercise.

Hitler was wrong; Gobbels made what he was advocating sound right. He was more about spin than substance and more about very secular views than about social values. If we are not careful we could go in the same direction. If we are not vigilant it is more likely we will go in that direction. Frankly, I commend John Howard in this instance for what he has done in providing us with the framework through which we can protect ourselves from the threat, not outside so much as that which already exists within. It does not mean to me or to any other reasonable person, when we look at what is within, that we should shun a society in which we respect cultural difference and religious freedom. Those things are vital to a free and democratic society. What we have to shun is the exercise of such freedoms where they seek to deny everyone else those very same freedoms on values different from their own.

I suppose that is where my discomfort arises. I do not want this legislation and its parallel legislation to mean that anyone who seeks the glory and social status of wearing a uniform and belonging to a law enforcement agency would derive such satisfaction from doing so as would make them think of themselves as heroes for belonging, where they are not heroes other than that they do the things required of them by their duty with due humility and respect for those values all of us I hope in this place hold dear, that is, values of tolerance, insight and respect for the diversity of which Australia, more so than any other country, is to be respected and is renowned throughout the world. We are more racially, culturally, spiritually and religiously diverse than any other society in the history of humanity. There is no race, culture or belief that takes unto itself the right to preach and determine what others must and shall do.

There is, however, an obligation on us all to understand the benefits which those precepts contained in Judaeo Christian tolerance advocate. The people, if you can call them that, to which this legislation addresses itself are the exact opposite of that. They would seek to destroy those values, yet they want the right to exercise them, and they encourage those amongst us, who are mealy-mouthed enough to accept their arguments, to continue to allow them to exercise them to the point where they would destroy them for everyone else but themselves; and to take us back 1000 years in the development of civilisation to times where bestiality at best and worse things still were regarded as adequate and appropriate for those who did not belong. That is why we have to do what we are doing. That is why the legislation running in parallel makes it necessary. So, I commend the governments of the states, and this government in particular, for the way in which they have collaborated with the federal government to provide us with those protections.

I sound my concern somewhat similar to that of the member for Mitchell—and every other member here really—that, unless in the powers so provided to the people who exercise them there is the necessity to be accountable for that exercise, we will come undone; and we will be doing the very things that those who seek to destroy our society through terror indeed would do themselves. We cannot go there or do that. I am worried that some people may simplistically believe that by going this way we can yet go further and attack the basis for divergence. That would make me not only sad but also angry.

At earlier times in my life I have sought to prevent those people who seek to profit and benefit themselves by taking advantage of the tolerance there is, or has been, in society, and the whim there has been in society, to indulge senses and to indulge self-righteousness and put that outside what they can get away with. We cannot and we must not do so. It would be silly for us to see otherwise. It is not, therefore, just about providing our law enforcement agencies with the power to freeze things as they stand while they continue their investigations; it is also about their having to be accountable for having done so immediately after the event. Therefore, the last thing I want to say is that we need to be very careful that we do not allow ourselves to lose sight of what it is we seek to protect, and destroy it in the very processes we use to protect it.

Mr RAU (Enfield): I think this is an important bill, which warrants some short contribution. Speaking for my part, I consider it to be a very sad day to have to consider this bill in the parliament. I think it is tragic that the circumstances in our country presently, and around the world, oblige us to think about these types of measures. I am very concerned that the measures, which are introduced by us today in the circumstances in which we presently find ourselves, will remain on the statute books through time and find themselves necessarily existing in very different environments in the years to come and with very different governments in office then. I am reminded, for example, of the situation in Malaysia when the state of emergency existed in that country some many years ago—in the 1950s. I believe the Brits organised at that stage—because it may have been Malaya at that stage—some laws to be put in place to deal with the insurgency—sedition laws and such like. Those laws have remained on the statute books ever since. It is largely through the use or abuse of those laws that various regimes or governments—if we want to be kinder about them—in Malaysia have been able to impose their will on political opponents, silence political opponents, gaol political opponents, and so forth.

The Hon. I.P. Lewis: Hear, hear!

Mr RAU: I do not raise this in any way to suggest that those who are putting forward this legislation have any intention whatsoever of its being perverted to that type of use, but it does concern me that, once this legislation is on the books, it will be there for a very long time, and none of us sitting in this parliament now have any way of knowing into whose hands these instruments may ultimately fall. For that reason, I am very sad to be standing here considering this measure. However, I do accept that in the present circumstances we find ourselves in a situation where some appropriate response is required in order to take steps to safeguard the public safety. I accept that, given the extraordinary behaviour

of the individuals who take it upon themselves to murder and maim innocent people, often by killing themselves, extraordinary measures are probably necessary, but I do this with great reluctance.

I support this legislation for the reason that I have just indicated; however, I am certainly not comfortable about doing so, and I hope that a future parliament has the good sense, when the need for this hopefully passes, to remove it from the statute books and return us to the position that we formally enjoyed. My observation about the erosion of civil liberties around the world over time and the handing of increased executive power, particularly to police or paramilitary or military organisations, is that it is always something that is easy to do and very hard to undo. So, I am very unhappy to have to consider and to support this legislation.

Another thing that I would like to say briefly is that this needs to be not the whole response, and not even the focus of the response, because I believe that as a country we are addressing only one end of the problem by this type of legislation, that is, the ultimate consequence of a number of other factors working together within our society. If we are prepared to take this rather serious step, which all of us need to recognise is a serious step; this is not only another bill about stamping pig carcasses, or whether or not some particular weed is going to be prescribed: this is a very serious erosion, potentially, of civil liberties—

The Hon. M.J. Atkinson: Is he reflecting on branch broom rape?

Mr RAU: No; I was thinking of something else—wheel cactus, I think it was.

The Hon. M.J. Atkinson: Could it be Caulerpa taxifolia?

Mr RAU: Exactly; what you said! The point I would like to make is that this is one side of the equation. The other side of the equation is: what is driving this; what within our society is contributing to this; and what are we going to do about addressing that as well as imposing these heavy-handed powers on bureaucrats and executive officers to go around infringing civil liberties?

I would just like briefly to mention a couple of things. I believe that, at the same time as we are introducing this, we have to look to federal government policies, in particular, which have had the effect of stoking the fires of hatred and which are contributing to this terror. From my point of view, this also takes us into the area of our current involvement overseas. Anyone observing what has happened in the Middle East recently could not fail to comprehend that Iraq, for example, has now become a focal point for every nutcase, every Jihadist, every lunatic who exists in that part of the world. And who is there contributing to that mess? We are, and we have been from the beginning. I think that if we are going to be taking these draconian steps inside our body politic to suppress and interfere with the civil rights of our citizens, then we should be thinking about what other things our government is doing to make that problem more profound than it was. I for one seriously question the wisdom of our being involved in the conflict in the Middle East, and I also say that the Federal Police Commissioner, Mick Keelty—before he was sat upon—raised a similar issue in good faith.

The second thing that I would like to say is that some federal public policy settings are also contributing to the development and fostering of these sorts of problems at home, and I direct members' attention to what has been going on in France recently. We have seen policies where there has been a lack of tolerance and inclusion, and a tolerance of poverty within their societies—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order! The Attorney should listen to the contribution of the member for Enfield.

Mr RAU: —which have led to violence. We need to do something about this in this country as well and not only bring in these laws which restrict people's civil liberties, but also address some of the misery that is actually contributing to and enabling these things to go forward. Another thing (and I admit that this barrow is one of mine that I push alone) is federal taxation policy, which taxes families the same as individuals.

Ms CHAPMAN: On a point of order: it is really stretching the rule on relevance to get into the Australian taxation system on the terrorism bill. I seek that you bring the member to order.

The SPEAKER: The member for Enfield is developing an argument, and I am sure that he is only touching on taxation.

Mr RAU: That is it, Mr Speaker; you understand where I am going, and I appreciate that. Federal income tax policy, which taxes families as if they were individuals who only have to support a sports car and a drinking habit is another thing contributing to the fact that these families do not have money and the ability to look after themselves.

Finally, I think that as Australians we all need to make sure that our cultural focus is on the elements—and there are many of them—that all Australians, from whatever background, hold in common, hold dear and cherish, rather than focusing on the differences that exist between different groups. This is something that needs to be focused on. To summarise, I am not very happy about this for all of the reasons that I have just explained. I do not like it, and I fear for what in the future might be done with this, and I also fear whether it will ever be removed. But, if we are going to take this step, which is the easy one to precede with the drum roll, the fanfare and the big announcement, what about doing some of the hard yards behind the scene? What about doing some of the hard yards by actually going into the communities where these types of things are occurring and doing something positive to make sure that there is inclusion, that these people are not like the people in France who are completely excluded from society, and let us attack it from both sides, and make sure that we actually do address the whole of the problem, not just attack some of the symptoms?

Mrs REDMOND (Heysen): Like other speakers, I want to place on record some similar sentiments—particularly to the member for Enfield whose speech just finished, and also by the member for Hammond in his contribution—and my fear that, in supporting this legislation, we are actually putting in place something which by its very nature is going to remove the very thing that we are supposedly trying to protect, that is, our freedom. That, I think, is a valid analogy with the conduct of the ACCC in this country, a subject dear to the heart of the member for Enfield. In drawing that analogy it is quite clear that that organisation was put in place to protect competition and consumers in our country, but, in fact, what it is doing in every step is supporting the creation of a duopoly which will destroy competition and do everything but protect consumers. We will have a duopoly in supermarkets, and that will then extend to liquor outlets, petrol and pharmacies—

The Hon. M.J. ATKINSON: Point of order, Mr Speaker: I fail to see what the ACCC's position on mergers has to do with an anti-terrorism bill.

Members interjecting:

The SPEAKER: Order! The member for Enfield.

Mr RAU: I can see this as being highly relevant.

The SPEAKER: The member for Heysen knows she needs to focus on the bill.

Mrs REDMOND: In any event, Mr Speaker, I will move on from my digression on the ACCC. I would simply like to put it on the record as much as I can because of my concerns about it. Another thing that I want to put on the record is my concern at one thing that I think the Attorney and I are ad idem about, and that is states' rights. I worry every time we have these COAG conferences, and our various premiers from various states go off and reach an agreement, which they expect the little state parliaments back into their own states to simply abide by.

Mr Hanna: Your party should support states' rights.

Mrs REDMOND: I am a states' rightist from way back, and I will go to my deathbed as a states' rightist. I fail to see how anyone in South Australia could perceive that giving a power to Canberra, or to the eastern seaboard generally, is ever going to help this state. But, that said, we are now confronted with this legislation, which the Premier, of course, agreed to. Like other members who have spoken before me, I do have a significant concern, especially since, of all the people in this parliament that I would want to negotiate anything on the my behalf, the Premier would be the very last one on the list. Nevertheless, we are now confronted with the legislation.

As to the specifics of this legislation, I want to make the comment that I did not have the opportunity to make a contribution on the earlier piece of terrorism legislation, which I think was called the terrorism police powers legislation, and that was my own fault entirely. I was engaged with other commitments on the evening that was debated, so I did not have a chance to put my comments on the record in that case. In any event, my comments are similar. I will not go into the specifics of what I was going to say about the legislation, but, like the member for Enfield, I accept that this is probably necessary to some extent. I accept that we live in a very different world today, and that we have to take reasonable precautions against potential terrorist strikes. I also recognise that this will inevitably lead to a degree of inconvenience for most of us. When most of us have grown up with a lot of freedom in our lives that can be trying at times, but it is something that I am prepared to put up with. Certainly, I know when I travelled to the USA in 2003—so it was within two years of September 11—

The Hon. M.J. Atkinson: Were you happy to take those shoes off at the airport?

Mrs REDMOND: And, yes, I was travelling on an official passport and, yes, I did have to take my shoes off at every airport and, yes, I did have to have my luggage searched at every airport. Interestingly, when I flew into Washington DC I found the circumstances most unusual because the flight paths are now directed away from buildings such as the White House, the Pentagon, and so on. They also give each pilot a password. Heaven forbid if the pilot forgets the password, because I have a feeling they would probably shoot the plane down. The pilot has to be able to indicate the password before they will be allowed to land. And interestingly they also have a requirement that you are not allowed to leave your seat within 30 minutes of arrival in Washington DC, so that an hour before you are due to arrive in Washington the pilot, or the first officer or the co-pilot makes an announcement saying, 'We are now 60 minutes from Washington. You have 30 minutes to use the facilities on this aeroplane,' and at 45 minutes, 'You have 15 minutes to use the facilities on this aeroplane,' and at 30 minutes, 'You are no longer allowed out of your seat—

The Hon. M.J. Atkinson: You just have to hold on.

Mrs REDMOND: And, yes, if you have to hold on and cannot, well, that is tough. You are not allowed out of your seat, and I have a feeling that very dire consequences indeed would follow if anyone breached those new regimes. One of the other things that makes me sad, which the member for Enfield referred to, are some of the elements of commonality in Australia. One that I value very highly is the somewhat laconic sense of humour that a lot of people have.

I remember just after September 11 a young musician was, I think, in Canada, and when he was getting onto the plane with his violin case and he was asked at the customs check, 'What's in there?' in typical Australian style he replied, 'A gun, of course.' He landed in the slammer for three months as a result of what anyone would think, in any other circumstances, was a reasonably funny line. So I am saddened by the fact that you cannot make a joke any more. If you made a joke going through an airport in the United states, I have no doubt you would be very quickly taken away and placed in some form of detention.

The Hon. I.P. Lewis: It is like considering a Rotary badge is a miniature angle grinder.

Mrs REDMOND: Yes. My concern with this legislation is not directed at inconvenience; it is not directed at protecting potential terrorists and it is not directed at the idea that the police are likely to abuse the powers. By and large I think the police forces we have in this country are pretty good. Although in any organisation and in any profession there will be bad apples, generally I have a high degree of trust and confidence in both the state and federal police.

What concerns me about this legislation and about the other bill is what may happen when an innocent person gets caught up in these circumstances. It is the potentially powerless position of the innocent that concerns me in all this legislation. I note that this legislation actually now does contain at least some safeguards, so I am somewhat comforted with this, compared with what was originally discussed in the media and apparently intended. To take a hypothetical example used by President von Doussa of the Human Rights and Equal Opportunity Commission, what if my 16-year-old daughter was running a dog-walking business and happened to be having regular mobile telephone contact with someone who is a terrorist—who happens to have a dog that needs walking—and that child gets caught up in the system? She is 16, so she is not protected by the age barrier, because that is under 16, and she can suddenly find herself in a situation which is, I think, too onerous and unreasonable for someone who is innocent.

I know the new bill is structured so that a detention order can normally be issued only by a judge or a retired judge who has been specifically authorised for that purpose; that is good. If it is a really urgent matter and they cannot get to a judge then someone above or at the level of assistant commissioner of police can authorise it. My recollection of my quick reading of the legislation is that in those circumstances the detention order cannot operate for as long. In deciding whether the detention order should be issued, the judge has to be satisfied that there is a suspicion, which is based on reasonable grounds, that the person will engage in a terrorist act, or possesses a thing connected with the preparation for or engagement in a terrorist act, or has done an act in

preparation for or planning a terrorist act and, in addition to that, must be satisfied on reasonable grounds that making the order would substantially assist in preventing the terrorist act occurring, and detaining the person is reasonably necessary. Hopefully, that will put reasonable safeguards in place. The act has to be shown to be within 14 days, so it must have some degree of specificity about it.

The Hon. M.J. Atkinson: That is not a word.

Mrs REDMOND: It is for me. A person who is detained by such an order has to be brought before the Supreme Court for a review. That is a good thing. I still have a concern, having read the legislation, as to whether that review is sufficient. Of course, one of the key issues being debated in relation to the federal legislation is the issue of whether there is just judicial review, which is really quite technical, or whether there is a review as to the facts and the evidence. I have received an assurance, but I would be most appreciative if in his response the Attorney would address this issue, because it is of significant concern to me. If it was only judicial review then potentially a person could be detained under these orders in circumstances where there is no real factual basis to warrant the detention but all the technical things have been complied with. For instance, they could satisfy the Supreme Court that, yes, the judge was authorised in writing to be the person, or that the police officer was of the level of assistant commissioner and all those other technical requirements but without actually looking at the circumstances and the facts surrounding the case.

The court is then authorised to do a number of things, including quashing the order, limiting the order and awarding compensation, but I have some questions about the circumstances in which the compensation might be payable. As I recall it, the legislation provides that the compensation may be awarded if the order was improperly obtained, but I cannot see the definition of 'improperly' anywhere. It seems to me there is a fairly wide view as to what 'improperly obtaining an order' might encompass. It might simply mean it was improperly obtained because it came from a judge who did not hold a written authorisation. Is that an improperly obtained order, and does that entitle someone to compensation? Or is it where there has simply been a malfeasance on the part of a police officer who has set about destroying someone's life by having them detained under such an order?

Mr Rau: Or a mistake.

Mrs REDMOND: Or, as the member for Enfield says, 'a mistake'. But the main issue of concern for me is the provisions which follow in relation to what happens when the person is detained. I note that they cannot be interrogated, and that is a good thing. I note that they can contact up to six people: a family member, a person with whom the detainee lives, an employer, an employee, a business partner and one other, if a detaining police officer agrees, which I find an extraordinary provision. Why should the detaining police officer have to agree? Why cannot everybody simply contact that sixth person?

More concerning still is the fact that, if someone is detained under that section, whilst they can make that phone call and it can be monitored, they are not allowed to disclose that they are being held under a detention order or for how long they are going to be held. That strikes me as being beyond anything that could reasonably be necessary. It seems to me that, for a start, terrorists can read this legislation too, so I would have thought that any terrorist reading the legislation would make provision so that if one of them is detained they have some sort of password that makes their discussion with the relevant person they are going to contact sound innocent to anyone monitoring it but has some sort of coded message in there. What happens to the innocent person, the person I am concerned with, when they cannot explain where they are? If my young daughter was taken under such a detention order and rang to say, 'I'm safe, mum, but I can't tell you anything else,' I would be frantic. It is simply unnecessary to go that far in terms of these orders, in my view.

As I said, I have some other concerns about the terms of the review, particularly the idea of what constitutes the review. All it says in clause 17(3) is that on a review the Supreme Court may exercise any of the following powers: it can quash the order and release the subject; it can remit the matter for the issuing authority with a direction to reduce the period of detention or not extend the period of detention beyond a specified limit; it may award compensation against the Crown if satisfied that the subject has been improperly detained; and it may give directions about the issue of further preventative detention orders. However, it does not actually spell out in that section about review what is involved in the review and to what extent they actually look into the evidence. Clause 21 has a requirement to provide a name, and provides:

> If a police officer believes on reasonable grounds that a person whose name or address is, or whose name and address are, unknown to the police officer may be able to assist the police officer in executing a preventative detention order, the police officer may request the person to provide his or her name or address, or name and address, to the police officer.

So, they have to make the request, inform the person of the reason for the request and, if they are not in uniform, prove that they are a police officer and, if they are requested to, they have to provide some further detail to establish their credentials as a police officer, but the section provides that the person must not refuse or fail to comply with a request or give a name that is false in any material particular. However, it does not apply if the person has a reasonable excuse. What is going to be a reasonable excuse in those circumstances?

I am not trying to protect the cheeky young law student who thinks he is smarter than the police, but what if we have someone who is a refugee, who has come from some of the countries that we have talked about in the course of this debate and who is terrified of the police? Is it a reasonable excuse to be so terrified of police and authority that you simply choose not to answer when they ask you about a member of your family? They are concerns. Similarly, clause 22 provides the power to enter premises, and I am sure that the member for Stuart will have a comment or two on the power to enter premises, as is his wont. Essentially, this clause provides that the police can enter at any reasonable time, but not between 9 p.m. and 6 a.m., unless they think it is not practicable to get the person at any other time, and they are given the right to use such force as is necessary and reasonable in the circumstances.

However, there is nothing here that actually ties their use of reasonable force and the potential destruction of someone's house back to the commitment to actually pay compensation. I note that in the previous bill, the one on which I did not get to make a contribution, there was no provision for compensation. In this bill, at least there is some provision, but the provision appears to be quite limited. It does not appear to be related to this section. It does not mean that, if the police come in and destroy your house in the course of looking for someone, you will be compensated for the damage done to

your premises. It appears to be simply that, if it is established that you were improperly detained, there may be some sort of compensation, presumably for the equivalent of pain and suffering or damage to reputation, or something like that.

I have a concern about all those things, but I also have a concern about the life of this bill once it is enshrined in legislation. I note the 10-year sunset clause. In my view, that is too long. We should be reviewing this much sooner but, like the member for Enfield and the member for Hammond before him, I accept that we do live in difficult times and that we are going to have to address these things in ways that are almost a 'test it and see.' However, no-one expected the World Trade Centre events to occur when they occurred, and terrorists will always find a way to come out of left field.

Mr KOUTSANTONIS (West Torrens): I am becoming concerned for our two-party system when I hear the federal Labor opposition and the state Liberal opposition sounding as one! I am deeply concerned, because our Premier and our Prime Minister are of one voice on this, and I cannot believe that there are members opposite or even members on this side of the house who do not believe that these measures are intended in the best interests and for the protection of South Australians and, indeed, Australians.

A few remarks have been made by certain members about what has sparked this global war on terrorism, how it relates to Australia and whether Australia is now under greater threat than it was before it joined the coalition to liberate Iraq. Jemaa Islamia, when it bombed Bali on 12 October in 2002, was not so upset about Australia's involvement in Iraq as it was about Australia's involvement in East Timor. The irony is that those who were screaming at the Labor Party in 1975 for turning its back on the East Timorese are the same people who criticise Howard for getting involved. The fact is that Laurie Brereton put it best: that was a dark day for the Australian Labor Party when we turned our backs on East Timor. The price we paid for doing the right thing in East Timor was 12 October 2004. Make no mistake, Jemaah Islamia attacks and despises Australians for our involvement in East Timor. It has absolutely nothing to do with our involvement in Iraq, absolutely nothing.

Ms Chapman: And Bali was before Iraq.

Mr KOUTSANTONIS: Exactly. Afghanistan, which I will go into in more detail later, hosted a terrorist cell which orchestrated the most serious terrorist attack on any nation that I can think of, ever. In that terrorist attack Australians had their lives taken, including people involved in the Australian Labor Party in South Australia. Australia did the right thing in getting involved in Afghanistan. I cannot think of any Australians who did not feel justified in getting involved in the war in Afghanistan to liberate that country from the Taliban. I cannot think of a single Australian—perhaps there are a couple, but we are on the side of the angels.

Mr Hanna: Against the former allies of the US.

Mr KOUTSANTONIS: Of course. The Mujahideen of the Northern Alliance are the same ones who fought the Soviets. These are the people with whom we allied in fighting the Taliban. Global terrorism did not begin with September 11.

The Hon. I.P. Lewis interjecting:

Mr KOUTSANTONIS: I sat quietly through your speech, member for Hammond. I would appreciate for once if you just sat back and listened to someone else's contribution rather than being rude all the time. Terrorism did not begin with the attacks on the World Trade Centre and, of course, the Pentagon. I have just been thinking back about how many terrorist attacks I can remember in my lifetime. I can remember when I was with my parents travelling back to Europe in 1986 and the airline disaster occurred at Lockerbie, as well as the attacks on the US marine camp in Lebanon. It has been an ongoing problem.

How do democracies, which have civil liberties at their base, fight internal terrorism? How do we fight people who are prepared to give up their own lives? Before he was assassinated, President Kennedy said (and today is the anniversary of his death; members can see that I am wearing his badge), 'If a man is prepared to give up his life, no amount of protection can save him', and that is the truth. We have seen political assassinations through our time. If you are prepared to sacrifice your life, nothing will stop you. The only way we can stop someone who is prepared to sacrifice their own life is either killing their target or pre-emption. You have to get in there early while they are planning it.

Unfortunately, when they are planning it, they might not have committed a crime under our current laws. It seems to be the lawyers who are most upset about this, but, unfortunately, we have to roll back a few of those freedoms that these people take advantage of to attack us when we are having coffee with our loved ones, enjoying a meal in a restaurant or just going about our business. Let us be clear about this: when they holiday overseas in countries where terrorist cells operate, Australians risk their lives through no reason other than that they are westerners. Their only crime is that they support civil liberties. We have a democracy. We give women rights. That is why we are targets. It is not because of our involvement in Iraq and not because of our involvement in other conflicts: it is because we are westerners, and because we do the right thing in terms of social justice and human rights around the world.

I cannot think of one Islamic terrorist who has bombed or attacked someone in the name of holy jihad because we went into Bosnia to protect muslims from mass genocide from the Serbian armies. I cannot think of one. However, the moment that we go into a country to stop genocide, mass attacks and murder we are targets.

The Hon. M.J. Atkinson interjecting:

Mr KOUTSANTONIS: Yes, you did. The Attorney-General says that he spoke at the Serbian rally, and I am very proud of him for doing so. Unless we pass this legislation, unless we support the Premier and the Prime Minister and get this legislation through, we may be dealing with the worst decade of unrest in our history. Australia has been relatively free from terrorist attack. Of course, that is cold comfort to those who lost their lives in Bali in 2002 and, of course, in Bali just recently, but imagine if something happened in Rundle Mall or something happened in Sydney, Melbourne, Perth or in the country, or someone attacked our vital infrastructure.

We need these laws, not because we want to roll back people's rights so that we can subvert their freedoms but so that we can protect our freedoms. These laws are not designed to take away our freedoms so that we can suppress public dissent and political opposition. No constitution can work without the goodwill of all major parties. Some people say that what happened in Malaysia or even what happened in Europe in the 1930s in Germany and Italy would have happened anyway. Do not forget that people who impose regressive laws for their own purpose also do so in democracies. It works only with goodwill. If the Labor Party thought

that the Liberal Party was introducing this legislation to subvert political freedoms in Australia, we would all be screaming from the rooftops, but it is not. We understand the risk. We understand. There are safeguards, and these safeguards are independent. We can go through and find many valid examples, as the member for Heysen was saying, but I can do so under our current laws.

There are many examples under our current laws where we are regressive. I know of constituents who have been booked for drink driving for sleeping it off in the back seat of their car simply because they have had their keys in their pocket. The police have said, 'Well, you've got keys in your pocket, therefore you are in charge of a motor vehicle. You've blown over the limit, therefore we will charge you with drink driving.' That is a regressive law. But we still have it in place. I do not hear anyone getting up and saying we should roll back our drink driving laws.

Mr Rau: The member for Stuart has.

Mr KOUTSANTONIS: The member for Stuart maybe, but ultimately we are bringing in these laws not to catch the many but to catch the few, and those few are dangerous people who mean us harm. When I say they mean us harm, it involves not just our way of life and system of government but also our loved ones. Let us face it: part of the reason Osama bin Laden hates the United States and the rest of the world is not so much that we have troops based in Saudi Arabia a few hundred miles from Mecca. It is because Britney Spears wears a miniskirt; it is because women have the right to vote; it is because women engage in the workplace; it is because we educate young girls; it is because we allow freedom of expression; and it is because we do not impose their religious laws on everyone. We have choices. That is why they hate us. It is nothing to do with where we send our troops. That is just an excuse, that is the propaganda, and that is the way they recruit their suicide bombers.

Mr Rau: Britney Spears has a lot to answer for!

Mr KOUTSANTONIS: That is absolutely right! Some people say that terrorism stems back to the support by this country, the United States and Great Britain for the state of Israel.

Ms Chapman interjecting:

Mr KOUTSANTONIS: I do not go that far back, but some people might. Some people say that while we support the state of Israel there will always be terrorism in the Middle East and that terrorism will always spread. I disagree. I believe that not only should Israel exist but also that it is an example to the rest of the world of how democracies can flourish in the Middle East. We should also be setting up as an example what we can do for the Palestinian state, where two states can co-exist, in much the same way that we saw in Cyprus before the brutal repression of the Turkish republic moved into that poor island, where we saw minorities and majorities working together co-sharing a government. And it worked well until others got involved. When I say 'others', I mean the Republic of Greece (it was not a republic then) and, of course, the Republic of Turkey.

It seems to me that all the excuses we look for and all the reasons why we say we should not support these changes are all based on our fears. The truth is what we should be fearing is what would happen to us if we did not pass these laws. We have already seen arrests (I do not want to talk much about the arrests in Sydney and Victoria), and those people should be given the presumption of innocence. However, if the police fears are well-founded and terror cells are operating in Australia, or other countries, meaning to do us harm, and we do not do what the people who are out there protecting us tell us they need and give them the tools they need to fight these people, we will be held to account. I say that because we are entrusted by the people to protect them, to legislate for them, and to ensure that we give our police officers the tools and the laws they need to protect us. Unless we do so, we shall be held to account just as much as those who perpetrate the crimes. If we are given forewarning by the Police Commissioner that these are the tools they need and we still do nothing, whose fault is it?

I do not believe the Premier is trying to subvert democracy. I do not believe the Premier is trying to remove rights. I do not believe the Premier wants dog walkers arrested because a terrorist has a dog that needs to be exercised, or whatever the member for Heysen was talking about. These laws are about getting the most dangerous in our community out of our way. I wholeheartedly support this legislation.

The only thing I will say in support of some of our more left-wing comrades on both sides of the house—and they also are lawyers—is that I agree that when the threat has passed and we win the war on terror, and we see Iraq as a flourishing democracy in the Middle East as an example to the rest of the world about what we might do when we liberate an oppressed country—

Mr Rau: Look, a flying pig!

Mr KOUTSANTONIS: I remember Richard Nixon saying communism is right for the Soviet Union and democracy is right for the US. He was wrong then and he is wrong now. Because all people seek freedom, whether they are Muslim, Christian, Hindu, Buddhist or whatever: they all seek freedom. We all cherish freedom and we all look for it. To think that some people, for whatever reason, culturally can never be democratic is just plain racist. So, when the threat of Iraq is over and there is a flourishing democracy with Shiite and Sunni Muslims living side by side together and we have defeated terrorism—

Ms Chapman interjecting:

Mr KOUTSANTONIS: —yes, I am looking forward to that—then maybe we should roll back these laws, but not too soon. I support the Premier and I encourage the Liberal opposition, and the Democrats in the other place, not to filibuster but to pass this bill as quickly as possible.

Mr BRINDAL (Unley): I am always pleased to follow the member for West Torrens, because I realise that every time I speak after him I look stunning by comparison. It is incredible the drivel that will come from the mouth of the member for West Torrens under the guise of sophisticated debate. Let us explore some of his propositions. The first—

The Hon. M.J. Atkinson: Six more days.

Mr BRINDAL: —and thank God! The first is the proposition that if a group of people, no matter what their racial derivation, does not believe in freedom somehow that group is wrong. What he is saying is that everybody believes in freedom because we do, and if you do not believe in freedom you are racist. It makes no sense at all, but neither do many of his arguments.

Mr Koutsantonis: That is not what I said.

Mr BRINDAL: It is what you said. Read what you said in *Hansard*. I listened for a change—for once, I listened. The other thing that he says is that these are dangerous people. And he said what I have heard on the radio: that we have to do this because our law enforcement officers demand it, and if we do not do it the public will hold us accountable. He said, 'If we do not do this and something goes wrong, the public

will hold us accountable.' In my 16 years in this place I believed I was elected to be accountable. I believed I was elected not to do what any Tom, Dick and Harry policeman wants to scare me into doing but to represent the people of Unley and South Australia in a manner that—

The Hon. M.J. Atkinson: David Pisani will do that now.

Mr BRINDAL: I would ask the Attorney to listen for a change because this matter is quite serious, and I do not want to be interrupted by him or I might say some things he will regret tonight.

The Hon. M.J. Atkinson: Is that bullying?

Mr BRINDAL: It may be bullying. I will take the Attorney's advice on that matter—he seems to be an expert on it. The point I was making is that the police, all the time I have been in this place, always seek extra powers. No matter how many powers they have they want another power and it is quite easy in the world we live in to be frightened and to think that, if they need the extra powers, as the member for West Torrens says, we had better give them the extra powers because, if something goes wrong and it is found out that they asked for the extra powers and we did not give them those powers, we may be accountable. I will stand up here and say, 'I will vote for what is right and I am prepared to be accountable for what is right and not be scared into it because I am more worried about what people might think as a result of my decisions.' This bill is a desperate measure in desperate times and it may be worth passing. I am not denigrating the Prime Minister for putting it forward, but I am also not making light of giving away rights that were won as long ago as back—

Mr Koutsantonis: Our fathers did it in World War 2, and did it happily.

Mr BRINDAL: Yes, our fathers did it happily, and if your father had been a third generation German in the Barossa Valley he would have had his shotgun removed from him. If your grandfather had been a second generation German living in the Barossa Valley—a loyal Australian—he would have been incarcerated, and you call that justice! You call that justice! Who is the racist and who is the bloody hypocrite? That is not justice.

Mr KOUTSANTONIS: On a point of order, sir, I find that remark offensive and ask that it be withdrawn.

Mr BRINDAL: I find it offensive—

The SPEAKER: Order! The member for Unley will resume his seat. Members need to calm down a bit. The member for Unley posed it as a question rather than ascribing it specifically to a member.

Mr Koutsantonis: He called me a racist, sir.

The SPEAKER: I took it that he posed it as a question. The member for Unley.

Mr BRINDAL: The point is that freedoms won should not be given away. I am absolutely sure that in Nazi Germany in the 1930s very plausible reasons were put up as to why the Jewish community needed to be controlled and why the gypsy community needed to be controlled, and many members of about my age and older will remember a very famous quote (I can only paraphrase it as I do not have it with me). It was the Lutheran Pastor whose Bible was found after he had been executed in a concentration camp and it said something like this: First they came for the homosexuals and gypsies and I turned my head for it did not concern me. Then they came for the Jews, and I turned my head for it did not concern me. Then they came for the trade unionists, teachers and clergy, and when I cried out to protest there was nobody left to listen. I have always remembered that quote in my time in here because, if injustice is perpetrated by this parliament in passing laws in any form that take away a right or freedom from the people, then it can equally be done to us in the future. It can equally be done to any of us in the future. All I say to this house is not that we should not pass this legislation but that it should not be passed lightly and it should be thought through carefully. I am old enough to vaguely remember McCarthyism in the United States.

The Hon. M.J. Atkinson: Come on! You wouldn't have been old enough to read.

Mr BRINDAL: I was intelligent—you might not have been. I was very advanced for my age. McCarthyism was sanctioned by the highest levels of the United States and it was barely more than a witch-hunt. It was a fear campaign generated by a few people in power that perpetrated great injustice. I do not think they are the sorts of measures this parliament or any parliament in this nation should be passing lightly.

The Hon. M.J. Atkinson: Joe McCarthy was an amateur compared with Rob Lucas and Sandra Kanck.

The SPEAKER: Order! The Attorney is out of order, and he knows it.

Mr BRINDAL: There was a film some years ago that you may have seen called *The Rise and Rise of Michael Rimmer*, and in that film a press secretary to a member of parliament was standing next to his minister on an oil rig and the minister fell off. If you looked at the film carefully it looked almost as if this man had pushed his minister off the oil rig, and he subsequently got the seat. He was a Labor member, of course. He had a career in parliament and subsequently got the whip's job and something happened to the prime minister—he fell with a scandal from an anonymous leak. When the Prime Minister fell nobody suspected, but the whip ended up being the new prime minister because, being the whip, he had the dirt on every member of his party and told them that if he did not get the leadership he would dob them in. He then created a democracy to the point where people were so sick of it that by the end of the film he had become a totalitarian dictator and was on his way to his coronation. I suggest members watch that film because the manipulation of public opinion in the name—

Mr O'Brien interjecting:

Mr BRINDAL: No, I am saying that the manipulation of public opinion in the name of what is right is not necessarily what is right. In this place we are elected to the service of the people of South Australia, not to worry about what the police think, as the member for West Torrens says, not to worry about what the public necessarily thinks, but to be elected to do our best on their behalf, our responsibility then being to convince them that we have done our best.

This bill comes out of COAG. It is the considered opinion of the state premiers and the Prime Minister. It is the considered opinion of those executive arms: it is not the considered opinion of the federal parliament nor any state legislature, yet. We are being asked as a state legislature to consider this measure—and consider it we should—but we should not, as I have heard so far tonight, be asked to consider it on the basis that the Prime Minister thinks it is all right, the premiers think it is all right and the police want it; therefore it is all right. If this house does nothing in passing it, other than consider the arguments carefully and saying, as a result of considering those arguments carefully, that this bill does have merit—these checks and safeguards are reasonable checks and safeguards, therefore we are prepared to pass it—we have done our job as a house of parliament. If, on the

other hand, we just subscribe to the arguments I have heard in this chamber, 'Well, Mike Rann wouldn't do anything wrong, trust Mike Rann. The Prime Minister is your Prime Minister so you have to go along, tug your forelock and say that it is all right because your Prime Minister said it,' we are then—

The Hon. M.J. Atkinson interjecting:

Mr BRINDAL: The problem with the Liberal Party—

Mr Scalzi interjecting:

The SPEAKER: Order! The Attorney-General and the member for Hartley are out of order. The member for Unley has the call.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: I warn the Attorney-General.

Mr BRINDAL: I do not know whether the member for Hartley heard that he was accused of illegitimacy; his parents were accused of conceiving him in sin. That is hardly a nice thing for the Attorney-General to say.

The SPEAKER: The member for Unley needs to return to the substance of the bill.

Mr BRINDAL: Yes, sir. The question the member for West Torrens asks is: what will happen if we do not put in these laws? I would ask the house the same question. Are we putting in these laws because they are necessary? Are we putting in these laws because there is a clear and present danger and there is a reason for us to put them? Are we putting in these laws because it is what we think might be fashionable? Are we putting in the laws for a reason, or are we putting them in just because it seems to be the right thing to do and it gives the impression that we have done something?

Mr Koutsantonis interjecting:

Mr BRINDAL: No; recently, just a while ago when the bombs went off in London, I spoke to a group and said that I was impressed because, in the normal way the British often do things, the bombs went off in London, they cleared up and they got on with their lives and it was almost as if it did not happen. If there is maybe one answer to terrorism it is just that. Let the bombs go off, get on with your life and refuse—

The Hon. M.J. Atkinson interjecting:

Mr BRINDAL: Wait a minute—

The Hon. M.J. Atkinson interjecting:

Mr BRINDAL: You are now misrepresenting what I am trying to say. I am talking about an instance—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: I warn the Attorney-General.

Mr BRINDAL: I am talking about the sort of incident we saw some years ago—which we would not see the Premier do—where, instead of going into Vietnam with gunships and helicopters, the Thai people, whom the Attorney-General will remember were the next in the domino to fall to communism—

The Hon. M.J. Atkinson interjecting:

Mr BRINDAL: No; it was the Thais. If you know your geography, you will realise that Thailand lies between Cambodia, Laos and Malaysia.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: I name the Attorney-General. The member for Unley will take his seat. Attorney-General, do you wish to apologise and explain?

The Hon. M.J. ATKINSON: Sir, I humbly apologise and will stop immediately.

The SPEAKER: The Attorney-General needs to set a better example to members of the government. He has been continually flouting the rules of the house. He knows better and he should behave better.

The Hon. M.J. ATKINSON: I am most repentant, sir.

Mr BRINDAL: When we the Australian people were fighting in Vietnam, the King of Thailand, against the advice of his ministers and his government, went to the rural villages to the north of Thailand, sat down with people in the dirt and said, 'What do you want? What can I do to help you?' At one stage a bomb went off 50 metres from the King and people were killed and injured. The King was taken to a nearby house until the carnage was cleared up. The King then went back to exactly where he was before—50 metres from the bomb—to address the people.

Frankly, I cannot see an Australian premier, an Australian prime minister, an American president or a British prime minister, with a bomb going off, being anywhere within 300 kilometres of the bomb site within 10 minutes after it happened. But the King of Thailand went back, stood on the podium, gave respect to those who had been killed and got on with his life—and communism never made a dent in Thailand. In this country, where the people of Australia quite bravely refused to ban the Communist Party—refused to ban the Communist Party in this country—communism never took root. We said, 'They have a right to be communists,' and they did not join in Australia in their tens of thousands and communism shrivelled here, because we valued our freedom. And, we did not take away their freedom but ignored them—the same as the Thais and British did.

What happened 24 hours after the bomb is that someone was shot in Great Britain and killed. What was this person's crime? This person's crime was to panic because they were an illegal immigrant. At that instance, and for that time—and I am not saying anyone was wrong—terrorism won in Great Britain, because someone innocent was shot because they were scared of what was going on. It was a great tragedy for the person concerned; it was a great tragedy for the police concerned who were doing their job; and it was a great tragedy for that nation because in that moment terrorism won.

I am not saying that this is bad or that we should not do it necessarily but that we should consider it carefully, weigh it up objectively, and make the best possible decision—not based on what somebody has told us in Canberra, not based on what somebody sitting in the front seat there has told us, but on our own moral conscience and personal opinion of what is best for this nation. If sacrificing some freedoms temporarily for the purpose of the greater good is what this house considers to be in the best interests of this state, then it should do it. But I simply say to this house that we should not sacrifice such freedoms lightly or frivolously or almost on the spur of the minute without mature consideration of all the factors. If it was good enough over 1 000 years ago for people to die to get some of these rights, to throw them away so frivolously and so easily is, in many ways, to throw away our heritage, our culture and the very belief in freedom that the member for West Torrens espouses.

Mr Koutsantonis: Don't purse your lips at me.

Mr BRINDAL: I am not pursing my lips at you. I am actually talking, and your lips tend to move when you are talking.

Mr Koutsantonis: I didn't realise.

Mr BRINDAL: You wouldn't, because you're a fool.

The Hon. M.J. ATKINSON: On a point of order, sir: it is clearly unparliamentary to refer to another member as a fool, and I ask the member for Unley to withdraw.

The SPEAKER: It is up to the member to take offence, and I think the member that he may have been referring to is out of his seat.

Ms Rankine: Does that make him less of a fool, sir?

The SPEAKER: I will let members judge that.

Mr BRINDAL: I am pleased that this debate—

The Hon. I.P. Lewis: It takes one to find one, the member for Unley should—

Mr Koutsantonis: Hear, hear!

The SPEAKER: The member for West Torrens is out of order, and he is out of his seat.

Mr BRINDAL: Sir, I wish you would get the plumbing fixed; I heard gurgling again. I am glad that this debate has taken place in the few days that I have left as a member, because I think it is an important debate. I think it is a debate that all honourable members should think about and participate in, because what we are being asked to do tonight is no light matter, and it is not a matter that should be passed in five minutes or passed frivolously. Freedoms are at stake here and they are important freedoms, and it is a matter always of balancing the right of the safety of the people with their absolute right to protection and freedom. I am sorry that I have heard some contributions that suggest that this is a lay down misere and we should not even be thinking about it. There are members opposite who are so bloody ignorant that all they do is laugh and giggle, and they would not know a sensible argument if they passed it, but that is what you live with in parliament. You have people elected here of limited capacity and people elected who can think.

The Hon. M.R. BUCKBY (Light): I rise to support this bill. As others have already said, there is no doubt that the world has changed, particularly since 11 September 2000, when many of us witnessed on television the awful sight of planes crashing into the Twin Towers in New York, something which we never thought would happen and which was a terrorist act that the world had never seen the like of before. In addressing this bill, to those members who suggest—

Ms Rankine interjecting:

The SPEAKER: Order! the member for Wright is out of order.

The Hon. M.R. BUCKBY: —that this is a bill that we should be questioning the need of, I ask, 'Why do we have armed forces?' We have armed forces because there is a potential threat to the shores of Australia by we do not know whom. There is nobody out there saying to us, 'We are going to invade Australia,' but we have armed forces in case somebody does, and we have armed forces to support our allies if their shores or their countries are ever threatened. That is similar to this legislation. This legislation is put forward by the federal government because it is aware that there is a threat—a potential for a terrorist act to occur in Australia—because we have seen those terrorist acts in other parts of the world. As others have said here tonight, with Bali probably being the closest to us in terms of Australians being killed because of a terrorist act, we are well aware that Australia is not immune from a terrorist act occurring. The best way to prevent that is to ensure that there are laws in place, that there is power given to the police to be able to investigate where they consider there is potential for a terrorist act or where they have information about a terrorist act occurring.

I remember reading a book some time ago—back in the 1980s, I think it was—called *The 100 Year War*. I cannot remember the author now, but it was the story of an Australian POW and a sergeant in the Japanese army who was in charge of the area where the POW was held in the concentration camp. He built up quite a rapport with this sergeant through discussions, short though they were at the start, but they gradually got into longer discussions over the period of time in which he was incarcerated. When Japan lost the war and the Americans came into the area where he was kept and liberated those prisoners of war, he turned to the Japanese sergeant and said, 'The war is over.' The Japanese sergeant—I remember him writing—said to him, 'Ah, 95 years to go.' He was replying to him in this way, because Japan considered that it would be a 100-year war. This could well turn out to be something similar unless democracies in the world stamp out terrorism and take action against it. We must take action to ensure that we protect ourselves as best we can.

We must remember that we are dealing with people who are extremists. We are dealing with people who do not care about other people's lives because they are not of the same religion as they. All they are seeking to do is create maximum destruction, to try to force people into a state of fear, so that democracies will then change their actions and change their way of life. Well, sir, that is the last thing that as a democracy we should even be thinking about it. That is the very thing that we will not be doing here in Australia, certainly, while the Prime Minister and the Westminster system are in place in this country.

For those who question this bill in terms of restricting our ability to move around the country, and our freedoms, there are always prices to pay for democracy. Many have given their lives over the years to ensure that democracy continues in the way that it has and the way that we enjoy. One of the ways to make sure that is done is to ensure that those laws which are put into place protect us from people who want to cause destruction amongst us. Maybe I am a little simple in my thinking, but I have always thought that, for those people who have nothing to fear, these sorts of laws hold no fear. If you are not instigating a terrorist act, if you are not involved in that style of thinking, and if you are not one of those extremists, what do you have to fear? You will not then come under the scrutiny of the police. You will not be undertaking acts which raise their suspicion and, as a result, the clauses in this act to give power to the police to ensure that they can investigate will not affect you.

The Hon. I.P. Lewis: Unless they have a corrupt process or a mischief afoot.

The Hon. M.R. BUCKBY: Well, yes, the member for Hammond says, 'Unless they have a corrupt approach or a mischief afoot'. He is correct, but that suspicion could be raised at any time at any rate. If, so be it, they are undertaking actions which are illegal or give the impression that they are illegal, they can be pulled up by the police at any rate. I do not intend to make a long contribution.

I note in the bill that there are clauses for a review of this legislation after two years and then again after five years of its enactment in order to assess its potential and whether the act is operating as it is deemed to. I believe that it is a good thing to occur. It is always good to have a review. It stays there for 10 years at this time.

I do not believe we have anything to fear. Like other speakers, I think we must always be careful, when introducing this type of legislation, to ensure that it will achieve what we set out to achieve, that is, to protect the community from terrorism and to ensure that the police, or those who have the power (and I note in there the power of the minister in terms

of directing the police, as well) have the power to enact and to act when they believe there is good suspicion that a terrorist act is about to occur, or that they have information with regard to people or to acts that those people are undertaking which may lead to terrorist acts or that those involved may be associating with groups that are undertaking terrorist acts.

I certainly support this legislation. I think it is a sad day, as others have had said, that this legislation must be enacted, but I believe that we must enact it because we must protect our very democracy for which so many people, over many years, have fought very hard and lost their lives.

The Hon. G.M. GUNN (Stuart): I support the bill. I do not do so with the enthusiasm that some other members have expressed during this lengthy debate. I sincerely hope that every member of parliament has read the 52 clauses contained therein, because we are setting up to legislate to protect the public of South Australia against terrorists and other people who wish to do them harm, to murder, maim, disrupt the community, and commit other unthinkable crimes. However, in doing so, we must be very careful that we protect the rights of ordinary innocent people.

There is no doubt that the average citizen is at a great disadvantage when confronted by the government, its agencies or its instrumentalities—they are at a tremendous disadvantage. Therefore, some of the provisions which we have here are quite contrary to everything that we have supported in a democracy. What happens, Mr Speaker, is that these sorts of measures are passed by the parliament and then they roll on, and you whittle away a few more rights and privileges. No-one in this parliament wants to impose unnecessary, draconian powers—

Mr Hanna: We're doing it.

The Hon. G.M. GUNN: Let me come to the point, member for Mitchell. We have seen throughout the world where well-meaning legislators have put on their statute books provisions which future governments have misused.

Ms Chapman interjecting:

The Hon. G.M. GUNN: Well, one could go through the whole process of how that person came to power, and if you read it, as I have—

The Hon. K.O. FOLEY: I rise on a point of order, sir. I have just heard the member for Bragg refer to the misuse of these laws by Adolf Hitler. I can only assume that the member for Bragg is aligning the decision making of our Prime Minister John Howard with that of Adolf Hitler, and I ask her to withdraw.

The SPEAKER: That is not a point of order. The Treasurer can contribute to the debate if he wishes. The member for Stuart.

The Hon. G.M. GUNN: Obviously, these provisions are necessary because of the difficult circumstances which we now live in. It is fortunate in this state—and I would suggest that the two members—

The SPEAKER: Order! If the member for Bragg and the Treasurer want to discuss things they can go outside the chamber. The member for Stuart has the call.

The Hon. G.M. GUNN: It is unfortunate that we have to have these particular measures, but I know the reason for them. Now, when you go through the Los Angeles airport in the United States, not only do you have to take off your boots and your belt but also you are photographed and fingerprinted before you can get into the country. That would have been unheard of 10 or 20 years ago. We have not reached that stage yet in Australia. I suppose that is coming next. The only thing they did not do was DNA test you as you went through there.

As someone who wants to get into those places and who is not always perhaps as amenable as they could be dealing with this petty bureaucracy, it is—

Ms Rankine: You do not like the bureaucracy, do you?

The Hon. G.M. GUNN: I believe in democracy, not bureaucracy. I believe in democracy.

The Hon. I.P. Lewis: Hear, hear! Very commendable sentiments.

The Hon. G.M. GUNN: Can I say to the honourable member that it is the proper function of this parliament to question every clause in this bill. We are not here to rubber stamp what my good friend—and I think the best person to be Prime Minister in generations, John Howard—is doing. It is our role to question it and to question what this government is doing. We are here to question and we are here to challenge. That is our proper role. That is why we have elections. That is why we get challenged at election time. I do not have any problem with that.

What I do have a problem with is that anyone would suggest that we should not question the government about these measures. We all agree that we have in this state a professional police force, subject to professional training. They are subject to proper supervision and we have professional officers in charge of them. Those people have to be reappointed, and this parliament, if necessary, can give them direction, but it is not something that is often done. I am delighted that there is going to be judicial review, because these measures do have the potential to be misused.

Governments, in my view, both here and in the United Kingdom became a bit enthusiastic. You can see the difficulties that Tony Blair got himself into. He is a person who had some of his education in South Australia, at an august school which I had the pleasure of attending. It was limited to a few months. He got enthusiastic and, obviously, the law enforcement agencies convinced him with great argument, but he failed to take into consideration that there were other points of view that were important in a democracy and therefore he had trouble with his back bench.

Fortunately, the parliament there exercised its proper responsibility. It did not become a rubber stamp. This parliament should not become a rubber stamp. It has to question and challenge. Obviously, we are going to have some interesting debate on the amendments moved by the member for Mitchell. I can say that if this bill did not have a sunset clause in it there would be difficulty in my supporting it, even though I am totally against the actions of these extremist people in the Middle East. The member for West Torrens made some comments in relation to the origins of terrorism and talked about Israel. Like him, I totally support the right of Israel to exist. It is a democracy, and Harry Truman was right when he ensured that they had a place in the sun. But the Israelis should understand that some of their actions and some of their deeds are breeding generations of hatred in the Palestinian camps. The Palestinians also have rights, and I think any fair-minded person would have to say they have been badly treated. The international community has not acted as creditably as it ought to have done in relation to those people. We are breeding generations of hatred towards western society because of what is taking place there.

The Hon. I.P. Lewis: That is what happened in Ireland.

The Hon. G.M. GUNN: You are probably right. But let me say that two wrongs do not make a right.

The Hon. I.P. Lewis: No; you cannot help bigots.

The Hon. G.M. GUNN: I think in some of these cases it is a bit more than bigotry. There is a fair bit of discrimination that takes place. What we have to do is ensure that the reasons for this hatred are addressed and then it will not be so necessary to have this sort of legislation. I am going to support it, because it would be irresponsible not to. We have to make sure that the police know where these extremists are, they know who they are and they know the activities they are getting up to. But there is a cost. It is not going to be too long before farmers are going to have to get special permits to have nitrogenous fertilisers on their farms.

Members interjecting:

The Hon. G.M. GUNN: We do not have it yet, I do not think.

Members interjecting:

Ms Rankine: Now you are digressing.

The Hon. G.M. GUNN: No, because that is a flow-on effect of these activities. It is a flow-on effect. Some of these restrictions they are going to put on people are really going to be a nonsense. If you have 25 tonnes of nitrogenous fertiliser in a shed and you have an oxy-welder set 100 metres away, there is not much sense having a lock on it. All you have to do is hook a rope onto a four-wheel drive and pull the doors off anyway. It really is a nonsense. You can, unfortunately, look it up on the internet. These are some of the inconveniences that are going to apply to people going about their lawful business, and I think we should be cautious in legislating. Therefore, like my colleagues, I am going to support the legislation. I sincerely hope that it is kept under very careful consideration. I sincerely hope that those people who are administering it are cautious in the way they do it and that commonsense prevails, and that we give the police the tools they need to protect the average citizen against arbitrary and unnecessary criminal activity. I support the second reading.

Mr SCALZI (Hartley): I, too, wish to rise to support this bill.

The Hon. M.J. Atkinson: Rise, then.

Mr SCALZI: Some are noticed for being short, some are noticed for being tall and some are not noticed at all. I feel sorry for the Attorney. Coming back to this serious debate, others more competent than I, with a legal background, have gone through the bill in detail. This is the second bill that we are supporting with regard to anti-terrorist legislation and, like the first bill, it has been brought to this place as a result of the COAG special meeting on counter-terrorism held on 27 September 2005. A communique from that meeting contains the following statement:

> State and territory leaders agreed to enact legislation to give effect to measures which, because of constitutional constraints, the commonwealth could not enact, including preventative detention for up to 14 days.

We had to pass legislation in order for the commonwealth government to enact laws that will protect us against terrorist acts. If we took just a utilitarian view of this, only very few people would be affected by this legislation. However, in a democracy, it is the responsibility of governments and parliaments to protect the rights of even one citizen in that democracy. This becomes a matter of balance between individual rights and civil liberties and, of course, the protection of the community and the state. No-one would criticise a government or a state for putting in measures to ensure the safety and protection of the community, but we are all wary about those restrictions—and the member for Stuart outlined them clearly—and that balance between civil liberties and what we are doing, the 52 clauses that he referred to concerning acts of terrorism, suicide bombers, people causing mayhem in crowds, the destruction of property and, more importantly, the devastating effect on people's lives that takes place.

I, like the member for Stuart, am pleased that there is a review after two years and five years, and I would like to see the 10-year sunset clause, as I said on the other bill, at five years. I support this bill, but I think it is important that, as we support this legislation, we reflect on what is happening to our society and reflect on the increasing fear that is being generated by a few.

The Hon. M.J. Atkinson: Can't you work dual citizenship into this, and same sex? We're going to miss that, Joe.

Mr SCALZI: Sometimes one must resist temptation. Obviously, the Attorney cannot. I leave it to the Attorney and his confessor to come to terms with the problem. This is a serious issue because, as others have said, we are never going to deal with terrorism unless we also deal with the source of terrorism. As I said the last time that I spoke on this issue, we are kidding ourselves if we believe that we can put all these measures in place and feel safe. We must also educate the community and increase tolerance and understanding amongst all our citizens. Last week the Attorney—

Mr O'Brien: You're a great one to be talking about tolerance, with your line on same sex.

The SPEAKER: The member for Napier is out of order.

Ms Rankine interjecting:

The SPEAKER: The member for Wright.

Mr SCALZI: I am saddened that members are trivialising something that goes to the fundamental principles of our democratic system. Education is essential to be taken with this sort of measure, and it saddens me because there is a danger, as the member for Stuart said, when we put measures such as this in place. Fortunately, in a democracy like Australia there is a review, there is judicial protection and, of course, our police force, our law enforcement agencies, are of the highest standards and there are safeguards within those forces if things get out of hand. I would not feel the same if I was in some of the other countries—

The Hon. M.J. Atkinson: If you were. It is the subjunctive mood.

Mr SCALZI: I think that the Attorney has missed his calling.

The Hon. M.J. Atkinson: What is it?

Mr SCALZI: Well, you could have been an English teacher.

The Hon. M.J. Atkinson: A bouncer.

Mr SCALZI: A bouncer? Well, we will not go there.

The SPEAKER: Order! The member for Hartley has the call.

Mr SCALZI: We promote community harmony and integration. Recently, we have seen what has happened to countries such as France. No matter what measures you put in place, if citizens—

Mrs Geraghty interjecting:

Mr SCALZI: No, it is not irrelevant, because if citizens do not feel part of a community, if they feel forever marginalised, if they feel forever that they have not had a fair go, then no matter what measures are put in place we will have the problems that France is experiencing, because after two and three generations those people do not feel an equal part of that community. We must be careful with these measures so

that all Australian citizens, irrespective of background, ethnicity and religious association, are treated equally and are seen to be treated equally. That is where the problem is, and we have seen it in our community.

Some groups of Australians feel threatened, not by this legislation but, sadly, by the lack of acceptance by other Australians. That is why it is important to put in place measures that will educate the community in terms of acceptance—

The Hon. M.J. Atkinson: And allow them to run for parliament.

Mr SCALZI: The Attorney has again brought in the issue of dual citizenship, and he is going to cop it. I am not against dual citizenship for the general public but for members of parliament, and he knows it. Instead of letters being written in various languages, a language should be used to communicate and not segregate.

The SPEAKER: Order! The member for Torrens has a point of order.

Mrs GERAGHTY: Mr Speaker, my point of order relates to relevance. The member for Hartley has wandered off somewhere well away from this bill.

The SPEAKER: The member for Hartley was distracted by an out of order interjection from the Attorney. The member for Hartley needs to focus on the bill.

Mr SCALZI: The Attorney prompted me to reflect on some of the practices of the Labor Party in using languages to segregate and not communicate, and that is not the way that citizens get equal access to the rights and privileges of this country. The Labor Party used that for political purposes, as the honourable member has just said.

The SPEAKER: Order! The member for Hartley is deviating now—

Mr SCALZI: I am not deviating, Mr Speaker.

Members interjecting:

The SPEAKER: Order! The member for Hartley will withdraw that comment and apologise, otherwise he will be named. The honourable member is deviating from the bill by talking about the Labor Party.

Mr SCALZI: I withdraw, because I was really referring to the Attorney-General's letters, which, sadly—

The SPEAKER: Order! When the honourable member withdraws he does not give a speech on that point. The honourable member has withdrawn; he will now get on with talking about the bill and ignore the Attorney, who is out of order.

Mr SCALZI: Mr Speaker, I do not wish to offend anyone, but I believe strongly that, as a member of parliament, a language should be used to communicate, not segregate. I believe that whenever members of parliament write to their constituents they must communicate equally, irrespective of language.

Mrs GERAGHTY: I rise on a point of order, Mr Speaker. My point of order is based on relevance and the fact that the member for Hartley is ignoring the chair's ruling.

The SPEAKER: The member for Hartley is being distracted from the focus of the bill. He has made his point about letter writing. I think that he needs to get back to the substance of the bill.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order! The Attorney continues to set a bad example as a senior member of the government. The member for Hartley.

Mr SCALZI: I will try to conclude that aspect, because when people feel that they are not treated as equally as other citizens (and I referred to the situation in France), then that is a problem. I am not suggesting that that is what is happening here. However, the principle must be that we must treat all citizens equally, and language should be used to communicate, not segregate, but I will stop at that.

The Hon. M.J. Atkinson interjecting:

Mr SCALZI: The Attorney cannot help himself.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order! The member for Hartley needs to get back to the debate.

Mr SCALZI: Being a true democrat and a Liberal, I will judge the Attorney on his intentions. Since he does not intend to do wrong, I forgive him.

The Hon. M.J. Atkinson: I hate liberalism!

Mr SCALZI: You hate liberalism?

The Hon. M.J. Atkinson: Yes; it's a heresy.

Mr SCALZI: Aren't you a liberal democrat?

The Hon. M.J. Atkinson: No; it leads to Bolshevism.

Ms Chapman: He's a fascist.

The SPEAKER: Order! The Attorney.

The Hon. M.J. ATKINSON: The member for Bragg has referred to me as a fascist. I take offence, and ask her to withdraw.

Members interjecting:

The SPEAKER: Order! The member for Bragg should withdraw, and the Attorney is inviting out of order interjections by his own behaviour, which is not in accordance with what it should be.

Ms CHAPMAN: I withdraw.

Mr SCALZI: I am almost tempted—

The SPEAKER: Order! The member for Hartley will not be tempted: he will address the bill.

Mr SCALZI: The Attorney is too young to be referred to as that, because that referred to ancient—

The SPEAKER: Order! If the member for Hartley has made his contribution, he should think about sitting down.

Mr SCALZI: I would like to conclude. As I said, I support the legislation. I am pleased that there are reviews after two years and five years and a sunset clause after 10 years. I believe it should be five years, and we should be vigilant to make sure that these restrictions are applied in a way that the freedoms of our citizens in a free and democratic society are not put at risk. If we put them at risk, we fail as members of parliament.

Members interjecting:

The SPEAKER: The member for Wright and the member for Torrens should go and have a coffee or a sedative, whichever they prefer.

The Hon. M.J. ATKINSON (Attorney-General): I thank all members for their contribution to the debate. I want first to deal with the points made by the member for Bragg.

Mr Scalzi: Are you going to thank me?

The Hon. M.J. ATKINSON: Yes, of course I am going to thank you. I will get around to it eventually. The legislation is not inconsistent with the powers exercised in the recent arrests. The legislation is designed to be complementary. The vital thing to remember is that this legislation, unlike that invoked and unlike the bill recently passed, is not about criminal investigation, charging, or bail, at all. The bill is entirely a holding procedure, and it shows this by quite clearly prohibiting investigatory questioning of people held under its provisions.

Someone who has no friends or family can contact a lawyer but has no rights to contact anyone else at all. The

restrictions on talking to a family member are not absurd or anomalous, as the member for Bragg claimed. Those family members may well be terrorists, or potential terrorists, or in contact with terrorists. The person who monitors the conversation does just that. Improper use of that information is the subject of a serious offence under proposed section 41(7). In that way, legal professional privilege is preserved by restricting the disclosure of the information very tightly. (Of course, the member for Bragg has not always valued legal professional privilege highly.) Contact with another member of the terrorist cell is prohibited by the legislation and can be specifically prohibited by individuals by use of prohibited contact orders.

The question of how you can prove you are 16 or 18 years, as raised by the member for Bragg, is left to the commonsense of the police. There are powers and provisions dealing with the identification of the person that are comprehensive. I refer the member for Bragg to clauses 43 and 44 of the bill. There is no doubt that questions as to the health of the detainee are permitted. This is made clear by section 42.

Mr BRINDAL: I rise on a point of order, sir. I am sorry to interrupt the Attorney's flow, but I seek your guidance. I do not think I can recall ever seeing a minister reading the speech closing the second reading debate, and I wonder whether that is orderly. Normally ministers are across the bill.

The SPEAKER: The member is going beyond a point of order. The chair does not know whether the Attorney has memorised it, looking at a blank piece of paper or reading it, but it is not offending against the standing orders. He may be using notes to guide his normally very comprehensive memory; the chair does not know. The Attorney.

The Hon. M.J. ATKINSON: Mr Speaker, I have not spent the past hours in this chamber making merriment and interjecting. I have been paying careful attention to what members of the house have had to say. I have been treating this debate with due seriousness, unlike some, and I am responding in detail to each of the important points made in the debate. However, I do not have any notes responding to the member for Unley, and I will leave the house to decide why that is. So far as I am aware, the Council of Australian Governments' agreement did not require review after five years. It was the previous bill, because it was in the national template of analogous police powers bills.

Finally, in responding to the member for Bragg, the 9 p.m. to 6 a.m. rule, as to going to people's homes to pick them up, is there as a basic rule of civility. As the honourable member noted (she gave a number of good reasons for it), clause 22 should be read carefully. It is not absolute. There are proper and appropriate exemptions for urgent police action.

Mr Brindal interjecting:

The Hon. M.J. ATKINSON: Mr Speaker, the member for Unley mocks my reference to civility. He has spent the second reading debate criticising a bill inspired by his own political party at federal level and saying that it represents a grave danger to our liberties, and when I mention a liberty in the bill, namely, civility, and restraining when police can arrest people at their homes, he mocks it.

Mr Brindal interjecting:

The SPEAKER: Order, member for Unley! He will be named in a minute.

Mr Brindal: I am being misrepresented. I will have to make a personal explanation.

The SPEAKER: The Attorney will take his seat. The member's behaviour tonight has been absolutely appalling, and the public of South Australia would be very concerned to hear the behaviour that has gone on here tonight. It has been not only childish but also a gross discourtesy to the parliament itself and to the traditions of this house; it is outrageous behaviour. The chair has been more than tolerant, and that tolerance has now run out. The Attorney.

The Hon. M.J. ATKINSON: The member for Morphett is right in saying that the fact of detention is tightly controlled and cannot be disclosed to the media, the press or anyone else. Mothers, fathers, cousins and so on may well be terrorists, supporting terrorists, or informants for terrorists and it would simply tip off the terrorist cell that the police were onto them if they knew this had been invoked. That might be fatal, literally. The restrictions are well justified.

I commend the speech of the member for Heysen. It was the most insightful and well informed of the entire debate. The member for Heysen did an excellent job in analysing the legislation, its scope and its protections. The reason for the limits on the power of the reviewing judge to make remedial orders when reviewing a police-made detention order has to do with complicated constitutional advice. The essence of that advice is that the function of the court under clause 17 must be judicial in nature. The court cannot exercise a non-judicial power like varying the order, for to do so risks infringing chapter 3 of the commonwealth constitution. I do not think I want to go a great deal further than that, though I would be happy to offer a briefing to the member for Heysen if she wants one.

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: I am astonished that the member for Bragg says that the member for Heysen would not know what to say if she were offered a briefing. As Rudyard Kipling said, 'Never praise a sister to a sister'.

Ms Chapman interjecting:

The SPEAKER: Order! The member for Bragg.

The Hon. M.J. ATKINSON: I think the member for Heysen may have been one of the 15. The requirement to provide a name and address in clause 21 is not extraordinary, as the member for Heysen claims. There is nothing unusual about it: it reflects absolutely identical powers in other South Australian legislation and the comparable legislation all over Australia.

As to the right to compensation under the bill when compared with the other bill, they are not really comparable. In this bill all normal rights to compensation are preserved without let or hindrance of any kind, and I refer the member for Heysen to the ample provisions of clause 51. I also do not see a problem here. I wanted to respond to the member for Enfield's suggestion that Australia is the target of terrorists because of the federal government's decision to intervene in Iraq. I was going to mention the example of East Timor, which is clearly the principal motivation for terrorism from Indonesia against Australians rather than Iraq, but I think other members, particularly the member for West Torrens, have already made that point. The contribution of the member for Hammond was also insightful but, as is his wont, it went over the top at a couple of points, which prompted an interjection from me. I commend the bill to the house.

Bill read a second time.

The SPEAKER: Before calling the Attorney I remind members, including the member for Wright, that this measure before the house literally involves a matter of life and death and people should take these measures very seriously indeed. If they want to giggle and carry on they should go out of the chamber and show some respect, because this legislation is

fundamental to our way of life and literally could result in matters of life and death. The Attorney.

The Hon. M.J. ATKINSON: I heartily endorse your remarks, sir. I move:

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

Motion carried.

In committee.

Clauses 1 and 2 passed.

Clause 3.

Mr HANNA: I move:

Page 4, after line 19—Insert:

public interest monitor means a person appointed as a public interest monitor by the Legal Services Commission;

I propose that there be a public interest monitor and that such be included in the definition section of the bill. Amendment No. 9 is the substantive section which describes how a public interest monitor might work. The procedure that is envisaged would be for the applicant for a preventative detention order to go to the issuing authority, whom I envisage will be a judge. The judge would then notify the Legal Services Commission of the application. The Legal Services Commission, presumably, would have a standing arrangement with one of their senior counsel, experienced in the criminal law, to alert them to their duties as a public interest monitor. The public interest monitor would be asked to rush to court to be a safeguard for the person who was the subject of the application. So, the police would go to the court to appear before the judge and say, 'We have some information gained from a telephone tap,' and the judge would look at that.

I believe that another person needs to be in the room to safeguard the rights of the person who is the subject of the order. There would be someone else to look at the opposing side of the argument, to look at ambiguities and to look at whether it is really necessary to have this order made.

As I have stated in relation to amendment No. 9, the function of the public interest monitor is to guard against abuse of the powers conferred by this act. It is not an original proposal. It comes from a proposal which has been adopted in Queensland, I believe; so the Labor government there has seen fit to build in an additional safeguard. I believe that minimal cost would be involved because the duties of the public interest monitor, effectively, could be absorbed into the work of one or two of the senior criminal counsel at the Legal Services Commission. One would hope it is not a duty which would need to be performed very often. We come back to my amendment to clause 3 to have this safeguard incorporated into the bill. We will need to define it, so I have moved the amendment standing in my name.

The Hon. M.J. ATKINSON: The amendment should be opposed. The government, the commonwealth and all other Australian governments considered at length the question of a public interest monitor in this legislation. We did so because alone Queensland has one and Premier Beattie insisted at COAG on keeping it. No other jurisdiction agreed, nor does the government. The measure is cosmetic, impractical and insubstantial. The amendment should be opposed.

Mr BRINDAL: Why does the member for Mitchell do it this way? Why not allow the person detained to have legal representation in a more conventional manner?

Mr HANNA: I appreciate that the scheme of the legislation allows for very rapid action in times of urgency, so the police may want to go very quickly to the court to get a preventative detention order. I am assuming that laws, which I consider excessive, might be passed by this parliament because of the way in which the two-party system works. If we are to have this thing, I am saying that someone else should be involved in the process. The problem with what the member for Unley suggests is that the person who is the subject of the order may not even know that the application is being made. There may be a good reason for that, because the police may want to seize someone without warning them. Therefore, it has to be someone in place, who has the information but who does not necessarily confer with the person the subject of the order. That is why I have put forward a scheme whereby the Legal Services Commission could offer up such a person to act.

Mr BRINDAL: Therefore, in view of the member for Mitchell's answer, which I accept, one presumes that Premier Beattie is no fool. One presumes he is a respected premier running a state bigger than South Australia. From the Attorney-General's own words, he appears to agree with the member the Mitchell. I ask the Attorney-General not to lecture this house but, rather, to justify the words 'cosmetic, impractical and unnecessary'. Will the Attorney-General deign to grace this house by justifying those comments, rather than dismissing the amendment like some cavalier little tin-pot potentate?

The Hon. M.J. ATKINSON: No evidence was presented to the committee that a public interest advocate has made any difference whatsoever in Queensland; and, speaking for myself, I am a great admirer of the cavalier period in English history.

Ms CHAPMAN: Unfortunately, if the Attorney-General were to address the issues without his dismissive approach, we may be able to get through the committee stage quicker and not incite the wrath of other members. In the short time the opposition has had the amendments, obviously we have not been able to consult with all our members. However, I have conferred with the shadow attorney-general. He reminds me that, while this is based on the Queensland model, the Queensland legislation to which it refers is in relation to legislation which has no judicial powers. So, that model is probably quite necessary in a circumstance where there is no Supreme or District Court judge who is attending to these preventative detention orders. Those circumstances, coupled with the detainee's being required to be advised not only of the order but also the terms of it and their right to legal representation and to put an application to the court, are all a basis upon which we would say that, rather than window dressing, it is probably unnecessary in the circumstances. We see that it could be helpful to the parliament in due course to appoint an independent monitor of the terrorism legislation.

I understand from what the Attorney-General said in his response that he understands that the COAG agreement did not provide for a five-year review of this legislation but simply the 10-year sunset clause. That was not my understanding. Of course, I accept in the circumstances that he has had advice on this matter and that appears to be the case, because it would certainly be the opposition's view that it would be most helpful to have a review and, furthermore, that the parliament be continuously appraised of the progress of the implementation of this type of legislation.

It may be that in, say, five years the legislation is never put into effect during this entire period. Then it would be difficult to review how it is going to operate and whether it can be improved or needs to be amended, repealed or extended. So,

I indicate at this point—because the Liberal Party has not been consulted—that it may well be worthwhile to look at the situation that operates in England where they have had counter-terrorism legislation for some 20-odd years. They have an independent monitor and have done so over that time. My understanding is that the current reviewer of the legislation is Lord Carlisle QC, and under his terms of reference he is able to conduct a fairly broad assessment of the operation of the various laws—and we have plenty of them now in relation to terrorism—whether they are necessary or effective, or whether they are being used fairly or the like. So, that seems to be an area that we could perhaps look at between the houses to ensure that there is some independent assessment and so that we as legislators can have a report back as to who has used the legislation and been affected by it. It would require access to fairly sensitive material for the purpose of any review, but that is something that perhaps we could look at.

My understanding is that, from the point of view of having some sort of watchdog on the situation, the Ombudsman at the national level has some role in that regard. As an opposition, we presented an amendment under the police powers bill which involved the appointment or use of the Ombudsman, and obviously he or she would need to have considerable extra resources made available if duties needed to be undertaken in this area, but there would be some capacity for grievances to go there. Again, that was legislation under which there is no compensation and under which there is no right even to go to the courts. So, we think it is very important that we look at the police powers legislation, which seems to be in some ways thrown together.

I suppose it is fair to say that there has been enormous public debate and scrutiny of the current legislation before us, and there has been an incredible amount of addition and variation in the 82 drafts, or thereabouts, of this bill. So, there has been lengthy and considerable assessment of how it might operate and lots of protective mechanisms added to it. I understand why the member for Mitchell has presented such an amendment but, for the purposes of addressing the issue that he is raising, we would not see that as necessary in light of access to legal representation and overall judicial scrutiny.

Mr BRINDAL: My question is to either the Attorney or the member for Mitchell. Since this is new legislation, and since this is yet to be enacted in any Australian jurisdiction, and since I do not believe it has ever been tested as yet in any Australian jurisdiction, and since the member for Bragg has clearly spoken about Lord Carlisle and a similar proposition having worked in the United Kingdom for 20 years, on what grounds can the Attorney stand in this house and insist that a new measure—a new proposition—put by the member for Mitchell, which has not been tested in a law which has not yet been passed, is unworkable, unnecessary and cosmetic? Could the Attorney or the member for Mitchell explain what prescience the Attorney possesses that enables him to be so all-knowing as to be able to dismiss something in a cavalier fashion, whether he approves of cavaliers or not?

The committee divided on the amendment:

AYES (4)

Brindal, M. K.	Hanna, K. (teller)
Lewis, I. P.	Penfold, E. M.

NOES (33)

Atkinson, M. J. (teller)	Bedford, F. E.
Brown, D. C.	Buckby, M. R.
Caica, P.	Chapman, V. A.
Ciccarello, V.	Evans, I. F.

NOES (cont.)

Foley, K. O.	Geraghty, R. K.
Goldsworthy, R. M.	Gunn, G. M.
Hall, J. L.	Kerin, R. G.
Key, S. W.	Kotz, D. C.
Koutsantonis, T.	Lomax-Smith, J. D.
Maywald, K. A.	McEwen, R. J.
McFetridge, D.	Meier, E. J.
O'Brien, M. F.	Rankine, J. M.
Rau, J. R.	Redmond, I. M.
Scalzi, G.	Such, R. B.
Thompson, M. G.	Venning, I. H.
Weatherill, J. W.	White, P. L.
Wright, M. J.	

Majority of 29 for the noes.

Amendment thus negatived; clause passed.

Clause 4.

Mr HANNA: I move:

Page 4, lines 38 and 39, page 5, page 5, lines 1 to 18—
Delete subclauses (3), (4) and (5).

This amendment provides for the issuing authority to be a judge, and only a judge. The law is drafted so that, if a judge cannot be contacted first up, a senior police officer can be the issuing authority for a preventative detention order. I remind members that a judge, in this case, means a judge or a retired judge of the Supreme Court or the District Court. My concern here is that a police officer can seek a preventative detention order from another police officer. I do not see that as an adequate avenue for the obtaining of such a serious imposition upon one of our citizens.

Judges traditionally have had the role of making decisions about whether or not people should be incarcerated, particularly for a considerable length of time. Let us not forget that we are going through this exercise only because there are considered to be constitutional limits on the commonwealth making laws for the executive, through the police force, to detain people for a substantial period of time. The reason for that is that it would be considered punishment without trial. Thankfully, it is part of our system that we reject such a notion. However, the state constitutions provide no such bar, and so the Prime Minister has inveigled the various Labor premiers to bring these laws into the state parliaments. It comes back to this: it is totally unacceptable not only for such a serious deprivation of liberty to be the subject of an application by a police officer but also for that to be decided by another police officer. One can imagine how many of the applications for preventative detention orders would be knocked back under those circumstances. All I am saying is that, when the state, through the police, seeks to deprive people of their liberty in this way, at least let a judge make the decision rather than a police officer, no matter how senior.

The Hon. M.J. ATKINSON: The purpose of this amendment, along with other consequential amendments, is to ensure there are no circumstances in which a preventative detention order can be made by a senior police officer. The member for Mitchell's position is quite understandable. The matter was given anxious consideration in national negotiations before and after COAG by officials for all jurisdictions. In the end none—not one—could defend the position as put by the member for Mitchell, no matter how much they would have liked to. It is just not practicable. The bill takes the most protective position possible in the circumstances. Police officers can issue only from the most senior ranks, only in urgent circumstances, only for a maximum of 24 hours, and

subject to judicial confirmation. That is the best regime we could devise to take into account these concerns. It should be supported and the amendment opposed.

Mr HANNA: I appreciate what the Attorney-General says. One thing that disturbs me, though, is his repeated reference to the position taken by the various Labor premiers and the fact that so many people are uncomfortable in some way about the extent of these laws. Why is it that among all the Labor premiers, among all the Liberal MPs, there are many who are expressing concern about how far the laws go, but few enough to actually vote in a way to modify them to make them more moderate and, as I say, to protect people's rights in a better way?

Ms CHAPMAN: With fairly short notice I have consulted with the shadow attorney-general on this matter. I confirm for the record that it is commendable that the member for Mitchell raises this issue as to how we might be as tight as possible in that balance between protection of the community and protection of civil rights. It appears that he moves this amendment on the basis that to simply have a police officer providing his story as the basis of an application to another police officer is not sufficient. That senior police officer, of course, must be of assistant commissioner rank or higher. It clearly is at a very senior level. It is necessary to make a finding to exercise that power, other than from a judge, if a judge is not reasonably available, so I do see it as a fall-back position to be exercised in an emergency.

I think it is also fair to say that there are some circumstances where police officers need a warrant to do certain things, but they also have considerable powers. We recently passed the police powers bill, which gives them the opportunity, really of their own motion, to act in a manner that really impinges upon traditional areas preserved under civil liberty standards. I can think of other occasions where they can, on the recommendation of a public servant, take possession of children and keep them in their custody. Usually they are placed into foster care for 24 hours, but it can be longer, until a court has been convened to review the matter. They have powers to take into custody persons who, under the Mental Health Act—where there has been a general practitioner assessment, for example—have been determined to be a danger to themselves or others.

So, there are circumstances where police officers, under different legislation, do have to act in the interests of protecting the detainee in that situation. It can be against others, where there is no suggestion that person who is taken into custody or detained has committed any criminal offence. There are circumstances, although they are extreme, and they are clearly proposed in this legislation. On balance, the opposition accepts that this is a fair balance.

Progress reported: committee to sit again.

CRIMINAL LAW CONSOLIDATION (INSTRUMENTS OF CRIME) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

ADJOURNMENT

At 10.17 p.m. the house adjourned until Wednesday 23 November at 2 p.m.